

## STANDING COMMITTEE MEETINGS

1. **12:00 P.M.** FINANCE, AUDIT, AND BUDGET COMMITTEE (A/B/C CONFERENCE ROOM)
2. **1:30 P.M.** INFRASTRUCTURE COMMITTEE (A/B/C CONFERENCE ROOM)

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### AGENDA REGULAR MEETING BOARD OF SUPERVISORS DECEMBER 13, 2016

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**3:00 P.M.** CALL TO ORDER / ROLL CALL OF MEMBERS

PRESENTATION TO BRAD JOHNSON, ASSISTANT DIRECTOR OF ECONOMIC DEVELOPMENT, ON HIS RETIREMENT

PRESENTATION TO THE GREATER FALLS RUN LIONS CLUB

REPORT BY DR. BRUCE BENSON, SCHOOL SUPERINTENDENT

PRESENTATIONS BY THE PUBLIC - I

COMMITTEE REPORTS BY BOARD MEMBERS

REPORT OF THE COUNTY ATTORNEY

3. REPORT OF THE COUNTY ADMINISTRATOR

- Monthly Report
- Update on the County's New Website Portal
- Presentation of the FY16 Audit
- R-Board Financial Update

4. - STAFFORD HOSPITAL'S ADDITION OF A CT SCANNER

Proposed Resolution R16-371

**BACKGROUND SUMMARY:** Approves CT Scanner @ Stafford Hospital

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#### ADDITIONS/DELETIONS TO THE REGULAR AGENDA

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#### CONSENT AGENDA: (ITEMS 5 THRU 17)

5. LEGISLATIVE; APPROVE MINUTES OF THE NOVEMBER 22, 2016 BOARD MEETING  
LEGISLATIVE; APPROVE MINUTES OF THE DECEMBER 6, 2016 SPECIAL MEETING

6. FINANCE AND BUDGET; APPROVE EXPENDITURE LISTING

Proposed Resolution R16-370

**BACKGROUND SUMMARY:** Authorizes payments over \$100,000.

7. PUBLIC INFORMATION; PROCLAMATION RECOGNIZING THE GREATER FALLS RUN LIONS CLUB

Proposed Proclamation P16-33

**BACKGROUND SUMMARY:** Recognizes organization.

8. PUBLIC INFORMATION; PROCLAMATION RECOGNIZING STEVEN DRUIETT, WINNER OF THE 2016 TRI-CITY/COUNTY SOIL & WATER CONSERVATION DISTRICT'S CLEAN FARM AWARD  
Proposed Proclamation P16-34  
**BACKGROUND SUMMARY:** Recognizes individual.
9. PUBLIC INFORMATION; PROCLAMATION RECOGNIZING BRAD JOHNSON ON HIS RETIREMENT FROM STAFFORD COUNTY  
Proposed Proclamation P16-35  
**BACKGROUND SUMMARY:** Recognizes individual.
10. UTILITIES; AUTHORIZE THE INTERIM COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT FOR THE CENTREPORT SEWER EXTENSION PROJECT  
Proposed Resolution R16-364 **Hartwood**  
**BACKGROUND SUMMARY:** Approves contract.
11. PUBLIC WORKS; AUTHORIZE THE INTERIM COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO CONSIDER CONDEMNATION OF PROPERTY IN CONNECTION WITH THE BELMONT-FERRY FARM TRAIL, PHASE 4  
Proposed Resolution R16-348 **George Washington**  
**BACKGROUND SUMMARY:** Publicizes hearing.
12. PUBLIC WORKS; DESIGNATE JUGGINS ROAD AS A VDOT REVENUE SHARING PROJECT  
Proposed Resolution R16-360 **Griffis-Widewater**  
**BACKGROUND SUMMARY:** Approves designation.
13. PUBLIC WORKS; A RESOLUTION TO PETITION VDOT TO INCLUDE CERTAIN STREETS INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS  
Proposed Resolution R16-361 (Holly Ridge, Section 2) **George Washington**  
Proposed Resolution R16-362 (Poplar Estates, Section 2) **Hartwood**  
**BACKGROUND SUMMARY:** Petitions VDOT for street inclusion.
14. PUBLIC WORKS; AUTHORIZE THE COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO CONSIDER THE CONVEYANCE OF COUNTY-OWNED PROPERTY, TMP 37-31C, AS A PERMANENT UTILITY EASEMENT TO BE CONVEYED TO DOMINION VIRGINIA POWER  
Proposed Resolution R16-367 **Hartwood**  
**BACKGROUND SUMMARY:** Publicizes hearing.
15. INFORMATION TECHNOLOGY; AUTHORIZE THE INTERIM COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT TO UPGRADE THE COMPUTER-AIDED DISPATCH (CAD) STANDARD SQL DATABASE TO AN ENTERPRISE SQL DATABASE  
Proposed Resolution R16-156  
**BACKGROUND SUMMARY:** Approves contract.
16. SHERIFF; CONSIDER SUPPORT OF THE SHERIFF'S OFFICE APPLICATION FOR A CERTIFICATE OF WAIVER/APPLICATION FOR A PUBLIC AGENCY FOR USE OF UNMANNED AIRCRAFT SYSTEMS  
Proposed Resolution R16-368  
**BACKGROUND SUMMARY:** Authorize Certificate of Waiver/Authorization.



17. COUNTY ADMINISTRATION; AUTHORIZE THE INTERIM COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO CONSIDER THE ESTABLISHMENT OF A LAKE ARROWHEAD SERVICE DISTRICT  
Proposed Resolution R16-363 **Rock Hill**  
**BACKGROUND SUMMARY:** Publicizes hearing.

**END OF CONSENT AGENDA**

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**UNFINISHED BUSINESS**

18. PLANNING AND ZONING; CONSIDER A RECLASSIFICATION FROM R-1, SUBURBAN RESIDENTIAL TO B-2, URBAN COMMERCIAL ZONING DISTRICT, TO ALLOW A COMMERCIAL RETAIL BUILDING  
Proposed Ordinance 016-33 **Aquia**  
**BACKGROUND SUMMARY:** Approves reclassification.
19. PLANNING AND ZONING; CONSIDER REVOKING A SPECIAL USE PERMIT, SUP94-03, FOR AN AUTOMOBILE SALES FACILITY IN THE B-2, URBAN COMMERCIAL ZONING DISTRICT, ON A PORTION OF TAX MAP PARCEL 45-68  
Proposed Resolution R16-120 **George Washington**  
**BACKGROUND SUMMARY:** Approves revocation of SUP.
20. FINANCE AND BUDGET/PUBLIC WORKS; AUTHORIZE THE INTERIM COUNTY ADMINISTRATOR TO APPROVE THE FUNDING AUTHORIZATION; APPROPRIATE PROCEEDS; AND EXECUTE A CONTRACT FOR CONSTRUCTION OF THE NEW ANIMAL SHELTER  
Proposed Resolution R16-313  
Proposed Resolution R16-369 **Hartwood**  
**BACKGROUND SUMMARY:** Approves/appropriates funding and contract.
21. PLANNING AND ZONING; REFER TO THE PLANNING COMMISSION THE INTEGRATED CORPORATE AND TECHNOLOGY PARK OVERLAY DISTRICT AS ORIGINALLY CRAFTED  
Proposed Resolution R16-375 **Griffis-Widewater**  
**BACKGROUND SUMMARY:** Refers materials back to the PC.

**END OF UNFINISHED BUSINESS**

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**CLOSED MEETING - Section 2.2-3711 (A)**

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**7:00 P.M. CALL TO ORDER**

INVOCATION / PLEDGE OF ALLEGIANCE

EAGLE SCOUT PRESENTATION, DREW GOSHORN

PRESENTATIONS BY THE PUBLIC - II

3 minutes each

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**PUBLIC HEARINGS**

22. PLANNING AND ZONING; CONSIDER AMENDED PROFFERED CONDITIONS AT PATRIOT'S CROSSING  
Proposed Resolution 016-27 **Garrisonville**  
**BACKGROUND SUMMARY:** Approves amended proffers.
23. PLANNING AND ZONING; CONSIDER AN AMENDMENT TO THE ZONING ORDINANCE REGARDING SIGNS  
Proposed Ordinance 016-21  
**BACKGROUND SUMMARY:** Approves sign ordinance amendment.
24. PLANNING AND ZONING; CONSIDER AMENDMENTS TO THE COUNTY'S CEMETERY ORDINANCE  
Proposed Ordinance 016-39  
**BACKGROUND SUMMARY:** Approves ordinance amendments.
25. PLANNING AND ZONING; CONSIDER A CONDITIONAL USE PERMIT TO ALLOW A 150' MONOPOLE STYLE TELECOMMUNICATIONS FACILITY AT DUFF MCDUFF GREEN MEMORIAL PARK, TMP 58-35A  
Proposed Resolution R16-338 **George Washington**  
**BACKGROUND SUMMARY:** Approves CUP.
26. PLANNING AND ZONING; CONSIDER LEASING A PORTION OF TMP 58-35A, AT DUFF MCDUFF GREEN MEMORIAL PARK, FOR THE PURPOSE OF CONSTRUCTING A TELECOMMUNICATIONS MONOPOLE AND ANCILLARY EQUIPMENT  
Proposed Resolution R16-372 **George Washington**  
**BACKGROUND SUMMARY:** Approves lease.
27. PUBLIC WORKS; AMEND COUNTY CODE RE. PARKING RESTRICTIONS IN SOMERSET LANDING AND SEASONS LANDING SUBDIVISIONS  
Proposed Ordinance 016-44 **Aquia**  
**BACKGROUND SUMMARY:** Amends Code re. parking restrictions.
28. PUBLIC INFORMATION; AUTHORIZE THE INTERIM COUNTY ADMINISTRATOR TO EXECUTE A CABLE FRANCHISE AGREEMENT  
Proposed Resolution R16-328  
**BACKGROUND SUMMARY:** Approves franchise agreement.

**END OF PUBLIC HEARINGS**

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**DEFERRED/REFERRED BUSINESS**

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**ADJOURNMENT**

**Board of Supervisors**

Robert "Bob" Thomas, Jr., Chairman  
Laura A. Sellers, Vice Chairman  
Meg Bohmke  
Jack R. Cavalier  
Wendy E. Maurer  
Paul V. Milde, III  
Gary F. Snellings

C. Douglas Barnes  
Interim County Administrator

## Finance, Audit & Budget Committee Meeting Agenda

December 13, 2016 - 12:00 Noon  
Conference Room A/B/C - Second Floor

**Committee Members: Chairman Jack Cavalier, Wendy Maurer and Bob Thomas**

Agenda Item	
1.	Monthly Report Director Human Resources Shannon Wagner
2.	FY2016 Year-end Results <ul style="list-style-type: none"><li>Auditors report</li><li>R-Board Financial update</li></ul>

FAB12132016





#### **Board of Supervisors**

Robert "Bob" Thomas, Jr., Chairman  
Laura A. Sellers, Vice Chairman  
Meg Bohmke  
Jack R. Cavalier  
Wendy E. Maurer  
Paul V. Milde, III  
Gary F. Snellings

C. Douglas Barnes  
Interim County Administrator

### **Infrastructure Committee AGENDA**

December 13, 2016 @ 1:30 p.m.  
ABC Conference Room, Second Floor

**Committee Members:** Paul Milde, III, Chairman; Laura Sellers; Jack Cavalier

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Agenda Item	
	Introduction ❖ Welcome
1.	Courthouse Improvements Update
2.	Stormwater Damage Repair Evaluation Criteria
3.	Commuter Lot Slug Line Survey Report
4.	Brooke Road Project Update
5.	Widewater Data Center - Closed Session
6.	Next Scheduled Meeting - February 7, 2017
	Adjourn



## BOARD OF SUPERVISORS MONTHLY STATISTICAL REPORT



**Members of the “Greatest Generation” rise to sing “God Bless America” at Stafford’s WWII Veteran Appreciation Event on December 8.**





## Progress Report — December 2016

### Priorities

#### Fiscal Responsibility

#### Education

#### Public Safety

#### Infrastructure

#### Economic Development

#### Service Excellence

Stafford County has won the Government Finance Officers Association Distinguished Budget Award for 29 years in a row. The awards program encourages and assists state and local governments to prepare budget documents of the very highest quality and then to recognize individual governments that succeed in achieving that goal. In the photo below, Chairman of the Board of Supervisors Bob Thomas presents the award to former Budget Director Nancy Collins and Donna Olsen, Budget staff member.



For more information  
[www.staffordcountyva.gov](http://www.staffordcountyva.gov)

### Accomplishments

A large crowd welcomed the opening of the inclusive playground at Chichester Park on Saturday, November 19. Leading the charge in the photo is Oliver Harris, brother of Nathanael Harris, who is in the stroller directly behind him. Nathanael is disabled and his parents helped to spearhead the development of this park which is designed for those of all abilities. Nathanael's father, Rob Harris, gave an emotional speech, thanking everyone and the County for this park where his family can play together. In a speech, Supervisor Meg Bohmke said citizens can play in Stafford's parks 365 days of the year, participating in a diverse array of activities.



Stafford proudly announces the appointment of Thomas Foley as County Administrator. Foley has been the County Executive for Albemarle County. He will succeed Interim County Administrator Doug Barnes on February 1, 2017.



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### World War II Veterans Appreciation Event

Stafford joined the City of Fredericksburg and Spotsylvania County in honoring World War II veterans in conjunction with the Virginia WWI and WWII Commemoration Commission on December 8. Forty-two veterans from the area were honored with commemorative coins and bricks in Stafford's future armed services memorial. In the photo below, at left, Chairman of the Board of Supervisors Bob Thomas calls a name as Supervisor Gary Snellings hands out a coin.



### Transitions

Director of Budget Nancy Collins retired in December after more than 25 years with Stafford County. In the photo below, to the left, Chairman of the Board of Supervisors Bob Thomas presents a proclamation in her honor. In the photo below, to the right, Deputy County Administrator Keith Dayton says a few words after being presented a proclamation. Dayton is retiring after nearly 28 years of service.





To: Board of Supervisors

From: Shannon Howell  
Public Information Officer

Subject: Monthly Statistical Report

Date: December 9, 2016

A few notes about this month's report:

- Stafford opened a new inclusive playground at Chichester Park. See page 1 for details.
- Read on page 1 how Stafford has hired Thomas Foley as the new County Administrator.
- The number of building permits issued is at a 10-year high. Pages 7 and 27 have more information.
- The use of Narcan by Sheriff's Office is saving the lives of overdose victims. See page 41.

Please let me know if you have any questions.



### Stafford County Government Social Media November 1 - 30, 2016



#### Facebook

Likes: **4,535** – 35 new likes  
Monthly Total Impressions: 8,756,641  
Monthly Total Engaged: 100,668

Date	Top Posts	Impressions	Reach
11/01/16	The developers of the revamped Aquia Town Center...	21,062	8,680
11/02/16	Stafford County celebrated a milestone Tuesday, Nov. 6...	26,146	7,969
11/04/16	What is happening in Stafford today?	21,155	7,790

*Impressions: The number of impressions seen of any content associated with your page.*

*Engaged: The number of people who engaged with a page. Engagement includes any click or story created.*



#### Twitter

Followers: 4,471 - 38 **new followers**      Retweets: 61  
Total impressions earned: **3,000**  
Engagement rate: **1.0 %**

Date	Top Tweets	Impressions	Retweets
11/20/16	A red flag fire weather warning has been issued...	3,115	3
11/10/16	Celebrate the opening of Stafford's first inclusive playground...	2,796	7
11/25/16	Brooke Road is open.	2,555	3

*Tweet - A message posted via Twitter containing 140 characters or less*

*Retweet - When a Twitter user shares another Twitter user's tweet*



## Service Excellence

### *What Our Customers Are Saying About Us*

#### **PRCF**

Captain Steve Carey of the Sheriff's Office expressed his appreciation for Michelle White of PRCF in an email. He praised her fantastic, positive attitude and said she goes above and beyond to help everyone. He said her actions demonstrate the type of employee everyone should be.

#### **Stafford County**

Gale Gallahan wrote an email to thank Stafford County for hosting World War II veterans in an appreciation event. Her father is Col. Philip Adair of the Air Force. She brought both her parents and they had a lovely time.

#### **Stafford County**

Rob Harris, father of Nathanael Harris, the fourth-grader at Falmouth Elementary who inspired Stafford's inclusive playground at Chichester Park, thanked Stafford County and Stafford Public Schools in an emotional speech at the playground's grand opening. He said how much he appreciated Stafford building a park that he and his whole family could play together in as a family.

The Board of Supervisors has set specific priorities for Stafford County geared toward making our community a high quality place for people to live, work and raise a family. The priorities are Education, Public Safety, Infrastructure, Economic Development and Service Excellence, all encompassed by an overall theme of Fiscal Responsibility and Reducing the Tax Burden.

The priority of Service Excellence is a reflection of the Board's commitment to providing the highest quality of customer service to our citizens, businesses, visitors and all other customers of Stafford County. Stafford employees pride ourselves in going above and beyond to take care of all of our customers. This section reflects examples of how our employees support Service Excellence.



## Financial Report to the Community

### Principles of Responsible and Accountable Government

*Maintain a balanced budget \* Strive to maintain a AAA bond rating \* Fully fund our pension liability including full implementation of the state's pension reform whereby employees pay approximately one-third of their pension costs \* Borrow money only for capital projects and borrow under strict debt limitations \* Maintain Reserves (12% undesignated fund balance; Reserve for capital projects; Rainy Day Reserve (for unforeseen circumstances); Stafford Opportunity Fund (for economic development projects) \* Report to the Board on costs savings and efficiencies \* Estimate revenues very conservatively \* Spend less than adopted budgets \* Maintain lowest per capita expenditures among peer localities \* Monitor expenses and revenues weekly \* Consistently use innovative practices to run government as efficiently as possible \* Provide monthly financial report to the community*

### Savings and Efficiencies

Stafford County was able to provide a wonderful WWII Veterans Appreciation Event to area veterans while being mindful of budget. Decorations were created out of natural materials like pine cones and cut holly, and party decorations were re-used from another event. Mission BBQ donated the food for the approximately 150 attendees.

### Sign of the Times

More building permits were issued in 2016 than in any of the last 10 years. A total of 1,344 permits was issued.

The Board approved the FY2017 Budget on April 19, 2016.

#### Key Facts

- Maintains lowest cost per capita compared to our six peer localities
- With reassessment, real estate tax lowered to 99 cents, personal property tax rate reduced to \$6.50
- Staffing levels lower than 2006 levels
- Reserves fully funded
- Fully funds SCPC Superintendent's budget and School Board's CIP
- Establishes career firefighter/EMT at every fire station in Stafford County



## In the Pipeline... Projects Coming to You

### 2016

Truslow Road Improvements - Complete	Brooke Point High School Addition – Complete
Lake Mooney Park	Colonial Forge High School Addition – Complete
Centreport Parkway - Complete	Chichester Park Accessible Playground - Complete
Embrey Mill Park Rectangular Field Complex Phase II - Complete	Crow's Nest Nature Preserve – Crow's Nest Road Renovation - Complete
Jeff Rouse Swim and Sport Center - Complete	Route 17 Widening - Complete
Poplar Road Improvements, Phase I, Phase II - Complete	Celebrate Virginia Water Tank
Trailblazing Signs Phase I - Complete	Right Turn Lane at Route 1 and Garrisonville Road - Complete

### 2017

Warrenton Road Bike Route	Trailblazing Signs Phase II
Sanford Drive Waterline Improvement	Garrisonville Road/Onville Road Intersection Improvement
Armed Services Memorial	Belmont-Ferry Farm Trail, Phase 4, Pratt Park to the Chatham Bridge
Poplar Road Improvements, Phase III	Embrey Mill Park - Two Additional Full-Size Turf Fields

### 2018

Fire & Rescue Station 14	South Stafford Large Waterline Construction
New Anne E. Moncure Elementary School	Embrey Mill Fields Phase III
Courthouse Road/Route 1 Intersection Improvements	Ferry Road/Route 3 Intersection Improvements
Belmont-Ferry Farm Trail, Phase 6, Chatham Bridge to Ferry Farm	Courthouse Road Widening
Courthouse Area Water Tank	Garrisonville Road Widening
New Animal Shelter	

Projects Under Construction in  
White

State Projects in Pink

Projects Under  
Design in Yellow



Stafford County  
General Fund Revenue  
FY 2017 through October 31, 2016

Source	Adopted Budget	Adjusted Budget	Actual Amounts	Balance (Over) Under Budget	% Realized to Date	% of Year to Date	Comments
<b>Property Tax</b>							
Real Property	\$ 154,250,174	\$ 154,250,174	\$ 1,604,303	\$ 152,645,871	1.0%	33.3%	
Personal Property	45,613,435	45,613,435	4,536,892	41,076,543	9.9%	33.3%	
Public Service Corps	4,129,175	4,129,175	19	4,129,156	0.0%	33.3%	
Penalties and Interest	2,056,000	2,056,000	439,174	1,616,826	21.4%	33.3%	
Merchants' Capital	1,012,000	1,012,000	0	1,012,000	0.0%	33.3%	
Mobile Homes	163,000	163,000	0	163,000	0.0%	33.3%	
Real Property - Roll Back	80,000	80,000	62,925	17,075	0.0%	33.3%	
Machinery and Tools	0	0	0		0.0%	33.3%	
<b>Total Property Taxes</b>	<b>207,303,784</b>	<b>207,303,784</b>	<b>6,643,313</b>	<b>200,660,471</b>	<b>3.2%</b>	<b>33.3%</b>	
<b>Other Revenue</b>							
Service Charges and Other	7,308,890	8,652,399	4,246,119	4,406,280	49.1%	33.3%	Pool concessions; PRCF fees
Ambulance Cost Recovery	2,500,000	2,500,000	529,629	1,970,371	21.2%	33.3%	
Local Sales and Use Taxes	12,700,000	12,700,000	2,188,229	10,511,771	0.0%	33.3%	
Utility Consumers' Taxes	10,317,957	10,317,957	1,993,638	8,324,319	0.0%	33.3%	
State/Fed - Social Services	5,237,803	5,237,803	1,363,193	3,874,610	26.0%	33.3%	
Local Meals Tax	7,525,000	7,525,000	1,953,759	5,571,241	26.0%	33.3%	
State Shared Expenses	6,343,425	6,343,425	1,423,817	4,919,608	0.0%	33.3%	
Code Administration	2,977,619	2,977,619	1,491,312	1,486,307	50.1%	33.3%	Building and permit fees
Motor Vehicle Licenses	2,400,000	2,400,000	133,098	2,266,902	5.5%	33.3%	
Children's Services Act	2,376,378	2,376,378	6,636	2,369,742	0.3%	33.3%	
Recordation Taxes	3,025,000	3,025,000	1,045,456	1,979,544	0.0%	33.3%	
Other State Sources	1,435,427	1,465,167	278,276	1,186,891	0.0%	33.3%	
Planning Fees	1,877,500	1,877,500	583,305	1,294,195	31.1%	33.3%	
2% Transient Occupancy Tax	618,000	618,000	203,727	414,273	0.0%	33.3%	
Use of Money and Property	618,276	618,276	217,897	400,379	35.2%	33.3%	
Other Financing Sources	340,700	8,625,968	276,335	8,349,633	3.2%	33.3%	
Bank Stock Taxes	400,000	400,000	0	400,000	0.0%	33.3%	
Federal Revenue	5,400	12,192	0	12,192	0.0%	33.3%	
<b>Total Other Revenue</b>	<b>68,007,375</b>	<b>77,672,684</b>	<b>17,934,426</b>	<b>59,738,258</b>	<b>23.1%</b>	<b>33.3%</b>	
<b>Total Revenues</b>	<b>\$ 275,311,159</b>	<b>\$ 284,976,468</b>	<b>\$ 24,577,739</b>	<b>\$ 260,398,729</b>	<b>8.6%</b>	<b>33.3%</b>	



Stafford County  
General Fund Expenditures  
FY 2017 through October 31, 2016

Source	Adopted Budget	Adjusted Appropriation*	Expenditures	Encumbrances	Balance (Over) Under Budget	% Expenditures to Date	% of Year to Date	Comments
<b>General Government Public Safety</b>								
Fire and Rescue								
Personnel	\$ 12,843,857	\$ 11,872,163	\$ 4,363,165	\$ -	\$ 7,508,998	36.8%	33.3%	Overtime exceeding budget forecast
Operating	5,010,638	4,811,889	1,215,464	870,040	2,726,385	25.3%	33.3%	
Total Fire and Rescue	17,854,495	16,684,052	5,578,629	870,040	10,235,383	33.4%	33.3%	
Sheriff								
Personnel	22,826,251	21,264,869	6,953,927	-	14,310,942	32.7%	33.3%	
Operating	3,545,198	4,542,414	1,482,248	1,462,285	1,597,881	32.6%	33.3%	
Total Sheriff	26,371,449	25,807,283	8,436,175	1,462,285	15,908,823	32.7%	33.3%	
Total General Government Public Safety	44,225,944	42,491,335	14,014,804	2,332,325	26,144,206	33.0%	33.3%	
<b>General Government Non-Public Safety</b>								
Board of Supervisors								
Personnel	226,131	195,508	75,267	-	120,241	38.5%	33.3%	
Operating	410,836	418,488	94,075	191,504	132,909	22.5%	33.3%	
Total Board of Supervisors	636,967	613,996	169,342	191,504	253,150	27.6%	33.3%	
Commissioner of Revenue								
Personnel	2,420,578	2,254,559	721,929	-	1,532,630	32.0%	33.3%	
Operating	296,707	302,385	36,647	9,519	256,219	12.1%	33.3%	
Total Commissioner of Revenue	2,717,285	2,556,944	758,576	9,519	1,788,849	29.7%	33.3%	
Commonwealth's Attorney								
Personnel	3,007,519	2,810,085	910,338	-	1,899,747	32.4%	33.3%	
Operating	141,255	148,532	53,149	8,769	86,614	35.8%	33.3%	Training costs
Total Commonwealth's Attorney	3,148,774	2,958,617	963,487	8,769	1,986,361	32.6%	33.3%	
County Administration								
Personnel	1,087,297	1,015,359	386,882	-	628,477	38.1%	33.3%	
Operating	60,532	72,206	14,104	13,117	44,985	19.5%	33.3%	
Total County Administration	1,147,829	1,087,565	400,986	13,117	673,462	36.9%	33.3%	
County Attorney								
Personnel	831,895	765,361	247,969	-	517,392	32.4%	33.3%	
Operating	265,990	685,786	(16,543)	411,810	290,519	-2.4%	33.3%	Negative due to internal billing
Total County Attorney	1,097,885	1,451,147	231,426	411,810	807,911	15.9%	33.3%	
Clerk of the Circuit Court								
Personnel	1,214,555	1,125,198	377,172	-	748,026	33.5%	33.3%	
Operating	304,380	507,963	90,406	130,526	287,031	17.8%	33.3%	
Total Clerk of the Circuit Court	1,518,935	1,633,161	467,578	130,526	1,035,057	28.6%	33.3%	
Circuit Court								
Personnel	255,668	238,453	74,594	-	163,859	31.3%	33.3%	
Operating	27,138	27,138	8,473	2,772	15,893	31.2%	33.3%	
Total Clerk of the Circuit Court	282,806	265,591	83,067	2,772	179,752	31.3%	33.3%	
General District Court								
Operating	117,250	111,388	25,432	6,250	79,706	22.8%	33.3%	
Total General District Court	117,250	111,388	25,432	6,250	79,706	22.8%	33.3%	
Juvenile and Domestic Relations Court								
Operating	114,700	108,965	30,612	-	78,353	28.1%	33.3%	
Total Juvenile and Domestic Relations Court	114,700	108,965	30,612	-	78,353	28.1%	33.3%	
Magistrate								
Operating	8,830	8,389	2,137	1,262	4,990	25.5%	33.3%	
Total Magistrate	8,830	8,389	2,137	1,262	4,990	25.5%	33.3%	
15th District Court Services Unit								
Personnel	162,276	142,250	51,432	-	90,818	36.2%	33.3%	
Operating	203,850	203,850	22,486	-	181,364	11.0%	33.3%	
Total 15th District Court Services Unit	366,126	346,100	73,918	-	272,182	21.4%	33.3%	





## Finance

### Stafford County General Fund Expenditures FY 2017 through October 31, 2016

Source	Adopted Budget	Adjusted Appropriation*	Expenditures	Encumbrances	Balance (Over) Under Budget	% Expenditures to Date	% of Year to Date	Comments
<b>Economic Development</b>								
Personnel	591,312	540,687	112,822	-	427,865	20.9%	33.3%	Vacant positions
Operating	257,090	320,821	78,939	112,889	128,993	24.6%	33.3%	
<b>Total Economic Development</b>	<b>848,402</b>	<b>861,508</b>	<b>191,761</b>	<b>112,889</b>	<b>556,858</b>	<b>22.3%</b>	<b>33.3%</b>	
<b>Finance and Budget</b>								
Personnel	1,604,446	1,498,142	488,494	-	1,009,648	32.6%	33.3%	
Operating	104,870	116,243	19,862	33,000	63,381	17.1%	33.3%	
<b>Total Finance and Budget</b>	<b>1,709,316</b>	<b>1,614,385</b>	<b>508,356</b>	<b>33,000</b>	<b>1,073,029</b>	<b>31.5%</b>	<b>33.3%</b>	
<b>Human Resources</b>								
Personnel	382,496	356,256	129,129	-	227,127	36.2%	33.3%	
Operating	48,210	48,660	4,751	3,559	40,350	9.8%	33.3%	
<b>Total Human Resources</b>	<b>430,706</b>	<b>404,916</b>	<b>133,880</b>	<b>3,559</b>	<b>267,477</b>	<b>33.1%</b>	<b>33.3%</b>	
<b>Human Services</b>								
Personnel	286,607	283,627	79,322	-	204,305	28.0%	33.3%	Vacant position
Operating	4,760,757	4,508,560	740,471	1,707	3,766,382	16.4%	33.3%	Private day schools no billings in summer
<b>Total Human Services</b>	<b>5,047,364</b>	<b>4,792,187</b>	<b>819,793</b>	<b>1,707</b>	<b>3,970,687</b>	<b>17.1%</b>	<b>33.3%</b>	
<b>Information Technology</b>								
Personnel	1,795,605	1,655,979	526,804	-	1,129,175	31.8%	33.3%	
Operating	522,008	533,654	266,871	73,065	193,718	50.0%	33.3%	Annual contracts and services
<b>Total Information Technology</b>	<b>2,317,613</b>	<b>2,189,633</b>	<b>793,675</b>	<b>73,065</b>	<b>1,322,893</b>	<b>36.2%</b>	<b>33.3%</b>	
<b>Parks, Recreation and Comm. Facilities</b>								
Personnel	6,470,751	5,901,458	2,309,621	-	3,591,837	39.1%	33.3%	Summer programs increase PT personnel
Operating	5,432,591	5,665,120	1,603,649	1,579,367	2,482,104	28.3%	33.3%	
<b>Total Parks, Recreation and Comm. Facilities</b>	<b>11,903,342</b>	<b>11,566,578</b>	<b>3,913,270</b>	<b>1,579,367</b>	<b>6,073,941</b>	<b>33.8%</b>	<b>33.3%</b>	
<b>Planning and Zoning</b>								
Personnel	2,118,792	1,966,875	640,154	-	1,326,721	32.5%	33.3%	
Operating	388,453	424,993	57,963	58,701	308,329	13.6%	33.3%	
<b>Total Planning and Zoning</b>	<b>2,507,245</b>	<b>2,391,868</b>	<b>698,117</b>	<b>58,701</b>	<b>1,635,050</b>	<b>29.2%</b>	<b>33.3%</b>	
<b>Public Works</b>								
Personnel	3,166,678	2,928,111	944,284	-	1,983,827	32.2%	33.3%	
Operating	794,689	1,062,056	334,278	254,153	473,625	31.5%	33.3%	
<b>Total Public Works</b>	<b>3,961,367</b>	<b>3,990,167</b>	<b>1,278,562</b>	<b>254,153</b>	<b>2,457,452</b>	<b>32.0%</b>	<b>33.3%</b>	
<b>Public Works - Stormwater</b>								
Personnel	257,732	226,867	83,753	-	143,114	36.9%	33.3%	
Operating	289,532	397,609	93,011	136,200	168,398	23.4%	33.3%	
<b>Total Public Works - Stormwater</b>	<b>547,264</b>	<b>624,476</b>	<b>176,764</b>	<b>136,200</b>	<b>311,512</b>	<b>28.3%</b>	<b>33.3%</b>	
<b>Registrar and Electoral Board</b>								
Personnel	366,738	342,924	108,824	-	234,100	31.7%	33.3%	
Operating	129,940	192,820	91,871	1,275	99,674	47.6%	33.3%	Preparation efforts Presidential election
<b>Total Registrar and Electoral Board</b>	<b>496,678</b>	<b>535,744</b>	<b>200,695</b>	<b>1,275</b>	<b>333,774</b>	<b>37.5%</b>	<b>33.3%</b>	
<b>Social Services</b>								
Personnel	4,575,523	4,274,431	1,238,307	-	3,036,124	29.0%	33.3%	Vacant positions
Operating	2,487,485	2,380,097	599,649	-	1,780,448	25.2%	33.3%	
<b>Total Social Services</b>	<b>7,063,008</b>	<b>6,654,528</b>	<b>1,837,956</b>	<b>-</b>	<b>4,816,572</b>	<b>27.6%</b>	<b>33.3%</b>	
<b>Treasurer</b>								
Personnel	1,621,990	1,500,133	469,057	-	1,031,076	31.3%	33.3%	
Operating	406,656	406,890	126,317	118,747	161,826	31.0%	33.3%	
<b>Total Treasurer</b>	<b>2,028,646</b>	<b>1,907,023</b>	<b>595,374</b>	<b>118,747</b>	<b>1,192,902</b>	<b>31.2%</b>	<b>33.3%</b>	





## Finance

### Stafford County General Fund Expenditures FY 2017 through October 31, 2016

Source	Adopted Budget	Adjusted Appropriation*	Expenditures	Encumbrances	Balance (Over) Under Budget	% Expenditures to Date	% of Year to Date	Comments
Total General Government Non- Public Safety	50,018,338	48,674,876	14,354,764	3,148,192	-	31.2%	33.3%	
<b>General Government Other Operating</b>								
Non-Departmental	2,864,908	4,383,848	1,093,248	231,355	3,059,245	24.9%	33.3%	Annual general liability insurance paid.
Other Transfers	-	5,808,259	5,808,259	-	-	100.0%	33.3%	Proffer transfer to construction project
Total General Government Other Operating	2,864,908	10,192,107	6,901,507	231,355	3,059,245	67.7%	33.3%	
<b>General Government Other</b>								
Debt Service County	13,649,195	13,649,195	6,155,872	-	7,493,323	45.1%	33.3%	Principal payments due July 1
Capital Projects	3,992,185	4,354,127	664,014	599,447	3,090,666	15.3%	33.3%	
Total General Government Other	17,641,380	18,003,322	6,819,886	599,447	10,583,989	37.9%	33.3%	
<b>Local School Funding</b>								
Operating Budget Transfer	112,567,497	106,939,122	18,972,657	-	87,966,465	17.7%	33.3%	
Shared Services/Audit	115,307	109,542	-	-	109,542	0.0%	33.3%	
Public Day School	518,000	492,100	-	-	492,100	0.0%	33.3%	
School Debt Service	31,362,759	31,362,759	24,649,220	-	6,713,539	78.6%	33.3%	Majority of principal payments due July 1
Total Local School Funding	144,563,563	138,903,523	43,621,877	-	95,281,646	31.4%	33.3%	
<b>Other Agencies</b>								
Central Rappahannock Regional Library	5,179,040	4,920,088	2,460,044	-	2,460,044	50.0%	33.3%	25% payments made July 1/October 1
Cooperative Extension	181,855	171,937	46,621	-	125,316	27.1%	33.3%	
Corrections	8,587,340	8,260,998	4,817,229	-	3,443,769	58.3%	33.3%	Quarterly/Annual appropriation
Partner Agencies	2,048,791	1,946,351	1,146,898	-	799,453	58.9%	33.3%	Partner agency appropriations, many 100%
Total Other Agencies	15,997,026	15,299,374	8,470,792	-	6,828,582	55.4%	33.3%	
Total All Expenditures	\$ 275,311,159	\$ 273,564,537	\$ 94,183,630	\$ 6,311,319	\$ 141,897,668	34.4%	33.3%	

\* Adjusted appropriation amount includes a 5% appropriation hold to approved budget, encumbrances and commitments carried forward from FY2016, additional appropriations approved by the Board of Supervisors, and miscellaneous grants.



Proffers  
Executive Report  
FY 2017  
2nd Quarter

Project	Schools	Roads	Parks	Libraries	General Gov.	Fire & Rescue	Gov. Center	Landfill	Total Available
Augustine No. Section 5A	3,247			82	119		280	140	3,868
Aquia Town Center Regional Transit		50,000							50,000
Brentsmill				5,732	2,017		4,738	533	13,020
Butler Estates - Blake Way				2,035		1,072			3,107
Celebrate Va No Retirement		440,671	98,719	106,092		50,205			695,687
Cranewood	1,541		43	97	475		232		2,388
Embrey Mill	100,345					23,800			124,145
Shelton Woods	40,498	54,511	188,621						283,630
Southgate	242,000	4,001	7,623	3,490		350,663			607,777
Stafford Nursing Home						36,734			36,734
The Town Center at Aquia	323,974	275,900	309,930	37,960	33,020	48,880			1,029,664
Westgate	96,892	106,160	54,765	8,055	7,048	10,069			282,990
West Hampton Village			1,094	9,899		2,304			13,297
Total active Projects	808,497	931,244	660,795	173,442	42,679	523,726	5,250	673	3,146,306



## Economic Development

In the chart below, “Inputs” represent the interactions Economic Development staff have with citizens and businesses. “Outputs” reflect statistics regarding Stafford County that are reported by external agencies.

### INPUTS

2016 Economic Development Activity Report						
	Site Visits	Walk-ins	Start up packets	E-Newsletter Outreach	Website Views	Social media interactions
January	11	61	74	3,185	4,649	41,862
February	11	58	72	3,819	5,972	49,997
March	12	48	37	3,844	5,137	48,712
April	11	50	66	3,569	5,318	54,696
May	12	45	37	3,746	5,949	56,427
June	12	51	55	4,216	5,992	30,396
July	18	50	65	4,394	6,706	49,516
August	29	49	32	7,516	8,397	55,139
September	17	50	73	11,010	7,430	50,488
October	23	45	153	3,708	6,060	59,322
November	20	76	31	7,723	6,373	28,977
December						

### OUTPUTS

Quarterly Census of Establishments / Employment / Wages for Stafford County								
Average Establishments					Average Employment			
Year	Period		Delta	% Growth			Delta	% Growth
2011 1st Qtr		2,246			35,848			
2015 1st Qtr		2,401	1 year	238 9.91%	40,531	1 year	1,408 3.47%	
2016 1st Qtr		2,639	5 year	393 17.50%	41,939	5 year	6,091 16.99%	
Average Weekly Wage								
Year	Period						Delta	% Growth
2011 1st Qtr					\$859			
2015 1st Qtr			1 Year		\$950		-32	-3.37%
2016 1st Qtr			5 Year		\$918		59	6.87%

Monthly Unemployment	
Period	Unemployment Rate (%)*
Oct-11	6.2
Oct-15	4.0
Oct-16	4.1

Commercial Vacancy Rates - 3Q16			
	3Q16 **	1 yr trend	5 yr trend
Office	17.0%	↑	↑
Industrial	7.3%	↓	↓
Retail	4.8%	↓	↓

Source: VEC/Labor Market Statistics, Covered Employment and Wages Program (lags 2 Qrts behind)

\*Source: LAUS Unit and Bureau of Labor Statistics

\*\* Source: CoStar

NOTE: Updated April, June, October and January with calendar year investment and square footage data included in every January report.



On September 1, 2015, the Board of Supervisors adopted the 2015 Economic Development Strategic Plan update. This Plan replaced the 2006 Economic Development Strategic Plan and the Economic Development 10-Point Plan. This monthly report is based upon the goals and recommendations of the 2015 Plan. The selected examples of progress toward goals are below:

**Goal 1: Continue to expand business growth and employment becoming a more progressive center of employment within the greater Washington DC Metropolitan Area.**

- Coordinated first anniversary ribbon cutting event for Freddy's Custard and Steakburgers.
- Connected with five existing businesses in Stafford.
- Received tourism report from vendor and is currently under review.

**Goal 2: Accelerate infrastructure upgrades serving critical commercial and industrial sites.**

- Reached out to business to discuss incentive application and another site option in Falmouth.
- Held meeting to bring new commercial attraction, which needs water and sewer development.

**Goal 3: Continue to seek new and upscale retail and restaurants within the County both to attract new development and to enhance the quality of life of County residents.**

- Coordinated the Napa Auto Parts Ribbon Cutting Event.
- Limerick's Eats & Treats working on final inspection.
- Met with a business franchise seeking to open in the county.

**Goal 4: Continue to build and support technology and entrepreneurship growth and fully support the STRP Initiative to retain and grow high-tech jobs and businesses.**

- Stafford business TrakSafeT, Inc. won the 2016 Made in FredVA Competition. The owners met with the Stafford Economic Development Authority and Stafford Technology and Research Park to report their efforts to launch new railroad safety product.
- Ongoing meetings and coordination of data center prospect.
- Participated in Quantico Regional Steering Committee meeting.



**Goal 5: Continue Redevelopment Area programs focusing on creating a sense of place.**

- Wine and Design opened store location in Falmouth near riverfront.
- Met with two prospects interested in building an office in the Southern Gateway.
- Met with an existing Southern Gateway business regarding a new location.
- Rezoned property to convey title to a private sector in Falmouth.

**Goal 6: Leverage and grow the medical/allied health care base.**

- Met with prospect seeking to create a new medical facility.
- Provided VDOT information on new interchange alignment to Stafford Hospital area prospect.

**Goal 7: Focus the County's objectives and continue to be more proactive in building an enviable community.**

- Met within the department to discuss the Economic Development and Tourism marketing support, website design, and maintenance proposal.

**Goal 8: Promote economic development and business expansion while living the Comprehensive Plan's vision of preserving rural land outside of the growth area.**

- Participated in monthly Telecommunications Commission broadband review.
- Project to assist businesses with relocation continued. Several options are in review.

**Goal 9: Consider available and appropriate riverfront areas in the County for compatible commercial development.**

- Met with prospect to discuss development concept.

**Goal 10: Continue progress improving the overall development review and permitting processes, keeping taxes low, in an effort to further our "business friendly community" goals.**

- Attended Commercial Development Tracking, Career and Technical Education Advisory Committee (CTE), Telecommunications Commission (TCC), Technical Review Committee (TRC), Development Review Meeting (DRM), Planning Commission: EDA, Economic Development Authority (EDA), Fredericksburg Regional Alliance (FRA), and International Council of Shopping Centers (ICSC).



## CAPITAL PROJECTS UPDATE

PROJECT	Poplar Road & Mountain View Road Intersection Safety Improvements Design Phase III
Description	Safety improvements on Poplar Road at the intersection of Mountain View Road and south of the intersection of Poplar Road (A 2008 Transportation Bond Referendum Project)
Budget Amount	\$1,500,000
Projected Completion Date	October 2017
Recent Activity	Project split into two phases. Proceeding with Phase 1. NOVEC and Verizon utility relocations are being scheduled.
PROJECT	Brooke Road Safety Improvements
Description	Safety Improvements on Brooke Road Between Eskimo Hill Road and Stagecoach Road (A 2008 Transportation Bond Referendum Project)
Budget Amount	\$7,214,900
Projected Completion Date	December 2018
Recent Activities	Dominion Virginia Power has finished its relocation efforts. Final construction plans were submitted for VDOT permit review. Verizon utility relocation is underway. Staff is preparing invitation for bids for the fiber optic relocation. Bids for additional wetland and streambank restoration credits have been advertised.



## CAPITAL PROJECTS UPDATE

PROJECT	Wayfinding Signs System Phase II
Description	Working with Economic Development staff to place trailblazer signs throughout the County. (A 2008 Bond Referendum Project)
Budget Amount	\$296,000 for engineering (Phase 2A and 2B) \$99,998 for Fabrication/Installation (Phase 2B)
Projected Completion Date	Summer 2017 (Phase 2B)
Recent Activity	All signs for Phase 2A have been installed. The Board awarded the contract for fabrication and installation of Phase 2B signs to be installed around the Falmouth intersection and along Route 17.
PROJECT	Garrisonville Road Widening
Description	Design and construction of project under the Public Private Transportation Act. The Garrisonville Road improvements are between Onville Road and Eustace Road. (A 2008 Transportation Bond Referendum Project)
Budget Amount	\$13,765,478
Projected Completion Date	June 2018 (delayed by utility relocations)
Recent Activity	VDOT approved the final construction plans. Dominion Power, Comcast, and Columbia Gas have completed utility relocations. Verizon relocations are ongoing.





## CAPITAL PROJECTS UPDATE

PROJECT	Animal Shelter
Description	Design and construction of 15,300 S.F. animal shelter
Budget Amount	\$5,748,000 (CIP Amount)
Projected Completion Date	June 2018
Recent Activity	Clearing is complete. Topsoil has been stripped. Storm drainage structures are 95% complete. Retaining wall is complete. Construction contract award for the building and finished site work will be considered by the Board on December 13.



PROJECT	Fire Station #14
Description	Design and construction of a new fire station on Shelton Shop Road near Garrisonville Road.
Budget Amount	\$7,713,000 (CIP Amount)
Projected Completion Date	Spring 2018
Recent Activity	Finalized Conceptual Plan. Proceeding with preliminary plans.





## CAPITAL PROJECTS UPDATE

PROJECT	Embrey Mill Park Athletic Fields Phase 2
Description	Embrey Mill Park will be home to a multi-field, rectangular athletic field complex, which is funded by the 2009 Park Bond Referendum and proffers. Phase 2 includes two lighted synthetic turf fields, a restroom, and parking.
Project Budget Amount	\$5,114,082
Current Projected Completion Date	June 2017
Recent Activity	The retaining wall is complete. The soccer fields are nearly to subgrade elevation. Storm drainage piping has been installed. Restroom building walls going up.



PROJECT	Belmont-Ferry Farm Trail Phase 4
Description	Trail from Pratt Park to Route 3 at the Chatham Bridge
Project Budget Amount	Estimated to be \$1,014,000
Completion Date of Design Phase	December 2016
Current Projected Completion Date of Project	September 2017
Recent Activity	Staff continues to negotiate with the owners of the private parcels for easements. The National Park Service is reviewing the draft agreement for access across park property.



PROJECT	Celebrate Virginia Water Tank
Description	Construction of a one million gallon elevated water tank on Greenbank Road in Celebrate Virginia near Banks Ford Parkway to replace the existing Berea Tank at Dominion Virginia Power.
Project Budget Amount	\$2.5M
Current Projected Completion Date of Project	September 2016 (Substantial Completion), <b>Delayed to December 31, 2016</b>
Recent Activity	The construction of the pedestal is complete. The dome placement (top concrete plate on which the water will reside) is complete. The tank (bowl) fabrication, which will hold the water, is complete and the exterior painting is complete. Bowl is in place, interior coatings underway. Interior coatings complete. <b>Sitework is behind schedule due to weather and contractor coordination. Substantial Completion per contract was September 30. It's projected to be complete December 31.</b>



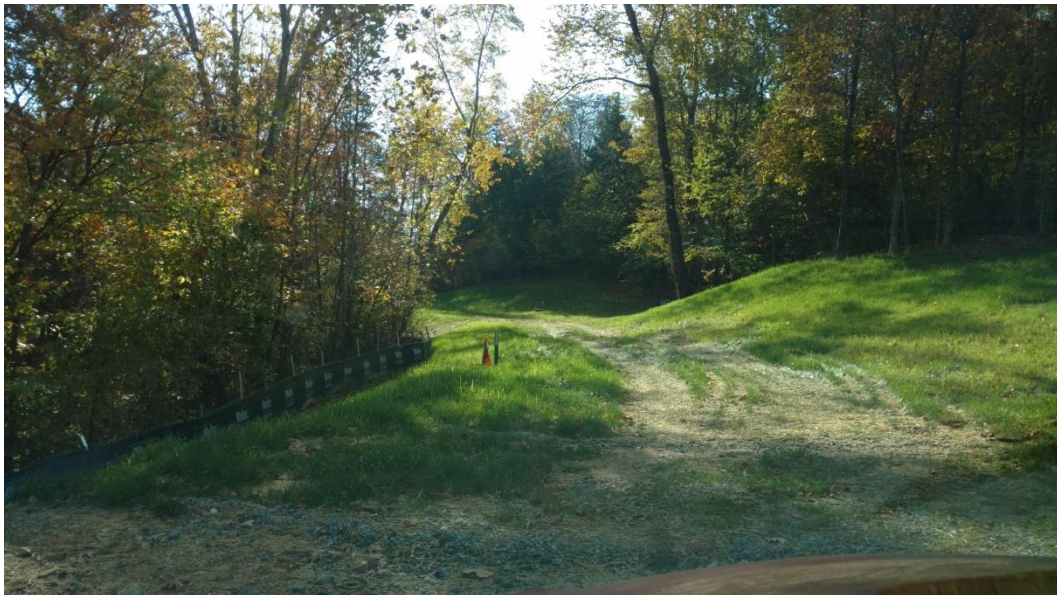
*Exterior complete*



*Sitework in Progress*



PROJECT	Sanford to Olde Forge Water Line (342 Phase II)
Description	Construction of approximately 16,000 linear feet of 30-inch diameter waterline from the intersection of Greenbank Road and Sanford Drive to the Olde Forge neighborhood.
Project Budget Amount	\$4.6 M
Current Projected Completion Date of Project	September 2016 (Substantial Completion), <b>Delayed to December 15, 2016</b>
Recent Activity	All pipe installation has been completed. Hydrostatic testing underway as well as installation of air release valves. Some flushing has been completed. Substantial Completion delayed due to changes in flushing work. New Substantial Completion date is October 15, 2016. Completion further delayed due to easement issues and deficient installation of a section of pipe.



*Restored Easement along England Run*





PROJECT	AUSTIN RUN SANITARY SEWER & PUMP STATION REPLACEMENT
Description	The existing pump station is near capacity and has experienced several overflows over the past five years. The equipment in the pump station is antiquated and in disrepair. The pump station is scheduled to be replaced with a state of the art screw pump system with all the appropriate piping to position the pump station adjacent to Aqua Wastewater Treatment Facility. The close proximity of the pump station to the wastewater facility will save the county a considerable amount of energy and money.
Project Budget Amount	\$5.2M
Current Projected Completion Date of Project	December 2016 – <b>Projected to be March 2017</b>
Recent Activity	Staff is continuing to work with the contractor and design engineer on sewer lines that were installed incorrectly. Hydraulic analysis indicated that installed lines will function, with modifications/conditions, within tolerances for sewer lines. The contractor is expected to resume work once adjusted plans are approved. Continue to work with Contractor to solve issues with casing pipe installation. <b>Work has resumed.</b> Roadway work to begin once carrier pipe has been placed in casing pipe.



*Traffic warning signs in place for damaged roadway*



## Capital Projects Update

PROJECT	Route 1 North Sewer Line
Description	Approximately 4,400 feet of 18-inch gravity sewer along and parallel to Route 1 will replace deteriorated gravity sewer and provide additional capacity to move wastewater from the northern part of the county toward the Aquia Creek PS at Route 1 and Telegraph Road.
Project Budget Amount	\$4.15M
Current Projected Completion Date	<del>December 2016</del> September 2017 (delay caused by complications during planning process and easement acquisition)
Recent Activity	NTP issued for 9/26/16. Work has begun.
PROJECT	Claiborne Run Sewer Interceptor Replacement Project
Description	Replace 2,500 feet of the existing Claiborne Run gravity sewer interceptor with a 42" line to accommodate future flows and replace current line that is at the end of its useful life.
Project Budget Amount	\$2.8M
Current Projected Completion Date of Project	<del>December 2016</del> December 2017 (Delay due to lack of bids which required rebidding)
Recent Activity	This project was advertised however the bids came in well over budget. The Project has been re-advertised with an opening date of February 9, 2017.
PROJECT	Centreport Sewer Extension Project
Description	Construct 2,000 feet of sewer line to connect the Centreport area to the existing system. This will allow development of the Centreport area.
Project Budget Amount	\$800,000
Current Projected Completion Date of Project	<del>December 2016</del> November 2017 (Delay due to lack of bids which required rebidding)
Recent Activity	This project was advertised for construction and received a single bid that was above budget. The project was re-advertised November 3, 2016. Bids were opened and we appear to have a satisfactory bid. Construction expected to begin in January 2017.



## Capital Projects Update

PROJECT	Butler Road Force Main Repair
Description	Approximately 250 linear feet of 30-inch fiberglass-reinforced gravity sewer pipe and a 96-inch diameter polymer concrete manhole to replace a failing section of sewer.
Project Budget Amount	\$450,000
Current Projected Completion Date of Project	April 2017
Recent Activity	The project was advertised and bids were received. The contract is currently being executed and notice to proceed is expected in the next month.
PROJECT	Courthouse Water Storage Tank
Description	Construction of a one million gallon water tank with approximately 750 linear feet of 16-inch waterline, approximately 300 linear feet of 12-inch waterline, 80 linear feet of steel casing pipe by bore, and waterline appurtenances
Project Budget Amount	\$3.8M
Current Projected Completion Date of Project	April 2018
Recent Activity	This project was advertised and bids were received. The contract is currently being executed and notice to proceed is expected in the next month.
PROJECT	Falls Run I-95 Interceptor Crossing
Description	The installation of approximately 650 linear feet of 36-inch gravity sewer line, 600 linear feet of 48-inch steel casing by bore, 25 linear feet of 30-inch gravity sewer line, 275 linear feet of 18-inch gravity sewer line and four manholes
Project Budget Amount	\$1.5M
Current Projected Completion Date of Project	August 2017
Recent Activity	This project was advertised and bids were received. The contract is currently being executed and notice to proceed is expected in the next month.



## Capital Projects Update

### Pump and Haul Report

Stafford County has a policy of providing pump and haul services to provide sewer service to existing residences when there are no feasible alternatives for repair or replacement of failed on-site sewage disposal systems and it is not cost-effective to extend public sewer. This allows the County to address potential public health problems caused by malfunctioning on-site disposal systems. This monthly report tracks the numbers of both subsidized and non-subsidized customers.

Pump and Haul Customers		
	November 2016	December 2016
<b>Subsidized</b>	23 (3 temporary)	23 (3 temporary)
<b>Non-subsidized</b>	22	22



### PERMIT ACTIVITY REPORT

November 2016

Month

Year-to-Date

PERMIT ACTIVITY			Percent	YTD	Previous YTD	Percent
	November 2016	November 2015	Change	1/1/16-11/30/16	1/1/15-11/30/15	Change
PERMITS ISSUED	398	336	18	5,270	4,212	25
CONSTRUCTION VALUE	\$25,447,905	\$17,548,408	45	\$341,363,977	\$235,529,408	45
FEES	\$181,350	\$151,824	19	\$2,501,799	\$1,963,344	27

<b>NEW CONSTRUCTION</b>						
<b>RESIDENTIAL</b>						
SINGLE-FAMILY DWELLINGS	53	44	20	564	476	18
TOWNHOUSE/DUPLEX DWELLINGS	31	2	1,450	230	157	46
MULTI-FAMILY DWELLINGS (Apartments and Condominiums)	0	6	(100)	550	52	958
TOTAL HOUSING UNITS	84	52	62	1,344	685	96
CONSTRUCTION VALUE	\$19,297,050	\$12,764,789	51	\$235,111,272	\$155,386,325	51
<b>COMMERCIAL</b>						
COMMERCIAL	2	0	200	36	11	227
CONSTRUCTION VALUE	\$1,380,000	\$0	138,000,000	\$28,223,308	\$12,010,207	135

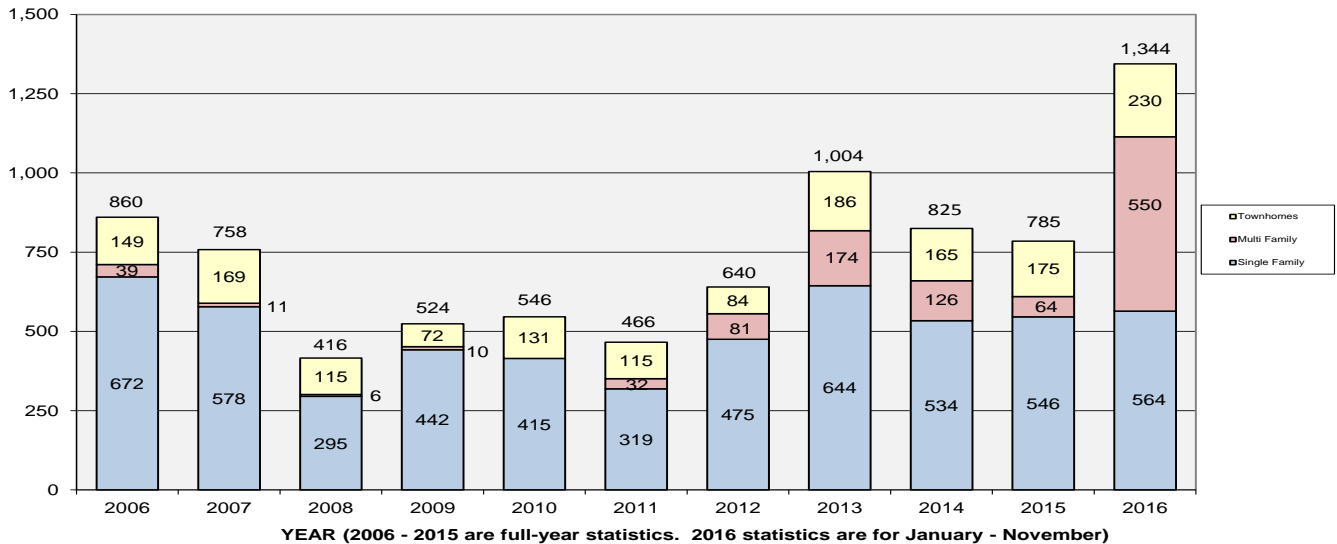
<b>ADDITIONS/ALTERATIONS</b>						
RESIDENTIAL	211	191	10	2,560	2,297	11
COMMERCIAL	101	93	9	1,330	1,219	9
CONSTRUCTION VALUE	\$4,770,855	\$4,783,619	(0)	\$78,029,397	\$68,132,876	15

<b>CERTIFICATES OF OCCUPANCY</b>						
SINGLE-FAMILY DWELLINGS	54	37	46	523	456	15
TOWNHOUSE/DUPLEX DWELLINGS	16	11	45	178	158	13
MULTI-FAMILY DWELLINGS (Apartments and Condominiums)	0	0	0	289	47	515
NEW COMMERCIAL	3	0	300	24	8	200
COMMERCIAL CHANGE	4	4	0	86	134	(36)

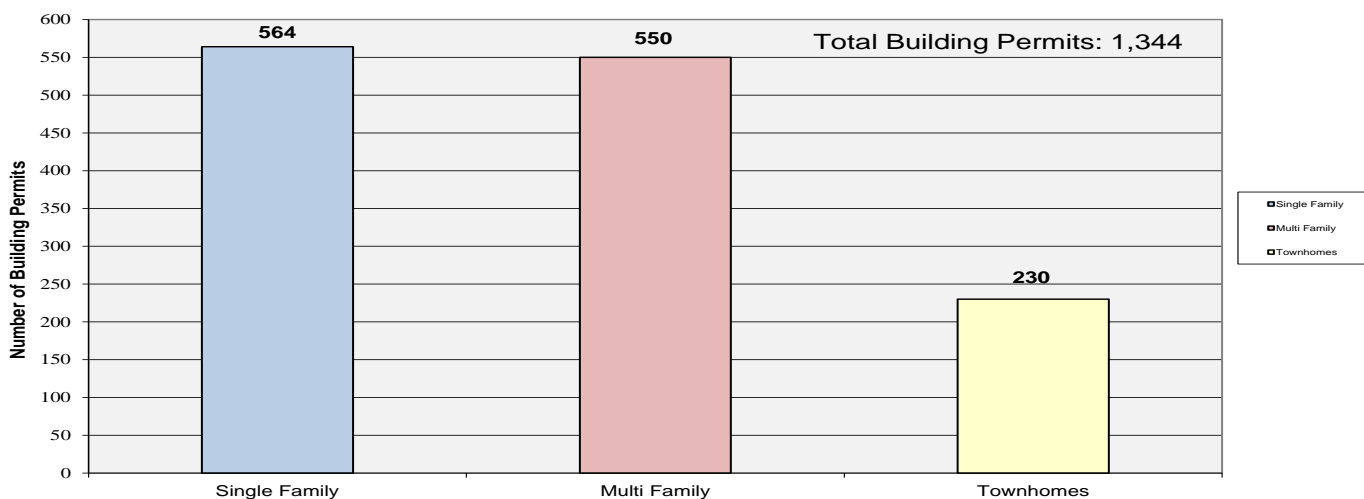




### HISTORY OF BUILDING PERMITS ISSUED 2006 - 2016 Full-Year Statistics

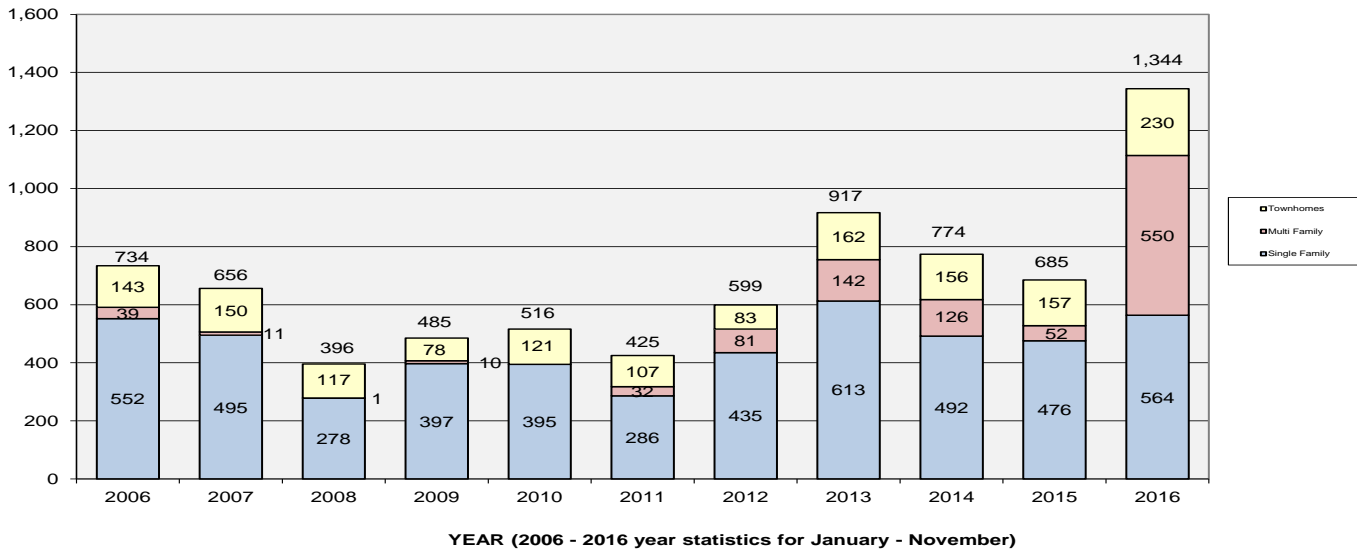


### BUILDING PERMITS ISSUED THROUGH November 2016

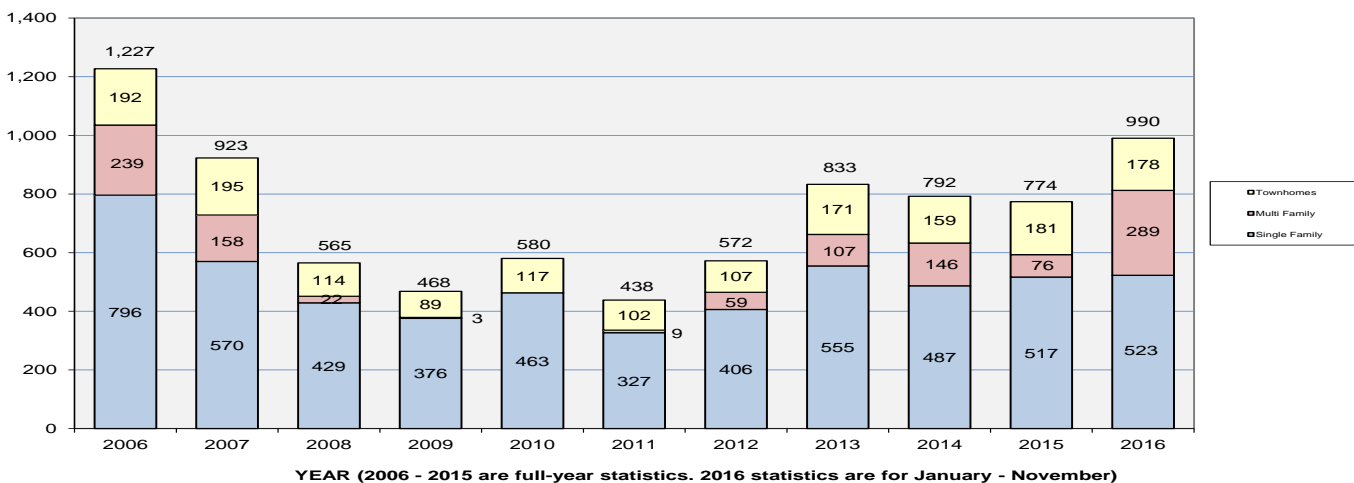


## Permits

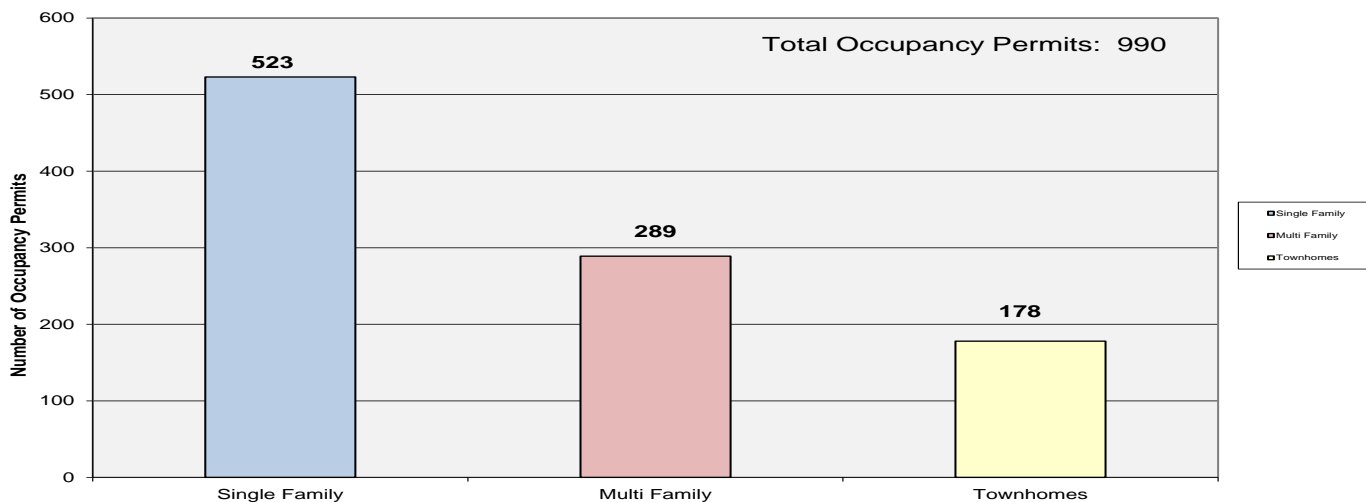
**HISTORY OF BUILDING PERMITS ISSUED  
2006 - 2016  
January - November Each Year**



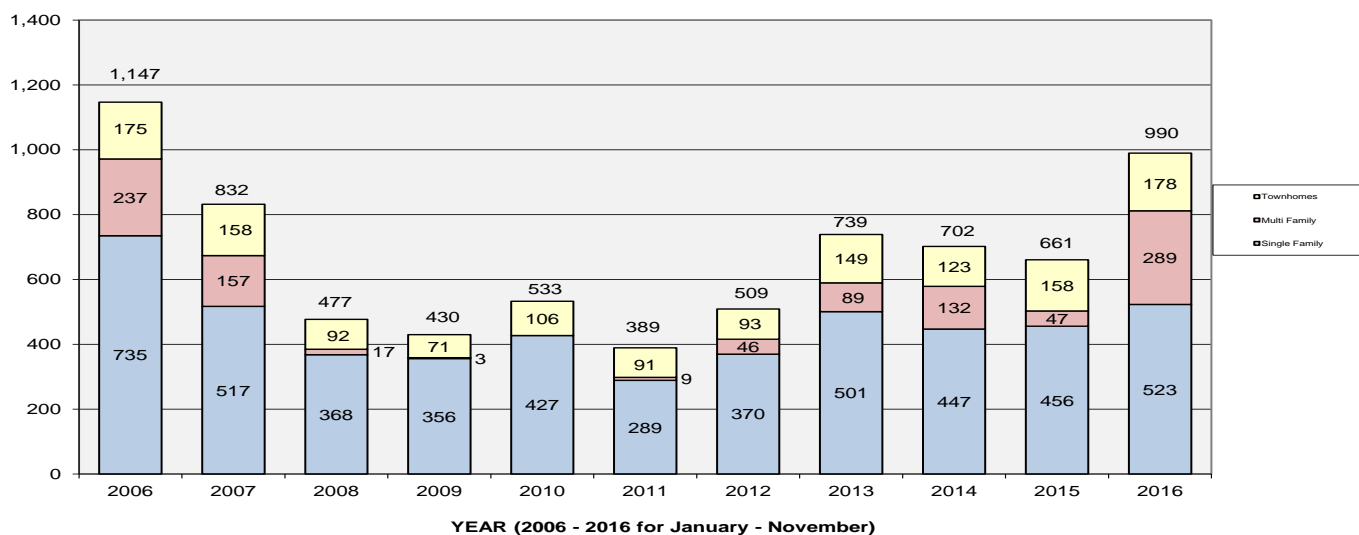
**HISTORY OF OCCUPANCY PERMITS ISSUED  
2006 - 2016  
Full-Year Statistics**



### OCCUPANCY PERMITS ISSUED THROUGH November 2016



### HISTORY OF OCCUPANCY PERMITS ISSUED 2006 - 2016 January - November



## Planning and Zoning Update

### PLANNING AND ZONING SUBMITTALS AND APPROVALS NOVEMBER 2016

SUBDIVISION PLANS			
ITEM	DESCRIPTION	ACTION	ELECTION DISTRICT
<b>Submittals</b>			
TACKETT'S MILL ESTATES	Minor subdivision plat creating 1 single family residential lot zoned A-1 on 6.12 acres	11/21	Hartwood
GLENS SEC. 8B, 9 & 10	Construction plan revising lot grading on 32 single (overlot) family residential lots zoned A-1 on 163.29 acres	11/17	Rock Hill
SALVADOR	Boundary line adjustment for 3 single family residential lots located zoned A-1 on 122.95 acres	11/15	George Washington
PETIT FAMILY	Family subdivision plat creating 2 single family residential lots zoned A-1 on 435,600 sq. ft.	11/14	Aquia
SHELTON KNOLLS	Right of way dedication plat zoned R-1 on 3.83 acres	11/10	Rock Hill
IFARM	Minor subdivision plat creating 3 single family residential lots zoned A-1 on 10.52 acres	11/7	Hartwood
<b>Approvals</b>			
EMBREY MILL PH I SEC 4	Construction plan revising lot width to 40' per zoning change zoned PD-2 on 68.41 acres	11/30	Garrisonville
EMBREY MILL PH 2C SEC 2	Boundary line adjustment for 2 single family residential lots zoned PD-2 on 0.03 acres	11/28	Garrisonville
SOUTHGATE HILLS	Construction plan creating 17 single family cluster lots zoned R-1 on 11.38 acres	11/28	Falmouth
ROSA, ISRAEL	Boundary line adjustment for 2 single family residential lots zoned R-1 on 0.86 acres	11/28	Falmouth
EMBREY MILL	Technical change to the approved the preliminary subdivision plan increasing the number of single family residential lots in Phase 1 (962 to 992) and reducing single family residential lots in Phase 2A (285 to 268) on 630 acres zoned PD-2	11/14	Garrisonville
EMBREY MILL PH IIB SS	Water and sewer easement plat located zoned A-1 and PD-2 on 1.0 acres	11/10	Garrisonville
EMBREY MILL PARK	Offsite sanitary sewer easements to service Phase 2B through Embrey Mill Park zoned A-1 & PD-2 on 1 acre	11/10	Garrisonville
SHERWOOD FOREST SEC 1	Consolidation plat creating 2 single family residential lots zoned A-2 on 3.12 acres	11/4	Hartwood
WESTLAKE SEC 1A	Final subdivision plat creating 26 single family residential lots zoned R-1 and R-2 on 45.57 acres	11/01	Hartwood



## Planning and Zoning Update

SITE PLANS			
ITEM	DESCRIPTION	ACTION	ELECTION DISTRICT
<b>Submittals/Approvals</b>			
TELECOM TOWER VERIZON WIRELESS AT SMOKEHOUSE	Major site plan installing a telecommunication facility, 12 antennas and 2 concrete equipment pads zoned A-1 on 10.4 acres	11/21	Hartwood
NORTH STAFFORD OFFICE COMPLEX BLDG 2	Major site plan revising the drive thru and pick up area of building 2 zoned B-2 on 4.44 acres	11/21	Rock Hill
AUSTIN RIDGE COMMERCIAL CENTER	Major site plan constructing a retail shopping center zoned B-2 on 43.14 acres	11/17	Garrisonville
TOWN CENTER AT AQUIA	Minor revision for drive thru, road improvements and revised building square footages zoned PTND on 24.96 acres	Approved 11/17	Aquia
STAFFORD COUNTY ANIMAL SHELTER	Major site plan constructing a 17,218 sq. ft. animal shelter zoned B-3 on 8.6 acres	Approved 11/15	Hartwood
RAPPAHANNOCK REGIONAL JAIL	Infrastructure plan constructing sanitary sewer, replacing sanitary sewer and installing a macerator pump zoned B-3 on 77.35 acres	Approved 11/15	Hartwood
RANDALL EQUIPMENT WAREHOUSE	Major site plan revision to enlarge building #2 zoned M-2 on 2.34 acres	Approved 11/14	George Washington
STAFFORD COUNTY SCHOOL MONCURE ELEMENTARY	Major site plan constructing a three-story, 106,450 sq. ft. elementary school zoned A-1 on 23.33 acres	11/7	Griffis-Widewater
610 PARK RIDGE	Grading plan for future commercial development zoned A-1 on 12.74 acres	11/4	Garrisonville
QUANTCO CORPORATE CENTER BUILDING A-1	Zoning site as-built zoned B-2 on 3.64 acres	Approved 11/3	Griffis-Widewater
DONNELLY PROPERTIES	Zoning site as-built zoned M-1 on 4.46 acre	Approved 11/2	Hartwood
<b>RECLASSIFICATIONS/CONDITIONAL USE PERMITS</b>			
ITEM	DESCRIPTION	ACTION	ELECTION DISTRICT
<b>Submittals/Approvals</b>			
THE GARRISON AT STAFFORD	Conditional use permit allowing a drive-thru in the HCOD zoned PTND on 0.84 acres	11/18	Garrisonville
STEAK 'N SHAKE 610	Conditional use permit allowing a drive-thru in the HCOD zoned B-2 on 2.54 acres	11/18	Griffis-Widewater
CARDINAL MEADOWS	Zoning reclassification from A-1 to R-1 to develop 72 single family residential lots zoned A-1 on 48.30 acres	11/18	Rock Hill



## Planning and Zoning Update

OTHER			
ITEM	DESCRIPTION	ACTION	ELECTION DISTRICT
<b>Submittals/Approvals</b>			
STAFFORD ESTATES	Wetlands permit application for a 133 single family residential lot subdivision zoned A-1 on 491 acres	11/30	Hartwood
FOREST HILL ESTATES	Wetlands permit application for a 13 single family residential lot subdivision zoned A-1 on 43.8 acres	11/30	Hartwood
KELLOGG MILL ROAD	Perennial flow determination zoned A-1 on 117 acres	11/29	Hartwood
HAMPSTEAD MITIGATION BANK PHASE II	Perennial flow determination zoned A-1 on 22.33 acres	Approved 11/28	Hartwood
STAFFORD COUNTY ANIMAL SHELTER	Perennial flow determination zoned B-3 on 37.6 acres	Approved 11/9	Hartwood
ZONING			
ITEM	DESCRIPTION	ACTION	ELECTION DISTRICT
<b>Zoning Inspections</b>			
Conducted	21	n/a	Various
Cited	12	n/a	Various
Other	41	n/a	Various
<b>Zoning Permits</b>			
Commercial New	3	n/a	Various
Commercial Change	18	n/a	Various
Residential New	104	n/a	Various
Residential Change	92	n/a	Various
Signs	10	n/a	Various
Daycare	0	n/a	Various
Home Occupancy Home Business	20	n/a	Various
Temporary Structure	2	n/a	Various
Demo	4	n/a	Various
Retaining Walls	4	n/a	Various
<b>Zoning Verifications</b>	6	n/a	Various
<b>Zoning BZA</b>			
EVERY 2ND MATTERS	Special exception to allow a home business selling firearms and accessories zoned A-2 on 18,700 sq. ft.	Approved 11/30	Hartwood



## Planning and Zoning Update

LOT GRADING PLANS			
Subdivision or Tax Id	Number of lots	Action	Election District
Hills of Aquia, Sec.7	1 single family residential lot	11/30	Aquia
Leeland Station, Sec. 7A	3 single family residential lots	11/30 & 9	Falmouth
Poplar Estates, Sec. 2	2 single family residential lots	11/30 & 10	Hartwood
Hartwood Landing	2 single family residential lots	11/30 & 10	Hartwood
Embrey Mill, Sec. 3	5 single family residential lots	11/30, 16, 9 & 1	Garrisonville
Stafford Estates, Sec. 3C	3 single family residential lots	11/29 & 10	Hartwood
Saddle Ridge	2 single family residential lots	11/28	Hartwood
Bells Valley, Sec. 1	4 single family residential lots	11/28 & 9	Aquia
River Creek, Sec.2	2 single family residential lots	11/28 & 22	George Washington
Shadow Woods, Sec. 1	1 single family residential lot	11/22	Garrisonville
Embrey Mill, Sec 4A	12 single family residential lots	11/22 & 17	Garrisonville
Estates at Rocky Pen	1 single family residential lot	11/21	Hartwood
Embrey Mill, Sec. 2	8 single family residential lots	11/18, 16, 8,7,3 & 1	Garrisonville
Leeland Station, Sec. 7B	2 single family residential lots	11/18 & 8	Falmouth
Holly Ridge, Sec. 2A	1 single family residential lot	11/17	George Washington
Colonial Forge, Sec. 2C	2 single family residential lots	11/16 & 1	Hartwood
Colonial Forge, Sec. 5	1 single family residential lot	11/17	Hartwood
Aquia Overlook, Sec. 3	2 single family residential lots	11/16 & 10	Griffis-Widewater
Rappahannock Landing, Sec. 3	7 single family residential lots	11/14 & 2	Falmouth
Liberty Knolls	1 single family residential lot	11/14	Garrisonville
Leeland Station, Sec. 5A	1 single family residential lot	11/10	Falmouth
Shelton Woods, Sec.2	2 single family residential lots	11/10 & 1	Rock Hill
Bluffs at Cranes Corner	1 single family residential lot	11/10	Falmouth
Oaks of Highland Homes	1 single family residential lot	11/10	Falmouth
Celebrate VA No, Sec. 3A2	4 single family residential lots	11/9 & 1	Hartwood
River Creek, Sec. 1	1 single family residential lot	11/9	George Washington
Bells Valley, Sec. 1	3 single family residential lots	11/9 & 3	Aquia
TM: 49C-2-1-13E	1 single family residential lot	11/7	Aquia
Aquia Overlook, Sec. 1	1 single family residential lot	11/4	Griffis-Widewater
Rappahannock Landing, Sec. 2	6 single family residential lots	11/4	George Washington
Poplar Manor Estates	1 single family residential lot	11/4	Hartwood
Hills of Aquia, Sec. 6	1 single family residential lot	11/2	Aquia
Colonial Forge, Sec. 2C	1 single family residential lot	11/1	Hartwood
<b>TOTAL</b>	<b>86 single family residential lots</b>		



## Rappahannock Regional Landfill

<b>November 2016 Totals of Road-Side Trash Pick-Up</b>	
<b>Date</b>	<b>Weight (pounds)</b>
Week of 1 - 5	2200
Week of 7 - 12	13,500
Week of 14 - 19	11,520
Week of 21 - 22	3320
Week of 28 - 30	3500
<b>TOTAL</b>	<b>34,040</b>

**Work is backed by scale tickets.  
Total includes signage pickup.**





## Fire and Rescue Department



*November's report, including the 5 year look back comparison includes data on all incidents where the final disposition of the incident was that the Department arrived on scene.*

### Summary Incident Statistics

	Nov 2016	Jan – Nov 2016	Jan – Nov 2015	Jan – Nov 2014	Jan – Nov 2013	Jan –Nov 2012
<b>Arrived on-scene calls</b>	<b>1,283</b>	<b>15,567</b>	<b>15,486</b>	<b>15,426</b>	<b>15,720</b>	<b>15,043</b>
Responses in excess of eight minutes	413	10,556	10,654	10,791	11,762	11,184
Percentage of responses under eight minutes (All Responses)	68%	68%	69%	70%	75%	74%
Percentage of responses under eight minutes (Emergency – Priority 1 Only)	66%	64%	65%	65%	76%	69%

### Incident by Nature

	Nov 2016	Jan – Nov 2016	Jan – Nov 2015	Jan – Nov 2014	Jan – Nov 2013	Jan –Nov 2012
Emergency Medical Calls	713	8,815	8,629	8,289	8,022	7,973
Fire Calls	127	1,426	1,656	2,028	1,956	2,005
Vehicle Accident Calls	152	1,546	1,522	1,528	1,644	1,594
Technical Rescue Calls	5	82	58	60	69	81
Service Calls	286	3,698	3,621	3,521	4,029	3,390
<b>Arrived on-scene calls (TOTAL)</b>	<b>1,283</b>	<b>15,567</b>	<b>15,486</b>	<b>15,426</b>	<b>15,720</b>	<b>15,043</b>

### Fire Marshal Activity

	Nov 2016	Jan – Nov 2016	Jan – Nov 2015	Jan – Nov 2014	Jan – Nov 2013	Jan –Nov 2012
Fire Marshal Office Responses	21	244	253	239	2,633	2,463
Inspections	309	3,248	3,402	3,444	592	529
Plan Reviews	80	567	507	320	87	82
Fire Investigations	8	76	64	52	82	72



## Fire and Rescue Department

### Emergency Medical Services Summary

	Nov 2016	Jan – Nov 2016	Jan – Nov 2015	Jan – Nov 2014	Jan – Nov 2013	Jan – Nov 2012
Total Encounters	730	9,646	8,806	8,717	8,669	9,794
Patients Dead at Scene	14	93	74	73	81	67
Patient Refusals Obtained	130	1,605	1,488	1,501	1,595	2,598
Transferred to another Unit/POV	1	7	10	5	9	16
Transports Provided	585	7,903	7,234	7,138	6,984	7,113
Destination MWH	288	4,239	4,004	3,895	3,472	3,693
Destination Stafford	293	3,561	3,127	3,161	2,809	3,269
Other Destination	4	99	97	82	100	151

### Patient Transport by Type

Accounting Month	Total Transports	BLS	ALS
November 2016	***	***	***
October 2016	835	324	511
September 2016	404	159	245
August 2016	674	254	420
July 2016	601	222	379
June 2016	597	238	359
May 2016	476	183	293
April 2016	696	274	422
March 2016	656	255	401
February 2016	999	398	601
January 2016	469	183	286
December 2015	682	256	426
November 2015	608	220	388

\*\*\* = Numbers are not available until 12/8/2016



## Fire and Rescue Department

Volunteer Staffing By Station (FIRE)						
	Nov 2016	Jan – Nov 2016	Jan – Nov 2015	Jan – Nov 2014	Jan – Nov 2013	Jan –Nov 2012
Zone 1: Falmouth	58%	65%	83%	90%	98%	99%
Zone 2: Stafford	58%	60%	58%	71%	81%	92%
Zone 3: Widewater	13%	14%	10%	12%	12%	16%
Zone 4: Mountain View	0%	0%	0%	1%	2%	0%
Zone 5: Brooke	0%	2%	22%	12%	6%	10%
Zone 6: Hartwood	0%	13%	26%	39%	39%	66%
Zone 7: White Oak	0%	25%	4%	14%	16%	44%
Zone 8: Rockhill	16%	44%	78%	60%	32%	31%
Zone 10: Potomac Hills	0%	2%	4%	18%	20%	29%

Volunteer Staffing By Station (EMS)						
	Nov 2016	Jan – Nov 2016	Jan – Nov 2015	Jan – Nov 2014	Jan – Nov 2013	Jan –Nov 2012
Zone 1: Falmouth	0%	0%	3%	5%	4%	3%
Zone 2: Stafford	1%	1%	3%	14%	29%	27%
Zone 3: Widewater	1%	1%	0%	0%	2%	3%
Zone 4: Mountain View	7%	9%	12%	12%	14%	6%
Zone 5: Brooke	5%	3%	4%	9%	5%	2%
Zone 6: Hartwood	2%	12%	3%	1%	3%	2%
Zone 7: White Oak	2%	5%	6%	5%	3%	6%
Zone 8: Rockhill	28%	28%	27%	32%	29%	28%
Zone 9: Aquia	33%	37%	21%	27%	28%	30%
Zone 10: Potomac Hills	0%	0%	0%	0%	1%	2%
Zone 12: Berea	4%	5%	2%	15%	48%	0%



## Fire and Rescue Department

### Response Times of Less Than Eight Minutes by First Due

#### Emergency – Priority 1 Calls

	Nov 2016	Jan – Nov 2016	Jan – Nov 2015	Jan – Nov 2014	Jan – Nov 2013	Jan – Nov 2012
Zone 1: Falmouth	69%	69%	72%	69%	76%	75%
Zone 2: Stafford	69%	71%	71%	71%	80%	80%
Zone 3: Widewater	22%	21%	23%	14%	25%	32%
Zone 4: Mountain View	46%	56%	56%	58%	73%	63%
Zone 5: Brooke	64%	51%	55%	51%	44%	49%
Zone 6: Hartwood	53%	43%	36%	41%	47%	54%
Zone 7: White Oak	57%	56%	53%	58%	54%	63%
Zone 8: Rockhill	24%	41%	55%	45%	31%	32%
Zone 9: Aquia	70%	71%	71%	70%	75%	80%
Zone 10: Potomac Hills	71%	70%	73%	71%	77%	76%
Zone 12: Berea	78%	68%	69%	67%	71%	70%
Zone 14: North Stafford	70%	68%	73%	75%	76%	71%
Mutual Aid Provided	15%	25%	29%	38%	59%	43%

### Mutual Aid

	November 2016		Jan – Nov 2016	
	Stafford Provided Aid TO	Stafford Received Aid FROM	Stafford Provided Aid TO	Stafford Received Aid FROM
Fauquier	13	1	153	46
Fredericksburg	26	16	400	205
King George	2	1	65	6
Prince William	3	5	17	34
Quantico	5	47	52	599
Spotsylvania	0	1	15	12
Total	49	71	702	902

### Non-Emergency Activity

	November 2016	Jan – Nov 2016
Training Hours	3,759	31,341
Pre-Plans of Business / Buildings	22	183
Public Education Hours/ Students	221 / 22	1102 / 3,014
Community Outreach Sessions	211	2,363
Special Project Hours	473	6,582





This report summarizes the activities for five years of the Stafford Sheriff's Office from November 2012 through November 2016. The charts compare data year-to-date from January through December of each year. Below are highlights through November. The average reflects comparison of 2012 through 2016.

### *Crime Distribution*

Crime	2016	2015	2014	2013	2012	Average
Property Crime	41.3%	42.4%	49.3%	53.5%	56.3%	48.5%
Narcotics Violations	25.4%	22.9%	17.6%	19.1%	19.9%	21.0%
Fraud Crimes	24.6%	26.8%	26.3%	21.0%	17.3%	23.2%
Crimes Against Persons	8.7%	7.9%	6.8%	6.4%	6.6%	7.3%

The above is a summary for all the crimes reported, YTD

### *Major Crimes Summary*

Crime	2016	2015	2014	2013	2012	Average
All Reported Crimes	11,730	12,121	11,653	10,757	10,879	11428.0
Major Crimes	4,335	4,313	4,321	3,815	4,060	4168.8
% of All Reported Crimes That are Major Crimes	37.0%	35.6%	37.1%	35.5%	37.3%	36.5%

### *Crimes Against Persons*

Crime	2016	2015	2014	2013	2012	Average
Kidnapping/Abduction	30	17	22	19	23	22.2
Robbery	34	27	29	29	40	31.8
Homicide	5	5	2	5	4	4.2
Rape	28	38	24	23	24	27.4
Aggravated Assault	174	141	137	92	109	130.6

### *Crimes Against Property*

Crime	2016	2015	2014	2013	2012	Average
Motor Vehicle Theft	65	55	74	76	99	73.8
Burglary	172	157	157	171	228	177.0
Larceny	1,553	1,618	1,898	1,794	1,957	1764.0
Fraud/Financial	1067	1155	1137	801	701	972.2

\* Effective January 2016, CAD data relative to nature codes and population were updated to reflect modern practices.





This report summarizes the activities for five years of the Stafford Sheriff's Office from November 2012 through November 2016. The charts compare data year-to-date from January through December of each year. Below are highlights through November. The average reflects comparison of 2012 through 2016.

### Areas of interest:

Throughout the month of November, there were numerous reports of thefts from motor vehicles throughout Stafford County. The majority of vehicles were left unsecured. However, in some cases, windows were broken on secured vehicles to gain access. Various items, including cash/change, purses/wallets, electronics and firearms were reported stolen from the vehicles.

Throughout the month of November, deputies responded to several reports of robberies at the Mr. B's Market and Deli/Exxon, located on Warrenton Rd. Three suspects have been apprehended and the investigations continue in efforts to identify and locate additional suspects.

The Stafford County Sheriff's Office, among other regional agencies, continue to respond to reports of wallets/purses being stolen from restaurants with credit cards being immediately used at stores like Target, Best Buy and CVS to purchase electronics and gift cards. Most often, the wallet/purse reported stolen was left hanging on the back of seats while patrons were dining.

### Overdoses and Narcan Uses by the Sheriff's Office:

2016	Total Overdoses	Fatal Overdoses	Non-Fatal Overdoses	Total Narcan Saves
September	12	1	11	11
October	11	1	10	10
November	5	0	5	5
December				
<b>CY16 Total</b>	<b>28</b>	<b>2</b>	<b>26</b>	<b>26</b>

\* Effective January 2016, CAD data relative to nature codes and population were updated to reflect modern practices.







This report summarizes the activities for five years of the Stafford Sheriff's Office from November 2012 through November 2016. The charts compare data year-to-date from January through December of each year. Below are highlights through November. The average reflects comparison of 2012 through 2016.

### Misc

Activity	2016	2015	2014	2013	2012	Average
Crime Rate per 100 Residents	4.63	4.91	4.87	4.40	4.87	4.7
Concealed Weapons Permits and Federal Licenses	2,492	1,964	2,018	2,781	1,965	2244.0
Criminal Arrest	4,640	4,769	4,890	5,596	5,789	5136.8
DUI Arrests	374	451	418	436	420	419.8
Citations	7,493	8,264	8,600	10,265	7,808	8486.0
Deputies Assaulted	33	10	23	18	24	21.6
Calls for Service	63,290	61,963	62,859	61,448	56,066	61125.2

### Animal Control

Activity	2016	2015	2014	2013	2012	Average
Dogs Picked Up	452	402	560	572	639	525.0
Dogs Turned In	404	353	335	414	524	406.0
Dog Adoptions	310	246	239	273	299	273.4
Cats Turned In	921	697	787	884	1073	872.4
Cat Adoptions	391	332	249	230	241	288.6
Dogs Euthanized	183	146	195	245	244	202.6
Cats Euthanized	254	270	393	622	835	474.8

### Courts

Activity	2016	2015	2014	2013	2012	Average
Evictions	590	719	819	628	716	694.4
Out-of-State Prisoner Extraditions	113	106	100	78	92	97.8

### Communications

Activity	2016	2015	2014	2013	2012	Average
ECC Call Volume	242,970	263,478	270,705	273,868	281,691	266,542.4
Total Law Enforcement CAD Incidents Processed	119,040	127,908	133,867	137,834	135,987	130,927.2
Total Fire and Rescue CAD Incidents Processed	19,831	16,403	17,147	18,603	23,605	19,117.8
ECC Auxiliary/Support CAD Events - Utility	1,600	1,700	2,135	2,058	1,928	1,884.2
ECC Auxiliary/Support CAD Events - Animal Control	2,542	2,494	2,884	2,834	2,515	2,653.8
ECC Auxiliary/Support CAD Events - Control Burns	4,666	5,247	4,879	5,390	5,974	5,231.2

\* Effective January 2016, CAD data relative to nature codes and population were updated to reflect modern practices.



November 2016			
Fund	Full-Time Funded Positions	Vacancies	Vacancy Rate
General Government Public Safety	393	26	6.6%
General Government Non Public Safety	348	23	6.6%
General Government Total	740	49	6.6%
Utilities	139	2	1.4%
Capital Projects Fund	3	2	66.7%
Total	883	53	6.0%

Annual Turnover Rate*					
	2015-2016	2014-2015		2015-2016	2014-2015
February - January	13.0%	7.7%	August – July	13.2%	10.1%
March – February	13.1%	7.5%	September – August	13.0%	10.1%
April – March	13.1%	7.7%	October – September	13.2%	10.3%
May – April	13.4%	8.3%	November – October	13.5%	10.6%
June – May	13.7%	9.0%	December – November	13.4%	10.8%
July – June	14.0%	9.7%	January – December		11.9%

The turnover rate measures the number of separations during a 12 month period. These separations include voluntary and involuntary terminations. The vacancy rate measures the percent of vacancies compared to the total number of full-time authorized positions.

\*Annual turnover rate includes some turnover from the Landfill





## Human Services

	NOVEMBER 2016	NOVEMBER 2015	NOVEMBER 2014	NOVEMBER 2013	NOVEMBER 2012	Average
Number of Child Protective Services (CPS) Complaints Investigated	70	60	51	47	42	54.0
Number of Children in Foster Care	33	31	36	45	50	39.0
Number of Children Receiving Child Day Care Assistance	341	346	320	358	399	352.8
Private Day School Placements	74	59	55	54	27	53.6
Public Day School Placements	26	25	26	33	27	27.4
Residential Placements Excluding Foster Care Children	15	18	9	12	14	13.6
Residential Placements Total	19	19	12	19	22	18.2
Number of Families Served by Family Assessment and Planning Team	10	6	5	8	5	6.8

Statistics not reported where VDSS Data is Unavailable



The Citizens Assistance and Volunteer Services Office provides a central in-house resource for customer service and information on County services and complaints. Staff recruits, trains and places volunteers in various departments to assist with a number of tasks.

November 2016 Customer Inquiries handled by Citizens Assistance Staff	
Total Number of Inbound Phone Calls	1401
Live Help Chats*	115
Citizen Tracker Requests Handled via County Website/Mobile App.	10 Website/16 Mobile App.
Citizens Assisted at the Administration Center Desk in Lobby	2097
Total Number of Visitors to Administration Center	5680
Citizens Assisted at the Judicial Center Desk in the Courthouse	1422
Total Number of Volunteer Hours**	1355

\* Live Help allows users to send an e-mail through the County's Web site and receive an immediate response from staff. Of the 115 Live Help requests, 78 were live chats in which the user and staff member exchanged information through instant messaging, and 37 were offline e-mails, which were received outside normal business hours (weekends or evenings) when staff is not online. Responses were provided as soon as possible or as soon as regular business hours resumed.

\*\* This month's volunteer hours equates to a savings of **\$43,360** in full-time staff costs (with benefits. These figures are determined by taking the volunteer rate (\$32.00 with benefits) that is dictated by the state's Bureau of Labor statistics and multiplying that by the total number of hours that are volunteered.

**Year to date hours: 11,324**

**Year to date value: \$362,368**



## Information Technology

### Top 20 Most Visited Pages

This report summarizes the website, geographic information system map requests, scanning and project and help desk work orders performed by the IT Department. On this page, website statistics are detailed.

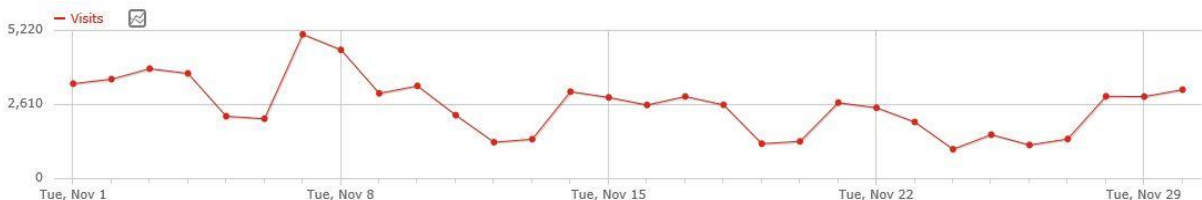
#### How are people looking at our website?

Via Desktop Computer	66%
Via Smartphone	25%
Via Tablet	7%
Unknown	2%

**3 min 1 sec** average visit duration  
**4,183** total searches  
**32,277** total downloads  
**3.4** actions per visit

Page Title	Pageviews
Home Page	46882
Bill Payment	21484
Human Resources	4430
NeoGov	4045
GIS	3276
Real Estate	3256
Personal Property	2837
Utilities	2711
Voter Registration	1950
Treasurer	1822
Personal Property Tax	1537
Circuit Court	1463
Polling Places	1409
Water & Sewer	1390
Commissioner of the Revenue	1359
Board of Supervisors	1212
Social Services	931
Search and View Taxes Paid	901
Election Information	767
Purchasing	750

**Website Visits for November 2016** – This graph details the amount of visits per day to our website.



## Information Technology

The IT Department is responsible for county-wide document management through the OnBase database. Staff scan in documents to make documents available online and to save space by storing documents digitally.

### Project and Help Desk Work Orders Worked On In November 2016

Animal Control	1	0.31%
Board of Supervisors	1	0.31%
Public Works	40	12.27%
Circuit Court	1	0.31%
Commissioner of the Revenue	8	2.45%
Commonwealth's Attorney	6	1.84%
Cooperative Extension	0	0.00%
County Administration	24	7.36%
County Attorney	7	2.15%
Economic Development	18	5.52%
Finance/Budget/Purchasing	19	5.83%
Fire & Rescue	8	2.45%
Courts	3	0.92%
Human Resources	1	0.31%
Information Technology	58	17.79%
Regional Landfill	10	3.07%
Planning and Zoning	22	6.75%
Parks & Rec - Community Facilities	25	7.67%
Recycling	5	1.53%
Schools	1	0.31%
Sheriff	16	4.91%
Social Services	12	3.68%
Treasurer	3	0.92%
Utilities	27	8.28%
Voter Registration	10	3.07%
<b>Totals</b>	<b>326</b>	<b>100%</b>

Documents Scanned	
Circuit Court	0
Commonwealth's Attorney	189
Human Services	14
Planning	108
Public Works	1036
Purchasing	0
Sheriff	779
Utilities	2470
Victim Witness	150

The IT Department prints maps for internal use and also for citizens.

GIS Map Requests	
Internal/External Map Request	55
Walk-Ins	12
Map Sales	4



R16-371

BOARD OF SUPERVISORS  
COUNTY OF STAFFORD  
STAFFORD, VIRGINIA

RESOLUTION

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, George L. Gordon, Jr., Government Center, Stafford, Virginia, on the 13<sup>th</sup> day of December, 2016:

-----  
MEMBERS:

VOTE:

Robert "Bob" Thomas, Jr., Chairman  
Laura A. Sellers, Vice Chairman  
Meg Bohmke  
Jack R. Cavalier  
Wendy E. Maurer  
Paul V. Milde, III  
Gary F. Snellings

-----  
On motion of , seconded by , which carried by a vote of 7 to 0, the following was adopted:

A RESOLUTION TO SUPPORT THE PLANS OF STAFFORD  
HOSPITAL TO ADD ON A COMPUTED TOMOGRAPHY (CT)  
SCANNER AT ITS CAMPUS IN STAFFORD COUNTY

WHEREAS, the Board desires to continue to improve accessibility and affordability of health care services for all of its residents; and

WHEREAS, rapid population growth in the region over the past decade has stressed current local health care service capacity at Stafford Hospital for Computed Tomography (CT) services; and

WHEREAS Mary Washington Healthcare and its affiliates (Stafford Hospital, Mary Washington Hospital, Stafford Hospital Foundation, Mary Washington Healthcare Clinical Services, Mary Washington Hospital Foundation and Mary Washington Healthcare Services) provide health care services to residents of Stafford County and the region surrounding Stafford; and

WHEREAS, Stafford Hospital was established in 2009 as a non-profit acute care hospital to advance and support the provision of health care services to the local community and currently offers diagnostic, surgical, medical and emergent treatment capabilities; and

WHEREAS, Mary Washington Healthcare and its affiliates, including Stafford Hospital provided over \$18 million in unreimbursed health care services to the patients in the region during 2015; and

WHEREAS, the Stafford Hospital Foundation, since 2008, has provided grants for Stafford County totaling \$1,060,282 to Action in Community Through Service, Fredericksburg Regional Transit, Stafford Farmers Market, Rappahannock Area Agency on Aging, S.E.R.V.E., Stafford County Division on Social Services, Stafford County Fire and Rescue, Stafford County Public Schools, Stafford County Head Start, Stafford Education Foundation, Stafford Junction, Inc., and United Faith Christian Ministry; and

WHEREAS, Stafford Hospital provides an important economic benefit to the residents of Stafford, including numerous jobs since 2009; and

WHEREAS, Stafford Hospital has taken care of the health care needs of the residents of Stafford County with state of the art facilities and equipment and is committed to maintaining a standard of excellence in quality patient care; and

WHEREAS, Stafford Hospital has requested the State Health Commissioner of Virginia to issue Stafford Hospital a certificate of public need authorizing the Hospital to add one CT scanner for use in the Stafford Hospital facility, located in Stafford County to meet the health care needs of the local residents;

NOW, THEREFORE BE IT RESOLVED that the Stafford County Board of Supervisors hereby expresses its support for the pending proposal of Stafford Hospital to add a CT scanner and thereby enhance the level of care to the Stafford regions patient population; and

BE IT FURTHER RESOLVED, that the Board be and it hereby does endorse the proposed application of Stafford Hospital to the Virginia Department of Health for a Certificate of Public Need to add one CT scanner for use in the Stafford Hospital facility, located in Stafford County.

CDB:mts



# BOARD OF SUPERVISORS

## STAFFORD, VIRGINIA

### DRAFT MINUTES

#### Regular Meeting

November 22, 2016

Call to Order A regular meeting of the Stafford County Board of Supervisors was called to order by Robert “Bob” Thomas, Jr., Chairman, at 3:00 p.m., on Tuesday, November 22, 2016, in the Board Chambers, at the George L. Gordon, Jr., Government Center.

Roll Call The following members were present: Robert “Bob” Thomas, Jr., Chairman; Laura A. Sellers, Vice-Chairman; Meg Bohmke; Jack R. Cavalier; Wendy E. Maurer; Paul V. Milde, III; and Gary F. Snellings.

Also in attendance were: C. Douglas Barnes, Interim County Administrator; Charles L. Shumate, County Attorney; Marcia C. Hollenberger, Chief Deputy Clerk; Cheryl D. Giles, Deputy Clerk; associated staff and other interested parties.

Mr. Thomas presented the 29<sup>th</sup> consecutive GFOA award to Nancy Collins and Donna Olsen with the Budget office. Ms. Collins said that it was a team effort and recognized Finance, Treasurer’s Office, and Budget staff as all being part of the achievement.

Mr. Thomas read a proclamation and recognized Ms. Collins, Budget Division Director, on her retirement. Ms. Collins received a standing ovation and thanked all County staff saying that it was a great job with the best people and incredible Board support.

Mr. Thomas read a proclamation and recognized Mr. Keith Dayton, Deputy County Administrator, on his retirement. Mr. Dayton received a standing ovation and thanked current and former Board members for support, and said that none of his accomplishments would have been possible without “Team Stafford.” He said it would be a great future for the County and he felt truly blessed to come to work each day.

#### Presentations by the Public

Judy Smart - Lake Arrowhead, resident of the south section, not included in every mailing; wants all lot owners to be included in future mailings; no response to letters sent to staff; questions about inclusion in the proposed service district.

Jennifer Shane - Stormwater damage, supported Agenda Item #22; yard being washed away in spite of money spent, rip rap, and a second sump pump installed.

Board Member Presentations Board members spoke on topics as identified:

Ms. Bohmke - Attended the annual VACo meeting; talked about the task force to fight the opioid/heroin epidemic. Attended the Gwyneth's Gift Foundation CPR training at Stafford Hospital. Attended the Band Together to Fight Hunger at Mountain View High School; all five high school bands were represented and raised over \$11,000 and 4,200 pounds of food, which will provide 28,434 meals to area food banks. Attended the 3<sup>rd</sup> annual Leeland Station Veterans Day celebration at Warrior Pond, which was organized by Jim Loftus and assisted by School Board members Scott Hirons and Scott Loftus – it was a joint effort by the Cub Scouts, Boy Scouts, and two buglers that played Taps and also played the anthems for each branch of the service. Introduced Alexka and Rob Harris at the first all-inclusive playground at Chichester Park. The idea started in 2013 and took nearly four years for the County to complete a park for all children to participate and pay on the equipment. Attended the Big Brothers/Big Sisters breakfast at Belmont. Attended a development review meeting with Mr. Snellings; going to bring in different stakeholders and get feedback on commercial ordinances; addition info will be provided to the full Board in January or February. Attended a brief OPEB meeting, GWRC, and FAMPO. The State of Maryland is going to fund a new Harry Nice Bridge, which was led by King George Board Chair, along with FAMPO and GWRC. A new bridge is imperative to reduce traffic congestion in King George along Route 301, a n alternative to I-95.

Mr. Cavalier - Thanked Ms. Collins and Mr. Dayton for their assistance to current and past Board members; said he will miss them and wished them well. Provided an update from the FAB Committee meeting including a review of the policy for possible changes to holiday/premium pay (in time for Christmas). Attended the Aquia Harbour Women's Club and was the only man present; the group is vital to Aquia Harbour and hade some very good ideas. Spoke about abundant opportunities in the County, including next to North Stafford High School, about which Ms. Sellers spoke. Mr. Michael Tentnowski was hired as the new director of the Stafford Technology and Research Park, his assistant's name is Allison. Attended the Gwyneth's Gift CPR training, there was a major change in how CPR was taught v. years ago (no more mouth-to-mouth resuscitation). Talked about a managed hunt on the Widewater Peninsula on 11/30 and 12/1/16; hunters must have a valid license and attend a safety session the morning of each day of the hunt; the Sheriff and Animal Control will be on-site. Asked that Public Safety and Shannon Howell do a press release about the hunt.

Mrs. Maurer - Attended the annual VACo meeting; discussed wireless broadband saying it was critical and a necessity and that new options were available at the State level. Hoped to schedule a public hearing in February, 2017 to consider a service district at Lake Arrowhead to begin to pay for repairs to the dams; there has been a 66% response rate from residents with 83% of respondents in favor of it. Attended CPR training with Joel Griffin in conjunction with Gwyneth's Law initiatives. A Stafford Technology and Research Park lease should be signed by 12/1/16 and the Accelerator should begin to move forward. Attended a School Board reception for Nanette Kidby and Melissa Ayers, outgoing School Board members.

Attended the Fredericksburg Regional Alliance function with Mr. Cavalier and Mr. Milde, it was an informative session. Attended the ribbon cutting of the all-inclusive playground at Chichester Park; offered congratulations to the families and Parks & Recreation staff that were instrumental in its creation. Extended sympathy to the family of the four deceased members of the Rock Hill District and asked that the Buckley family be kept in prayer, as well as the first responders to the scene.

Mr. Milde - Noted that credit cards are accepted at the Landfill. Thanked Mr. Dayton and Ms. Collins for their hard work and expressed his appreciation for the help they've given to current and past Board members. Attended VRE and FAMPO meetings.

Ms. Sellers - Attended the annual VACo meeting. Mr. Thomas was elected as 2<sup>nd</sup> Vice President on VACo's Executive Committee; Ms. Bohmke was elected to represent Region 7. Attended FAMPO and GWRC. VACo is starting a task force to work on the heroin/opioid epidemic in Virginia; asked that as a Board, it support the task force initiative. Walked the property next to North Stafford High School two times with potential applicant for a business/retail opportunity at that location. Hosted a community meeting in Park Ridge. Provided an update on the Public Safety Committee meeting including a discussion on fiber optics and at which Fire/Rescue stations it should be installed; the Landfill has fiber optics already available; discussed design of Station 14; moving the new Animal Shelter forward for full Board consideration; thanked Shannon Howell, the Washington Wizards, NBC4, and ESPN for coverage of Operation Finally Home.

Mr. Snellings - Thanked Ms. Collins and Mr. Dayton for years of hard work and helping to "keep me straight."

Mr. Thomas - Attended the VACo annual meeting; Ms. Sellers and Ms. Bohmke graduated from the Certification class making Stafford County the only county with the majority of its Board members having achieved certification. Said he would miss the NYC bond rating trips with Ms. Collins; thanked her and Mr. Dayton for doing an outstanding job. Recognized Andrea Light, Ms. Collins' replacement.

Report of the County Attorney Mr. Shumate deferred his report.

Report of the Interim County Administrator Mr. Barnes introduced Mr. Bruce Register, the new Director of Economic Development; Mr. Mike Morris, the new Director of Parks, Recreation, and Community Facilities; and Mr. Jason Towery, recently promoted to Director of Utilities. All three men spoke and thanked the Board for the opportunity to work in Stafford County.

Newly appointed Budget Division Director, Ms. Andrea Light, gave a report on debt capacity for the Capital Improvement Program (CIP).

Mr. Milde left the meeting at 3:36 p.m.

Additions/Deletions to the Regular Agenda #4B, minutes of the November 19, 2016 special meeting; #23, discussion of the Board's January 2017 meeting dates.

Ms. Sellers motioned, seconded by Mrs. Maurer, to adopt the agenda with the two additions listed above.

The Voting Board tally was:

Yea: (6) Bohmke, Cavalier, Maurer, Sellers, Snellings, Thomas  
Nay: (0)  
Absent: (1) Milde

County Attorney, Mr. Charles Shumate, reminded the Chairman that a motion and vote was needed to suspend the Board's Bylaws, hold an afternoon public hearing, and to do away with the evening session.

Ms. Bohmke motioned, seconded by Ms. Sellers to suspend the Board's Bylaws, to hold an afternoon public hearing, and to cancel the Board's evening session.

The Voting Board tally was:

Yea: (6) Bohmke, Cavalier, Maurer, Sellers, Snellings, Thomas  
Nay: (0)  
Absent: (1) Milde

Legislative; Consent Agenda Mrs. Maurer pulled Item #12 citing a possible conflict of interest. Mrs. Maurer motioned, seconded by Ms. Sellers to adopt the Consent Agenda with the exception of Item #12.

The Voting Board tally was:

Yea: (6) Bohmke, Cavalier, Maurer, Sellers, Snellings, Thomas  
Nay: (0)  
Absent: (1) Milde

Item 4. Legislative; Approve Minutes of the November 1, 2016 Board Meeting

Item 5. Finance and Budget; Approve Expenditure Listing

Resolution R16-355 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING (EL)  
DATED NOVEMBER 1, 2016 THROUGH NOVEMBER 21, 2016

WHEREAS, the Board appropriated funds to be expended for the purchase of goods and services in accordance with an approved budget; and

WHEREAS, the payments appearing on the above-referenced Listing of Expenditures represent payment of \$100,000 and greater for the purchase of goods and/or services which are within the appropriated amounts;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 22<sup>nd</sup> day of November, 2016 that the above-mentioned EL be and hereby is approved.

Item 6. Petition VDOT to Include Certain Streets Within the Secondary System of State Highways

Resolution R16-322 reads as follows:

A RESOLUTION TO PETITION THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE COACHMAN CIRCLE AND FOUNDERS WAY WITHIN HILLS OF AQUIA, SECTION 6, LOCATED WITHIN THE AQUIA ELECTION DISTRICT, INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, pursuant to Virginia Code § 33.2-705, the Board desires to petition the Virginia Department of Transportation (VDOT) to include Coachman Circle and Founders Way within Hills of Aquia, Section 6, located off the eastern side of Jefferson Davis Highway (US-1), 0.38 mile north of Garrisonville Road (SR-610), south on Coachman Circle into the Secondary System of State Highways; and

WHEREAS, VDOT inspected Coachman Circle and Founders Way within Hills of Aquia, Section 6, and found them satisfactory for acceptance into the Secondary System of State Highways;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 22<sup>nd</sup> day of November 2016, that the Virginia Department of Transportation (VDOT) be and it hereby is petitioned to include the following streets within Hills of Aquia, Section 6, into the Secondary System of State Highways:

Street Name/ Route Number	Station	Length
Coachman Circle (SR-2200)	From: Intersection of Palisades Drive (SR-2201) To: Intersection of Founders Way (SR-2205)	0.10 mi. ROW 54'
Coachman Circle (SR-2200)	From: Intersection of Founders Way (SR-2205) To: Intersection of Bradbury Way (SR-2207)	0.21 mi. ROW 54'
Founders Way (SR-2205)	From: 0.04 mi. N of Intersection of Darden Court (SR-2204) To: Intersection of Coachman Circle (SR-2200)	0.02 mi. ROW 54'

An unrestricted right-of-way, as indicated above, for these streets with necessary easements for cuts, fills, and drainage is guaranteed, as evidenced by Plat of Record entitled, Hills of Aquia, Section 6, recorded among the Land Records of Stafford County, Virginia as Plat Map No. PM130000187, with Instrument No. LR130023250, on September 26, 2013; and

BE IT FURTHER RESOLVED that the Interim County Administrator, or his designee, shall forward a copy of this Resolution to the developer, and to the VDOT Transportation and Land Use Director, Fredericksburg District.

Resolution R16-323 reads as follows:

A RESOLUTION TO PETITION THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE HARTWOOD LANDING LANE WITHIN HARTWOOD LANDING, SECTION 2, LOCATED WITHIN THE HARTWOOD ELECTION DISTRICT, INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, pursuant to Virginia Code § 33.2-705, the Board desires to petition the Virginia Department of Transportation (VDOT) to include Hartwood Landing Lane within Hartwood Landing, Section 2, located off Hartwood Road (SR-612) approximately 0.43 mile south of Richland Road (SR-649), into the Secondary System of State Highways; and

WHEREAS, VDOT inspected Hartwood Landing Lane within Hartwood Landing, Section 2, and found it satisfactory for acceptance into the Secondary System of State Highways;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 22<sup>nd</sup> day of November 2016, that the Virginia Department of Transportation (VDOT) be and it hereby is petitioned to include the following street within Hartwood Landing, Section 2, into the Secondary System of State Highways:

Street Name/ Route Number	Station	Length
Hartwood Landing Lane (SR-1812)	From: Intersection of Hartwood Road (SR-612) To: 0.34 mi. E of Intersection of Hartwood Road (SR-612)	0.34 mi. ROW 50'

An unrestricted right-of-way, as indicated above, for this street with necessary easements for cuts, fills, and drainage is guaranteed, as evidenced by Plat of Record entitled, Hartwood Landing, Section 2, recorded among the Land Records of Stafford County, Virginia as Plat Map No. PM150000028, with Instrument No. LR150002236, on February 11, 2015; and

BE IT FURTHER RESOLVED that the Interim County Administrator, or his designee, shall forward a copy of this Resolution to the developer, and to the VDOT Transportation and Land Use Director, Fredericksburg District.

Resolution R16-324 reads as follows:

A RESOLUTION TO PETITION THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE MCPHERSON DRIVE AND TYSON COURT WITHIN OAKLEY FARMS, SECTION 2, LOCATED WITHIN THE HARTWOOD ELECTION DISTRICT, INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, pursuant to Virginia Code § 33.2-705, the Board desires to petition the Virginia Department of Transportation (VDOT) to include McPherson Drive, and Tyson Court within Oakley Farms, Section 2, from Janney Lane (SR-2270) off Poplar Road (SR-616) opposite Mount Olive Road (SR-650), into the Secondary System of State Highways; and



WHEREAS, VDOT inspected McPherson Drive and Tyson Court, and found them satisfactory for acceptance into the Secondary System of State Highways

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 22<sup>nd</sup> day of November 2016, that the Virginia Department of Transportation (VDOT) be and it hereby is petitioned to include the following streets within Oakley Farms, Section 2, into the Secondary System of State Highways:

Street Name/ Route Number	Station	Length
McPherson Drive (SR-2297)	From: Intersection of Janney Lane (SR-2270) To: Intersection of future Burke Drive (SR-2296)	0.27 mi. ROW 50'
McPherson Drive (SR-2297)	From: Intersection of future Burke Drive (SR-2296) To: Intersection with Tyson Court (SR-2298)	0.37 mi. ROW 50'
McPherson Drive (SR-2297)	From: Intersection of Tyson Court (SR-2298) To: 0.17 mi. SW of the Intersection with Tyson Court (SR-2298)	0.17 mi. ROW 50'
Tyson Court (SR-2298)	From: Intersection with McPherson Drive (SR-2297) To: 0.34 mi. S of Intersection with McPherson Drive (SR-2297)	0.34 mi. ROW 50'

An unrestricted right-of-way, as indicated above, for these streets with necessary easements for cuts, fills, and drainage is guaranteed, as evidenced by Plat of Record entitled, Oakley Farms, Section 2, recorded among the Land Records of Stafford County, Virginia as Plat Map No. PM110000075, with Instrument No. LR110014197, on August 22, 2011; and

BE IT FURTHER RESOLVED that the Interim County Administrator, or his designee, shall forward a copy of this Resolution to the developer, and to the VDOT Transportation and Land Use Director, Fredericksburg District.

Resolution R16-340 reads as follows:

A RESOLUTION TO PETITION THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE ALDER DRIVE, APRICOT STREET, ALMOND DRIVE, FREESIA LANE, PEAR BLOSSOM ROAD, GARDENIA DRIVE, AND WALLACE LANE WITHIN EMBREY MILL, SECTIONS 1 AND A PORTION OF 2, LOCATED WITHIN THE GARRISONVILLE ELECTION DISTRICT, INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, pursuant to Virginia Code § 33.2-705, the Board desires to petition the Virginia Department of Transportation (VDOT) to include Alder Drive, Apricot Street, Almond Drive, Freesia Lane, Pear Blossom Road, Gardenia Drive, and Wallace Lane within Embrey Mill, Sections 1 and a portion of 2, located off the northern side of Shields Road (SR-2380) and Austin Ridge Drive (SR-1486), into the Secondary System of State Highways; and

WHEREAS, VDOT inspected Alder Drive, Apricot Street, Almond Drive, Freesia Lane, Pear Blossom Road, Gardenia Drive, and Wallace Lane within Embrey Mill, Sections 1 and a portion of 2, and found them satisfactory for acceptance into the Secondary System of State Highways;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 22<sup>nd</sup> day of November 2016, that the Virginia Department of Transportation (VDOT) be and it hereby is petitioned to include the following streets within Embrey Mill, Sections 1 and a portion of 2, into the Secondary System of State Highways:

Street Name/ Route Number	Station	Length
Alder Drive (SR-2381)	From: Intersection of Shields Road (SR-2380) To: Intersection with Almond Drive (SR-2383)	0.07 mi. ROW 65'
Alder Drive (SR-2381)	From: Intersection of Almond Drive (SR-2383) To: Intersection with Freesia Lane (SR-2384)	0.06 mi. ROW 65'
Alder Drive (SR-2381)	From: Intersection with Freesia Lane (SR-2384) To: Intersection with Pear Blossom Road (SR-2385)	0.06 mi. ROW 65'
Alder Drive (SR-2381)	From: Intersection of Pear Blossom Road (SR-2385) To: Intersection with Gardenia Drive (SR-2386)	0.06 mi. ROW 65'
Alder Drive (SR-2381)	From: Intersection with Gardenia Drive (SR-2386) To: Intersection with Wallace Lane (SR-1929)	0.06 mi. ROW 65'
Alder Drive (SR-2381)	From: Intersection of Wallace Lane (SR-1929) To: Intersection with Apricot Street (SR-2382)	0.05mi. ROW 65'
Alder Drive (SR-2381)	From: Intersection with Apricot Street (SR-2382) To: Intersection with Mine Road (SR-684)	0.10 mi. ROW 65'
Apricot Street (SR-2382)	From: Intersection of Shields Road (SR-2380) To: Intersection with Almond Drive (SR-2383) (South)	0.07 mi. ROW 68'
Apricot Street (SR-2382)	From: Intersection with Almond Drive (SR-2383) (South) To: Intersection with Freesia Lane (SR-2384)	0.06 mi. ROW 68'
Apricot Street (SR-2382)	From: Intersection with Freesia Lane (SR-2384) To: Intersection with Pear Blossom Road (SR-2385)	0.06 mi. ROW 68'
Apricot Street (SR-2382)	From: Intersection with Pear Blossom Road (SR-2385) To: Intersection with Almond Drive (SR-2383) (North)	0.06 mi. ROW 68'
Apricot Street (SR-2382)	From: Intersection with Almond Drive (SR-2383) (North) To: Intersection with Alder Drive (SR-2381)	0.06 mi. ROW 68'
Almond Drive (SR-2383)	From: Intersection with Apricot Street (SR-2382) To: Intersection with Alder Drive (SR-2381)	0.10 mi. ROW 57'
Freesia Lane (SR-2384)	From: Intersection with Apricot Street (SR-2382) To: Intersection with Alder Drive (SR-2381)	0.10 mi. ROW 51'
Pear Blossom Road (SR-2385)	From: Intersection with Apricot Street (SR-2382) To: Intersection with Alder Drive (SR-2381)	0.10 mi. ROW 51'
Pear Blossom Road (SR-2385)	From: Intersection with Alder Drive (SR-2381) To: Intersection with Wallace Lane (SR-1929)	0.15 mi. ROW 51'
Gardenia Drive (SR-2386)	From: Intersection with Alder Drive (SR-2381) To: Intersection with Wallace Lane (SR-1929)	0.06 mi. ROW 51'
Wallace Lane (SR-1929)	From: Intersection with Alder Drive (SR-2381) To: Intersection with Gardenia Drive (SR-2386)	0.06 mi. ROW 68'
Wallace Lane (SR-1929)	From: Intersection with Gardenia Drive (SR-2386) To: Intersection with Pear Blossom Road (SR-2385)	0.06 mi. ROW 68'
Wallace Lane (SR-1929)	From: Intersection with Pear Blossom Road (SR-2385) To: 0.04 mi. E. of Intersection with Pear Blossom Road (SR-2385)	0.04 mi. ROW 68'

An unrestricted right-of-way, as indicated above, for these streets with necessary easements for cuts, fills, and drainage is guaranteed, as evidenced by Plat of Record entitled, Embrey Mill, Section 1, recorded among the Land Records of Stafford County, Virginia as Plat Map No. PM080000116, with Instrument No. LR080011937, on July 1, 2008, and a portion of Plat of Record entitled, Embrey Mill, Section 2, recorded among the Land Records of Stafford County, Virginia as Plat Map No. PM130000021, with Instrument No. LR130002180, on January 25, 2013; and

BE IT FURTHER RESOLVED that the Interim County Administrator, or his designee, shall forward a copy of this Resolution to the developer, and to the VDOT Transportation and Land Use Director, Fredericksburg District.

Resolution R16-341 reads as follows:

A RESOLUTION TO PETITION THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE ROYAL CRESCENT WAY, HOPKINS BRANCH WAY, AND T ALL PINE COURT WITHIN STAFFORD LAKES VILLAGE, SECTION 12C, LOCATED WITHIN THE HARTWOOD ELECTION DISTRICT, INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, pursuant to Virginia Code § 33.2-705, the Board desires to petition the Virginia Department of Transportation (VDOT) to include Royal Crescent Way, Hopkins Branch Way, and Tall Pine Court within Stafford Lakes Village, Section 12C, located approximately 0.8 mile south on Royal Crescent Way from Village Parkway, into the Secondary System of State Highways; and

WHEREAS, VDOT inspected Royal Crescent Way, Hopkins Branch Way, and Tall Pine Court within Stafford Lakes Village, Section 12C, and found them satisfactory for acceptance into the Secondary System of State Highways;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 22<sup>nd</sup> day of November 2016, t hat the Virginia Department of Transportation (VDOT) be and it hereby is petitioned to include the following streets within Stafford Lakes Village, Section 12C, into the Secondary System of State Highways:

Street Name/ Route Number	Station	Length
Royal Crescent Way (SR-2280)	From: Intersection of Charter Gate Drive (SR-2285) To: Intersection with Hopkins Branch Way (SR-2293)	0.08 mi. ROW 54'
Royal Crescent Way (SR-2280)	From: Intersection of Hopkins Branch Way (SR-2293) To: 0.13 mi. W. of Intersection Hopkins Branch Way (SR-2293)	0.13 mi. ROW 54'
Hopkins Branch Way (SR-2293)	From: Intersection with Royal Crescent Way (SR-2280) To: Intersection with Tall Pine Court (SR-2294)	0.12 mi. ROW 50'
Hopkins Branch Way (SR-2293)	From: Intersection of Tall Pine Court (SR-2294) To: Intersection with Charter Gate Drive (SR-2285)	0.13 mi. ROW 50'
Tall Pine Court (SR-2294)	From: Intersection with Hopkins Branch Way (SR-2293) To: 0.04 mi. W. of intersection Hopkins Branch Way (SR-2293)	0.04 mi. ROW 50'

An unrestricted right-of-way, as indicated above, for these streets with necessary easements for cuts, fills, and drainage is guaranteed, as evidenced by Plat of Record entitled, Stafford Lakes Village, Section 12C, recorded among the Land Records of Stafford County, Virginia as Plat Map No. PM130000013, with Instrument No. LR130000971, on January 9, 2013, and;

BE IT FURTHER RESOLVED that the Interim County Administrator, or his designee, shall forward a copy of this Resolution to the developer, and to the VDOT Transportation and Land Use Director, Fredericksburg District.

Item 7. Public Works; Authorize Firms for On-Call Professional Stormwater Engineering Services

Resolution R16-337 reads as follows:

A RESOLUTION AUTHORIZING FIRMS TO PROVIDE ON-CALL PROFESSIONAL STORMWATER ENGINEERING SERVICES FOR THE COUNTY

WHEREAS, the Board determined that it is efficient to have multiple engineering firms authorized to perform professional, on-call services for various County projects; and

WHEREAS, the County solicited proposals from firms to provide on-call engineering services; and

WHEREAS, staff evaluated the proposals received, and determined that the firms listed below are the most qualified to provide the scope of services requested; and

WHEREAS, the authorization to secure services from the recommended firms would be for an initial period of one year, with an option to renew the authorization for four additional one year periods, for a total of five years; and

WHEREAS, the Board desires to authorize these firms to provide on-call professional stormwater engineering services;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 22<sup>nd</sup> day of November, 2016, that the following firms be and they hereby are authorized to perform professional, on-call stormwater engineering services:

Amec Foster Wheeler Environment & Infrastructure, Inc.  
GKY & Associates, Inc.  
Timmons Group, Inc.  
Stantec Consulting Services Inc.  
EEE Consulting, Inc.

Item 8. Request that VDOT Include a Shared Use Path in the Chatham Bridge Reconstruction Design

Resolution R16-350 reads as follows:

A RESOLUTION ENDORSING A PROTECTED SHARED USE PATH AS THE PREFERRED OPTION FOR THE RENOVATIONS OF THE CHATHAM BRIDGE

WHEREAS, the Chatham Bridge (Bridge) over the Rappahannock River carries vehicular, pedestrian, and bicycle traffic between Stafford County and the City of Fredericksburg; and

WHEREAS, the Bridge provides pedestrian and bicycle linkage to the respective jurisdictions and their trail systems; and

WHEREAS, the Virginia Department of Transportation (VDOT) has determined that the condition of the Bridge is structurally deficient and in need of repairs, and has been awarded funding for the design and renovation of the Bridge; and

WHEREAS, VDOT has considered multiple options for providing vehicular, pedestrian, and bicycle access across the Bridge and solicited the County's preference; and

WHEREAS, the Board desires that a protected shared use path be included in the Bridge renovation design to provide the safest option for pedestrians and bicyclists to cross the Bridge without reducing functionality for vehicles;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors, on this the 22<sup>nd</sup> day of November 2016, that it be and hereby does endorse the Virginia Department of Transportation's protected shared use path as the preferred option for providing safe pedestrian and bicycle crossing of the Chatham Bridge.

Item 9. Public Works; Authorize the Interim County Administrator to Execute a Memorandum of Understanding for the Potomac Heritage Trail

Resolution R16-359 reads as follows:

A RESOLUTION AUTHORIZING THE INTERIM COUNTY ADMINISTRATOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING FOR THE POTOMAC NATIONAL HERITAGE SCENIC TRAIL

WHEREAS, Virginia state agencies and certain Federal agencies adopted a 2013 Memorandum of Understanding, establishing the development of the Potomac National Heritage Scenic Trail (PNHST) as a common goal, and pledged cooperation towards its development; and

WHEREAS, the proposed trail would extend from the District of Columbia through Stafford County to King George County, the City of Fredericksburg and beyond; and

WHEREAS, the National Park Service, the federal agency with oversight of the PNHST, working with regional planning agencies, drafted a Memorandum of Understanding (MOU) to formalize support for the PNHST among localities participating in the George Washington Regional Commission (GWRC); and

WHEREAS, the PNHST would include the Belmont-Ferry Farm Trail, and alternative routes going to points of interest, including Patowomeck Park, Widewater State Park, Aquia Landing, and Government Island in Stafford County; and

WHEREAS, the proposed MOU would establish a formal agreement for coordinating the development of planned PNHST segments, conserving trail-related resources, promoting trail-related experiences, and asks localities to be responsible for the maintenance of the PNHST routes within their jurisdiction, but does not bind the localities to fund new PNHST segments;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors, on this the 22<sup>nd</sup> day of November, 2016 that the Interim County Administrator be and he hereby is authorized to execute the proposed Memorandum of Understanding for the Potomac National Heritage Scenic Trail.

Item 10. Public Works; Authorize the Interim County Administrator to Execute a Contract for Fabrication and Installation of Wayfinding Phase II Trailblazer Signage, and Budget and Appropriate Funds

Resolution R16-343 reads as follows:

A RESOLUTION AUTHORIZING THE INTERIM COUNTY ADMINISTRATOR TO BUDGET AND APPROPRIATE TOURISM REVENUE FUNDS FOR FABRICATION AND INSTALLATION OF THE TRAILBLAZER SIGNS

WHEREAS, the Board previously supported the Wayfinding Sign Program by placing Gateway signs at all entrances into the County, and by placing many of the planned Trailblazer signs to help visitors find the cultural, historical, and recreational attractions within the County; and

WHEREAS, the Board desires to continue to support the Wayfinding Sign Program by installing 16 additional Trailblazer Signs, which were postponed due to ongoing Virginia Department of Transportation projects in the County; and

WHEREAS, the fabrication and installation of the 16 Trailblazer signs was offered for public bid; and

WHEREAS, six bids were submitted and reviewed by staff, with the lowest responsive and responsible bid being provided by Rite Lite Signs, Inc., in the amount of \$99,988; and

WHEREAS, Tourism Fund revenues are available for the fabrication and installation of these signs;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 22<sup>nd</sup> day of November, 2016, that the Interim County Administrator be and hereby is authorized to budget and appropriate Tourism Fund revenue in the amount of Ninety-nine Thousand Nine Hundred Eighty-eight Dollars (\$99,988) for the fabrication and installation of 16 Trailblazer signs.

Item 11. Utilities; Authorize the Interim County Administrator to Execute a Contract for Construction of the Courthouse Elevated Water Storage Tank

Resolution R16-319 reads as follows:



A RESOLUTION AUTHORIZING THE INTERIM COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT WITH LANDMARK STRUCTURES I, L.P. FOR THE CONSTRUCTION OF THE COURTHOUSE AREA WATER STORAGE TANK, IN THE AQUIA ELECTION DISTRICT

WHEREAS, construction of a new elevated water tank in the Courthouse area (Project) is needed to meet increasing water service needs and fire flow requirements; and

WHEREAS, the County solicited public bids for this Project; and

WHEREAS, three bids were received, and staff determined that the bid submitted by Landmark Structures I, L.P. in the amount of \$3,577,000, is the lowest responsive and responsible bid for the scope of services proposed for this Project; and

WHEREAS, funds are available for the Project in the Utilities Department's Capital Improvement Program budget;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 22<sup>nd</sup> day of November, 2016, that the Interim County Administrator be and he hereby is authorized to execute a contract with Landmark Structures I, L.P., for the construction of an elevated water storage tank in the Courthouse area, in an amount not to exceed Three Million Five Hundred Seventy-seven Thousand Dollars (\$3,577,000), unless amended by a duly-authorized change order.

Item 13. Utilities; Authorize the Interim County Administrator to Advertise a Public Hearings to Consider Condemnation and Exercise of the County's Quick-Take Powers to Acquire Permanent Water-Sanitary Sewer Easements on TMP 45-100M and 45-110U

Resolution R16-347 reads as follows:

A RESOLUTION AUTHORIZING THE INTERIM COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO CONSIDER THE CONDEMNATION AND EXERCISE OF THE COUNTY'S QUICK-TAKE POWERS TO ACQUIRE PERMANENT WATER-SANITARY EASEMENTS, AND TEMPORARY CONSTRUCTION EASEMENTS ON TAX MAP PARCEL NOS. 45-110M AND 45-110U, WITHIN THE FALMOUTH ELECTION DISTRICT

WHEREAS, the County is in the process of acquiring the necessary easements for the construction of the Truslow Road Neighborhood Sewer Project (Project); and

WHEREAS, Tax Map Parcel No. 45-110M (Property 1) is owned by Robert Scott Gollahon (Property Owner 1); and

WHERE, Tax Map Parcel No. 45-100U (Property 2) is owed by Margaret Ann Mills (Property Owner 2); and

WHEREAS, the design for the Project requires 0.064 acre of permanent water-sanitary sewer easement and 0.014-acre of temporary construction easement on Property 1; and

WHEREAS, the design for the Project requires 0.019 acre of permanent water-sanitary sewer easement and 0.005 acre of temporary construction easement on Property 2; and

WHEREAS, the fair market value for the easement areas on Property 1 and Property 2, together with damages, if any, to the remainder of the property is \$500.00 for each property, based upon the 2016 tax assessed value; and

WHEREAS, the Board, through the County staff, made bona fide but ineffectual efforts to purchase the easements on the Properties by offering the above amount to the Property Owners; and

WHEREAS, the Property Owners have not consented to the acquisition of the easements; and

WHEREAS, the terms of purchase have not been agreed upon, and County staff was unsuccessful in acquiring final settlements, but will continue to work with the Property Owners in attempt to acquire the easements; and

WHEREAS, the Board desires to consider the condemnation and use of its quick-take powers to acquire permanent water-sanitary sewer and temporary construction easements on the Properties; and

WHEREAS, the Board desires to receive public testimony at a public hearing;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 22<sup>nd</sup> day of November, 2016, that the Board be and it hereby does authorize the Interim County Administrator to advertise a public hearing to consider the condemnation and exercise of the County's quick-take powers to acquire 0.064 acre of permanent water-sanitary sewer easement and 0.014 acre of temporary construction easement on Tax Map Parcel No. 45-110M, owned by Robert Scott Gollahon; and

BE IT FURTHER RESOLVED that the Interim County Administrator is authorized to advertise a public hearing to consider the condemnation and exercise of the County's quick-take powers to acquire 0.019 acre permanent water-sanitary sewer easement and 0.005 acre of temporary construction easement on Tax Map Parcel No. 45-110U, owned by Margaret Ann Mills.

Item 14. Utilities; Authorize the Interim County Administrator to Execute a Contract for the Construction of the Falls Run/I-95 Interceptor Crossing

Resolution R16-346 reads as follows:

A RESOLUTION AUTHORIZING THE INTERIM COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT WITH S.J. LOUIS CONSTRUCTION, INC., FOR THE CONSTRUCTION OF THE FALLS RUN/I-95 INTERCEPTOR CROSSING PROJECT LOCATED WITHIN THE FALMOUTH ELECTION DISTRICT

WHEREAS, the Falls Run/I-95 Interceptor Project (Project) is in the Utilities Capital Improvement Program (CIP) and is designed to increase the capacity of sewer in the Falls Run Interceptor line; and

WHEREAS, the County solicited bids for the construction of the Project; and

WHEREAS, three bids were received, and staff determined that the bid submitted by S. J. Louis Construction, Inc., for \$1,525,000, is the lowest responsive and responsible bid and is reasonable for the scope of services proposed for this Project;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 22<sup>nd</sup> day of November, 2016, that the Interim County Administrator be and he hereby is authorized to execute a contract with S.J. Louis Construction, Inc., for the construction of the Falls Run/I-95 Interceptor Crossing Project in an amount not to exceed One Million Five Hundred Twenty-Five Thousand Dollars (\$1,525,000), unless amended by a duly-executed change order. Funds are available in the Utilities Capital Improvement Program.

Item 15. Planning and Zoning; Authorize the Interim County Administrator to Initiate Rezoning of Properties to the Falmouth Redevelopment Overlay Zoning District

Resolution R16-353 reads as follows:

A RESOLUTION AUTHORIZING THE INTERIM COUNTY ADMINISTRATOR TO INITIATE A Z ONING CLASSIFICATION APPLICATION FOR TAX MAP PARCEL NOS. 53-46, 53-106, 53-107, 53-108, 53-111A, 53D-1-7, 53D-1-8, 53D-1-9A, 53D-1-10, 53D-1-11, 53D-1-11A, 53D-1-13, 53D-1-14, 53D-1-14A, 53D-1-15, 53D-1-16, 53D-1-17, 53D-1-17A, 53D-1-18, 53D-1-19, 53D-1-20, 53D-1-31, 53D-1-32A, 53D-1-33, 53D-1-33A, 53D-1-34, 53D-1-35, 53D-1-36, 53D-1-37, 53D-1-38, 53D-1-43, 53D-1-43A, 53D-1-45, 53D-1-46, 54D-1-47, 53D-1-60, 53D-1-61, 53D-1-62, 53D-1-63, 54D-1-73, 54D-1-76, 53D-1-77, 53D-1-78, 53D-1-79, 53D-1-80, 53D-1-81, 53D-1-82, 53D-1-83, 53D-1-97, 53D-1-98A, 53D-1-99, 53D-1-100, 53D-1-100A, 53D-1-101, 53D-1-102, 53D-1-103, 53D-1-104, 53D-1-104A, 53D-1-105, 53D-1-106, 53D-1-107, 53D-1-108, 53D-1-109, 53D-1-110, 53D-1-110A, 53D-2-2, 53D-2-5, AND 53L-2 TO APPLY THE FR, FALMOUTH REDEVELOPMENT AREA OVERLAY ZONING DISTRICT, WITHIN THE FALMOUTH AND GE ORGE WASHINGTON ELECTION DISTRICTS

WHEREAS, the Master Redevelopment Plan, Stafford County, Volume IV, Falmouth Village is an element of the Comprehensive Plan; and

WHEREAS, the Master Redevelopment Plan recommends changes to the Zoning Ordinance in order to facilitate development as envisioned in the Master Redevelopment Plan; and

WHEREAS, on October 18, 2016, the Board adopted Ordinance O16-24 establishing regulations for the FR, Falmouth Redevelopment Area Overlay Zoning District; and

WHEREAS, the Board desires to implement the vision of the Master Redevelopment Plan by reclassifying certain properties to the FR District; and

WHEREAS, the Board desires to authorize the below mentioned properties to be included in an application for consideration to be classified as part of the FR District;

NOW, THEREFORE BE IT RESOLVED by the Stafford County Board of Supervisors on this the 22<sup>nd</sup> day of November, 2016, that the Interim County Administrator be and he

hereby is authorized to initiate a Zoning classification application for Tax Map Parcel Nos. 53-46, 53-106, 53-107, 53-108, 53-111A, 53D-1-7, 53D-1-8, 53D-1-9A, 53D-1-10, 53D-1-11, 53D-1-11A, 53D-1-13, 53D-1-14, 53D-1-14A, 53D-1-15, 53D-1-16, 53D-1-17, 53D-1-17A, 53D-1-18, 53D-1-19, 53D-1-20, 53D-1-31, 53D-1-32A, 53D-1-33, 53D-1-33A, 53D-1-34, 53D-1-35, 53D-1-36, 53D-1-37, 53D-1-38, 53D-1-43, 53D-1-43A, 53D-1-45, 53D-1-46, 54D-1-47, 53D-1-60, 53D-1-61, 53D-1-62, 53D-1-63, 54D-1-73, 54D-1-76, 53D-1-77, 53D-1-78, 53D-1-79, 53D-1-80, 53D-1-81, 53D-1-82, 53D-1-83, 53D-1-97, 53D-1-98A, 53D-1-99, 53D-1-100, 53D-1-100A, 53D-1-101, 53D-1-102, 53D-1-103, 53D-1-104, 53D-1-104A, 53D-1-105, 53D-1-106, 53D-1-107, 53D-1-108, 53D-1-109, 53D-1-110, 53D-1-110A, 53D-2-2, 53D-2-5, and 53L-2 to apply the FR, Falmouth Redevelopment Area Overlay District; and

BE IT FURTHER RESOLVED that the Interim County Administrator is authorized to act as the applicant on behalf of the Board in order to process the application for classification; and

BE IT STILL FURTHER RESOLVED that any owner of the above listed properties may request in writing, or by oral request at the Planning Commission and the Board public hearings, that his or her property be excluded from the zoning classification application.

Item 16. Planning and Zoning; Refer to the Planning Commission the Creation of a R-5 Zoning District for Age-Restricted Apartments

Resolution R16-354 reads as follows:

A RESOLUTION TO REFER TO THE PLANNING COMMISSION AN ORDINANCE TO AMEND AND REORDAIN COUNTY CODE SEC. 28-33, "DISTRICTS GENERALLY," SEC. 28-34, "PURPOSE OF DISTRICTS," SEC. 28-35, "TABLE OF USES AND STANDARDS," AND SEC. 28-125, "TYPES PERMITTED IN R-2, R-3, AND R-4 DISTRICTS" TO CREATE THE R-5, AGE-RESTRICTED HOUSING ZONING DISTRICT

WHEREAS, a request has been made for a zoning text amendment to create a zoning district that would accommodate multi-family dwelling units for age-restricted housing; and

WHEREAS, a number of zoning districts currently allow retirement housing, but not at sufficient densities for multi-story, multi-family dwellings; and

WHEREAS, Objective 5.3 of the Comprehensive Plan is to "promote housing opportunities for all income ranges, including housing for elderly, disabled and low-income residents, workforce housing, and executive housing;" and

WHEREAS, the Board desires to consider creating the R-5 Zoning District to meet this housing need; and

WHEREAS, the Board desires to refer an amendment, pursuant to proposed Ordinance O16-46, to the Planning Commission for its review and recommendation;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 22<sup>nd</sup> day of November, 2016, that proposed Ordinance O16-46 amending Stafford County Code Sec. 28-33, Districts Generally," Sec. 28-34, "Purpose of Districts," Sec. 28-35 "Table of Uses and Standards," and Sec. 28-125, "Types permitted in R-2, R-3, and R-4

districts,” be and it hereby is referred to the Planning Commission for its review, to hold a public hearing, and provide its recommendations thereon; and

BE IT FURTHER RESOLVED that the Planning Commission may make modifications to the proposed Ordinance as it deems appropriate or necessary.

Item 17, Public Information; Authorize the Interim County Administrator to Advertise a Public Hearing to Consider Execution of the County’s Cable Franchise Agreement

Resolution R16-237 reads as follows:

A RESOLUTION AUTHORIZING THE INTERIM COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO CONSIDER EXECUTING A NEW CABLE FRANCHISE AGREEMENT WITH COMCAST CABLE

WHEREAS, the County’s current cable franchise agreement with Comcast of California/Maryland/Pennsylvania/Virginia/West Virginia, LLC(Comcast) expires on December 19, 2016; and

WHEREAS, the County has been in negotiations with Comcast for 18 months on a new franchise agreement; and

WHEREAS, County representatives and Comcast completed negotiations on October 27, 2016; and

WHEREAS, the Board desires to receive public testimony at a public hearing on the terms of the new agreement;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 22<sup>nd</sup> day of November, 2016, that the Board be and it hereby does authorize the Interim County Administrator to advertise a public hearing to consider execution of the new cable franchise agreement with Comcast of California/Maryland/Pennsylvania/Virginia/West Virginia, LLC.

Item 18. Public Information; A Proclamation Recognizing Budget Division Director, Ms. Nancy Collins, on Her Retirement

Proclamation P16-31 reads as follows:

A PROCLAMATION RECOGNIZING BUDGET DIVISION DIRECTOR, NANCY COLLINS, ON HER RETIREMENT

WHEREAS, Ms. Nancy Collins is retiring after 25 years and nine months of service to Stafford County; and

WHEREAS, Ms. Collins earned a Bachelor of Liberal Studies in Business Administration from Mary Washington College in 1991, and a Master’s Degree in Business Administration from Virginia Tech in 2001; and

WHEREAS, Ms. Collins came to Stafford County as a part-time payroll clerk to assist in instituting direct-deposit for employees; and

WHEREAS, Ms. Collins served as Customer Service Clerk, Securities Technician and Securities and Records Manager, where she helped establish a County records facility and automated the records management system; and

WHEREAS, Ms. Collins also was the Utilities Financial Manager, a position in which she was integral in creating a Utilities fiscal policy similar to the County fiscal policy; and

WHEREAS, Ms. Collins was named acting Acting Budget Division Director in 2007 and then she was named Budget Division Director in 2008, where her work helped ensure that the Budget Division continued to receive the Distinguished Budget Award from the Government Finance Officers Association, an honor received by Budget for 29 years in a row; and

WHEREAS, other achievements of Ms. Collins include her selection as an attendant of the Stafford Leadership Institute, at the Leading, Educating and Developing (LEAD) program, and the Senior Executive Institute (SEI) at the University of Virginia's Weldon Cooper Center for Public Service; and

WHEREAS, Ms. Collins was instrumental in enhancing the County's financial policies and gaining bond raising upgrades through a historic recession, while showing a grace and calmness to others that made her a favorite of Stafford employees;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the day 22<sup>nd</sup> of November, 2016, that it be and hereby does honor and recognize Ms. Nancy Collins for her excellent service to Stafford County and its citizens.

Item 19. Public Information; Proclamation Recognizing Deputy County Administrator, Mr. Keith Dayton, on His Retirement

Proclamation P16-32 reads as follows:

A PROCLAMATION RECOGNIZING DEPUTY COUNTY  
ADMINISTRATOR KEITH DAYTON, ON HIS RETIREMENT

WHEREAS, Mr. Keith Dayton is retiring after nearly 28 years of service to Stafford County; and

WHEREAS, Mr. Dayton earned a Bachelor of Science in Wildlife Science from Utah State in 1973; and

WHEREAS, Mr. Dayton began his association with Stafford County working for a private contractor as a resident engineer on the first expansion of the Abel Lake Water Treatment Facility; and

WHEREAS, Mr. Dayton began his career with Stafford County as a Capital Improvement Program manager, successfully completing many projects including building the Little Falls Wastewater Treatment Facility; the Smith Lake Water Treatment Facility; the

expansions of all of the County's water and wastewater treatment facilities; the placement of four water tanks; and the construction of multiple pumping stations; and

WHEREAS, Mr. Dayton was then appointed the Assistant Director of Utilities, where he oversaw construction and was responsible for pump station mechanics and Utilities inspectors; and

WHEREAS, Mr. Dayton served next as the Director of Code Administration, the precursor to Public Works. During his tenure there, he helped guide that department through the challenges of the great recession by completely reorganizing the department and creating the Community Development Services Center to streamline and make more efficient services to citizens and the building community; and

WHEREAS, other accomplishments of Mr. Dayton's time as Director of Code Administration included initiating the County's road construction program; and the completion of the Chichester Building; and

WHEREAS, Mr. Dayton was appointed Acting Deputy County Administrator and then Deputy County Administrator; and

WHEREAS, one of Mr. Dayton's biggest accomplishments was the completion of the Lake Mooney Reservoir and Water Treatment Facility, a 20-year endeavor that will guarantee that the County's water needs are meant for years to come; and

WHEREAS, Mr. Dayton is the Director of the Rappahannock Regional Landfill, where he has distinguished himself by stabilizing the Landfill financial policies; and

WHEREAS, Mr. Dayton successfully fostered the improvement of Stafford County's relations with the Virginia Department of Transportation, enhancing transportation efforts in the region; and

WHEREAS, Mr. Dayton worked with residents of the Austin Ridge landslide to find a creative solution to restore their homes, working within the constraints of a very small budget; and

WHEREAS, Mr. Dayton has mentored many employees, several of whom have emerged as leaders, and his calm and steady leadership has been a benefit to all Stafford County employees;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the day 22<sup>nd</sup> of November, 2016, that it be and hereby does honor and recognize Mr. Keith Dayton for his excellent service to Stafford County and its citizens.

Item 12. Utilities; Authorize the Interim County Administrator to Execute a Contract for Butler Road Force Main Repairs Citing a possible conflict of interest, Mrs. Maurer abstained from voting on this item.

Ms. Bohmke motioned, seconded by Ms. Sellers, to adopt proposed Resolution R16-318.



The Voting Board tally was:

Yea: (5) Bohmke, Cavalier, Sellers, Snellings, Thomas  
Nay: (0)  
Abstain: (1) Maurer  
Absent: (1) Milde

Resolution R16-318 reads as follows:

A RESOLUTION AUTHORIZING THE INTERIM COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT WITH HERITAGE CONTRACTING SERVICES FOR THE BUTLER ROAD FORCE MAIN REPAIR PROJECT, WITHIN THE GEORGE WASHINGTON DISTRICT

WHEREAS, the Butler Road Force Main Repair Project (Project) is included in the Utilities Department's Capital Improvement Program (CIP); and

WHEREAS, the County solicited bids for the Project; and

WHEREAS, three bids were received and staff determined that the bid submitted by Heritage Excavating, L.L.C dba Heritage Contracting Services (Stafford Co) was the lowest responsive and responsible bid for the scope of services proposed for the Project; and

WHEREAS, funds are available in the Utilities CIP in the amount of \$283,000;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 22<sup>nd</sup> day of November, 2016, that the Interim County Administrator be and he hereby is authorized to execute a contract with Heritage Excavating, L.L.C. dba Heritage Contracting Services (Stafford Co) for the construction of the Butler Road Force Main Repair Project, in an amount not to exceed Two Hundred Eighty-three Thousand Dollars (\$283,000), unless amended by a duly-executed change order.

Item 20. County Administration; Authorize the Interim County Administrator to Grant an Easement on County-Owned Property Located on TMP 13C-M Deputy County Administrator, Mr. Michael Smith, gave a presentation and answered Board members questions.

The Chairman opened the public hearing. No persons indicated a desire to speak.  
The Chairman closed the public hearing.

Ms. Sellers motioned, seconded by Mrs. Maurer, to adopt proposed Resolution R16-351.

The Voting Board tally was:

Yea: (6) Bohmke, Cavalier, Maurer, Sellers, Snellings, Thomas  
Nay: (0)  
Absent: (1) Milde

Resolution R16-351 reads as follows:

A RESOLUTION AUTHORIZING THE INTERIM COUNTY ADMINISTRATOR TO EXECUTE A DEED OF EASEMENT WITH AOC CONNECT, LLC, ON TAX MAP PARCEL NO. 13C-M, WITHIN THE GRIFFIS-WIDEWATER ELECTION DISTRICT

WHEREAS, the County is the owner of Tax Map Parcel No. 13C-M (Property), which includes a portion of the future extension of Corporate Drive in the Quantico Corporate Center development; and

WHEREAS, AOC Connect, LLC, has requested a forty-foot wide and 990-foot long telecommunications easement across the Property; and

WHEREAS, the Board carefully considered the recommendations of staff and the public testimony, if any, received at the public hearing; and

WHEREAS, the Board desires to grant the telecommunications easement;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 22<sup>nd</sup> day of November, 2016, that the Interim County Administrator be and he hereby is authorized to execute a Deed of Easement with AOC Connect, LLC, for a telecommunications easement on Tax Map Parcel No. 13C-M.

Item 21. Planning and Zoning; Amend County Code Sec. 28-106, “Right-of-Way Protection” and Sec. 28-256, “Required Standards and Improvement Generally” Mr. Jeff Harvey, Director of Planning and Zoning presented this item and answered Board members questions. He said that staff recommended Alternative B, which was more responsive to site-specific conditions.

Ms. Bohmke said that she was happy that staff provided a new alternative as she was not happy with what was presented before, and having to make a decision based on certain instances when it should be good for all County citizens and businesses. Mr. Thomas said that he echoed Ms. Bohmke’s comments, adding that the new alternative solved the original problem with no unintended consequences.

Ms. Bohmke motioned, seconded by Ms. Sellers, to adopt proposed Ordinance O16-29.

The Voting Board tally was:

Yea: (6) Bohmke, Cavalier, Maurer, Sellers, Snellings, Thomas

Nay: (0)

Absent: (1) Milde

Ordinance O16-29 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN  
STAFFORD COUNTY CODE SEC. 28-106, “RIGHT-OF-  
WAY PROTECTION” AND SEC. 28-256, “REQUIRED  
STANDARDS AND IMPROVEMENTS GENERALLY”

WHEREAS, the Comprehensive Plan identifies future road improvements to accommodate projected growth and development; and

WHEREAS, pursuant to the Comprehensive Plan, and to promote orderly development and encourage proper planning, Stafford County Code Sec. 28-256 requires developments to dedicate right-of-way; and

WHEREAS, in some cases, it may not be possible for developments to provide all of the identified future right-of-way needs and develop the property as desired; and

WHEREAS, the Board desires to allow development projects to dedicate the planned future right-of-way to the maximum extent possible without creating a nonconformity; and

WHEREAS, the Board considered the recommendations of the Planning Commission and staff, and the public testimony, if any, received at the public hearing; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, and good zoning practices require adoption of this Ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 22<sup>nd</sup> day of November, 2016, that Stafford County Code Sec. 28-106 “Right-of-way protection” and Sec. 28-256 “Required standards and improvements generally,” be and they hereby are amended and reordained as follows, with all other portions remaining unchanged:

Sec. 28-106. - Right-of-way protection.

Roads shall be constructed and rights-of-way provided in accordance with the Stafford County Subdivision Ordinance and Virginia Department of Transportation standards. Where plans exist, approved by either the ~~state department of highways and transportation~~ Virginia Department of Transportation or the board of supervisors, for widening, opening or relocating any street or highway within the county, setbacks for any new construction shall be calculated based on the planned right-of-way in order to preserve and protect the right-of-way for such proposed street or highway.

Sec. 28-256. - Required standards and improvements generally.

- (c) In addition to improvements and standards specified in other sections of this article, the following minimum standards and improvements shall also be required:
  - (1) When a site development plan abuts one side of any public street which is in the state highway system and/or maintained by the county or which is proposed by the comprehensive plan of the county, the ~~subdivider~~ development shall be required to dedicate at least one-half of the right-of-way necessary to make horizontal and vertical adjustments to such street or as much right-of-way that can be dedicated without creating a nonconformity. Any such right-of-way addition shall be dedicated for public use when the plat is recorded. When a site development plan is presented on public streets of less than fifty (50) feet in total width, additional right-of-way shall be dedicated to achieve at least a minimum fifty (50) feet in width or as much right-of-way that can be dedicated without creating a nonconformity. All building setbacks shall be measured from the additional dedicated right-of- way. No alley on a site plan shall have a right-of-way of less than twenty (20) feet.

Item 22. C ounty Administration; Discuss Funding Option for Repair of Stormwater Damage Deputy County Administrator, Mr. Keith Dayton, presented this item and answered Board members questions. He said that there were a number of stormwater issues in the County but no funds budgeted to resolve the problems, most of which were on private property and therefore, limited in the County actions aside from providing homeowners with VDOT contact info and/or the names of reliable contractors.

Ms. Sellers asked how a homeowner knew if there was an easement or conveyance in their yard. Mr. Dayton said that it may not be known in an older subdivision or shown on the older plats. But the information should be available through home owner's association records and/or in the County land records kept in the Courts. He said that if the home owner did not do their homework, it may not be known at all.

Possible funding options included allocation of positive results of operations; including funding in the Public Works budget; and/or establishing a stormwater maintenance tax assessment.

The Board could adopt evaluation criteria for selecting projects to be funded if a County program was established. Possible criteria could include the risk of displacement of residents; potential for more costly damage due to inaction; cost of correction; factors related to the runoff source; lack of maintenance; infrastructure age; whether external engineering was required; availability of other potential funding sources; and/or owner caused damage.

Mr. Thomas said that a lot of problems were on private property; that if they were on public property, they would be fixed. M r. Barnes talked about a program that Spotsylvania County had and how projects were ranked.

Mr. Cavalier thanked Mr. Dayton saying that there was a similar program decades ago, which was short-lived and ended when the finite amount of money ran out. He said he liked Mr. Dayton's suggestions about funding options and evaluation criteria, and said that he was in favor of designating positive results of operations to a pilot program with a look to a long-term program if the pilot was successful.

Mrs. Maurer said that in her first year on the Board, stormwater issues were the most complaints she received. S he talked about an educational plan for home owners regarding maintenance of drainage ditches and providing homeowners with helpful reminders, sent out on a regular basis, to not dump trash in ditches, not letting drainage ditches get overgrown, etc.

Ms. Bohmke said that it was her “favorite subject” and thanked Mr. Dayton for presenting the problems in an easy to understand manner. She said that hers was a very old district with numerous stormwater issues that need to be addressed. She said that home owners were willing to help out but most did not have \$15,000 +/- to spend to remedy stormwater problems. Ms. Bohmke said that staff consistently went above and beyond to help residents in her District but without a permanent solution, the problems remained.

Mr. Snellings asked what Spotsylvania County was doing. Mr. Barnes said there was a sunset clause on the program and it was over when funding ran out. He said that Spotsylvania had the same sort of drainage problems that Mr. Dayton outlined. He said that sticking to established criteria were very important and that in Spotsylvania, there were tiers (1, 2, 3). #1 may have been a matter of public safety and therefore, a top priority. #3 may have been merely a matter of aesthetics. He said that if a pilot program was to be instituted, there should be legal input about entering private property, etc. Mr. Snellings said that he thought it could be opening a Pandora’s Box; that the soils in the County contributed to stormwater issues, and that the County should move slowly on this.

Ms. Sellers echoed Mr. Snellings saying that the County should move slowly and look at all the liability issues and legal ramifications. She expressed concern about the County paying to fix a problem and it failed again, who was responsible. She said that while she was sympathetic to the issues, the government sometimes just could not help.

Ms. Bohmke said that the way she understood it, the home owners would contract directly with the repairmen/workers and the County’s part would be financial assistance.

Mr. Thomas also talked about legal ramifications and recommended managing expectations and moving slowly, with a consideration given to matching funds or possible grant funding. Mr. Barnes said that he would check with other localities.

Add-on, Item #23. Ms. Sellers motioned, seconded by Ms. Bohmke, to amend the Board’s meeting schedule for January, 2017. Meetings in January will be held on the second and fourth Tuesdays of that month (January 10<sup>th</sup> and January 24<sup>th</sup>) in 2017.

The Voting Board tally was:

Yea: (6) Bohmke, Cavalier, Maurer, Sellers, Snellings, Thomas  
 Nay: (0)  
 Absent: (1) Milde

Legislative; Closed Meeting At 4:16 p.m., Mrs. Maurer motioned, seconded by Ms. Sellers, to adopt proposed Resolution CM16-26.

The Voting Board tally was:

Yea: (6) Bohmke, Cavalier, Maurer, Sellers, Snellings, Thomas  
Nay: (0)  
Absent: (1) Milde

Resolution CM16-26 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Board desires to hold a Closed Meeting for (1) consultation with legal counsel regarding permissible uses of donated property; (2) consultation with legal counsel and briefings by staff members pertaining to actual litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the Board; and (3) discussion and consideration of prospective candidates for the County Administrator position; and

WHEREAS, pursuant to Virginia Code §§ 2.2 -3711(A)(1) and (A)(7) such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors on this the 22<sup>nd</sup> day of November, 2016, does hereby authorize discussion of the above matters in Closed Meeting.

Call to Order At 4:34 p.m., the Chairman called the meeting back to order.

Legislative; Closed Meeting Certification

Mrs. Maurer motioned, seconded by Ms. Sellers, to adopt proposed Resolution CM16-26 (a).

The Voting Board tally was:

Yea: (6) Bohmke, Cavalier, Maurer, Sellers, Snellings, Thomas  
Nay: (0)  
Absent: (1) Milde

Resolution CM16-(a) reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE  
STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED  
MEETING ON NOVEMBER 22, 2016

WHEREAS, the Board has, on this the 22<sup>nd</sup> day of November, 2016, adjourned into a Closed Meeting in accordance with a formal vote of the Board and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Virginia Freedom of Information Act, as it became effective July 1, 1989, provides for certification that such Closed Meeting was conducted in conformity with law;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors does hereby certify, on this the 22<sup>nd</sup> day of November, 2016, that to the best of each member's knowledge: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were discussed in the Closed Meeting to which this certification applies; and (2) only such public business matters as were identified in the Motion by which the said Closed Meeting was convened, were heard, discussed, or considered by the Board.

Adjournment At 4:35 p.m., the Chairman adjourned the meeting. There was no evening session on November 22, 2016.

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C. Douglas Barnes  
Interim County Administrator

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Robert "Bob" Thomas, Jr.  
Chairman



## BOARD OF SUPERVISORS

STAFFORD, VIRGINIA

DRAFT MINUTES

Special Meeting

December 6, 2016

Call to Order A special meeting of the Stafford County Board of Supervisors was called to order by Robert “Bob” Thomas, Jr., Chairman, at 6:00 p.m. on Tuesday, December 6, 2016 at the Riverside Conference Center, 95 Riverside Parkway, Fredericksburg, VA.

Roll Call The following members were present: Robert “Bob” Thomas, Jr., Chairman; Laura A. Sellers, Vice-Chairman; Meg Bohmke; Jack R. Cavalier; Wendy E. Maurer; Paul V. Milde, III, and Gary F. Snellings.

Also in attendance was: C. Douglas Barnes, Interim County Administrator, Assistant County Attorney, Daniel Wisniewski, and Marcia C. Hollenberger, Chief Deputy Clerk to the Board of Supervisors.

Mr. Thomas said there were two resolutions on which the Board would vote. The first was to amend the employment agreement of Interim County Administrator, Doug Barnes.

Ms. Sellers motioned, seconded by Mrs. Maurer, to adopt Resolution R16-374.

The Voting Board tally was:

Yea: (7) Bohmke, Cavalier, Maurer, Milde, Sellers, Snellings, Thomas

Nay: (0)

Resolution R16-374 reads as follows:

A RESOLUTION AMENDING C. DOUGLAS BARNES’  
EMPLOYMENT AGREEMENT WITH THE BOARD

WHEREAS, pursuant to Resolution R16-257, the Board appointed C. Douglas Barnes as Interim County Administrator and Clerk of the Stafford County Board of Supervisors; and

WHEREAS, the Chairman, on behalf of the Board, and Mr. Barnes executed an Employment Agreement, dated August 15, 2016, which pursuant to Section Ten, may be modified in writing when executed by both parties; and

WHEREAS, the Board and Mr. Barnes by execution hereof modify the Employment Agreement as specified below, with all other portions remaining unchanged;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 6<sup>th</sup> day of December, 2016, that the Employment Agreement with C. Douglas Barnes be and it hereby is amended as follows with all other portions remaining unchanged:

### **SECTION THREE**

#### **Term**

This Agreement shall be for a term of ~~4 months~~ 6 months (~~120~~ 184 days) beginning August 15, 2016, at which time Employee shall serve in a consultation and transition capacity until the effective date of employment from Section One has been reached, and concluding on February 14, 2017.

; and

BE IT FURTHER RESOLVED that the new County Administrator shall begin his employment with the Board on February 1, 2017 at 8:00 a.m., and at that time Mr., Barnes will no longer be the Interim County Administrator and shall have no county administrator power or authority, but shall continue under the Employment Agreement as a full-time consultant until the end of the term.

Following the vote to extend Mr. Barnes' employment agreement, Mr. Thomas asked the Board to vote on proposed Resolution R16-373, which appointed Mr. Thomas C. Foley as Stafford County Administrator and Clerk to the Board of Supervisors, and authorized the Chairman to execute the employment contract.

Mr. Snellings noted that there were only seven localities in Virginia that paid the County Administrator a salary of \$200,000. Mr. Thomas said that Stafford was the seventh largest County in Virginia. Mr. Snellings said there may be push-back on the salary.

Ms. Bohmke asked when it would become public and when the press would be notified. Mr. Barnes said that Mr. Foley was meeting with his Chairman and Vice-Chairman on December 6, 2016, and with the full Board on Wednesday, December 7, 2016. He would contact Mr. Barnes' following his meeting with the Albemarle Board, after which Stafford would put out a press release announcing Mr. Foley's appointment.

Ms. Bohmke said that it should remain confidential until the afternoon of Wednesday, December 7, 2016. Mr. Barnes said that it would do a favor for Mr. Foley to keep it confidential until Mr. Foley alerted Mr. Barnes that he spoke with the Albemarle Board. He said that he would notify the Stafford Board prior to sending out the press release.

Ms. Sellers motioned, seconded by Mrs. Maurer, to adopt Resolution R16-373.

The Voting Board tally was:

Yea: (7) Bohmke, Cavalier, Maurer, Milde, Sellers, Snellings, Thomas

Nay: (0)

Resolution R16-373 reads as follows:

A RESOLUTION APPOINTING THOMAS C. FOLEY AS STAFFORD COUNTY ADMINISTRATOR AND CLERK OF THE STAFFORD COUNTY BOARD OF SUPERVISORS, AND AUTHORIZING THE CHAIRMAN OF THE BOARD TO EXECUTE THE EMPLOYMENT CONTRACT

WHEREAS, C. Douglas Barnes is serving as the Interim County Administrator, until such time as the Board could conduct a thorough search to find a qualified individual to be appointed as the County Administrator; and

WHEREAS, the Board has conducted such search and desires to appoint Thomas C. Foley as the Stafford County Administrator and Clerk of the Stafford County Board of Supervisors; and

WHEREAS, satisfactory terms for an Employment Agreement between the Board and Mr. Foley have been negotiated and reached;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 6<sup>th</sup> day of December, 2016, that it be and hereby does appoint Thomas C. Foley as the Stafford County Administrator and Clerk of the Stafford County Board of Supervisors, effective February 1, 2017, at 8:00 a.m. (Effective Date); and

BE IT FURTHER RESOLVED that pursuant to a separate agreement, the Interim County Administrator has agreed to serve as a full-time consultant until February 14, 2017, but shall have no power or authority to act after the Effective Date provided herein; and

BE IT STILL FURTHER RESOLVED that the Chairman is authorized to execute the Employment Agreement with Mr. Foley on behalf of the Board, which is consistent with the terms so negotiated and agreed to by the parties.

Mrs. Maurer thanked Mr. Barnes for his excellent work. Mr. Thomas said that he meant it when he said that the Board truly appreciated Mr. Barnes' efforts and the Board knew that the County was in good hands. Mr. Barnes said that it was his pleasure and he was happy to help out.

Adjournment At 6:10 p.m., the Chairman declared the special meeting adjourned.

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C. Douglas Barnes  
Interim County Administrator

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Robert “Bob” Thomas, Jr.  
Chairman

**BOARD OF SUPERVISORS**  
**Agenda Item**

<b>Meeting Date:</b>	December 13, 2016
<b>Title:</b>	Approve Expenditure Listing (EL) dated November 22, 2016 through December 12, 2016
<b>Department:</b>	Finance and Budget
<b>Staff Contact:</b>	Maria Perrotte, Chief Financial Officer <i>MK FOR MARIA PERROTTE</i>
<b>Board Committee/ Other BACC:</b>	N/A
<b>Staff Recommendation:</b>	Approval
<b>Fiscal Impact:</b>	Funds are budgeted and appropriated in the Transportation Fund, Water and Sewer Operating Fund and Capital Projects Fund.
<b>Time Sensitivity:</b>	N/A

**ATTACHMENTS:**

1.	Proposed Resolution R16-370	2	Expenditure Listing (EL)
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<input checked="" type="checkbox"/>	<b>Consent Agenda</b>	<input type="checkbox"/>	<b>Other Business</b>	<input type="checkbox"/>	<b>Unfinished Business</b>
<input type="checkbox"/>	<b>Discussion</b>	<input type="checkbox"/>	<b>Presentation</b>	<input type="checkbox"/>	<b>Work Session</b>
<input type="checkbox"/>	<b>New Business</b>	<input type="checkbox"/>	<b>Public Hearing</b>	<input type="checkbox"/>	<b>Add-On</b>

**REVIEW:**

<input checked="" type="checkbox"/>	County Administrator	<i>Douglas B...</i>
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<b>DISTRICT:</b>	N/A
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PROPOSED

BOARD OF SUPERVISORS  
COUNTY OF STAFFORD  
STAFFORD, VIRGINIA

RESOLUTION

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, George L. Gordon, Jr., Government Center, Stafford, Virginia, on the 13<sup>th</sup> day of December, 2016:

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MEMBERS:

Robert "Bob" Thomas, Jr., Chairman  
Laura A. Sellers, Vice Chairman  
Meg Bohmke  
Jack R. Cavalier  
Wendy E. Maurer  
Paul V. Milde, III  
Gary F. Snellings

VOTE:

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On motion of, seconded by, which carried by a vote of, the following was adopted:

A RESOLUTION TO APPROVE EXPENDITURE LISTING (EL)  
DATED NOVEMBER 22, 2016 THROUGH DECEMBER 12, 2016

WHEREAS, the Board appropriated funds to be expended for the purchase of goods and services in accordance with an approved budget; and

WHEREAS, the payments appearing on the above-referenced Listing of Expenditures represent payment of \$100,000 and greater for the purchase of goods and/or services which are within the appropriated amounts;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 13<sup>th</sup> day of December, 2016, that the above-mentioned EL be and hereby is approved.

AJR:MJP:cvd

COUNTY OF STAFFORD  
EXPENDITURE LISTING OF PAYMENTS OVER \$100,000

11/30/2016	CROWDER CONSTRUCTION COMPANY Construction Services for the Austin Run Sanitary Sewer and Pump Station Replacement Project Per Bid # 101132 and Contract for Services Dated January 17, 2014 From: Water/Sewer Operating Fund R13-406	\$142,027.85
11/30/2016	BRANCH HIGHWAYS INC Truslow Road PPTA Project Design Build Per Comprehensive Agreement Dated August 6, 2013 From: Transportation Fund R13-176	\$159,722.15
12/7/2016	RISING SUN CONSTRUCTION COMPANY Grading for the Animal Shelter Per Bid #428164 and Contract dated July 15, 2016 From General Government Capital Projects Fund R16-154	\$262,295.00



## BOARD OF SUPERVISORS

### Agenda Item

<b>Meeting Date:</b>	December 13, 2016
<b>Title:</b>	Proclamation Recognizing the Greater Falls Run Lions Club
<b>Department:</b>	Public Information
<b>Staff Contact:</b>	Shannon Howell, PIO
<b>Board Committee/ Other BACC:</b>	N/A
<b>Staff Recommendation:</b>	Approval
<b>Fiscal Impact:</b>	N/A
<b>Time Sensitivity:</b>	N/A

**ATTACHMENTS:**

1.	Background Report	2.	Proposed Proclamation P16-33
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<input checked="" type="checkbox"/>	<b>Consent Agenda</b>		<b>Other Business</b>		<b>Unfinished Business</b>
	<b>Discussion</b>	<input checked="" type="checkbox"/>	<b>Presentation</b>		<b>Work Session</b>
	<b>New Business</b>		<b>Public Hearing</b>		<b>Add-On</b>

**REVIEW:**

<input checked="" type="checkbox"/>	County Administrator	
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<b>DISTRICT:</b>	N/A
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### **BACKGROUND REPORT**

Lions Club International is the world's largest service club organization. Its vision is to be the global leader in community and humanitarian service.

The Greater Falls Run Lions Club (Club) was formed on July 16, 2005 and is a member of Lions Club International. Its mission is "to serve our community and beyond by providing voluntary services and raising funds for humanitarian activities." The Club meets on the second and fourth Tuesday of each month at Yak A Doo's Restaurant, located on Route 17 in South Stafford.

The Club is active in many civic initiatives including the Lions Project for Canine Companions. International Assistance Dog Week is recognized by the Board each year in August when several of its assistance dogs and their handlers attend a Board meeting. The Club also participated in the annual DC DogFest, which is held in Arlington, VA each September.

The Blue Star Mothers of Fredericksburg were aided by Club members in packing and shipping 300 boxes to overseas troops that will be away from home for the holidays.

In October 2016, Club members participated in a program where vision and hearing screen was provided for 662 Stafford County school children. Also in October 2016, the Club donated a bench to Stafford Junction.

The Club's Seventh Annual Crab Feast took place in September 2016. 100% of the proceeds were dedicated to community service projects. Another fund-raising annual event is the Falls Run Craft Show, proceeds of which also go to fund the Club's numerous community service projects.

Proposed Proclamation P16-33 recognizes the Greater Falls Run Lions Club for its commitment to Stafford County, its citizens and local community organizations.

PROPOSED

BOARD OF SUPERVISORS  
COUNTY OF STAFFORD  
STAFFORD, VIRGINIA

PROCLAMATION

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, George L. Gordon, Jr., Government Center, Stafford, Virginia, on the 13<sup>th</sup> day of December, 2016:

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MEMBERS:

Robert “Bob” Thomas, Jr., Chairman  
Laura A. Sellers, Vice Chairman  
Meg Bohmke  
Jack R. Cavalier  
Wendy E. Maurer  
Paul V. Milde, III  
Gary F. Snellings

VOTE:

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On motion of , seconded by , which carried by a vote of , the following was adopted:

A PROCLAMATION RECOGNIZING THE GREATER FALLS RUN  
LIONS CLUB

WHEREAS, Lions Club International is the world’s largest service club organization; and

WHEREAS, the Greater Falls Run Lions Club (Club) was formed on July 6, 2005 and is a member of Lions Club International; and

WHEREAS, the mission of the Club is “to serve our community and beyond by providing voluntary services and raising funds for humanitarian activities;” and

WHEREAS, the Club is active in many civic initiatives including the Lions Project for Canine Companions and is recognized by the Board each August during International Assistance Dog Week; and

WHEREAS, the Blue Star Mothers of Fredericksburg were aided by Club members in packing and shipping 300 boxes to overseas troops that are away from home during the holidays; and

WHEREAS, in October 2016, Club members participated in vision and hearing screening for 662 Stafford County school children; and also in October, donated a bench to Stafford Junction; and

WHEREAS, the Club's seventh annual Crab Feast took place in September 2016, and 100% of the proceeds were dedicated to community service projects;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 13<sup>th</sup> day of December, 2016, that it be and hereby does recognize the Greater Falls Run Lions Club for its commitment to Stafford County, its citizens and community organizations.

CDB:seh

**BOARD OF SUPERVISORS****Agenda Item**

<b>Meeting Date:</b>	December 13, 2016
<b>Title:</b>	Proclamation Recognizing Clean Farm Award Winner Steven Druett
<b>Department:</b>	Public Information
<b>Staff Contact:</b>	Shannon Howell, PIO
<b>Board Committee/ Other BACC:</b>	N/A
<b>Staff Recommendation:</b>	Approval
<b>Fiscal Impact:</b>	N/A
<b>Time Sensitivity:</b>	NA

**ATTACHMENTS:**

1.	Background Report	2.	Proposed Proclamation P16-34
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X	<b>Consent Agenda</b>		<b>Other Business</b>		<b>Unfinished Business</b>
	<b>Discussion</b>		<b>Presentation</b>		<b>Work Session</b>
	<b>New Business</b>		<b>Public Hearing</b>		<b>Add-On</b>

**REVIEW:**

X	County Administrator	
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<b>DISTRICT:</b>	Hartwood
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### **BACKGROUND REPORT**

Each year the Tri-County/City Soil and Water Conservation District selects a local farmer as recipient of the Clean Water/Bay Friendly Farm Award. The 2016 winner in Stafford County is Mr. Steven Druiett.

Mr. Druiett demonstrated a commitment to the conservation of natural resources through responsible farming practices, which includes installing 2,746' of pipeline; three frost-free watering troughs; and 4,650' of fence to exclude cattle from the stream and wet areas that flow through his farm. He installed several hydrants, which enable him to more intensely manage his forages and rotate his cattle every one to two days. The frequency of this rotation helps control weeds, insects, and disease problems without using chemicals on his farm.

Mr. Druiett's farm is located in the Hartwood District. Proposed Proclamation P16-32 recognizes and commends Mr. Steven Druiett for being awarded the Tri-County/City Soil and Water Conservation District's 2016 Clean Farm Award.

PROPOSED

BOARD OF SUPERVISORS  
COUNTY OF STAFFORD  
STAFFORD, VIRGINIA

PROCLAMATION

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, George L. Gordon, Jr., Government Center, Stafford, Virginia, on the 13<sup>th</sup> day of December, 2016:

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MEMBERS:

Robert “Bob” Thomas, Jr., Chairman  
Laura A. Sellers, Vice Chairman  
Meg Bohmke  
Jack R. Cavalier  
Wendy E. Maurer  
Paul V. Milde, III  
Gary F. Snellings

VOTE:

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On motion of , seconded by , which carried by a vote of , the following was adopted:

A PROCLAMATION RECOGNIZING MR. STEVEN DRUIETT,  
WINNER OF THE TRI-COUNTY/CITY SOIL AND WATER  
CONSERVATION DISTRICT’S 2016 CLEAN FARM AWARD

WHEREAS, each year the Tri-County/City Soil and Water Conservation District recognizes environmentally friendly, conservation-minded farming practices; and

WHEREAS the District has selected Mr. Steven Druiett as the Clean Water/Bay Friendly Farm Award program recipient of Stafford County (Rappahannock Watershed) for 2016; and

WHEREAS Mr. Druiett demonstrated a commitment to the conservation of natural resources through responsible farming practices, which includes installing 2,746’ of pipeline; three frost-free watering troughs; and 4,650’ of fence to exclude cattle from the stream and wet areas that flow through his farm; and

WHEREAS Mr. Druiett installed several hydrants, which enable him to more intensely manage his forages and rotate his cattle every one to two days; the frequency of this rotation helps control weeds, insects, and disease problems without using chemicals on his farm;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 13<sup>th</sup> day of December, 2016, that it be and hereby does commend Mr. Steven Druett for being recognized as the 2016 Clean Farm/ Bay Friendly Award winner.

CDB:seh



**BOARD OF SUPERVISORS**  
**Agenda Item**

<b>Meeting Date:</b>	December 13, 2016
<b>Title:</b>	Proclamation Recognizing Assistant Economic Development Director, Brad Johnson, on his Retirement
<b>Department:</b>	Public Information
<b>Staff Contact:</b>	Shannon Howell, PIO
<b>Board Committee/ Other BACC:</b>	N/A
<b>Staff Recommendation:</b>	Approval
<b>Fiscal Impact:</b>	N/A
<b>Time Sensitivity:</b>	Mr. Johnson's retirement date is December 30, 2016.

**ATTACHMENTS:**

1.	Background Report	2.	Proposed Proclamation P16-35
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X	Consent Agenda		Other Business		Unfinished Business
	Discussion	X	Presentation		Work Session
	New Business		Public Hearing		Add-On

**REVIEW:**

X	County Administrator	
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<b>DISTRICT:</b>	N/A
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### **BACKGROUND REPORT**

Brad Johnson came to work for Stafford County in February 2007, when he was hired as the County's first Redevelopment Administrator. He brought to the position extensive experience in transportation, GIS, planning, redevelopment, and economic development. At the beginning of the County's redevelopment process, he led ambitious public engagements meeting with residents, businesses, and stakeholders.

The multi-year project produced some 10,000 hours of work (consultant and staff), and an approximate 3,000 pages of documentation, which led the first economic development focused planning work of its kind in the Commonwealth of Virginia. This work was endorsed by the Board, the Planning Commission, and the Economic Development Authority. It was added as an element of the Comprehensive Plan and is a living document used in promoting economic development in the County.

Brad was promoted to Assistant Director of Economic Development while retaining his role as Redevelopment Administrator. When Tim Baroody left the County, Brad was appointed Acting Director of Economic Development.

Brad is looking forward to spending time with his family and traveling in his retirement. Proposed Proclamation P16-35 recognizes Brad Johnson for his hard work and dedication to the citizens of Stafford County.

PROPOSED

BOARD OF SUPERVISORS  
COUNTY OF STAFFORD  
STAFFORD, VIRGINIA

PROCLAMATION

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, George L. Gordon, Jr., Government Center, Stafford, Virginia, on the 13<sup>th</sup> day of December, 2016:

MEMBERS:

Robert “Bob” Thomas, Jr., Chairman  
Laura A. Sellers, Vice Chairman  
Meg Bohmke  
Jack R. Cavalier  
Wendy E. Maurer  
Paul V. Milde, III  
Gary F. Snellings

VOTE:

On motion of , seconded by , which carried by a vote of , the following was adopted:

A PROCLAMATION RECOGNIZING BRAD JOHNSON, ASSISTANT  
DIRECTOR OF ECONOMIC DEVELOPMENT, ON HIS  
RETIREMENT

WHEREAS, Mr. Johnson has extensive experience in transportation, planning, Geographic Information Systems, redevelopment and economic development, and he brought decades of this diverse background to Stafford County in February, 2007 when he was hired as the County’s first Redevelopment Administrator, and

WHEREAS, in this role, Mr. Johnson led one of the most ambitious public engagements in Stafford’s recent history, meeting with residents, businesses, and stakeholders dozens of times as the Redevelopment master planning process began in earnest shortly after his hire, and

WHEREAS, that multi-year work produced some 10,000 hours of work (consultant and staff) and approximately 3,000 pages of documentation, and was the first economic development-focused planning work of its kind in the Commonwealth of Virginia, and

WHEREAS, this work was endorsed by the Board, the Planning Commission, and the Economic Development Authority; it was added as an element of the Comprehensive Plan, and is now a living document being used to promote economic development in the County; and

WHEREAS, Brad was promoted to Assistant Director while retaining his Redevelopment Administrator role, furthering his influence in attracting and retaining investment within the County

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 13<sup>th</sup> day of December, 2016, that it be and hereby does recognize Brad Johnson on his retirement, and for his hard work and dedication to the citizens of Stafford County.

AJR:

**BOARD OF SUPERVISORS****Agenda Item**

<b>Meeting Date:</b>	December 13, 2016
<b>Title:</b>	Authorize the Interim County Administrator to Execute a Contract for the Construction of the Centreport Sewer Extension Project
<b>Department:</b>	Utilities
<b>Staff Contact:</b>	Jason Towery, Director
<b>Board Committee/ Other BACC:</b>	N/A
<b>Staff Recommendation:</b>	Approval
<b>Budget Impact:</b>	\$1,003,987 in the Utilities Capital Improvement Program fund
<b>Time Sensitivity:</b>	N/A

**ATTACHMENTS:**

1.	Background Report	3.	Project Graphic
2.	Proposed Resolution R16-364		

X	<b>Consent Agenda</b>		<b>Other Business</b>		<b>Unfinished Business</b>
	<b>Discussion</b>		<b>Presentation</b>		<b>Work Session</b>
	<b>New Business</b>		<b>Public Hearing</b>		<b>Add-On</b>

**REVIEW:**

X	Interim County Administrator	<i>C. Douglas Barnes</i>
X	County Attorney (legal review only)	<i>Charles L. Humate</i>
X	Finance and Budget	<i>Maria J. Penotte</i>

<b>DISTRICT:</b>	Hartwood
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**BACKGROUND REPORT**

Construction of the Centreport Sewer Extension Project (Project) consists of the installation of approximately 2,100 linear feet of 15-inch gravity sewer from Centreport Parkway, south of the Airport on Tax Map Parcel No. 38-14B, to an existing manhole near Interstate 95 on Tax Map Parcel No. 37-80. This Project would provide access to public sewer for many of the properties along Centreport Parkway. Attachment 3 is a map of the Project.

A request for bids for this Project was advertised on October 26, 2016. The following three bids were received and opened on November 29, 2016:

Kelvic Construction Company Inc.	\$1,003,987
S. W. Rodgers Company, Inc.	\$1,383,865
Marin and Gass, Incorporated	\$3,225,610

Staff recommends approval of proposed Resolution R16-364, which authorizes the Interim County Administrator to execute a construction contract with Kelvic Construction Company Inc., the lowest responsive and responsible bidder for this Project, in an amount not to exceed \$1,003,987. Funds are available in the Utilities Capital Improvement Program Fund for this contract. Staff anticipates issuing a notice to proceed in January 2017 for this Project.

R16-364

PROPOSED

BOARD OF SUPERVISORS  
COUNTY OF STAFFORD  
STAFFORD, VIRGINIA

RESOLUTION

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, George L. Gordon, Jr. Government Center, Stafford, Virginia, on the 13<sup>th</sup> day of December, 2016:

MEMBERS:

Robert "Bob" Thomas, Jr., Chairman  
Laura A. Sellers, Vice Chairman  
Meg Bohmke  
Jack R. Cavalier  
Wendy E. Maurer  
Paul V. Milde, III  
Gary F. Snellings

VOTE:

On motion of , seconded by , which carried by a vote of , the following was adopted:

A RESOLUTION AUTHORIZING THE INTERIM COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT WITH KELVIC CONSTRUCTION COMPANY INC. FOR THE CONSTRUCTION OF THE CENTREPORT SEWER EXTENSION PROJECT IN THE HARTWOOD ELECTION DISTRICT

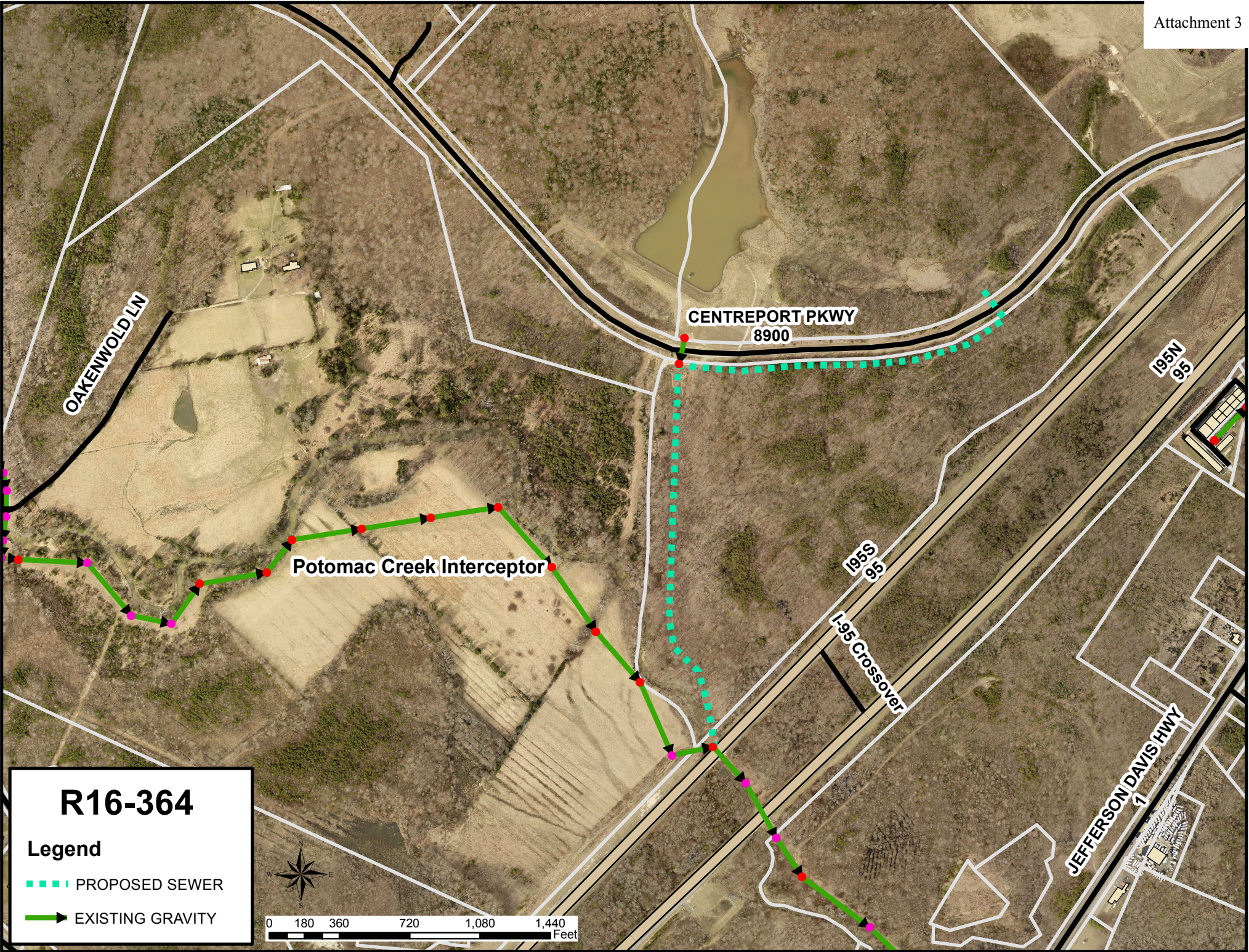
WHEREAS, funding for construction of the Centreport Sewer Extension (Project) is in the Utilities Capital Improvement Program and is designed to convey wastewater from the Centreport Parkway area to the Potomac Creek pump station; and

WHEREAS, the County solicited bids for the Project; and

WHEREAS, three bids were received and staff determined that the bid submitted by Kelvic Construction Company Inc., in the amount of \$1,003,987, is the lowest responsive and responsible bid, and is reasonable for the scope of services proposed for the Project;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 13<sup>th</sup> day of December, 2016, that the Interim County Administrator be and he hereby is authorized to execute a contract with Kelvic Construction Company Inc., for the construction of the Centreport Sewer Extension Project, in an amount not to exceed One Million Three Thousand Nine Hundred Eighty-seven Dollars (\$1,003,987), unless amended by a duly-authorized change order.







# BOARD OF SUPERVISORS

## Agenda Item



<b>Meeting Date:</b>	December 13, 2016
<b>Title:</b>	Authorize the Interim County Administrator to Advertise a Public Hearing to Consider Condemnation of Property in Connection with the Belmont-Ferry Farm Trail, Phase 4
<b>Department:</b>	Public Works
<b>Staff Contact:</b>	Christopher K. Rapp, P.E., Director
<b>Board Committee/ Other BACC:</b>	N/A
<b>Staff Recommendation:</b>	Approval
<b>Fiscal Impact:</b>	N/A
<b>Time Sensitivity:</b>	Condemnation necessary to maintain construction schedule

### ATTACHMENTS:

1.	Background Report	3.	Condemnation Map
2.	Proposed Resolution R16-348		

<input checked="" type="checkbox"/>	<b>Consent Agenda</b>	<input type="checkbox"/>	<b>Other Business</b>	<input type="checkbox"/>	<b>Unfinished Business</b>
<input type="checkbox"/>	<b>Discussion</b>	<input type="checkbox"/>	<b>Presentation</b>	<input type="checkbox"/>	<b>Work Session</b>
<input type="checkbox"/>	<b>New Business</b>	<input type="checkbox"/>	<b>Public Hearing</b>	<input type="checkbox"/>	<b>Add-On</b>

### REVIEW:

X	Interim County Administrator	
X	County Attorney (legal review only)	

**DISTRICT:** George Washington

## **BACKGROUND REPORT**

The Board identified the completion of the Belmont-Ferry Farm Trail (Trail), to include Phase 4 (Project) from Pratt Park to connect with the sidewalk on Kings Highway (SR-3) at the Chatham Bridge, as a critical part of Stafford County's pedestrian and bicycle plan.

The design for the Project is complete. The County is currently in the process of acquiring the land and easements necessary for the construction of the Project. The County has not been able to come to an agreement with two property owners. The County must acquire the temporary and permanent easements on these properties in order to proceed with the Project. Attachment 6 is a map showing the two affected properties.

Listed below are the two properties that are currently being considered for condemnation. Assessments are not typically done for properties valued under \$10,000. Therefore, the certified professional used an average based on prior sales of similar properties. Specific information on the properties and the status of negotiations are provided below.

**Tax Map Parcel No. 54F-11-2 (Property) owned by Robert B. P. Thompson (Property Owner)**

Existing Property Size	0.4400 acres (99,000 square feet)
Post-Acquisition Property Size	0.4400 acres (99,000 square feet)
Permanent Trail Maintenance Easement	0.0571 acres ( 2,489 square feet)
Permanent Wall Maintenance Easement	0.0220 acres ( 959 square feet)
Permanent Storm Drainage Easement	0.0176 acres ( 766 square feet)
Temporary Construction and Grading Easement	0.1182 acres ( 5,150 square feet)

On April 12, 2016, an initial offer of \$1,800 was presented to the prior property owner, the mother of the current Property Owner. The Property Owner was the landowner's representative for his mother. The prior property owner passed away in early May. While the estate was being resolved, conversations were being held between the Property Owner and his neighbor, Ms. Watson, regarding Ms. Watson purchasing the Property.

As a result of the Last Will and Testament, the Property was transferred to the Property Owner. On November 1, 2016, a revised offer of \$2,600 was presented. The offer amount was raised to factor the retaining wall and Trail as permanent use. A factor of 100% was applied rather than a 50% factor for the temporary easement areas. The Property Owner indicates that no progress has been made regarding sale of the Property to Ms. Watson, and that he was going to send the revised offer package to his legal counsel for review.

In late November 2016, a letter was sent to the Property Owner requesting a response by December 1, 2016. To date, no response has been received.

In order to take possession of the easements required for the Project, and to not further delay the Project schedule, the County must proceed with condemnation.

Tax Map Parcel No. 54-89 (Property) owned by Leah B. Watson and Bajram Gashi (Property Owners)

Existing Property Size	16.4313 acres (715,747 square feet)
Post-Acquisition Property Size	16.4313 acres (715,747 square feet)
Permanent Trail Maintenance Easement	0.0050 acres ( 218 square feet)
Permanent Wall Maintenance Easement	0.0225 acres ( 979 square feet)

The Trail has been redesigned to avoid any fee simple take of the Property and minimize any impact. However, maintenance easements are still required on this Property. On May 17, 2016, the initial offer amount of \$700 was presented to the Property Owners to acquire the easements on the Property.

The Property Owners first expressed concerns about how they would continue to access the unoccupied area of their Property for maintenance if the Trail was constructed. The County, working with Virginia Department of Transportation (VDOT), developed a plan with a driveway style entrance from Kings Highway (State Route 3), to provide access via the Trail for the landowners of Tax Map Nos. 54F-11-2 and 54-89 to their respective properties. This plan was provided to the Property Owners on September 13, 2016.

In September and October, the County's negotiator made several unsuccessful attempts to meet to discuss the Project.

The Property Owner, Ms. Watson, then expressed concerns about the next phase of the Trail, Phase 6, and how that Trail would impact their Property. They were disappointed about the lack of information on this next phase and were not interested in conveying the easements until their concerns about the next phase of the Trail were satisfied. The County's project manager spoke with Ms. Watson on November 10, 2016, and advised her that no information was available on the Phase 6 alignment at this time, but that the Phase 4 portion of the Trail had a schedule that needed to be met. This schedule is dictated by federal and state funding, and progress on the easement acquisition is needed to stay on schedule and not jeopardize funding. The Property Owner was assured that the County was working on the design of Phase 6, and when the preferred alignment was determined she would be contacted. The Property Owner indicated that they would again request guidance from their legal counsel.

On November 22, 2016, a letter was sent to the Property Owners requesting a response by December 1, 2016. To date, no response has been received.

Negotiations on these two Properties have stalled. Due to the delays already incurred on the Project, and the need to complete the acquisition process prior to Trail construction, staff recommends moving forward with consideration of condemnation.

Sufficient funds for the easement acquisitions are available in the Project's budget. Staff and the negotiator will continue to try to come to settlement with the property owners as the Project moves forward.

Staff recommends approval of proposed Resolution R16-348, which authorizes the Interim County Administrator to advertise a public hearing to consider condemnation to acquire the necessary easements associated with the Belmont-Ferry Farm Trail, Phase 4, Project.

R16-348

PROPOSED

BOARD OF SUPERVISORS  
COUNTY OF STAFFORD  
STAFFORD, VIRGINIA

RESOLUTION

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, George L. Gordon, Jr., Government Center, Stafford, Virginia, on the 13<sup>th</sup> day of December, 2016:

MEMBERS:

Robert "Bob" Thomas, Jr., Chairman  
Laura A. Sellers, Vice Chairman  
Meg Bohmke  
Jack R. Cavalier  
Wendy E. Maurer  
Paul V. Milde, III  
Gary F. Snellings

VOTE:

On motion of , seconded by , which carried by a vote of , the following was adopted:

A RESOLUTION AUTHORIZING THE INTERIM COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO CONSIDER CONDEMNATION OF PROPERTY IN CONNECTION WITH THE BELMONT-FERRY FARM TRAIL, PHASE 4, IN THE GEORGE WASHINGTON ELECTION DISTRICT

WHEREAS, the Board identified the completion of the Belmont-Ferry Farm Trail, to include Phase 4 beginning at Pratt Park and connecting to the sidewalk on Kings Highway (SR-3) at the Chatham Bridge (Project), as a critical part of the Falmouth h Redevelopment Plan to develop the river front as a cultural, historical, and recreational attraction for public use and enjoyment; and

WHEREAS, the acquisition of the easements are necessary for the completion of the Project, and staff is in the process of acquiring the necessary portions of land for temporary and permanent easements; and

WHEREAS, Tax Map Parcel No. 54F-11-2, consisting of approximately 0.4400 acres of land is owned by Robert B. P. Thompson; and

WHEREAS, due to the design of the Project, the Board must acquire 2,489 square feet (SF) of permanent trail maintenance easement, 766 SF of permanent storm drainage easement, 959 SF of permanent wall maintenance easement, and 5,150 SF of temporary construction and grading easement on Tax Map Parcel No. 54F-11-2; and

WHEREAS, the fair market value for the required easement areas of Tax Map Parcel No. 54F-11-2, together with damages, if any, to the remainder of the property is Two Thousand Six Hundred Dollars (\$2,600), based upon the average price of prior sales of similar properties; and

WHEREAS, Tax Map Parcel No. 54-89, consisting of approximately 16.4313 acres of land is owned by Leah B. Watson and Bajram Gashi; and

WHEREAS, due to the design of the Project, the Board must acquire 218 SF of permanent trail maintenance easement and 979 SF of permanent wall maintenance easement on Tax Map Parcel No. 54-89; and

WHEREAS, the fair market value for the required areas of Tax Map Parcel No. 54-89, together with damages, if any, to the remainder of the property is Seven Hundred Dollars (\$700), based upon the average price of prior sales of similar properties; and

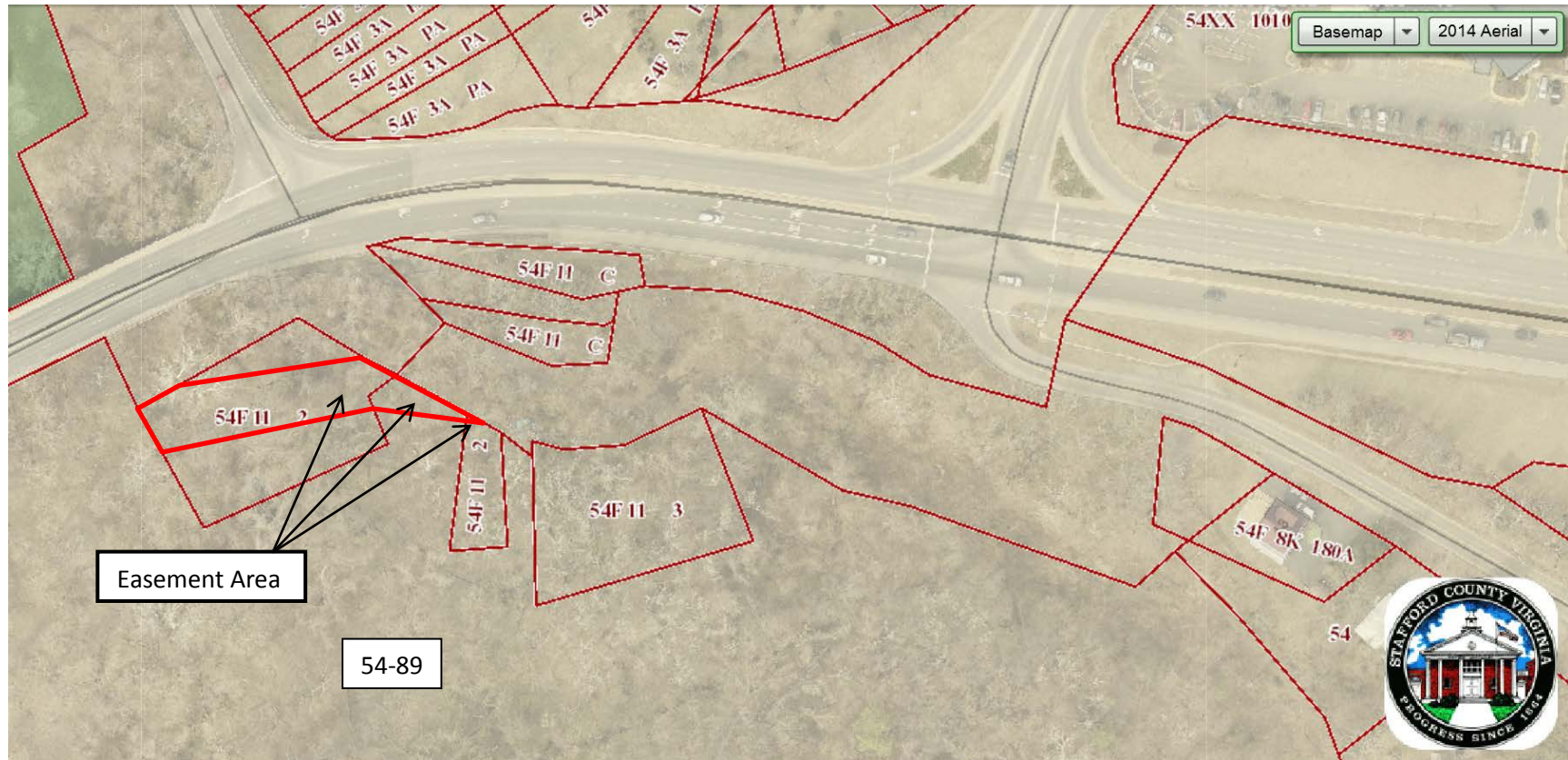
WHEREAS, the Board, through its consultant, made a bona fide, but ineffectual, effort to purchase the affected areas of the listed properties by offering a value based upon the average of prior sales of similar properties on behalf of the County, to the respective property owners; and

WHEREAS, the terms of purchase cannot be agreed upon, and the County's consultant was unsuccessful in negotiating a final settlement with the property owner of Tax Map Parcel No. 54F-11-2, and with the property owners of Tax Map Parcel No. 54-89, but will continue to work with all the property owners to attempt to reach final settlement; and

WHEREAS, to acquire the easements for the Project by condemnation, the Board desires and is required to hold a public hearing, pursuant to Virginia Code §15.2-1903(B);

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 13<sup>th</sup> day of December, 2016, that the Board be and it hereby does authorize the Interim County Administrator to advertise a public hearing to consider condemnation to acquire permanent trail maintenance easement, permanent storm drainage easement, permanent wall maintenance easement, and temporary construction and grading easement on the property of Robert B. P. Thompson, Tax Map Parcel No. 54F-11-2; and permanent trail maintenance easement and permanent wall maintenance easement on the property of Leah B. Watson and Bajram Gashi, Tax Map Parcel No. 54-89; in connection with the Belmont-Ferry Farm Trail, Phase 4, Project, pursuant to Virginia Code § 15.2-1903(B).

## BELMONT-FERRY FARM TRAIL PHASE 4 CONDEMNATIONS





**BOARD OF SUPERVISORS**  
**Agenda Item**

<b>Meeting Date:</b>	December 13, 2016
<b>Title:</b>	A Resolution to Establish the Juggins Road Project as a Revenue Sharing Project
<b>Department:</b>	Public Works
<b>Staff Contact:</b>	Christopher K. Rapp, P.E., Director
<b>Board Committee/ Other BACC:</b>	Infrastructure Committee
<b>Staff Recommendation:</b>	Approval
<b>Fiscal Impact:</b>	N/A
<b>Time Sensitivity:</b>	See background report

**ATTACHMENTS:**

1.	Background Report	2.	Proposed Resolution R16-360
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X	<b>Consent Agenda</b>		<b>Other Business</b>		<b>Unfinished Business</b>
	<b>Discussion</b>		<b>Presentation</b>		<b>Work Session</b>
	<b>New Business</b>		<b>Public Hearing</b>		<b>Add-On</b>

**REVIEW:**

X	Interim County Administrator	<i>Douglas Bannister</i>
X	County Attorney (legal review only)	<i>Charles L. Thumate</i>
X	Finance and Budget	<i>M 1/8 FOR MARIA PERROTTE</i>

<b>DISTRICT:</b>	Griffis-Widewater
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## **BACKGROUND REPORT**

Stafford County committed to reconstructing a portion of Juggins Road to provide safer access to the new Anne E. Moncure Elementary School. Stafford County Schools committed \$1,025,000 in funding for the reconstruction of a portion of Juggins Road. In order to maximize this funding, staff proposed to the Virginia Department of Transportation (VDOT), to transfer existing, unused revenue sharing funds from the Enon Road project to the Juggins Road Reconstruction project.

In order to transfer the Revenue Sharing funds from the Enon Road project, the County must submit a resolution to VDOT requesting the establishment of the reconstruction of a portion of Juggins Road as a revenue sharing project. VDOT will then draft a resolution for the Commonwealth Transportation Board's (CTB) approval.

Staff recommends approval of proposed Resolution R16-360, which requests that VDOT establish the reconstruction of a portion of Juggins Road as a revenue sharing project, and transfer existing revenue sharing funds from the Enon Road project.



R16-360

PROPOSED

BOARD OF SUPERVISORS  
COUNTY OF STAFFORD  
STAFFORD, VIRGINIA

RESOLUTION

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, George L. Gordon, Jr., Government Center, Stafford, Virginia, on the 13<sup>th</sup> day of December, 2016:

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MEMBERS:

Robert “Bob” Thomas, Jr., Chairman  
Laura A. Sellers, Vice Chairman  
Meg Bohmke  
Jack R. Cavalier  
Wendy E. Maurer  
Paul V. Milde, III  
Gary F. Snellings

VOTE:

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On motion of , seconded by , which carried by a vote of , the following was adopted:

A RESOLUTION TO REQUEST THE JUGGINS ROAD  
RECONSTRUCTION PROJECT AS A FY2018 VIRGINIA  
DEPARTMENT OF TRANSPORTATION (VDOT) REVENUE  
SHARING PROJECT

WHEREAS, the Board desires to submit an application for a reallocation of revenue sharing funds of up to \$1,025,000 for the Juggins Road Reconstruction Project; and

WHEREAS, the Board desires funds to be reallocated from a previously awarded revenue sharing project, the Enon Road project, in the amount of \$1,025,000; and

WHEREAS, staff submitted a Smart Scale application to replace the funding for the Enon Road project; and

WHEREAS, the Board commits to matching \$1,025,000 in revenue sharing funds with \$1,025,000 in funds received through the issuance of debt for the replacement build of Anne E. Moncure Elementary School;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 13<sup>th</sup> day of December, 2016, that the Juggins Road Reconstruction project be and it hereby is requested for inclusion in the FY2018 VDOT Revenue Sharing Program; and

BE IT FURTHER RESOLVED that the Board authorizes the Interim County Administrator, or his designee, to execute project administration agreements and/or other documents that he deems necessary or appropriate for any approved revenue sharing projects; and

BE IT STILL FURTHER RESOLVED that the Interim County Administrator, or his designee, shall send three certified copies of this Resolution to the VDOT District Administrator.

CDB:ckr:aeo:tbm

**BOARD OF SUPERVISORS**  
**Agenda Item**

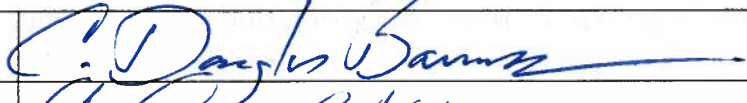

<b>Meeting Date:</b>	December 13, 2016
<b>Title:</b>	Petition VDOT to Include Phillips Street within Holly Ridge, Section 2; and Donovan Lane and Whistler Way within Poplar Estates, Section 2C, into the Secondary System of State Highways
<b>Department:</b>	Public Works
<b>Staff Contact:</b>	Christopher K. Rapp, P.E., Director
<b>Board Committee/ Other BACC:</b>	N/A
<b>Staff Recommendation:</b>	Approval
<b>Fiscal Impact:</b>	N/A
<b>Time Sensitivity:</b>	N/A

**ATTACHMENTS:**

1.	Background Report	4.	VDOT Form - AM-4.3 - Holly Ridge Section 2
2.	Proposed Resolution R16-361	5.	VDOT Form - AM-4.3 - Poplar Estates Section 2C
3.	Proposed Resolution R16-362		

<input checked="" type="checkbox"/>	<b>Consent Agenda</b>	<input type="checkbox"/>	<b>Other Business</b>	<input type="checkbox"/>	<b>Unfinished Business</b>
<input type="checkbox"/>	<b>Discussion</b>	<input type="checkbox"/>	<b>Presentation</b>	<input type="checkbox"/>	<b>Work Session</b>
<input type="checkbox"/>	<b>New Business</b>	<input type="checkbox"/>	<b>Public Hearing</b>	<input type="checkbox"/>	<b>Add-On</b>

**REVIEW:**

X	Interim County Administrator	
X	County Attorney (legal review only)	

<b>DISTRICTS:</b>	George Washington/Hartwood
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### **BACKGROUND REPORT**

Public streets in the County are often constructed in conjunction with an approved subdivision or site development plan. These streets are constructed under the observation of the Virginia Department of Transportation (VDOT) staff and, to a lesser extent, County staff. Construction and maintenance of these streets are the responsibility of the developer until such time as they meet all requirements for acceptance into the public highway system. Once the streets meet all VDOT requirements for design and construction, and have the required number of occupied homes, they may be accepted into the VDOT Secondary System of State Highways. After this occurs, VDOT assumes responsibility for street maintenance.

The acceptance process begins with VDOT's satisfaction at the completion of construction of the streets. The Board then adopts a resolution petitioning VDOT to accept the designated streets into the Secondary System of State Highways. The resolution is forwarded to VDOT for further consideration by local VDOT staff and VDOT's Central Office in Richmond. Following review and approval, the streets are officially accepted into the Secondary System of State Highways.

Phillips Street within Holly Ridge, Section 2, and Donovan Lane and Whistler Way within Poplar Estates, Section 2C, are ready for acceptance into the Secondary System of State Highways.

The developers of Phillips Street within Holly Ridge, Section 2, and Donovan Lane and Whistler Way within Poplar Estates, Section 2C, are required to provide the administrative fee, maintenance fee, and performance surety as protection to guarantee the satisfactory performance of the streets for a period of one year. These fees and surety must be received along with the Board-adopted resolution prior to VDOT processing the request. Following VDOT's acceptance of the streets, the County releases any remaining securities for road improvements.

Attachment 4 is the completed VDOT form for Phillips Street within Holly Ridge, Section 2, and located 0.2 miles south of White Oak Road (SR-218).

Attachment 5 is the completed VDOT form for Donovan Lane and Whistler Way within Poplar Estates, Section 2C, and located off Poplar Road (SR-616) approximately 0.9 miles on Donovan Lane.

Staff recommends approval of proposed Resolutions R16-361 and R16-362, which petitions VDOT to accept the above-referenced streets into the Secondary System of State Highways.

R16-361PROPOSEDBOARD OF SUPERVISORS  
COUNTY OF STAFFORD  
STAFFORD, VIRGINIARESOLUTION

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, George L. Gordon, Jr., Government Center, Stafford, Virginia, on the 13<sup>th</sup> day of December 2016:

MEMBERS:

Robert “Bob” Thomas, Jr., Chairman  
 Laura A. Sellers, Vice Chairman  
 Meg Bohmke  
 Jack R. Cavalier  
 Wendy E. Maurer  
 Paul V. Milde, III  
 Gary F. Snellings

VOTE:

On motion of , seconded by , which carried by a vote of , the following was adopted:

A RESOLUTION TO PETITION THE VIRGINIA DEPARTMENT OF  
 TRANSPORTATION TO INCLUDE PHILLIPS STREET WITHIN  
 HOLLY RIDGE, SECTION 2, LOCATED WITHIN THE GEORGE  
 WASHINGTON ELECTION DISTRICT, INTO THE SECONDARY  
 SYSTEM OF STATE HIGHWAYS

WHEREAS, pursuant to Virginia Code § 33.2-705, the Board desires to petition the Virginia Department of Transportation (VDOT) to include Phillips Street within Holly Ridge, Section 2, located 0.2 miles south of White Oak Road (SR-218); and

WHEREAS, VDOT inspected Phillips Street within Holly Ridge, Section 2, and found it satisfactory for acceptance into the Secondary System of State Highways;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 13<sup>th</sup> day of December 2016, that the Virginia Department of Transportation (VDOT) be and it hereby is petitioned to include the following street within Holly Ridge, Section 2, into the Secondary System of State Highways:

Street Name/ Route Number	Station	Length
Phillips Street (SR-1132)	From: 0.06 miles South of Intersection of Holly Street (SR-1147) To: 0.24 miles South of Intersection of Holly Street (SR-1147)	0.18 mi. ROW 50'

An unrestricted right-of-way, as indicated above, for this street with necessary easements for cuts, fills, and drainage is guaranteed, as evidenced by Plat of Record entitled, Holly Ridge, Section 2, recorded among the Land Records of Stafford County, Virginia as Plat Map No. PM140000149, with Instrument No. LR140015479 on October 9, 2014; and

BE IT FURTHER RESOLVED that the Interim County Administrator, or his designee, shall forward a copy of this Resolution to the developer and to the VDOT Transportation and Land Use Director, Fredericksburg District.

CDB:ckr:toc:tbn

PROPOSED

BOARD OF SUPERVISORS  
COUNTY OF STAFFORD  
STAFFORD, VIRGINIA

RESOLUTION

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, George L. Gordon, Jr., Government Center, Stafford, Virginia, on the 13<sup>th</sup> day of December 2016:

MEMBERS:

Robert “Bob” Thomas, Jr., Chairman  
Laura A. Sellers, Vice Chairman  
Meg Bohmke  
Jack R. Cavalier  
Wendy E. Maurer  
Paul V. Milde, III  
Gary F. Snellings

VOTE:

On motion of , seconded by , which carried by a vote of , the following was adopted:

A RESOLUTION TO PETITION THE VIRGINIA DEPARTMENT OF  
TRANSPORTATION TO INCLUDE DONOVAN LANE AND  
WHISTLER WAY WITHIN POPLAR ESTATES, SECTION 2C,  
LOCATED WITHIN THE HARTWOOD ELECTION DISTRICT, INTO  
THE SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, pursuant to Virginia Code § 33.2-705, the Board desires to petition the Virginia Department of Transportation (VDOT) to include Donovan Lane and Whistler Way within Poplar Estates, Section 2C, located off Poplar Road approximately 0.9 miles on Donovan Lane; and

WHEREAS, VDOT inspected Donovan Lane and Whistler Way within Poplar Estates, Section 2C, and found them satisfactory for acceptance into the Secondary System of State Highways;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 13<sup>th</sup> day of December 2016, that the Virginia Department of Transportation (VDOT) be and it hereby is petitioned to include the following streets within Poplar Estates, Section 2C, into the Secondary System of State Highways:

Street Name/ Route Number	Station	Length
Donovan Lane (SR-2306)	From: Intersection of Evanston Court (SR-2308) To: Intersection of Whistler Way (SR-2309)	0.18 mi. ROW 50'
Donovan Lane (SR-2306)	From: Intersection of Whistler Way (SR-2309) To: Intersection of Waverly Way (SR-2310)	0.43 mi. ROW 50'
Whistler Way (SR-2309)	From: Intersection of Donovan Lane (SR-2306) To: 0.20 miles NE of Intersection of Donovan Lane (SR-2306)	0.20 mi. ROW 50'

An unrestricted right-of-way, as indicated above, for these streets with necessary easements for cuts, fills, and drainage is guaranteed, as evidenced by Plat of Record entitled, Poplar Estates, Section 2C, recorded among the Land Records of Stafford County, Virginia as Plat Map No. PM120000285, with Instrument No. LR120027606 on December 28, 2012; and

BE IT FURTHER RESOLVED that the Interim County Administrator, or his designee, shall forward a copy of this Resolution to the developer, and to the VDOT Transportation and Land Use Director, Fredericksburg District.

CDB:ckr:toc:tbn



## In the County of Stafford

By resolution of the governing body adopted December 13, 2016

The following VDOT Form AM-4.3 is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.

A Copy Testee

Signed (County Official): \_\_\_\_\_

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**Report of Changes in the Secondary System of State Highways**

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**Project/Subdivision Holly Ridge Section 2****Type Change to the Secondary System of State Highways:****Addition**

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested; the right of way for which, including additional easements for cuts, fills and drainage, as required, is hereby guaranteed:

Reason for Change: New subdivision street

Pursuant to Code of Virginia Statute: §33.2-705

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**Street Name and/or Route Number****◆ Phillips Street, State Route Number 1132**

Old Route Number: 0

- 
- From: 0.06 mi. S Inter Rte 1147 Holly Street

To: 0.24 mi S Inter Rte 1147 Holly Street (Cul-de-sac), a distance of: 0.18 miles.

Recordation Reference: PM 140000149 Ins140015479

Right of Way width (feet) = 50 ft

## In the County of Stafford

By resolution of the governing body adopted December 13, 2016

*The following VDOT Form AM-4.3 is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.*

A Copy Testee

Signed (County Official): \_\_\_\_\_

### Report of Changes in the Secondary System of State Highways

#### **Project/Subdivision Poplar Estates Section 2C**

#### **Type Change to the Secondary System of State Highways:**

#### **Addition**

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested; the right of way for which, including additional easements for cuts, fills and drainage, as required, is hereby guaranteed:

Reason for Change: New subdivision street

Pursuant to Code of Virginia Statute: §33.2-705

#### **Street Name and/or Route Number**

##### **◆ Whistler Way, State Route Number 2309**

Old Route Number: 0

- From: Inter SR 2306 Donovan Lane

To: 0.20 mi NE Inter SR 2306 Donovan Lane (Cul-de-sac), a distance of: 0.20 miles.

Recordation Reference: PM120000285 INS 120027606

Right of Way width (feet) = 50 ft

#### **Street Name and/or Route Number**

##### **◆ Donovan Lane, State Route Number 2306**

Old Route Number: 0

- From: Inter SR 2309 Whistler Way

To: Inter SR 2310 Waverly Way, a distance of: 0.43 miles.

Recordation Reference: PM120000285 INS 120027606

Right of Way width (feet) = 50 ft

#### **Street Name and/or Route Number**

##### **◆ Donovan Lane, State Route Number 2306**

Old Route Number: 0

- From: Inter SR 2308 Evanston Court

To: Inter SR 2309 Whistler Way, a distance of: 0.18 miles.

Recordation Reference: PM120000285 INS 120027606

Right of Way width (feet) = 50 ft

## BOARD OF SUPERVISORS

### Agenda Item

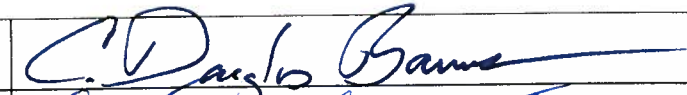
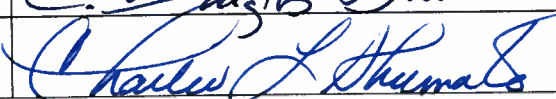
<b>Meeting Date:</b>	December 13, 2016
<b>Title:</b>	Advertise a Public Hearing to Consider Granting a Permanent Utility Easement to Dominion Virginia Power, on Tax Map Parcel No. 37-31C
<b>Department:</b>	Public Works
<b>Staff Contact:</b>	Christopher K. Rapp, P.E., Director
<b>Board Committee/ Other BACC:</b>	N/A
<b>Staff Recommendation:</b>	Approval
<b>Fiscal Impact:</b>	N/A
<b>Time Sensitivity:</b>	N/A

#### ATTACHMENTS:

1.	Background Report	3.	Proposed Resolution R17-04
2.	Proposed Resolution R16-367	4.	Map of Easement Area

<input checked="" type="checkbox"/>	<b>Consent Agenda</b>	<input type="checkbox"/>	<b>Other Business</b>	<input type="checkbox"/>	<b>Unfinished Business</b>
<input type="checkbox"/>	<b>Discussion</b>	<input type="checkbox"/>	<b>Presentation</b>	<input type="checkbox"/>	<b>Work Session</b>
<input type="checkbox"/>	<b>New Business</b>	<input type="checkbox"/>	<b>Public Hearing</b>	<input type="checkbox"/>	<b>Add-On</b>

#### REVIEW:

<input checked="" type="checkbox"/>	Interim County Administrator	
<input checked="" type="checkbox"/>	County Attorney (legal review only)	

<b>DISTRICT:</b>	Hartwood
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### **BACKGROUND REPORT**

As part of Dominion Virginia Power's (DVP) Strategic Underground Program, DVP is working to convert the overhead electric power lines in the area along Moorwood Drive to underground. In order to move forward with this process, DVP must acquire easements from property owners before any work can be performed. DVP has acquired all the necessary easements from the adjoining landowners and requires a 15' wide utility easement on County-owned Tax Map Parcel 37-31C, in order to proceed with its work.

A conveyance of County-owned property requires Board approval and a public hearing prior to conveying property rights to County property. Staff recommends approval of proposed Resolution R16-367, which authorizes the Interim County Administrator to advertise a public hearing to consider granting a permanent utility easement to DVP for utility relocation.

R16-367

PROPOSED

BOARD OF SUPERVISORS  
COUNTY OF STAFFORD  
STAFFORD, VIRGINIA

RESOLUTION

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, George L. Gordon, Jr., Government Center, Stafford, Virginia, on the 13<sup>th</sup> day of December, 2016:

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MEMBERS:

Robert “Bob” Thomas, Jr., Chairman  
Laura A. Sellers, Vice Chairman  
Meg Bohmke  
Jack R. Cavalier  
Wendy E. Maurer  
Paul V. Milde, III  
Gary F. Snellings

VOTE:

-----  
On motion of , seconded by , which carried by a vote of , the following was adopted:

A RESOLUTION AUTHORIZING THE INTERIM COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO CONSIDER GRANTING A PERMANENT UTILITY EASEMENT TO DOMINION VIRGINIA POWER ON TAX MAP PARCEL NO. 37-31C, LOCATED WITHIN THE HARTWOOD ELECTION DISTRICT

WHEREAS, the County is the owner of right-of-way along Moorwood Drive, Tax Map Parcel No. 37-31C (Property); and

WHEREAS, Dominion Virginia Power wishes to proceed with the installation of underground facilities and removal of overhead electric lines on the Property and requires a 15-foot utility easement to place its facilities; and

WHEREAS, the adjoining property owners have already granted Dominion Virginia Power the necessary easements; and

WHEREAS, the Board desires and is required to hold a public hearing to consider granting the utility easement;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 13<sup>th</sup> day of December, 2016, that the Board be and it hereby does authorize the Interim County Administrator to advertise a public hearing to consider granting a permanent 15-foot utility easement on Tax Map Parcel No. 37-31C to Virginia Dominion Power.

R17-04

PROPOSED

BOARD OF SUPERVISORS  
COUNTY OF STAFFORD  
STAFFORD, VIRGINIA

RESOLUTION

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, George L. Gordon, Jr., Government Center, Stafford, Virginia, on the \_\_\_\_ day of \_\_\_\_\_, 2017:

MEMBERS:

Meg Bohmke  
Jack R. Cavalier  
Wendy E. Maurer  
Paul V. Milde, III  
Laura A. Sellers  
Gary F. Snellings  
Robert “Bob” Thomas, Jr.

VOTE:

On motion of \_\_\_\_\_, seconded by \_\_\_\_\_, which carried by a vote of \_\_\_\_\_, the following was adopted:

A RESOLUTION GRANTING A PERMANENT UTILITY  
EASEMENT TO DOMINION VIRGINIA POWER ON TAX MAP  
PARCEL NO. 37-31C, LOCATED WITHIN THE HARTWOOD  
ELECTION DISTRICT

WHEREAS, the County is the owner of right-of-way along Moorwood Drive, Tax Map Parcel No. 37-31C (Property); and

WHEREAS, Dominion Virginia Power wishes to proceed with the installation of underground facilities and removal of overhead electric lines on the Property and requires a 15-foot utility easement to place its facilities; and

WHEREAS, the adjoining property owners have already granted Dominion Virginia Power the necessary easements; and

WHEREAS, pursuant to Virginia Code § 15.2-1800(B), the Board conducted a public hearing and considered the recommendation of staff, and the public testimony, if any, received at the public hearing;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the \_\_\_\_ day of \_\_\_\_, 2017, that a 15-foot permanent utility easement on Tax Map Parcel 37-31C be and it hereby is granted to Dominion Virginia Power for the purpose of placing its utilities underground; and

BE IT FURTHER RESOLVED that the Interim County Administrator, or his designee, is authorized to sign the easement agreement and any other documents he deems necessary and appropriate to effectuate the Board's desires and this Resolution.

CDB:CKR:aeo:tbm





Coordinate System: NAD 1983 HARN StatePlane Virginia North FIPS 4501 Feet

Produced: 11/29/2016

Data layers are compiled from various sources and are not to be construed or used as a "legal description." Data layers are believed to be accurate, but accuracy is not guaranteed.

0 100 200 400 Feet





## BOARD OF SUPERVISORS

### Agenda Item

<b>Meeting Date:</b>	December 13, 2016
<b>Title:</b>	Authorize the Interim County Administrator to Execute a Contract to Upgrade the Computer-Aided Dispatch (CAD) Standard SQL Database to an Enterprise SQL Database
<b>Department:</b>	Information Technology
<b>Staff Contact:</b>	Michael Cannon, Chief Technology Officer
<b>Board Committee/ Other BACC:</b>	Public Safety
<b>Staff Recommendation:</b>	Approval
<b>Fiscal Impact:</b>	\$180,000 available in Cash Capital
<b>Time Sensitivity:</b>	N/A

### ATTACHMENTS:

1.	Background Report	2.	Proposed Resolution R16-156
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<b>X</b>	<b>Consent Agenda</b>		<b>Other Business</b>		<b>Unfinished Business</b>
	<b>Discussion</b>		<b>Presentation</b>		<b>Work Session</b>
	<b>New Business</b>		<b>Public Hearing</b>		<b>Add-On</b>

### REVIEW:

X	County Administrator	<i>Douglas B. Barnes</i>
X	County Attorney (legal review only)	<i>Charles L. Thomas</i>
X	Finance and Budget	<i>Maria J. Perotti</i>
X	Sheriff's Office	<i>Major M. [Signature] for Sheriff DeLoatch</i>
X	Fire and Rescue	<i>T. [Signature] for M. Lockhart</i>

<b>DISTRICT:</b>	N/A
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## **BACKGROUND REPORT**

In an effort to improve the reliability of the mission-critical Computer Aided Dispatch system (CAD) staff recommends that the County upgrade its existing EnRoute CAD Standard Microsoft SQL database system (Standard SQL) to Microsoft SQL Enterprise database system (Enterprise SQL).

Stafford's CAD system utilizes a standard SQL database that contains all configuration, administration, historical records, and data relating to emergency incidents in the County. The Board approved Resolution R13-80, which approved a major upgrade of the CAD system, which took place in 2013. Since that time, the County's dispatch center experienced a number of software and performance issues despite major improvements in functionality. In the spring of 2016, a CAD working group was formed and staff from the Sheriff's Office, Fire and Rescue, and Information Technology began meeting weekly to address and resolve issues. Since then most of these issues have been resolved except for those that can only be fixed by moving to Enterprise SQL. By upgrading to Enterprise SQL, the County would improve system performance by up to 30%, offer advanced encryption for future Criminal Justice Information Services (CJIS) compliance, allow staff to perform maintenance on servers without bringing the CAD down and run monthly reports without impacting system performance. Enterprise SQL would allow key functionality, improve the reliability of the CAD system, and support the mission critical workload of a 24x7 public safety E911 Center.

Today, the CAD system utilizes three servers: a primary, a backup, and a training server. In the CAD system, all operations occur on the primary server. Therefore, server maintenance is difficult to accomplish while dispatchers are actively dispatching emergency calls as there rarely are times of inactivity. With the Enterprise SQL, system maintenance and updates are invisible as they are performed with no real downtime.

Members of the County's CAD team (Chief Deputy Fire Marshal Roger Sutherland and Program Analyst Paul Mann) spoke with a representative of the City of Irving, Texas, which utilizes the same Enroute CAD system as the County. The representative reported that their system frequently encountered slow processing prior to the installation of the Enterprise SQL. After completing the upgrade, they noticed a substantial improvement in the speed and reliability of their CAD system. Public Safety requires a higher degree of reliability and staff believes that upgrading to the Enterprise SQL is the best solution to improve the stability and reliability of the County's CAD system.

The County's CAD vendor, EnRoute Emergency Systems (EnRoute), will work with County staff to plan, install, and test (per IT testing protocols) the Enterprise SQL upgrade before implementing the change in the live CAD system.

In summary, upgrading the CAD system to Enterprise SQL will allow important updates, backups, server maintenance, and statistical data reports in a manner that is invisible to the dispatch center. The cost of the upgrade is an amount not to exceed \$180,000, which includes a three-year warranty with Microsoft Software Assurance (SA) in the one-time purchase price. SA assures that the County has access to future upgrades at no additional cost. Funds are available in Cash Capital, budgeted in FY2016 for technology uses.

Staff recommends approval of proposed Resolution R16-156, which authorizes the Interim County Administrator to execute a contract with SHI International Corp. (on Virginia state contract) to upgrade the CAD Standard SQL to a Microsoft Enterprise SQL database system.

PROPOSED

BOARD OF SUPERVISORS  
COUNTY OF STAFFORD  
STAFFORD, VIRGINIA

RESOLUTION

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, George L. Gordon, Jr., Government Center, Stafford, Virginia, on the 13<sup>th</sup> day of December, 2016:

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MEMBERS:

Robert “Bob” Thomas, Jr., Chairman  
Laura A. Sellers, Vice Chairman  
Meg Bohmke  
Jack R. Cavalier  
Wendy E. Maurer  
Paul V. Milde, III  
Gary F. Snellings

VOTE:

-----  
On motion of , seconded by , which carried by a vote of , the following was adopted:

A RESOLUTION AUTHORIZING THE INTERIM COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT WITH SHI INTERNATIONAL CORP. TO UPGRADE THE ENROUTE COMPUTER-AIDED DISPATCH STANDARD SQL DATABASE SYSTEM TO A MICROSOFT ENTERPRISE SQL DATABASE SYSTEM

WHEREAS, the County’s current EnRoute Computer-Aided Dispatch Standard SQL database system (CAD system) utilizes a database that contains critical data relating to the configuration, administration, historical records; and

WHEREAS, since the CAD system was upgraded in 2013, the County’s dispatch center has experienced limitations within the Standard SQL database; and

WHEREAS, upgrading the CAD system to a Microsoft Enterprise SQL database system (Enterprise SQL) would allow (a) key functionality to improve reliability and reduce service interruptions; (b) non-critical workloads such as reports and back-ups to be run on a secondary server; and (c) improved system performance; and

WHEREAS, the Board desires to enter into a contract with SHI International Corp. to upgrade the County’s CAD system; and

WHEREAS, the contract with SHI International Corp. may be cooperatively procured through the Virginia Information Technologies Agency (VITA) contract, VA-131017-SHI; and

WHEREAS, funds are available in the Cash Capital Fund for technology uses;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 13<sup>th</sup> day of December, 2016, that it be and hereby does authorize the Interim County Administrator to execute a contract with SHI International Corp. in an amount not to exceed One Hundred Eighty Thousand Dollars (\$180,000) for an upgrade to the EnRoute Computer-Aided Dispatch to a Microsoft Enterprise SQL database system.

CDB:MC:pm

## BOARD OF SUPERVISORS

### Agenda Item

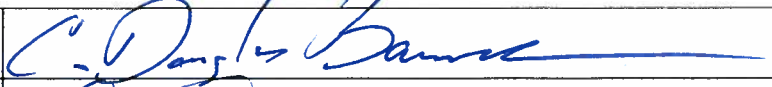

<b>Meeting Date:</b>	December 13, 2016
<b>Title:</b>	Support Sheriff's Office's Certificate of Waiver/Authorization for a Public Agency Application with the Federal Aviation Administration
<b>Department:</b>	Sheriff's Office
<b>Staff Contact:</b>	David P. Decatur, Jr.
<b>Board Committee/ Other BACC:</b>	Public Safety Committee
<b>Staff Recommendation:</b>	N/A
<b>Fiscal Impact:</b>	N/A
<b>Time Sensitivity:</b>	N/A

#### ATTACHMENTS:

1.	Background Report	3.	DRAFT Public Declaration Letter
2.	Proposed Resolution R16-368		

<input checked="" type="checkbox"/>	<b>Consent Agenda</b>	<input type="checkbox"/>	<b>Other Business</b>	<input type="checkbox"/>	<b>Unfinished Business</b>
<input type="checkbox"/>	<b>Discussion</b>	<input type="checkbox"/>	<b>Presentation</b>	<input type="checkbox"/>	<b>Work Session</b>
<input type="checkbox"/>	<b>New Business</b>	<input type="checkbox"/>	<b>Public Hearing</b>	<input type="checkbox"/>	<b>Add-On</b>

#### REVIEW:

<input checked="" type="checkbox"/>	County Administrator	
<input checked="" type="checkbox"/>	County Attorney (legal review only)	

<b>DISTRICT:</b>	N/A
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### **BACKGROUND REPORT**

The Stafford County Sheriff's Office desires to initiate an Unmanned Aircraft Systems (UAS) Program (Program). The Program's purpose would be to protect life and property through the support of law enforcement operations and related activities.

The UAS would be utilized by trained Sheriff Deputies for law enforcement purposes, including but not limited to, search and rescue; Amber, Senior, and Blue Alerts; training programs; damage assessment; traffic assessment; crime scene documentation; and during the execution of valid search warrants, when appropriate.

In order to operate UAS, the Sheriff's Office must apply for and obtain a Certificate of Waiver/Authorization for a Public Agency (COA) from the Federal Aviation Administration (FAA). The first step in the COA application process requires legal counsel for the County to provide a Public Declaration Letter certifying that the Sheriff's Office is a public agency and that the UAS would be a public aircraft, not intended for commercial use. Additionally, as part of the Public Declaration Letter the County Attorney attests that the Board recognizes, on behalf of the Sheriff's Office, its legal responsibility for the operation of the UAS.

Proposed Resolution R16-368 (Attachment 2) would express the Board's support of the Sheriff's Office's COA application by authorizing, recognizing, and accepting its legal responsibility for the Sheriff's Office's operation of the UAS, and authorizes the County Attorney to draft and transmit the Public Declaration Letter. A draft of the proposed public declaration letter is included as Attachment 3.

PROPOSED

BOARD OF SUPERVISORS  
COUNTY OF STAFFORD  
STAFFORD, VIRGINIA

RESOLUTION

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, George L. Gordon, Jr., Government Center, Stafford, Virginia, on the 13<sup>th</sup> day of December, 2016:

-----  
MEMBERS:

Robert “Bob” Thomas, Jr., Chairman  
Laura A. Sellers, Vice Chairman  
Meg Bohmke  
Jack R. Cavalier  
Wendy E. Maurer  
Paul V. Milde, III  
Gary F. Snellings

VOTE:

-----  
On motion of , seconded by , which carried by a vote of , the following was adopted:

A RESOLUTION IN SUPPORT OF THE SHERIFF’S OFFICE  
APPLICATION FOR A CERTIFICATE OF WAIVER/APPLICATION  
FOR A PUBLIC AGENCY WITH THE FEDERAL AVIATION  
ADMINISTRATION FOR USE OF UNMANNED AIRCRAFT  
SYSTEMS

WHEREAS, the Sheriff’s Office desires to use Unmanned Aircraft Systems (UAS) to protect life and property through support of law enforcement operations and related activities; and

WHEREAS, the Federal Aviation Administration (FAA) regulates the use of UAS; and

WHEREAS, to qualify for use of the UAS, the Sheriff’s Office must apply for and be granted a Certificate of Waiver/Authorization for a Public Agency from the FAA; and

WHEREAS, as part of that application, legal counsel for the County must provide a Public Declaration Letter certifying that the Sheriff’s Office is a public agency and that the UAS will be public aircrafts, not intended for commercial use; and

WHEREAS, as part of that application, the Board must recognize, on behalf of the Sheriff's Office, its legal responsibility for the operation of the UAS; and

WHEREAS, the Board desires to support the Sheriff's Office's application;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 13<sup>th</sup> day of December, 2016, that it be and hereby does support the Sheriff's Office's Certificate of Waiver/Authorization for a Public Agency application, by accepting legal responsibility for the Sheriff's Office's operation of Unmanned Aircraft Systems (UAS); and

BE IT FURTHER RESOLVED that the County Attorney, or his designee, is authorized to draft and transmit a Public Declaration Letter to the Federal Aviation Administration to certify that the Sheriff's Office is a public law enforcement agency and that the UAS will be public aircrafts, not intended for commercial use.

CDB:CLS:rmm



December 14, 2016

Federal Aviation Administration  
Jacqueline R. Jackson  
Acting Air Traffic Manager  
Unmanned Aircraft Tactical Operations, AJV-115  
490 L'Enfant Plaza SW, Suite 3200  
Washington, DC 20024

Steven.ctr.pansky@faa.gov

**Sent via E-mail and First Class Mail**

Dear Ms. Jackson-

This is a public declaration letter to support the Stafford County, Virginia, Sheriff's Office's (the Department) request for a Certification of Waiver/Authorization for a Public Agency.

Stafford County, Virginia (the County), is as a political subdivision of the Commonwealth of Virginia. (See Virginia Constitution, Art. VII). Pursuant to Virginia Constitution, Art. VII, Section 4, the County is required to have a sheriff elected by the qualified voters of the County. (See also Virginia Code § 15.2-1609). The current sheriff, Sheriff David P. Decatur (the Sheriff), was elected by the qualified voters of the County on November 3, 2015, and his four-year term in office began on January 1, 2016.

Pursuant to Virginia Code §§ 15.2-1603 and 15.2-1609 *et seq.*, the Sheriff is permitted to appoint deputies and to establish the Sheriff's Office to enable him to perform the statutorily required law enforcement functions for the County. The Board of Supervisors, the governing body of the County, adopted Resolution R16-368, on December 13, 2016, specifically authorizing, recognizing, and accepting its legal responsibility for the Sheriff's Office's operation of the unmanned aircraft systems (UAS). As such, UAS owned and operated by the Department qualifies and will be operated as a "public aircraft," as defined in 49 U.S.C. 40102(a)(41)(C).

Additionally, the UAS will not be used for "commercial purposes," as defined in 49 U.S.C. 40125(a), and the UAS will not be used for compensation or hire. The Department's purpose for requesting authorization for use of an UAS is to protect life and property through support of law enforcement operations and related activities, including but not limited to, search and rescue; Amber, Senior and Blue Alerts; training programs; damage assessment; traffic assessment; crime scene documentation; and during the execution of a valid search warrant when appropriate; all in accordance with all applicable local, state, and federal requirements, laws, regulations, and ordinances.

Should you require any additional information to support this declaration letter, please let me know.

**BOARD OF SUPERVISORS**

**Agenda Item**

<b>Meeting Date:</b>	December 13, 2016
<b>Title:</b>	Authorize the Interim County Administrator to Advertise a Public Hearing to Consider the Establishment of the Lake Arrowhead Service District
<b>Department:</b>	County Administration
<b>Staff Contact:</b>	Keith Dayton, Deputy County Administrator
<b>Board Committee/ Other BACC:</b>	Infrastructure Committee
<b>Staff Recommendation:</b>	Approval
<b>Budget Impact:</b>	N/A
<b>Time Sensitivity:</b>	N/A

**ATTACHMENTS:**

1.	Background Report	3.	Ordinance 017-01
2.	Proposed Resolution R16-363		

<input checked="" type="checkbox"/>	<b>Consent Agenda</b>	<input type="checkbox"/>	<b>Other Business</b>	<input type="checkbox"/>	<b>Unfinished Business</b>
<input type="checkbox"/>	<b>Discussion</b>	<input type="checkbox"/>	<b>Presentation</b>	<input type="checkbox"/>	<b>Work Session</b>
<input type="checkbox"/>	<b>New Business</b>	<input type="checkbox"/>	<b>Public Hearing</b>	<input type="checkbox"/>	<b>Add-On</b>

**REVIEW:**

<input checked="" type="checkbox"/>	Interim County Administrator	<i>C. Douglas Bannor</i>
<input checked="" type="checkbox"/>	County Attorney (legal review only)	<i>Charles L. Thomas</i>
<input checked="" type="checkbox"/>	Finance and Budget	<i>MJ 1/8 For M. Perrotte</i>

<b>DISTRICT:</b>	Rock Hill
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## **BACKGROUND REPORT**

The community of Lake Arrowhead (Community) owns two dams that are out of compliance with dam safety regulations. The Board previously authorized funding to complete the initial engineering investigation to determine what modifications would be required to bring these dams into compliance. County staff then commissioned an engineering evaluation to assess the status of both dams relative to current state regulations, develop alternatives for bringing these dams into compliance, and estimate the cost for the necessary work. The study determined that the larger Lake Arrowhead Dam has a high hazard class rating, and the emergency spillway was found to have inadequate capacity. Renovations are required to either increase the emergency spillway capacity, or provide protection to the downstream slope of the dam to protect it from failure in the event the dam is overtopped. The consultant estimated the renovations necessary to increase spillway capacity and bring this dam into compliance will cost approximately \$400,000, including a 10% contingency.

The Little Lake Arrowhead Dam was found to be a low hazard class dam, and no emergency spillway modifications are required. The consultant observed that the existing outlet pipe is failing and in need of replacement. Replacing this pipe is estimated to cost \$190,000. In addition to the construction costs identified, there are other engineering and permitting costs associated with this work. The total cost for both repairs is estimated at just over \$700,000. If both dams are brought into compliance with state standards, then there will be an annual maintenance and dam monitoring cost estimated at about \$30,000 to assure continued compliance with state standards. A maintenance reserve of approximately \$55,600 is also recommended to provide funding for more expensive and/or emergency concerns should they develop.

County staff also developed a funding plan (Plan) for these improvements, wherein the Community would be included in a Lake Arrowhead Service District (LASD), with an ad valorem assessment included with their property tax bill. The tax rate would be calculated based on the estimated cost of modifications, plus the establishment of a maintenance reserve, and the annual maintenance fund. Assuming a 10-year payoff for the modifications, the initial rate is estimated at 9¾¢, dropping to about 3¼¢ after the renovations are paid off in 10 years.

Each property owner in the Community was then provided this information by letter, and then invited to a Community meeting. Each property owner was asked to express support for, or opposition to, the proposal for correcting the deficiencies in the dams, as well the Plan to fund the necessary renovations and continuing maintenance requirements. Following this outreach, approximately 2/3 of the Community responded, with over 83% of those responding expressing support for bringing the dams back into compliance with state requirements, and the additional ad valorem tax assessment included in the Plan.

The County has the authority to establish the LASD by ordinance following a public hearing, and meeting certain public notice requirements. In accordance with Virginia Code § 15.2-2402, the ordinance establishing a service district must provide the information below:

1. Set forth the name and describe the boundaries of the proposed district and specify any areas within the district that are to be excluded;
2. Describe the purposes of the district and the facilities and services proposed within the district;
3. Describe a proposed plan for providing such facilities and services within the district; and
4. Describe the benefits which can be expected from the provision of such facilities and services within the district.

The draft Ordinance establishing the LASD and in conformance with state requirements is included as Attachment 3, with the graphic illustrating the LASD boundaries included as Attachment 4.

Staff recommends approval of R16-363 to authorize the Interim County Administrator to advertise a public hearing to consider establishing the Lake Arrowhead Service District.

PROPOSED

BOARD OF SUPERVISORS  
COUNTY OF STAFFORD  
STAFFORD, VIRGINIA

RESOLUTION

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, George L. Gordon, Jr., Government Center, Stafford, Virginia, on the 13<sup>th</sup> day of December, 2016:

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MEMBERS:

VOTE:

Robert "Bob" Thomas, Jr., Chairman  
Laura A. Sellers, Vice Chairman  
Meg Bohmke  
Jack R. Cavalier  
Wendy E. Maurer  
Paul V. Milde, III  
Gary F. Snellings

-----  
On motion of , seconded by , which carried by a vote of to , the following was adopted:

AUTHORIZE THE INTERIM COUNTY ADMINISTRATOR TO  
ADVERTISE A PUBLIC HEARING TO CONSIDER THE  
ESTABLISHMENT OF THE LAKE ARROWHEAD SERVICE  
DISTRICT

WHEREAS, the Lake Arrowhead community owns two dams that are presently out of compliance with state regulations; and

WHEREAS, the County has determined that these renovations will cost approximately \$700,000 for renovation to both dams; and

WHEREAS, continuing maintenance and permit compliance costs will require approximately \$30,000 per year, and another \$55,600 is necessary to establish a maintenance reserve fund for emergency expenses; and

WHEREAS, funding for these renovations could be provided through a service district to allow an annual assessment upon properties within the service district boundaries; and

WHEREAS, the Lake Arrowhead community has indicated substantial support for establishment of a service district to fund these renovations; and

WHEREAS, the Board desires and is required to conduct a public hearing to consider establishing the Lake Arrowhead Service District;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 13<sup>th</sup> day of December, 2016, that the Interim County Administrator be and he hereby is authorized to advertise a public hearing to consider establishing the Lake Arrowhead Service District.

DDB/KCD/kd

PROPOSED

BOARD OF SUPERVISORS  
COUNTY OF STAFFORD  
STAFFORD, VIRGINIA

ORDINANCE

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, George L. Gordon, Jr., Government Center, Stafford, Virginia, on the day of, 2017:

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MEMBERS:

Meg Bohmke  
Jack R. Cavalier  
Wendy E. Maurer  
Paul V. Milde, III  
Laura A. Sellers  
Gary F. Snellings  
Robert "Bob" Thomas, Jr.

VOTE:

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On motion of , seconded by , which carried by a vote of , the following was adopted:

AN ORDINANCE TO ESTABLISH THE LAKE ARROWHEAD  
SERVICE DISTRICT IN THE ROCK HILL ELECTION DISTRICT

WHEREAS, the Board desires to establish the Lake Arrowhead Service District (Service District) to provide more complete and timely services of the government to the Lake Arrowhead subdivision (Subdivision), in the Rock Hill Election District, than is desired or necessary in Stafford County as a whole; and

WHEREAS, the Subdivision contains Lake Arrowhead Dam and Little Lake Arrowhead Dam (collectively, Dams), which have fallen into a state of disrepair and are out of compliance with the Virginia Department of Conservation and Recreation regulations; and

WHEREAS, inaction is not an option and the Dams must either be repaired or the lakes drained in order to protect the health, safety, general welfare, and property of the residents of the Subdivision; and

WHEREAS, the residents of the Subdivision have voiced support for saving the Dams; and

WHEREAS, the County has performed preliminary work, and estimates that the cost to repair, construct, and reconstruct the Dams is approximately \$706,000, and once the Dams are repaired, the maintenance cost will be approximately \$30,000 annually; and

WHEREAS, notice of the Board's intent to conduct a hearing to consider establishing the Service District was published once a week for three consecutive weeks in a newspaper having general circulation within Stafford County, and such hearing was held no sooner than ten days after the second notice was published, all in accordance with Virginia Code § 15.2-2400; and

WHEREAS, the Board has received and considered public testimony, if any, given at the public hearing; and

WHEREAS, the Board has determined that the establishment of the Service District is in the best interest of the County, and the residents and property owners in the Subdivision;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the \_ day of \_, 2017, that it be and hereby does create and establish the Lake Arrowhead Service District (Service District) as follows:

1. The name of the service district shall be Lake Arrowhead Service District (Service District).

2. The boundaries of the Service District shall be as displayed in the attached **Exhibit A** entitled "Lake Arrowhead Service District Boundaries" ("Boundaries"), and shall consist of the entire residential subdivision known as Lake Arrowhead, as said subdivision is recorded in the Office of the Clerk of the Circuit Court of Stafford County, Virginia in Plat Book 2 at page 96, by a plat dated January 2, 1961, for Lake Arrowhead Section A; in Plat Book 2 at page 97, by plat dated January 14, 1961, for Lake Arrowhead Section B; in Plat Book 2 at page 118, by a plat dated January 25, 1961, for Lake Arrowhead Section C; in Plat Book 2 at page 153, by a plat dated February 9, 1961, for Lake Arrowhead Section D; in Plat Book 2 at page 142, by a plat dated February 14, 1961, for Lake Arrowhead Section E; in Plat Book 2 at page 122, by a plat dated February 21, 1961, for Lake Arrowhead Section F; in Plat Book 2 at page 152 by plat dated July 31, 1962, for Lake Arrowhead Section G; and in plat Book 2 at page 151, by a plat dated August 9, 1962, for Lake Arrowhead Section H.

3. Properties listed for exclusion from the Service District in **Exhibit B** are not included in the Service District.



4. The purpose of the Service District is to raise funds and use said funds to repair, construct, and maintain the dams within the Lake Arrowhead subdivision (Purpose).

5. The services to be provided within the Service District are to repair, construct, reconstruct, and maintain the Lake Arrowhead Dam and Little Lake Arrowhead Dam (collectively, Dams) within the Lake Arrowhead subdivision; and to provide funding, services, repair, equipment, and support for desired and necessary water quality improvements and protections for the Dams (Services).

6. The plan for providing the Services within the Service District is based on a special tax assessment, as further described below, to cover the costs of the Services. Additionally, from time to time, as the Board of Supervisors sees fit and in line with all federal, state, and local laws, ordinances, and requirements, the Board may provide advanced funding or other sources for the Services. Any such advanced funding or other reimbursable funds provided shall be repaid by funds collected from the Service District.

7. The Service District will benefit from the Services by enhancing the public's and the Lake Arrowhead subdivision resident's safety, convenience, and wellbeing; and by allowing the continued enjoyment of the Dams and Lake Arrowhead and Little Lake Arrowhead (collectively, Lakes). Additionally, providing the Services will allow the Lakes to continue as public safety benefits by being a source of water for fire protection, and will allow two critical roadways located above the Dams to continue to be used. These two roads improve general vehicular traffic flow and transportation safety; provide faster access by fire, rescue, and emergency medical services; and provide an enhanced ability to maintain the quality of life for the residents of the Lake Arrowhead subdivision.

8. A special tax assessment for the properties within the Boundaries, and not those properties excluded in **Exhibit B**, shall be assessed at a rate to be set annually by the Board of Supervisors. The special tax assessment shall be levied and collected within the Service District at the same time as Stafford County's general real property tax is levied and collected. All rules and regulations of the County regarding the levy and collection of taxes shall apply to such special tax for the Service District.

The Board hereby creates the Lake Arrowhead Service District Fund (Fund). The Treasurer of Stafford County, Virginia, is hereby requested to collect and deposit the special taxes collected into the Fund, and to segregate the proceeds on the books and records of the County through appropriate accounting.

9. The Service District shall be governed by the Stafford County Board of Supervisors and shall have all those powers, as provided in Virginia Code § 15.2-2403, as such powers pertain to the Purpose and Services authorized in this Ordinance for the Service District.

## Exhibit A

Map of the Lake Arrowhead Service District Boundaries.



**Exhibit B**

Properties excluded from the Lake Arrowhead Service District.

Tax Map Parcel Numbers:

8-20

8B-G-1

8-20A

8B-F-P1





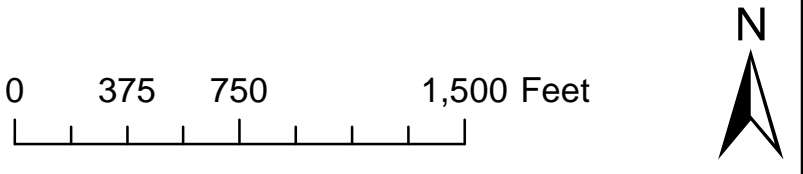
# Lake Arrowhead Service District Boundaries

Produced by the Stafford County GIS Office 540-658-4033 | [www.StaffordCountyGIS.org](http://www.StaffordCountyGIS.org)



Coordinate System: NAD 1983 HARN StatePlane Virginia North FIPS 4501 Feet  
Produced: 11/28/2016  
MXD Path: W:\users\gis\Brad\MiscProjects\Public Works\Lake Arrowhead Roads\LakeArrowheadRoads.mxd

Data layers are compiled from various sources and are not to be construed or used as a "legal description." Data layers are believed to be accurate, but accuracy is not guaranteed.





## BOARD OF SUPERVISORS

### Agenda Item

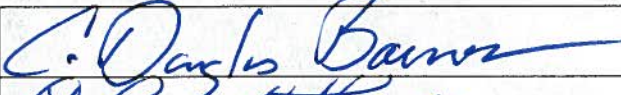

<b>Meeting Date:</b>	December 13, 2016
<b>Title:</b>	Consider a Reclassification of Tax Map Parcel No. 30-70 from R-1, Suburban Residential to B-2, Urban Commercial Zoning District
<b>Department:</b>	Planning and Zoning
<b>Staff Contact:</b>	Jeffrey A. Harvey, Director
<b>Board Committee/ Other BACC:</b>	Planning Commission
<b>Staff Recommendation:</b>	Approval
<b>Fiscal Impact:</b>	N/A
<b>Time Sensitivity:</b>	June 14, 2017 to comply with the one-year deadline for action

#### ATTACHMENTS:

1.	Background Report	6.	Generalized Development Plan dtd 9/22/16
2.	Proposed Ordinance O16-33 (Approve)	7.	Architectural Elevations dtd 12/5/16
3.	Proposed Resolution R16-228 (Deny)	8.	Impact Statement
4.	Signed & Red-Lined Proffers dtd 11/7/16	9.	Application and Related Materials
5.	Land Use Action Request	10.	PC Minutes dtd 7/13/16, 8/24/16 and 9/28/16

<input type="checkbox"/>	<b>Consent Agenda</b>	<input type="checkbox"/>	<b>Other Business</b>	<input checked="" type="checkbox"/>	<b>Unfinished Business</b>
<input type="checkbox"/>	<b>Discussion</b>	<input type="checkbox"/>	<b>Presentation</b>	<input type="checkbox"/>	<b>Work Session</b>
<input type="checkbox"/>	<b>New Business</b>	<input type="checkbox"/>	<b>Public Hearing</b>	<input type="checkbox"/>	<b>Add-On</b>

#### REVIEW:

X	County Administrator	
X	County Attorney (legal review only)	

<b>DISTRICT:</b>	Aquia
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## **BACKGROUND REPORT**

The Board is asked to consider a request from Par 3 Development Group, LLC (Applicant) to reclassify Tax Map Parcel No. 30-70 (Property) from the R-1, Suburban Residential Zoning District to the B-2, Urban Commercial Zoning District, to allow for a proposed 9,100 square foot retail commercial use, specifically a Dollar General store. The Property has been zoned R-1, Suburban Residential since the County's 1978 comprehensive rezoning.

### **Existing Conditions**

The Property is located on the south side of Courthouse Road, east of Stafford Avenue. An existing residential structure and detached garage are located on the Property, with a circular driveway containing two access points to Courthouse Road. A sidewalk exists along the frontage of Courthouse Road. There is a 20-foot elevation difference from the front to the rear of the Property. The rear portion of the Property contains mature trees. There are no wetlands or streams on the site.

Stafford Elementary School is located across Courthouse Road from the Property. South of the Property is a County-owned property containing the school bus/vehicle storage facility, as well as the County's Fire and Rescue training facility. The access road to both facilities runs along the western edge of the Property. To the east of the Property is a vacant residential structure.



*Site - Aerial View*





*Street view looking south from Courthouse Road*



*Bird's eye view of Courthouse Road looking west*

The existing bungalow-style dwelling located onsite was constructed circa 1900. The Applicant proposes demolition of the dwelling. The Comprehensive Plan supports the evaluation of the impact of development on cultural resources. Policy 9.1.3 of the Comprehensive Plan 2016-2036 document states:

*Applications for reclassification, conditional use permit, preliminary subdivision or site plan, major site plan, or grading plan should determine the possible presence, extent, and significance of heritage resources and prepare follow-up archeological and/or historic structures reports.*

The Applicant has proffered to allow the Historical Commission to document the dwelling prior to demolition, which conforms with the recommendation in the Comprehensive Plan.



Generalized Development Plan (GDP)

The Applicant is proposing to construct a 9,100 square foot Dollar General store. The building is proposed to be one-story with a maximum height of 30 feet. The building would be located in the southwestern portion of the Property with parking areas to the north and east. Access would be provided from a single entrance off of Courthouse Road, near the eastern Property line. Inter-parcel access would be provided to the adjacent property to the east. The Applicant is anticipating the need for a retaining wall along the eastern Property line, unless an opportunity arises to grade the Property in conjunction with the adjacent property. Privacy fences would be installed along the southern, eastern, and western Property lines.

## Architectural Elevations

The Applicant submitted architectural elevations for the Dollar General store. The front (northern) elevation would face Courthouse Road, and consist primarily of brick and glass materials, with metal trim. The rear and side elevations would also be constructed with brick, with bricked faux windows along the side elevations. Loading areas with doors would be located on the east side of the building.



## Architectural Elevations





### Impacts to Public Facilities

- Utilities: The Property is located within the Urban Services Area (USA) and is served by public water and sewer. A 12-inch waterline is located on the south side of Courthouse Road, and an 8-inch gravity sewer line is located on the north side of Courthouse Road. The Applicant would be required to install new water and sewer lines to serve the proposed development.
- Transportation: Courthouse Road is a four-lane undivided highway with an estimated traffic volume of 7,600 vehicle trips per day (VPD) according to Virginia Department of Transportation (VDOT) 2015 Daily Traffic Volume Estimates. The Property's new use would generate 527 VPD, with 46 peak vehicles per hour in the AM and PM, as well as Saturdays.
- Schools: There would be a slight decrease in the potential impacts to the County's school system due to the proposed commercial use. By-right development under the R-1 Zoning District, regulations would allow one residential dwelling. Utilizing the student generation rate of 0.96, it would equate to 0.96 students.
- Parks and Recreation: There would be a slight decrease in the potential impacts on the County's park due to the proposed commercial/industrial use. Utilizing the Parks and Recreation Level of Service goal of 20 acres per 1,000 residents, by-right development under the R-1 Zoning District regulations would generate a demand for approximately 0.02 acre or 871 square feet of parkland.
- Noise Impacts: There would likely be a slight increase in noise generated from the project compared to a residential use.
- Light Impacts: There would likely be a minimal increase in lighting impacts based on the proposed use.
- Proffer Valuation: A proffer statement has been submitted with this application, but no monetary proffers are included.

### Proffers

The Applicant submitted the following proffers, establishing standards for the development of the site, and improvements to be made to mitigate the impacts of the development. The proffers propose to:

- Develop in conformance to GDP and architectural renderings;
- Prohibit certain high intensity uses;
- Limit hours of trash collection;
- Provide a 6-foot board-on-board fence along the eastern, western and southern Property lines;
- Allow the Historical Commission access to document the existing structures;
- Require that the Property be developed in substantial accord with the GDP and architectural renderings; and
- Require inter-parcel access to the property to the east.

### Comprehensive Plan

The Comprehensive Plan (Plan) identifies this site as being within the Targeted Growth Area (TGA) future land use designation. TGAs are areas of the County where a potential concentrated urban or higher density suburban development pattern is most appropriate. These areas support a more intense pedestrian and transit oriented form of development, located in close proximity to primary road networks, transportation hubs, and along the rail corridor. Focus should be on the form of development, incorporating principles of traditional neighborhood design, including, but not limited to, (i) pedestrian-friendly road design, (ii) interconnection of new local streets with existing local streets and roads, (iii) connectivity of road and pedestrian networks, (iv) preservation of natural areas, and (v) mixed-use neighborhoods. Various types of dwellings, community uses, and business activities may locate within the same block or within a single building.

The Property also lies within an Economic Development Priority Focus Area - Redevelopment Area (RDA). The RDA recommends that buildings be located nearer to the front property line, with parking located to the rear. Staff recommended moving the building toward the front of the Property; however, the Applicant has indicated that the narrow shape of the parcel precludes this type of layout. In addition, the location of the entrance and possible requirement for retaining walls limits the flexibility of the building placement. The Plan includes an interim strategy for review and approval of development projects within the RDA to facilitate implementation of the recommendations contained within the redevelopment Plans, but within a context of historical development patterns and current market dynamics.

The TGA recommendations include compliance with the County's Neighborhood Development Standards Plan (NDS). The NDS identifies specific architectural guidelines and provides guidance for commercial development. The NDS recommends that flat roofs shall use parapet walls and cornices, and rooftop mechanical equipment such as heating and cooling, should be screened. In addition, it recommends that buildings be faced on all sides with a combination of durable, attractive, high quality primary and accent materials, with primary materials such as brick, stone, cast stone, wood, synthetic wood, architectural concrete masonry unit, precast concrete panels, or architectural metal panels. It further specifies that facades shall be broken up with detailed entrances and human scale architectural elements such as doors, windows, awnings, columns, and arcades. Larger retail structures, with facades greater than 100 feet in length are encouraged to incorporate vertical elements such as wall plane projections or recesses.

The proposed development is generally in conformance with the Plan.

### Transportation

The Applicant prepared a Traffic Impact Analysis (TIA) determination form, which indicates the use would generate 527 VPD, with 46 peak vehicles per hour in the AM and PM, as well as Saturdays. A TIA was not required to be submitted.

The limited site frontage on Courthouse Road presents challenges in meeting the minimum spacing requirements per VDOT standards, based on the proximity to Stafford Avenue. The site entrance has been aligned with the western entrance to Stafford Elementary School, which does not meet current spacing standards.

The Applicant's engineer met with County staff and VDOT regarding this issue. VDOT recommended aligning the site entrance with the western entrance to Stafford Elementary School to reduce the number of potential conflict points, and indicated an access management exception request would be required. The engineer submitted the request to VDOT, and is awaiting a response.

EVALUATION CRITERIA:

Stafford County Code Sec. 28-206 lists 12 criteria to be considered at each public hearing for a rezoning reclassification.

1. Compliance of the request with the stated requirements of the district or districts involved - *The request is generally in compliance with many of the stated requirements of the B-2 Zoning District.*
2. The existing use and character of the property and the surrounding property - *The Property contains a vacant residential structure. Land surrounding the site is a mix of commercial, residential, and public use, including County facilities and a school. The adjacent residential property is vacant and in a state of disrepair.*
3. The suitability of the property for various uses - *The Property has variation in topography, but is otherwise suitable for a variety of uses, including residential or low-intensity commercial use. The small size of the Property somewhat limits higher intensity development.*
4. The trends of growth and development in the surrounding area - *The Property is located approximately 700 feet from the intersection with Jefferson Davis Highway. The trend of development along this corridor is generally commercial and office use. The Courthouse Road corridor in this vicinity is a mix of commercial, office, suburban residential, and public facilities.*
5. The current and future requirements of the County for land - *No requirements for land have been identified.*
6. The transportation requirements of the project and the county, and the impact of the proposed land use on the county's transportation network - *Transportation infrastructure in this location is sufficient to support the proposed use. The future Route 1/Courthouse Road intersection improvements will ease traffic congestion and delays.*
7. Requirements for schools, parks, recreational lands and facilities, and other public services, potentially generated by the proposed classification - *The proposal does not place additional demand upon schools or parks and recreation.*
8. The conservation of property values in the surrounding area - *This development is generally compatible with the surrounding uses and is consistent with the surrounding form of development.*
9. The preservation of natural resources and the impact of the proposed uses on the natural environment - *No natural resources have been identified on the Property.*
10. The most appropriate use of land - *The Land Use Plan recommends this area as a TGA and RDA. The proposal includes a form of development that is supported in the TGA and RDA areas.*

11. The timing of the development of utilities and public facilities and the overall public costs of the development - *The area is served by existing water and sewer utilities; the Applicant would be required to install any required transportation and utility improvements required for the Project.*
12. The consistency, or lack thereof, of the proposed rezoning with the Stafford County Comprehensive Plan as in effect at that time - *The proposal is consistent with several goals, objectives, and policies of the Plan. The proposal is generally consistent with the land use Plan recommendations. The proposal is consistent with the current land use recommendations of the adopted 2016 - 2036 Plan.*

#### SUMMARY OF POSITIVE AND NEGATIVE FEATURES

##### POSITIVE:

1. The proposal is consistent with the Plan's future land use recommendations.
2. The proposal is consistent with the development patterns in the vicinity.

##### NEGATIVE:

1. Issues raised about AM peak hour traffic congestion on Courthouse Road.
2. Issues raised about architectural compatibility with the vision of the RDA plan and historic buildings in the nearby Courthouse Area.

##### RECOMMENDATION:

The Planning Commission recommended approval of the application by a vote of 4-3 (Mr. English, Mr. Coen and Ms. Vanuch voted no) at its September 28, 2016 meeting.

Staff recommends approval of proposed Ordinance O16-33, which reclassifies Tax Map Parcel No. 30-70 from R-1, Suburban Residential to B-2, Urban Commercial Zoning District.

At its October 18, 2016 meeting, the Board voted to defer this item to its November 22, 2016 meeting to allow further discussions concerning traffic and architectural design. At the Applicant's request, this item was then postponed to the Board's December 13, 2016 meeting. Revised architectural designs and amended proffers, which reflect new architectural elevations are included as Attachment 7 and Attachment 4, respectively.

O16-33

PROPOSED

BOARD OF SUPERVISORS  
COUNTY OF STAFFORD  
STAFFORD, VIRGINIA

ORDINANCE

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, George L. Gordon, Jr., Government Center, Stafford, Virginia, on the 13<sup>th</sup> day of December, 2016:

MEMBERS:

Robert “Bob” Thomas, Jr., Chairman  
Laura A. Sellers, Vice Chairman  
M. G. “Meg” Bohmke  
Jack R. Cavalier  
Wendy E. Maurer  
Paul V. Milde, III  
Gary F. Snellings

VOTE:

On motion of , seconded by , which carried by a vote of , the following was adopted:

AN ORDINANCE TO AMEND AND REORDAIN THE STAFFORD COUNTY ZONING ORDINANCE BY AMENDING THE ZONING DISTRICT MAP TO RECLASSIFY FROM THE R-1, SUBURBAN RESIDENTIAL ZONING DISTRICT TO THE B-2, URBAN COMMERCIAL ZONING DISTRICT, TAX MAP PARCEL NO. 30-70, LOCATED WITHIN THE AQUIA ELECTION DISTRICT

WHEREAS, Par 3 Development Group, LLC (Applicant), submitted application RC16151104, requesting a reclassification from the R-1, Suburban Residential Zoning District to the B-2, Urban Commercial Zoning District, Tax Map Parcel No. 30-70, located within the Aquia Election District; and

WHEREAS, the Board carefully considered the recommendations of the Planning Commission and staff, and the public testimony, if any, received at the public hearing; and

WHEREAS, the Board finds that the requested zoning amendment is compatible with the surrounding land uses and meets the criteria for a rezoning in Stafford County Code Sec. 28-206; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, and good zoning practice require adoption of this Ordinance to reclassify the subject property;

O16-33

Page 2

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 13<sup>th</sup> day of December, 2016, that the Stafford County Zoning Ordinance be and it hereby is amended and reordained by amending the Zoning District Map to reclassify from the R-1, Suburban Residential Zoning District, to the B-2, Urban Commercial Zoning District, Tax Map Parcel No. 30-70, with proffers entitled “PROFFERS,” dated October 11, 2016 (rev).

CDB:JAH:kb



R16-228

PROPOSED

BOARD OF SUPERVISORS  
COUNTY OF STAFFORD  
STAFFORD, VIRGINIA

RESOLUTION

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, George L. Gordon, Jr., Government Center, Stafford, Virginia, on the 13<sup>th</sup> day of December, 2016:

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MEMBERS:

Robert "Bob" Thomas, Jr., Chairman  
Laura A. Sellers, Vice Chairman  
Meg Bohmke  
Jack R. Cavalier  
Wendy E. Maurer  
Paul V. Milde, III  
Gary F. Snellings

VOTE:

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On motion of , seconded by , which carried by a vote of , the following was adopted:

A RESOLUTION TO DENY AN APPLICATION TO AMEND  
AND REORDAIN THE STAFFORD COUNTY ZONING  
ORDINANCE BY AMENDING THE ZONING DISTRICT MAP  
TO RECLASSIFY FROM THE R-1, SUBURBAN RESIDENTIAL  
ZONING DISTRICT TO THE B-2, URBAN COMMERCIAL  
ZONING DISTRICT, TAX MAP PARCEL NO. 30-70, LOCATED  
WITHIN THE AQUIA ELECTION DISTRICT

WHEREAS, Par 3 Development Group, LLC (Applicant), submitted application RC16151104 requesting a reclassification from the R-1, Suburban Residential Zoning District to the B-2, Urban Commercial Zoning District, Tax Map Parcel No. 30-70, located within the Aquia Election District; and

WHEREAS, the Board carefully considered the recommendations of the Planning Commission and staff, and the public testimony, if any, received at the public hearing; and

WHEREAS, the Board has considered the criteria in Stafford County Code Sec. 28-206, and finds that the requested zoning does not meet the criteria, and is incompatible with the surrounding land uses and zoning;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 13<sup>th</sup> day of December, 2016, that application RC16151104 be and it hereby is denied.

CDB:JAH:kb

Assessor's Parcel 30-70  
Par 3 Development Group, LLC  
1348 Courthouse Road

RC 16151104  
November 8, 2016 (rev)

### **PROFFERS**

Par 3 Development Group, LLC, ("the Applicant"), has applied for a zoning reclassification for Assessor's Parcel 30-70, consisting of approximately 1.24 acres (the "Property") from the R-1, Suburban Residential Zoning District to the B-2, Urban Commercial Zoning District and hereby proffers that the use and development of the subject property shall be in substantial conformance with the following conditions. In the event the above-referenced zoning reclassification is not approved as applied for by the Applicant, the below-described proffers shall be withdrawn and are automatically null and void and of no further force and effect. In the event the zoning reclassification is approved, it shall take effect and shall thereafter apply to the subject parcel identified above. The conditions shall be deemed accepted by the Stafford County Board of Supervisors (the "Board") upon approval of the zoning reclassification.

Whenever the terms of the Proffers refer to the affirmative obligations of the Applicant to make improvements to the Property or the public roads, the term Applicant shall refer to the owner(s) of the Property at the time of initial development of the Property, their successors and assigns.

#### **I. Transportation.**

A. **Site Access.** Subject to VDOT and County approval, the Property shall be accessed by one (1) full entrance on Courthouse Road located in the approximate area shown on the Generalized Development Plan ("GDP"), dated August 8, 2016 and prepared by Koth

Consulting, PC. In addition, the Applicant shall design one (1) interparcel connection on Assessor's Parcel 30-71 to the adjoining parcel to the east of the Property, in the general location shown on the GDP, and shall provide one (1) 24' wide access easement to allow the adjoining parcel to the east to use the 25.8' wide access road to be built by the Applicant.

**II. Type and Intensity of Development.** The Applicant shall develop the Property in general conformance with the GDP, except minor changes in the GDP shall be allowed for purposes of minor adjustments for location of buildings, structures or roads due to engineering reasons.

**A. Uses on the Property.** All uses allowed in the B-2, Urban Commercial Zoning District shall be permitted, except that the following uses shall not be constructed and allowed on the Property: Adult Businesses as defined by Stafford Zoning Ordinance Section 28-25; Arcade; Automobile repair; Auto service; Boat sales; Broadcasting station; Building material sale and storage yard and mulch sale, (but this exclusion shall not be deemed to prohibit or otherwise restrict a general retail store); Car wash; Club/lodge/fraternal organization; Convenience center; Convenience store; Drug store; Dry cleaner/laundry; Farmers market (in accordance with Stafford County Zoning Ordinance Section 28-39(v)); Fleet parking; Funeral home; High intensity commercial retail not otherwise listed for this district; Hospital; Hotel; Indoor flea market; Lumber/building/electrical/plumbing supply with covered storage; Machinery sales and service; Marina; Motel; Motor vehicle rental; Motor vehicle sales; Nightclub; Outdoor flea market; Pet store; Place of worship; Plant and tree nursery/greenhouse; Public works excluding wastewater treatment facilities; Recreational enterprise; Restaurant; Restaurant with a drive-through facility; Restaurant without a drive-through facility; Retail photo

laboratory processing; School; School, vocational; Theatre with less than 3,500 seats; Theatre with more than 3,500 seats; Vehicle fuel sale and accessory auto repair; and Veterinary clinic.

**B. Maximum Vehicle Trips Generated by the Property.** The combined use or uses constructed and/or operated on the Property (defined as Parcel 30-70) shall not result in more than 600 average vehicle trips per day, as calculated by the latest edition of the ITE manual. The Applicant shall submit a running tabulation of vehicle trips per day for each use as a part of the review of each construction plan submitted for the Project, but in no case shall be responsible for furnishing additional studies, traffic counts, or other interpretation other than the data available in the latest edition of the ITE manual.

**III. Architectural Design.** The building(s) and the wall sign on the Property shall be constructed and maintained in conformance with the architectural rendering produced by GPD Group attached to these Proffers. The monument sign on the Property shall be constructed and maintained in conformance with the sign exhibit prepared by Duallite Sales and Service, Inc. dated 6-19-09.

**IV. Buffers for Adjoining Properties.**

**A. Buffering Provided for Fire and Rescue Training Facility.** A 6' wooden "board-on-board" privacy fence will be provided along the southern and western property line as shown on the GDP.

**B. Buffering Provided for Adjacent Residential Use.** A 6' wooden "board-on-board" privacy fence will be provided as part of the 50% transitional buffer reduction pursuant to Section 110.0 of the Stafford County Design and Construction Standards (DCSL) between the Property and the adjacent residential use to the east.

V. **Documentation of Existing Structure(s).** If requested by the County, the Historical Commission shall be allowed access to existing structure(s) for documentation prior to demolition. Demolition shall not occur within ninety days of approval of the rezoning by the Board of Supervisors unless the Historical Commission has either documented the existing structure(s) or made a decision not to document such structure(s).

VI. **Hours of Trash Collection.** Trash Collection shall be limited to the hours between 9:30 a.m. - 9:00 p.m., seven days per week, except trash collection shall not be permitted between 3:00 p.m. and 4:00 p.m. (R.A.)

Richard <sup>A</sup>~~C~~ and Suanne C. Altstaetter

By:

Richard A Altstaetter  
Suanne C Altstaetter

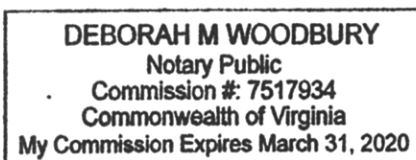
COMMONWEALTH/STATE OF Virginia  
COUNTY/CITY OF Stafford, to wit:

I, the undersigned, a Notary Public in and for the County and State aforesaid, do hereby certify that Richard <sup>A</sup>~~C~~ Altstaetter, has personally acknowledged the same before me in my aforesaid jurisdiction for the corporation. (R.A.)

GIVEN under my hand and seal this 8<sup>th</sup> day of November 2016.

Deborah M Woodbury  
Notary Public

My commission expires: 3/31/2020



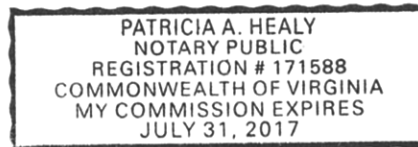
COMMONWEALTH/STATE OF Virginia  
COUNTY/CITY OF Stafford, to wit:

I, the undersigned, a Notary Public in and for the County and State aforesaid, do hereby certify that Suanne C. Alstaetter, has personally acknowledged the same before me in my aforesaid jurisdiction for the corporation.

GIVEN under my hand and seal this 7<sup>th</sup> day of November, 2016.

Patricia A. Healy  
Notary Public

My commission expires: 7-31-17



Assessor's Parcel 30-70  
Par 3 Development Group, LLC  
1348 Courthouse Road

RC 16151104  
~~October 11~~ November 8, 2016 (rev)

### **PROFFERS**

Par 3 Development Group, LLC, ("the Applicant"), has applied for a zoning reclassification for Assessor's Parcel 30-70, consisting of approximately 1.24 acres (the "Property") from the R-1, Suburban Residential Zoning District to the B-2, Urban Commercial Zoning District and hereby proffers that the use and development of the subject property shall be in substantial conformance with the following conditions. In the event the above-referenced zoning reclassification is not approved as applied for by the Applicant, the below-described proffers shall be withdrawn and are automatically null and void and of no further force and effect. In the event the zoning reclassification is approved, it shall take effect and shall thereafter apply to the subject parcel identified above. The conditions shall be deemed accepted by the Stafford County Board of Supervisors (the "Board") upon approval of the zoning reclassification.

Whenever the terms of the Proffers refer to the affirmative obligations of the Applicant to make improvements to the Property or the public roads, the term Applicant shall refer to the owner(s) of the Property at the time of initial development of the Property, their successors and assigns.

#### **I. Transportation.**

**A. Site Access.** Subject to VDOT and County approval, the Property shall be accessed by one (1) full entrance on Courthouse Road located in the approximate area shown on the Generalized Development Plan ("GDP"), dated August 8, 2016 and prepared by Koth



Consulting, PC. In addition, the Applicant shall design one (1) interparcel connection on Assessor's Parcel 30-71 to the adjoining parcel to the east of the Property, in the general location shown on the GDP, and shall provide one (1) 24' wide access easement to allow the adjoining parcel to the east to use the 25.8' wide access road to be built by the Applicant.

**II. Type and Intensity of Development.** The Applicant shall develop the Property in general conformance with the GDP, except minor changes in the GDP shall be allowed for purposes of minor adjustments for location of buildings, structures or roads due to engineering reasons.

**A. Uses on the Property.** All uses allowed in the B-2, Urban Commercial Zoning District shall be permitted, except that the following uses shall not be constructed and allowed on the Property: Adult Businesses as defined by Stafford Zoning Ordinance Section 28-25; Arcade; Automobile repair; Auto service; Boat sales; Broadcasting station; Building material sale and storage yard and mulch sale, (but this exclusion shall not be deemed to prohibit or otherwise restrict a general retail store); Car wash; Club/lodge/fraternal organization; Convenience center; Convenience store; Drug store; Dry cleaner/laundry; Farmers market (in accordance with Stafford County Zoning Ordinance Section 28-39(v)); Fleet parking; Funeral home; High intensity commercial retail not otherwise listed for this district; Hospital; Hotel; Indoor flea market; Lumber/building/electrical/plumbing supply with covered storage; Machinery sales and service; Marina; Motel; Motor vehicle rental; Motor vehicle sales; Nightclub; Outdoor flea market; Pet store; Place of worship; Plant and tree nursery/greenhouse; Public works excluding wastewater treatment facilities; Recreational enterprise; Restaurant; Restaurant with a drive-through facility; Restaurant without a drive-through facility; Retail photo

laboratory processing; School; School, vocational; Theatre with less than 3,500 seats; Theatre with more than 3,500 seats; Vehicle fuel sale and accessory auto repair; and Veterinary clinic.

**B. Maximum Vehicle Trips Generated by the Property.** The combined use or uses constructed and/or operated on the Property (defined as Parcel 30-70 ) shall not result in more than 600 average vehicle trips per day, as calculated by the latest edition of the ITE manual. The Applicant shall submit a running tabulation of vehicle trips per day for each use as a part of the review of each construction plan submitted for the Project, but in no case shall be responsible for furnishing additional studies, traffic counts, or other interpretation other than the data available in the latest edition of the ITE manual.

**III. Architectural Design.** The building(s) and the wall sign on the Property shall be constructed and maintained in ~~general~~ conformance with the architectural rendering elevation and signage exhibit produced by GPD Group attached to these Proffers. dated 6-13-06. ~~Nothing herein shall be construed to prohibit a national and/or regional retail user of this building on the Property from reasonably employing general features of its prototype architectural design, provided the building design and colors are consistent with this paragraph.~~ The monument sign on the Property shall be constructed and maintained in conformance with the sign exhibit prepared by Duallite Sales and Service, Inc. dated 6-19-09.

**IV. Buffers for Adjoining Properties.**

**A. Buffering Provided for Fire and Rescue Training Facility.** A 6' wooden “board-on-board” privacy fence will be provided along the southern and western property line as shown on the GDP.

**B. Buffering Provided for Adjacent Residential Use.** A 6' wooden “board-on-board” privacy fence will be provided as part of the 50% transitional buffer reduction pursuant to

Section 110.0 of the Stafford County Design and Construction Standards (DCSL) between the Property and the adjacent residential use to the east.

**V. Documentation of Existing Structure(s).** If requested by the County, the Historical Commission shall be allowed access to existing structure(s) for documentation prior to demolition. Demolition shall not occur within ninety days of approval of the rezoning by the Board of Supervisors unless the Historical Commission has either documented the existing structure(s) or made a decision not to document such structure(s).

**VI. Hours of Trash Collection.** Trash Collection shall be limited to the hours between 9:30 a.m. - 9:00 p.m., seven days per week, except trash collection shall not be permitted between 3:00 p.m. and 4:00 p.m.

Richard C. and Suanne C. Altstaetter

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

COMMONWEALTH/STATE OF \_\_\_\_\_  
COUNTY/CITY OF \_\_\_\_\_, to wit:

I, the undersigned, a Notary Public in and for the County and State aforesaid, do hereby certify that Richard C. Alstaetter, has personally acknowledged the same before me in my aforesaid jurisdiction for the corporation.

GIVEN under my hand and seal this \_\_\_\_ day of \_\_\_\_\_, 2016.

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

My commission expires: \_\_\_\_\_  
COMMONWEALTH/STATE OF \_\_\_\_\_  
COUNTY/CITY OF \_\_\_\_\_, to wit:

I, the undersigned, a Notary Public in and for the County and State aforesaid, do

hereby certify that Suanne C. Alstaetter, has personally acknowledged the same before me in my aforesaid jurisdiction for the corporation.

GIVEN under my hand and seal this \_\_\_\_ day of \_\_\_\_\_, 2016.

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

My commission expires: \_\_\_\_\_

**LAND USE ACTION REQUEST**

**BOARD OF SUPERVISORS**

Date: December 13, 2016

☐ New

☐ Revised

☒ Unfinished

**REQUEST:** A reclassification from the A-1, Agricultural Zoning District to the B-2, Urban Commercial Zoning District, to allow for the development of commercial uses on Tax Map Parcel No. 30-70.

Conforms with the Comprehensive Plan? ☒ Yes ☐ No ☐ N/A

**CONDITIONS:** See proposed Ordinance 016-33

**APPLICANT:**

Name: Par 3 Development Group, LLC

Address: 2860-B NC 5 Hwy.  
Aberdeen, NC 28315

Agent: Debrarae Karnes  
Leming and Healy, PC

**TAX STATUS:** Paid Through December, 2016

**PLANNING COMMISSION RECOMMENDATION:** Approve ☒ Deny ☐

At its meeting on September 28, 2016, the Planning Commission voted 4-3 (Mr. English, Mr. Coen and Ms. Vanuch voted no) to recommend approval of Application RC16151205, with the proffers referenced in proposed Ordinance 016-34.

**TIMING:**

Application Date February 17, 2016 (submitted) June 13, 2016 (completed)

Advertisement Date/s October 4, 2016 and October 11, 2016

Plan. Comm. Action Date September 28, 2016 (Required) October 11, 2016

Proposed Board Action Date October 18, 2016 (Required) June 12, 2017



**1348 COURTHOUSE ROAD  
STAFFORD COUNTY, VIRGINIA**

Page 1 of 1

PROTOTYPE:	A	OWNER / DEVELOPER	DESIGNER	DATE:
BLDG SF:	9100	COMPANY: Par 3 Development Group	COMPANY: Koth Consulting, P.C.	8-8-2016
ACREAGE:	1.266 Ac	NAME: Lee Pittman	NAME: Lance J. Koth, P.E.	
PARKING SPACES:	37	PHONE #: 910-944-0881	PHONE #: 804-239-0814	







1 NORTH ELEVATION  
A-2 1/8" = 1'-0"



2 SOUTH ELEVATION  
A-2 1/8" = 1'-0"



3 WEST ELEVATION  
A-2 1/8" = 1'-0"



4 EAST ELEVATION (TRUCK SIDE)  
A-2 1/8" = 1'-0"

**DOLLAR GENERAL**

**DOLLAR GENERAL**  
Stafford, VA

THE COLORS SHOWN IN THIS RENDERING ARE CLOSE APPROXIMATIONS, BECAUSE OF INK VARIATIONS AND DIFFERENCES IN PRINTERS, AN EXACT COLOR MATCH CANNOT BE ACHIEVED.  
THE VIEWER IS ADVISED TO USE THE RENDERING AS A GUIDE FOR THE ARRANGEMENT OF COLORS ON THE BUILDING, AND TO THEN REFER TO THE ACTUAL COLOR OF MATERIAL SAMPLES PROVIDED.

**GPD GROUP**  
Glaus, Pyle, Schomer, Burns & DeHaven, Inc.  
1.800.955.4731  
www.gpdgroup.com



***Rezoning Request  
1348 Courthouse Road Retail  
Tax Parcel 30 70***

***Impact Statement  
February 16, 2016***

**Current Infrastructure**

The subject site is situated at 1348 Courthouse Road across from Stafford Elementary School. The entrance is proposed to be on Courthouse Road. The drainage discharges predominantly to Courthouse Road with some discharge to the southwest corner of the site. Water and Sewer appear to be available with adequate capacity to the site without the need for a public extension. Other community facilities such as schools and recreational facilities are not anticipated to be impacted by the development of this retail site.

**Traffic**

Courthouse Road at the site has AADT of 10,000 with 98% 2 and 4 tire vehicles, 1% buses and 1% Single Unit trucks (2 axle). The K Factor is 0.1309, the direction factor is 0.6898 and the Quality is G. The use proposed is under the ITE category 815 (free-standing discount store) and based on the ITE manual is expected to generate 57.24 trips per day per 1,000 square feet. A 9100 square foot building is planned, which would generate 521 trips per day. The total PM peak trips would be 46 (23 in and 23 out). The traffic generated is not anticipated to have a significant impact on Courthouse Road or the roads in the vicinity.

**Fiscal Impact**

The site would generate a tax revenue for Stafford County and is not anticipated to add fiscal burden to the county with respect to county services. In addition to the initial construction project, the retail space is estimated to employ 8 to 12 people.

**Environmental Impact**

The site is subject to the current regulations for development and will remain compliant with applicable laws such as erosion and sediment control and stormwater management requirements. The site will be required to meet the energy balance equation as outlined by the Virginia Department of Environmental Quality. No protected environmental areas have been identified on site.

**Historic Resources**

The site does not appear to impact historic sites, the closest identified historic district is the Stafford Courthouse. The site is approximately 900 feet from the nearest corner of that parcel.

STAFFORD COUNTY  
Department of Planning and Zoning

**RECLASSIFICATION  
TRANSPORTATION IMPACT  
ANALYSIS DETERMINATION**

Name of development 1348 Courthouse Retail  
Type of development Retail  
Parcel # 30 70

RECEIVED BUT NOT OFFICIALLY  
SUBMITTED:

DATE: 2/15/16 INITIALS KLP

OFFICIALLY SUBMITTED:

DATE: 2/15/16 INITIALS LCB

**Traffic Volume Calculations**

This site generates:

46 VPH (highest VPH)  
527 VPD on state controlled highways (highest)  
46 VPH Peak AM  
46 VPH Peak PM  
46 VPH Peak Saturday  
527 VPD highest intensity\*

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

**Minimum Thresholds to submit a TIA**

County: Any proposals generating 1,000 or more VPD.

VDOT: 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 redeveloped as a higher intensity use, 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.

STAFFORD COUNTY  
Department of Planning and Zoning

## Project Information & Primary Contacts

<b><u>PROJECT INFORMATION</u></b>		<b><u>PROJECT #</u></b> <span style="font-size: 1.2em; color: blue;">16151104</span>	
<u>1348 Courthouse Retail</u>			
PROJECT NAME		SECTION	
<u>1348 Courthouse Retail</u>		<u>1.241 Acres</u>	
ADDRESS (IF AVAILABLE)		TOTAL SITE ACREAGE	
<u>30 70</u>		<u>R1</u>	
TAX MAP/PARCEL(S)		ZONING DISTRICT	
<u>1348 Courthouse Road</u>			
LOCATION OF PROJECT			

<b><u>APPLICANT/AGENT</u></b> (Provide attachment if Applicant and Agent differ)		Primary Contact Person <input type="checkbox"/>	
<u>Rich Smith</u>		<u>Par 3 Development Group, LLC</u>	
NAME		COMPANY	
<u>2860-B NC 5 Why</u>		<u>Aberdeen</u>	
ADDRESS		CITY	
<u>910-944-0881</u>		<u>NC</u>	
PHONE NUMBER		STATE	
<u>910-944-0882</u>		<u>28315</u>	
FAX NUMBER		ZIP	
		<u>Rich@Par5Development.com</u>	
		EMAIL ADDRESS	

<b><u>OWNER</u></b> (Provide attachments if multiple owners)		Primary Contact Person <input type="checkbox"/>	
<u>Richard C and Suanne C Altstaetter</u>			
NAME		COMPANY	
<u>17 Autumn Drive</u>		<u>Stafford</u>	
ADDRESS		CITY	
<u>540-752-7220</u>		<u>VA</u>	
PHONE NUMBER		STATE	
		<u>22556</u>	
FAX NUMBER		ZIP	
		EMAIL ADDRESS	

<b><u>PROFESSIONAL</u></b> (Engineer, Surveyor, etc.)		Primary Contact Person <input type="checkbox"/>	
<u>Lance J. Koth</u>		<u>Koth Consulting, P.C.</u>	
NAME		COMPANY	
<u>3159 Huguenot Pointe Drive</u>		<u>Powhatan</u>	
ADDRESS		CITY	
<u>804-239-0814</u>		<u>VA</u>	
PHONE NUMBER		STATE	
		<u>23139</u>	
FAX NUMBER		ZIP	
		<u>Lance@Koth.cc</u>	
		EMAIL ADDRESS	

STAFFORD COUNTY  
Department of Planning and Zoning

**General Information**

Clearly indicate all information that applies to this project:

**DETAILED DESCRIPTION OF PROJECT**

Commercial Site with approximately 9100 sq.ft. retail buidling

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**INFORMATION FOR FEE CALCULATIONS**

1.241 # of Acres

Type of Rezoning:

- ☒ Standard Rezoning
- ☐ Planned Development
- ☐ Proffer Amendment
- ☐ Minor Proffer Amendment
- ☐ Minor Proffer Amendment (when submitted simultaneously with Minor Conditional Use Permit Application)

**INFORMATIONAL**

Previous Ordinance # \_\_\_\_\_

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

# of Lots (if rezoning to residential) \_\_\_\_\_

Original Zoning R1

Proposed Zoning B2

Proposed Use(s) Retail

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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 reclassification 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.

Suanne Alstaeffer 2/10/14  
Printed Name Date

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

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

---

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

Page 6

STAFFORD COUNTY  
Department of Planning and Zoning

### 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 reclassification 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.

Richard A. Altstaetter  
Signature of Owner/Co Owner

RICHARD A ALTSTAETTER      2/11/2016  
Printed Name      Date

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

\_\_\_\_\_  
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 reclassification 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.



STAFFORD COUNTY  
Department of Planning and Zoning

### Application Affidavit

This form to be filed with:

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

Internal Use Only	
Project Name:	<u>1340 Courthouse Rd.</u>
A/P #:	<u>16151104</u>
Date:	<u>2/15/16</u>

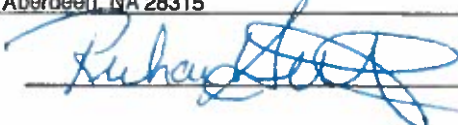
All applicants for a special exception, a special use permit, conditional use permit, amendment to the zoning ordinance or variance shall make complete disclosure of the equitable ownership of the real estate involved in the application, including in the case of corporate ownership, limited liability 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 Rich Smith  
Name of Company Par 3 Development Group, LLC

Applicant Address 2860-B NC 5 Hwy  
Aberdeen, NA 28315

Applicant's Signature 

Name of Agent \_\_\_\_\_

Address of Agent \_\_\_\_\_

#### 2. Type of Application

☐ Conditional Use Permit

☐ Variance

☒ Rezoning

☐ Special Exception

STAFFORD COUNTY  
Department of Planning and Zoning

Application Affidavit  
Page 2

Applicant: Par 3 Dev't. Group LLC

Project Name:	<u>1348 Courthouse Rd</u>
A/P #:	<u>16151104</u>
Date:	<u>2/15/16</u>

3. Property Information

Assessors Parcel(s)	<u>30 70</u>	<u>19320</u>
Address	<u>1348 Courthouse Road</u> <u>Stafford, VA 22554</u>	

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>
<u>Richard C and Suanne</u>	<u>117 Autumn Drive, Stafford, VA 22556</u>
<u>C Altstaetter</u>	<u></u>
<u></u>	<u></u>
<u></u>	<u></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 share holders.

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

STAFFORD COUNTY  
Department of Planning and Zoning

**Application Affidavit**

Page 3

Applicant: Par 3 Devt. Group LLC

Project Name:	<u>1349 Courthouse Rd</u>
A/P #:	<u>16151104</u>
Date:	<u>2/15/16</u>

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**

<u>R. Lee Pittman</u>	_____
<u>Brian Clodfelter</u>	_____
_____	_____
_____	_____
_____	_____

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.

STAFFORD COUNTY  
Department of Planning and Zoning

Application Affidavit

Page 4

Applicant: Park 3 Development Group LLC

Project Name: 1348 Courthouse Rd  
A/P #: 16151104  
Date: 2/15/16

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 Jamie Encinosa

Corporate Office of Signer Vice President of Land Development

Signature Jamie Encinosa

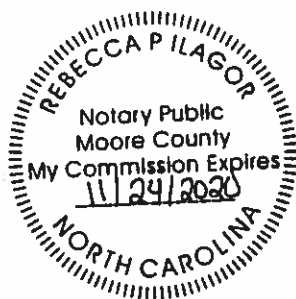
Date 2/15/2016

State of North Carolina  
~~COMMONWEALTH OF VIRGINIA~~  
COUNTY OF ~~STAFFORD~~ Moore, to wit:

The forgoing affidavit was acknowledged before me this 15<sup>th</sup> day of February, 2016 by  
Jamie Encinosa owner/applicant.

My commission expires: 11/24/2020

Rebecca P. Ilagor  
Notary Public



STAFFORD COUNTY  
Department of Planning and Zoning**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.

<b>30A 3 12</b>	<b>Karen Massie Platt</b>	
TAX MAP / PARCEL	NAME	
<b>8183 Ships Curve Lane</b>		
MAILING ADDRESS		
<b>Springfield</b>	<b>VA</b>	<b>22153</b>
CITY	STATE	ZIP

<b>30 71</b>	<b>Courthouse Adventures, LLC</b>	
TAX MAP / PARCEL	NAME	
<b>1353 Hartwood Road</b>		
MAILING ADDRESS		
<b>Fredericksburg</b>	<b>VA</b>	<b>22406</b>
CITY	STATE	ZIP

<b>30 80</b>	<b>Stafford County School Board</b>	
TAX MAP / PARCEL	NAME	
<b>31 Stafford Ave</b>		
MAILING ADDRESS		
<b>Stafford</b>	<b>VA</b>	<b>22554</b>
CITY	STATE	ZIP

STAFFORD COUNTY  
Department of Planning and Zoning

<u>30 58</u>	<u>County of Stafford Virginia</u>	
TAX MAP / PARCEL	NAME	
<u>P.O. Box 339</u>		
MAILING ADDRESS		
<u>Stafford</u>	<u>VA</u>	<u>22555</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	
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CITY	STATE	ZIP

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





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1. RC16151104; Reclassification – 1348 Courthouse Retail - A proposed reclassification from the R-1, Suburban Residential Zoning District to the B-2, Urban Commercial Zoning District, to allow a 9,100 square foot commercial retail building on Tax Map Parcel No. 30-70. The property consists of 1.24 acres, located on the south side of Courthouse Road and east side of Stafford Avenue, within the Aquia Election District. **(Time Limit: October 21, 2016)**

Mr. Harvey: Thank you Mr. Chairman. For the first public hearing, recognize Kathy Baker for the presentation.

Ms. Baker: Good evening. May I have the computer please? Mr. Chairman, members of the Commission, Kathy Baker with the Planning Department. This item number 1 is a rezoning reclassification at 1348 Courthouse Road. The request is to rezone 1.24 acres from R-1, Suburban Residential to B-2, Urban Commercial, to allow for retail use. It's located on Tax Map Parcel 30-70 and the applicant is Rich Smith of Par 3 Development Group, LLC. This is an aerial view of the property that you see highlighted in red. You see on the property exists a single-family dwelling which was constructed early 1900s. There's an additional detached garage located behind the dwelling. It has been vacant for some time. The property fronts on Courthouse Road, and if you look just to the... this corner is the intersection with Stafford Avenue. The entrance that you see on this side is a private access drive; it's on property owned by the County and it serves a Fire and Rescue Training Facility in this location. And then these two buildings are open buildings that are used for storage of school buses and other County vehicles. You'll see across to the north is Stafford Elementary School and then to the immediate east of the property is another vacant single-family dwelling. This is a street view of the property looking basically from the entrance of Stafford Elementary School. And you'll see the existing dwelling that sits. The property does rise about 20 feet into the middle of the site and to the rear of the property where the house is located. And you'll see there is existing sidewalk across the frontage of the property which would be retained and repaired as necessary. The proposal is for a 9,100 square foot retail store which is proposed as a Dollar General. It's proposed as 1 story with a maximum height of 20 feet. The staff report indicated 30 feet and, concurring with the applicant, it is a 20-foot maximum height. That change will need to be made on the Generalized Development Plan because it does indicate 30 feet on the plan. There's the single access off of Courthouse Road, and the existing residential structure would be demolished. This is a view of the Generalized Development Plan with your access off of Courthouse Road in this vicinity. It will be a full access in and there will be inter-parcel access to the property to the east. The building itself will be located in the southwest corner. The front of the building is the short side which is facing Courthouse Road, and that's where your primary access would be. And then you'll have parking along the side as well as the front. And your loading areas would be located back in the lower right-hand corner. You would have a potential for a retaining wall along the eastern property line. That could possibly go away if, for any reason, this property developed at the same time as the adjacent property and grading could be done simultaneously. But most likely a retaining wall would be needed. There would also be a privacy fence along the retaining wall or at the top of the retaining wall, and along the rear property line with that buffer area. One follow-up conversation we've had with the applicant is providing additional buffering in this area and in this area primarily to buffer some of the training activities that go on in the Fire Training site. Sometimes those activities do occur outside in that yard which is a fenced area out along Courthouse Road. These are the proposed building elevations. As you see, the one to the top left that has the Dollar General sign is your front entrance, which would be visible from Courthouse Road and facing Courthouse Road; and then the rear elevation to the top right. And you'll see both side elevations; the one facing the parking lot is the one located at the bottom. You'll see they have put fake... faux windows that would just be bricked along both facades to break up the blank façade of the building. There would be awnings located over the windows on the front of the property.

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There was no Transportation Impact Analysis required with this application. As you see, the 525 vehicles per day, with 46 vehicles per hour at the peak hour, is what was submitted with the TIA determination form. As I stated, the entrance will be aligned with Stafford Elementary School. The entrance location does not meet the minimum spacing requirements. The applicant did request a waiver of this from VDOT and we actually just received the approval letter of that waiver this evening. So, the spacing would come from the other entrances located to the west of the property, and that's where they don't meet the minimum spacing requirements due to the small amount of road frontage on the property. I just wanted to note future intersection improvements at Route 1 and Courthouse Road. This is not going to be located within the subject property area but just wanted to let you all know for your information that this is an improvement that will be going on to improve turn lanes; it will add turn lanes on north and southbound Route 1 at that intersection. So, there will be construction going on beginning I believe in 2018. This just shows the actual improvements. This is Jeff Davis Highway, Route 1 actually; not oriented north/south. Here's Courthouse Road going towards the property. So you see the right turn lanes and then left turn lane from Courthouse. So that will improve the intersection, and then the signalization would be timed accordingly once those improvements are complete. The applicant is submitting several proffers, starting with limiting trash collection from 6 a.m. to 9 p.m.; the provision for the 6-foot board on board fence along both the eastern and the southern property lines. They've also said they would allow the Historical Commission access to document the existing structures. While there's no real historic significance to the buildings themselves, the Historical Commission does still like to document anything with drawings and measurements and photos for structures that are older than 50 years. They would require the property to be developed in substantial conformance with the GDP, as well as the architectural renderings, and also requiring the inter-parcel access to the property to the east. And the land use designation is Urban Development Area, also within the Courthouse Redevelopment Area. I'll note that under the draft Comprehensive Plan, this area is proposed as a Targeted Growth Area which is equivalent to more or less the Urban Development Area with the style and the type of development to occur. This development is generally in conformance with the Comprehensive Plan, as well as the Redevelopment Plan. And staff is recommending approval based on those factors. And I'll be happy to answer any questions.

Mr. Apicella: Questions for staff? Mrs. Bailey?

Mrs. Bailey: Yes, Mr. Apicella. Ms. Baker, the property is within the Courthouse Redevelopment Area?

Ms. Baker: Yes.

Mrs. Bailey: And are there any criteria specifically towards signage, and in particular, if you have a retail store? Sometimes retail stores often put displays out on their sidewalk, such as propane gas tanks to be refilled, ice boxes, and sometimes there's just display for whatever is on sale that week.

Ms. Baker: And I'm drawing a blank as to what those requirements... Mr. Harvey, do you recall what, in the Courthouse Area, what the sign regulations are?

Mr. Harvey: Mrs. Bailey and Ms. Baker, the Redevelopment Area Plan has some overall guidelines with regard to architectural design, but it doesn't get to the level of signage. The Comprehensive Plan element for Neighborhood Design Standards which applies throughout the County when we consider rezonings does have some more guidance with regard to signage. It does not recommend any temporary signage; however, it does recommend permanent signage. If you had freestanding signs, they would be designed to be compatible with the wall signs.

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Mrs. Bailey: Okay. Because I do have a concern, whether it be the Dollar General Store or any other type of property; it could be a CVS or, you know, anything like that, having the displays like that on the outside or the exterior of the property. The other question that I have, on the GDP it shows the sidewalk, and the sidewalk is to be maintained. Who would be maintaining the sidewalk? Would that be the owner or the County?

Ms. Baker: Typically the owner is going to be responsible for maintenance of sidewalk on their property.

Mrs. Bailey: Okay, I think that's all that I have right now.

Mr. Apicella: Thanks Mrs. Bailey. Mr. English?

Mr. English: Do you know what the hours of operation will be and do you know if it's a 7 day a week operation? Or do you know? Or should be for the applicant?

Ms. Baker: I don't recall; the applicant will address that.

Mr. English: And I have a VDOT question... also I guess the VDOT question I give it to the applicant.

Ms. Baker: The applicant's engineer is here as well, if you have specific questions related to that.

Mr. English: I do.

Mr. Apicella: Mr. Coen, did you have a question?

Mr. Coen: Yes. Ms. Baker, if you could pull up just the site map, sort of the birds-eye view map. I just have a couple quick questions on that. One question is, in the language from VDOT it was about viable access to the adjacent parcel to the east. So, and if I remember where you made the blue mark before, that's very close to the entrance and exit, is it not? Way up at the top of the...?

Ms. Baker: In this general vicinity.

Mr. Coen: Okay. So, is there any concern about that being so close to where actually people turn in and out? I mean, do I understand that correctly that that would be the access for people to access into that parcel to the east?

Ms. Baker: That's correct.

Mr. Coen: So, at the same time people would be turning, if they're going east on Courthouse Road, they'd turn in and try to cut across people who are trying to leave this property to go to the parcel to the east -- immediately. I mean it's not like...

Ms. Baker: I understand. I'm going to have to double-check on what the... VDOT has specific throat length requirements for properties that as you enter in, they have to be set back a certain distance as far as where that access is going to be and where the easement would be recorded, as well as the location. So, I'll have to, if you would like to know that, I'll have to look it up and get back with you.

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Mr. Coen: That would be something to take into consideration, whether or not they consider that viable or they would want it farther back.

Ms. Baker: And VDOT would have to review this during the site plan stage to be sure that it does meet all of those standards.

Mr. Coen: Right. And then I'm going to assume that the answer is yes, but is the distance between the back of the building or the side of the building, in theory, to the property line to the west far enough away from the property line? It looks fairly close but we can go on the premise that that will be the X number of feet that's required?

Ms. Baker: On B-2, you can actually go up to the property line with the setback from your side.

Mr. Coen: Okay. So is this building going to go to the property line?

Ms. Baker: They're showing I believe a 5-foot setback.

Mr. Coen: Five foot? Okay. And then, while we're still on the map, does staff have... and I asked this already but I'll do it more openly. Two things about the entrance -- there is no turn lane on Courthouse Road if you're going west to go in there, so the people would be going up on the basically the faster left-hand lane as they come up Courthouse Road and then stopping to try to turn in to cut across traffic. Is that the flow that's in front of us?

Ms. Baker: I'm sorry, if you're talking going eastbound?

Mr. Coen: If you're going westbound. I'm coming from say Brooke Point High School or the middle school, I'm going to come up, and then the elementary school is on my right-hand side, I'm in the left lane which is the "faster" lane, and then I would come to a complete stop so I could turn into this entity because there's no turn lane.

Ms. Baker: That's correct, there's no turn lane.

Mr. Coen: And then if we're here, and I'll draft Mrs. Bailey into this, if Mrs. Bailey is leaving the store and going to go west to come to our meeting, and sitting there, and I want to go right because I'm going to swing down to Brooke Point before I come here, I'll have to sit... the spacing is really pretty tight that I can't go up and around her to make an easy access out. So, is it possible that people would have to wait for Mrs. Bailey to get across two lanes of traffic and get into the fast lane of traffic on the other side of the road before they could even get out to go right?

Ms. Baker: So, you're talking a dedicated left and right turn lane out of the site onto Courthouse?

Mr. Coen: Right. I mean, as it is right now, there's just one lane.

Ms. Baker: That's how it is shown currently, yes.

Mr. Coen: Thank you ma'am. Just one last thing is the trash. I noticed in one of our other items tonight that the trash pickup is at 7. Is this merely the applicant's desire or what they can negotiate, whether it's at 6 or 7?

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Ms. Baker: That's what they have submitted as their recommendation.

Mr. Coen: I just noticed that there were two plans and two different times, and I didn't know if there was a rationale. Thank you.

Mr. Apicella: Any other questions? Okay, I have some questions. What governs what actually is going to happen on this site? Okay, so we have an application that says they want to do a retail center, 9,100 square feet. We've got a GDP that essentially says the same thing, but the proffer statement really doesn't say a whole lot. So, since it's not in the proffer statement, would the GDP by itself limit this to one retail building, 9,100 square feet, no more than one story?

Ms. Baker: As far as the... basically, yes. The general size of the building, the general location, that's what is governing it is the conformance with the Generalized Development Plan.

Mr. Apicella: And to what extent could they deviate from that since, again, it's not in the proffer statement?

Ms. Baker: They could put in a different store other than Dollar General.

Mr. Apicella: CVS, a restaurant.

Ms. Baker: CVS. A restaurant, potentially a sit-down restaurant that would be the same size as long as they met parking requirements because with your other uses, you're going to have different parking based on your intensity of the use if it's a higher intensity.

Mr. Apicella: So, what's the highest intensity use that could happen here?

Ms. Baker: A drive-through restaurant.

Mr. Apicella: But that would require a CUP, right?

Ms. Baker: It's not in the Highway Corridor, so no CUP.

Mr. Harvey: Correct, not at this location Mr. Chairman.

Mr. Apicella: Okay, so what would the... again, my concern kind of goes back Mr. Coen's point. Right now they've estimated 500, less than 600 traffic vehicle visits per day. Okay, that's for Dollar General. With all the best of intentions, that may happen, that may not happen; something else might happen here. So I look to the proffer statement to kind of understand what bounds, what might happen here. Dollar General might have less than 600 but a drive-through restaurant I would suspect has significantly more. And what would that be?

Ms. Baker: I mean, you're definitely going to have I believe for... well, your medium intensity commercial is four spaces per thousand. You're fast food restaurants, convenience stores, 15. So, it's definitely going to increase and, again, you're going to have to have the infrastructure, the amount of parking, your drive aisle widths and everything else to support that. It's a likelihood of a much higher density unless they go with a smaller building size or higher intensity on this size parcel is going to be a



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little difficult. But if you all are looking for some additional, you know, assurances as to what's going to be on there, then your recommendations would need to (inaudible).

Mr. Apicella: That would certainly be a concern of mine, again, since it's not further elaborated in the proffer statement. Typically, that's what we do see, some boundary on what might happen on a particular site. Did we reach out to the... again, since this is across the street from a school, did we reach out to the school system and get any comments?

Ms. Baker: No, I did not. They were given the rezoning application when it first came in but I did not receive any comments and I did not reach out to them specifically.

Mr. Apicella: And, it probably isn't important but, again, I'm looking at the 6 a.m. timeframe for trash collection. I don't know when buses start arriving but that may be an issue.

Mr. English: (Inaudible - microphone not on).

Ms. Baker: Are you talking high school or elementary school traffic?

Mr. Apicella: Well, you still have people going down that road, so I'm thinking of all the bus traffic that's going to be... and also commuter traffic. You've got a lot of people commuting. I used to live in that area. I would be leaving around that time to get to Brooke Station. So there's a lot of traffic that goes down that road around 6 o'clock a.m. And quite frankly, between 6 and probably 8:30 there's a lot of traffic.

Ms. Baker: You're concerned just about the trash collection on site or the operation of the hours?

Mr. Apicella: Probably both, now that we're kind of chatting about it. So, again, I'm a little concerned about some of the uncertainty here. So, anyhow, that's it for me. Anybody else? Okay; applicant?

Mr. Smith: Mr. Chairman, members of the Board, my name is Rich Smith. I'm with Par 3 Development. Thank you for hearing us this evening. This is our first time in your municipality and we've had a good experience with staff. As you just saw, Kathy's very good at this and we appreciate the input. I was jotting down some of the notes as you were talking. The hours of operation, we are not Dollar General; we're the preferred developer for Dollar General. And we could certainly lobby for a later start. Their standard hours of operation nationwide are 6 a.m. to 10 p.m. Now, they do vary from that and I would be happy to champion that cause, but I can't dictate to them when they would or wouldn't. But it wouldn't be any other hours other than those. We could and gladly put the trash collection... move that up to 7 a.m. from the 6 a.m. We would be happy to do that. I guess there is a private collection in this town so we would certainly make that part of the contract and part of our agreement with you folks that it would be 7 o'clock instead of 6 o'clock. I think the inter-connection for the site is not starting at this... if it stays residential, the driveways that are on that residential site next to it stays as is. I think the inter-connection would only happen if that person was going to come in to do a land plan or something like that; is that correct? Okay. So, right off the bat there's no inter-connection with the residential property next door, and maybe you already knew that. But we're here to answer any questions. Lance Koth with our engineering firm is here and could possibly talk to some of your turn lane questions. I could answer any questions you may have of us as far as the construction goes. The signage... I heard there were some signage questions. Dollar General typically likes a sign out by the road in its approved location and one on the building, so that's usually what we're asking for. I'm not sure that they sell propane, but they do

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have an ice machine usually on the front like a lot of, you know, convenience stores and kind of things have. But, you know, as far as any displays go or anything like that, I mean, if you would like us to lobby that as well between now and the Board of Supervisors, we could certainly consider that. I mean, like I said, we can't dictate their company policy to them but we can certainly pass along the concerns of the town that we're working with and we'd be happy to do that.

Mr. Apicella: Questions for the applicant? Mrs. Bailey?

Mrs. Bailey: Does Dollar General... that's a franchise?

Mr. Smith: Yes ma'am. Well, no, they're owned.

Mrs. Bailey: Are they independent or some of them independent of the...?

Mr. Smith: No, they're totally company owned.

Mrs. Bailey: Okay, totally company owned.

Mr. Smith: Totally company owned. They are run by them. They don't own the property or the building. They are a lease and they are a triple net lease; they do all the maintenance and all the, you know, in charge of making sure the lights and sidewalks and maintenance on the entrance, any of those issues are under their control.

Mrs. Bailey: Okay. Well, should this move forward, I definitely would want you to lobby with them to make some changes in regards to items that they would place outside on the sidewalk.

Mr. Smith: Sidewalk displays.

Mrs. Bailey: And I did go by the Dollar General, the one that's down in... it's a freestanding... down by Leeland, off of Deacon Road, and they do have return propane tanks there.

Mr. Smith: Oh, do they?

Mrs. Bailey: As well as the ice chest, as well as items out on the sidewalk.

Mr. Smith: Items meaning like racks of something?

Mrs. Bailey: Oh, it could be chairs, it could be racks of whatever's on sale that week, you know, just a lot of merchandise.

Mr. Smith: So, merchandise, other than... because I guess ice machines and maybe a propane display is pretty common.

Mrs. Bailey: Well, it's a small building, it's a small site...

Mr. Smith: Right.

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Mrs. Bailey: ... and it is the Courthouse Area and so to alleviate as much stuff as possible would be preferred.

Mr. Smith: Clutter. Alright.

Mr. Apicella: Mr. Coen?

Mr. Coen: Yes, just sort of for clarity sake, and it sort of tags what Mr. English was saying. The buses would technically tend to go towards the high school around 7 a.m. They usually arrive at the school between 6:50 and about 7:30. So I'm not sure if we say 7 is going to be better than 6 or not, and that's one of the things that sort of occurred to me. In the early morning you have the VRE traffic and then 6 or 7 you have school buses. So, I didn't want you to lock into that. It may be something that you'll want to talk to various staff and see which is the best. And then, quite honestly, if their contract is they wouldn't come until 8 or 9 or whatever in the morning, it may be a moot point. And then I still have concerns, but now that I know it's open at 6 and I'm driving to Colonial Forge in the morning and I forgot that I'm supposed to bring something for our faculty breakfast, I'm probably going to want to swing in there, which means I will be stopping in the middle of the speed lane of all the people that are rushing to get onto 95 around 7 in the morning. So I am really leery of no turn lane. And I know that's a VDOT decision, but that really concerns me that in that area, which is problematic because in the morning you have... and I thought you opened later... so if you open at 6, you have people rushing to get on 95, you have people rushing to go to teach at various schools, you have people rushing the other way, and you have buses coming out of your neighbor. And so, at around 7 in the morning or 10 of to 7 in the morning, it's problematic in that intersection as it is. So, I'm just leery of that. So I don't know necessarily if you can solve it but that's something that... and I'm a little leery of leaving it to VDOT and its wisdom to sort of say well, this too shall pass.

Mr. Apicella: Tom, how can you say that?

Mr. Smith: I'd like to introduce you to Lance Koth.

Mr. Koth: I'm the engineer that's been working with Par 3, Par 5, and the entrance that you're talking about has been, as much as we've done with Kathy, has kind of been the focus of all of this. It's been a concern. We sat down with Kathy, and VDOT representatives and I sat down at the table and looked at the different alternatives for this. That spot actually has the best site distance. Actually, if we go any further east, we don't meet their criteria. So, there was some reasoning behind that and we got a little bit lucky on it on that our property line is far enough over that it actually lines up with the exit lane from the school which was something that VDOT had said that's much more desirable because if you have, like you're talking about, if you have people that are turning into one and turning into the other, if they align, it's less conflict. So the location was selected pretty carefully to line up with that. As far as the turn lane and the chicken lane or whatever you want to call that center lane, VDOT has thresholds for turn lane criteria and we're way below what would require a turn lane. The numbers -- and I'm going a little bit from memory here -- but you saw the overall 527 vehicles per day was the number and those you derive... there's directional formulas and that kind of thing. But in essence, our peak for this type of use hits in the afternoon and the peak turns... and I don't remember the directional number but it's a fairly even split. The peak turns are... you do it based on trips, and a trip is in or out. So, in and out is two trips, so it's 46 trips in the peak hour. So it's 23 turns in and it was a fairly even split so we were talking about about 11 turns, 11 or 12 left turns coming in, in the peak afternoon hour. So, the other hours are less than that. And I don't... and I certainly don't mean to belittle that that left turn is a left turn out of a

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left-hand lane; it is a small number and I realize that's not a quantitative analysis but it's a way to qualitatively feel a little better about it. And actually the fact that there's two lanes there helps because you can go around and people aren't stacking up behind. So, it's not a perfect situation but it was developed with quite a bit of thought with VDOT. And I guess the other piece of it that I heard back here was when we were talking about the having to wait to turn out to go right, there's a balance there. VDOT, like Kathy was saying, has criteria for if you have two lanes going out, how far back into the site that goes. And we've held it to one lane going out because we could meet that if it goes to that second lane that actually pushes that entrance most of the way into the site; at least halfway into the site and that then grade-wise we can't give access to that site next door. So, it was a little bit of a balance. We'd love to have two lanes coming out but it pushes that access next door back beyond where we could work with it. So this, we felt like and worked with VDOT that this was probably the best that we could do with all of our constraints out here. But we have... you know, I kind of look forward to working with VDOT on the site plan because we've done so much work with them up front that I think they'll be pretty happy with the way it all works out. So, I realize I'm a little bit long-winded but if you give me a microphone and let me talk I'll keep going.

Mr. Apicella: Mr. English, did you have a question?

Mr. English: I've got a lot of concern with that area. I don't know if you live around here or you know what's going on around here, especially when school's in. Stafford Avenue is just stacks up no matter what, especially when school's going on. And then you're going to a business down there; it's going to cause another problem. You've got the funeral home right there that causes another issue. And then you've got the training ground and then you've got the elementary school. Why aren't they recommending a signal and why... have you talked to the County about going in where the Fire and Rescue is because it intersects right there with Stafford Avenue and try to work a light in, and maybe work with the funeral home and try to get something worked that way. Because right now, this is going to be crazy.

Mr. Koth: Well, we did look at that entrance there; that was one thing we had looked at. At that entrance looking left, your site distance doesn't meet their warrants. So it's actually fairly dangerous to try and turn left out of there. And that was kind of... we went through a lot of iterations back and forth, but when we looked at sitting at that looking left kind of across the funeral parlor site, there's a small...

Mr. English: Easement... I mean a little hill, little grade.

Mr. Koth: ... there's a little hill there and it draws it quite a bit below what the required site distance is there. So, when we talked with VDOT about it, that was one of the reasons they were -- I'm not going to use the word enthusiastic but I would like to -- but they were very onboard with the idea of putting our entrance out here because it met their site distance, which is frankly a bigger safety issue than aligning with that road over there.

Mr. English: So, it's nothing that you could work with with the County as far as the Fire Training area and try to maybe have those entrances and all that kind of combined down to one to try to take some pressure off of that? Because I'm telling you, right there at Stafford Avenue, I see it's going to be a nightmare there without a light.

Mr. Koth: Well, and the hard thing is...

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Mr. English: I know what you're saying about the grade.

Mr. Koth: No, where I was going with this is the hard thing about an intersection like that is VDOT has very specific warrants for a signal. And if you put a signal in somewhere that doesn't meet those warrants, they have a lot of data that shows that it makes accidents worse. And everybody thinks a signal is the right solution, but if you're not meeting those specific I believe it's 6 warrants for a signal, which right now it does not, it will make the situation worse. I mean, and the warrants are very specific as far as things like traffic counts on the road, traffic counts on the side roads. One of them is if you have a death at the intersection... so, you know, the speeds are slow here, I don't foresee things like that happening and frankly the traffic counts I don't believe would ever get to the point where a signal would be warranted there. And I think the problem would be is if you have a signal there, as close as it is to the one on Jeff Davis, and I don't know the exact distance, I'm speculating here that VDOT won't want those signals that close together.

Mr. English: (Inaudible - microphone not on).

Mr. Koth: Well, yeah... it doesn't make it right. And I'm not saying they wouldn't do it, but I think congestion and if they time it right, they could make it work. But I'm not sure it would make that situation better. And I know what you're saying because it does get congested around here and I've seen the overall plan that VDOT has for the grand scheme of this whole area. And I think to follow it around, it functions well; but I think even when that whole thing gets implemented in the distance future, I think there's going to be a long transitional time before people really get used to it and it functions well. But it's a step in the right direction.

Mr. Apicella: Anybody else? Mrs. Vanuch?

Mrs. Vanuch: I just wanted to have one of you guys address Steven Apicella's question about the proffer statement and maybe putting in a different building if this were to be rezoned.

Mr. Koth: I would be... yeah, I heard that discussion and I've never heard that question before. Typically, when we put together one of those Generalized Development Plans, if we wanted to change the use at all, and especially for a restaurant drive-through or something like that, the layout would have to change fairly significantly to make that work. And it's a little bit of a subjective call when they have to go back and come back before Planning Commission and Board of Supervisors, but I would venture to say that I don't see how that would even happen without being a big enough change to do that. One of the things in there, I guess we've got the signage in there -- so, I mean there's enough references to Dollar General that I really hadn't even thought about that.

Mr. Apicella: I'm just going to respond to that. So we have a long laundry list of allowable B-2 uses, okay. And I'll use a drug store as an example. Now I understand a 9,100 square foot building may be a limiting factor, as well as parking might be a limiting factor, but in the absence of... the proffer statement sets boundaries from my vantage point. And so, in the absence of setting boundaries, we have no assurance that it's going to be a Dollar General. And it might be a Dollar General tomorrow; 5 or 10 years from now it might be a Chik-Fil-A, and they have completely different, you know, throughput. So, and even though you might have a specific layout that works for you now, it might be more profitable, especially as this thing moves to a TGA and that area gets built out in a completely different version of the world then we see today, the world changes and something else might be more economically viable for you all. So that doesn't give us any assurance when it's not in the proffer statement that things might

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not change dramatically. And I guess it's not so much a question as a comment. I would ask you... again, I'm not sure if it's going to proceed forward tonight or not, but if it doesn't to work with staff and maybe they can give you some examples of proffer statement. And, you know, my concern, as with any rezoning to a business use, is bringing some clarity to what can and cannot happen on a particular site. I mean, I don't know what your experience has been elsewhere, but that funeral home was not intended to be there, I can tell you that.

Mr. Koth: Okay. No, I just hadn't heard that question before. I understand what you're saying, I just, I mean, from...

Mr. Apicella: Or let me say it different -- we didn't know that funeral home was going to end up there, but it did because, again, it wasn't carved out as an exclusion. So those are the kind of concerns that we have. In the absence of clarity, we might not get exactly what we thought we would get.

Mr. Koth: Well, you know, maybe Rich has done more rezonings than I have and maybe there's something we can add to the wording there that makes you feel better about what we're doing here, but that's not really an engineering issue.

Mr. Smith: I guess, of course, you know, we don't own the property at this point. We normally, as Kathy said earlier, this is a very low impact use even for a resale store. Fast food stores and especially like Walgreens or some bigger footprint, I mean, I don't think they would even physically be able to design it and fit it on the site and meet the criteria of your ordinance. That doesn't mean it's not allowed to be there and I totally understand what you're referencing. It's our full intention to do this, and the world is littered with good intentions, I know that. But, you know, we are very happy to be here. We look forward to doing a very nice job, building a very nice building, and we have a closing date set and we have a lease in place. We are way down the road to be even able to back out unless you totally tell us we can't do something there.

Mr. Apicella: Again, I don't want you to think I'm resistant to having a Dollar General. What my concern is, is what might happen 5 or 10 years from now. You don't and I don't know what's going to happen in that timeframe, so that's why I asked about what governs what might happen on this property. And the rezoning is on the property; it's not the project, it's the property. So you get a generalized B-2 authority on that property which gives whoever owns that property the ability to do a lot of things.

Mr. Smith: Right.

Mr. Apicella: So that's, again, that's my concern. Again, not so much a question as a comment.

Mr. Coen: And just to sort of piggyback, I mean, their next door neighbor started as a business and now the County has it as a Fire Training Station, you know, within years of when it got open. And so I think that's where Mr. Apicella's coming from.

Mr. Smith: Sure.

Mr. Coen: It's not just a theoretical what could happen so much as right in that community something has happened.

Mr. Apicella: Any other questions? Okay. Thank you sir.



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Mr. Smith: Well we thank you very much for your consideration.

Mr. Apicella: I'll now open the public hearing on this matter. This is an opportunity for the public to comment on this item. Pretty much the same ground rules as I laid out earlier, but please direct your comments to the Planning Commission as a whole, not to any specific member. You have 3 minutes to speak. Please state your name and address when the green light comes on. The yellow light indicates you have 1 minute left. And the red light means you need to wrap up your comments. So, if anyone is interested, please feel free to come forward.

Ms. Knight: Good evening, my name is Jo Knight. I have the property next door for sale and the gentleman who... they intend to have that sold for use that would probably be a similar type commercial use or I guess multi-family, because townhomes can go in R-1 in this area. I think one of the questions and maybe I need to look a little harder and perhaps it's underground. But stormwater management was a question. Is it going to... we were wondering where the stormwater would go. Maybe that's underground; we need to read this information a little better. And I do think you have included the inter-parcel access which was a concern. They... I think that was the main question, was about the stormwater management. And I do think that it would certainly be better if they developed the two together because of the topo. There's going to be a lot more having to shore up the boundary there on the side, a lot more work and money than if the two were together. The two sites complement each other for development. Thanks very much.

Mr. Apicella: Thank you. Would anyone else like to come forward and speak? Okay, seeing no one I'm going to close the public hearing and bring it back to the Commission. Mrs. Bailey, this is in your district.

Mrs. Bailey: Yes, Mr. Chairman, I would like to make a motion to approve RC16151104, with proffers, and would ask the applicant to, before going before the Board of Supervisors to address possibly some restrictive language in the proffers for use.

Mr. Rhodes: Second.

Mr. Apicella: Okay, there's a motion to approve that's been seconded. Any further comments Mrs. Bailey?

Mrs. Bailey: No further comment.

Mr. Apicella: Mr. Rhodes?

Mr. Rhodes: No sir.

Mr. Apicella: Anyone else? Okay, I'm not going to support the motion. I think it's important that we get some boundaries on this project. As I indicated, again, the amount of traffic could be quite significant. I think some other folks have raised some issues about turning and that could be a problem as well. So, I think we need to do our part before we send it forward to the Board for action. All those in favor of the motion signify by saying aye.

Mr. Rhodes: Aye.

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Mrs. Bailey: Aye.

Mr. Boswell: Aye.

Mr. Apicella: All opposed? Nay. I might have to poll here. Mr. Rhodes?

Mr. Rhodes: Aye.

Mr. Apicella: Mrs. Bailey?

Mrs. Bailey: Aye.

Mr. Apicella: Mr. Coen?

Mr. Coen: Nay.

Mr. Apicella: Mrs. Vanuch?

Mrs. Vanuch: Nay.

Mr. Apicella: Mr. Boswell?

Mr. Boswell: Aye.

Mr. Apicella: Mr. English?

Mr. English: No.

Mr. Apicella: The Chair votes nay. Okay, is there another motion?

Mr. Coen: Yeah, I'd like to make a motion to defer this for... till our first meeting in September so that we can get some more clarity as to the different issues.

Mr. English: I second that.

Mr. Apicella: Okay, there's a motion to defer by Mr. Coen, seconded by Mr. English. Any further comments Mr. Coen?

Mr. Coen: No sir.

Mr. Apicella: Mr. English?

Mr. English: No, I think just some stuff needs to be straightened out before we can move on. I'm for businesses, but I just... there's some issues that I had I'd like to clear up.

Mr. Apicella: Okay. Anyone else?

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Mr. Rhodes: Do we think possibly we could recap what those issues are that they're coming back on? Just so that we can make sure we're productive on this?

Mr. Apicella: Well, I mentioned one, which is proffers. And I mentioned the second one which is transportation.

Mr. Rhodes: I know there were a couple people who did, I just thought it would be good to recap them for them.

Mr. Apicella: Mr. Coen, do you have anything you want to add?

Mr. Coen: I think you articulated them; we have the traffic, we have the proffers, and those are the two largest areas. Traffic has several subsections of it which I think the applicant knows and staff knows. So, I think it's pretty well been articulated.

Mr. Apicella: Anyone else have anything to add?

Mr. English: Mine also is the traffic and what about the schools being... you said they had not been notified about this at all, Kathy, and then the surrounding businesses, have they been notified at all or do they have to be?

Ms. Baker: All the adjacent properties would have received notification. The schools are on our distribution list when we send out the applications when they initially come in. We did not receive anything back, but I did not specifically reach out to them and ask them other than sending out a last call for comments (inaudible).

Mr. English: That's fine. Yeah, but my concern is... traffic was my concern.

Mr. Apicella: Yeah, I think it would be helpful to reach to the school system.

Mrs. Vanuch: And the hours of operation, right, and the trash pickup time.

Mr. Apicella: Right.

Mr. Boswell: While we're getting these answered, we might as well get the stormwater management.

Mrs. Vanuch: I was going to say stormwater management.

Mr. Apicella: (Inaudible) question as well.

Ms. Karnes: Mr. Chairman, I know I'm wildly out of order.

Mr. Apicella: Yes you are out of order, I'm sorry Ms. Karnes.

Ms. Karnes: Could I speak? I do represent the applicant.

Mr. Apicella: Yeah, we have a motion and I honestly don't think it's appropriate. Okay, all those in favor of the motion to defer signify by saying aye.

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Mr. Coen: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mrs. Vanuch: Aye.

Mr. Apicella: Aye. All opposed?

Mr. Rhodes: Nay.

Mrs. Bailey: Nay.

Mr. Apicella: Okay, the motion carries. Mr. Boswell, I'm not quite sure where you were on that.

Mr. Boswell: I voted for the deferral.

Mr. Apicella: Okay, so the motion carries 5-2. Thank you very much.

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6. RC16151104; Reclassification – 1348 Courthouse Retail - A proposed reclassification from the R-1, Suburban Residential Zoning District to the B-2, Urban Commercial Zoning District, to allow a 9,100 square foot commercial retail building on Tax Map Parcel No. 30-70. The property consists of 1.24 acres, located on the south side of Courthouse Road and east side of Stafford Avenue, within the Aquia Election District. **(Time Limit: October 21, 2016) (History: Deferred on July 13, 2016 to August 24, 2016)**

Mr. Harvey: Thank you Mr. Chairman. Item 6 on the agenda is Unfinished Business; it's a reclassification of 1348 Courthouse Road and Kathy Baker will give the staff update.

Ms. Baker: Good evening. This is a rezoning application for 1348 Courthouse Road. And just to recap, the proposal is to rezone from R-1 to B-2 for a proposed Dollar General Store. A public hearing was held on July 13<sup>th</sup> and the application was deferred so the additional issues could be addressed. And, for reference, the highlighted parcel in red is the subject property fronting on Courthouse Road. To the north of that is Stafford Elementary School. To the west and south is a Stafford County facility; it's a Fire and Rescue Training Facility and storage facility. And just to the north you also see Stafford Avenue. At the July 13<sup>th</sup> hearing, the Planning Commission did discuss the potential for limiting high intensity uses. So the applicant has provided revised proffers which would exclude numerous uses on the property and leaving the uses low and medium intensity uses that you see on the screen here. The proffered out uses would have generated in excess of 600 vehicles per day. So these uses would actually generate typically less than 600 vehicles per day, which is more in line with the low and medium intensity. This was added as a proffer as well by the applicant. There were several transportation issues raised during the Commission's public hearing. This included installation of turn lanes into the site from Courthouse Road. The applicant did provide, in its resubmission package, exhibits showing that turn lanes are not warranted by VDOT based on the proposed use. The applicant did add to the proffers that an access easement is provided to the property to the east, and then this would provide for a shared access. So that was also included in the proffer and that was to also accommodate for some of the concerns about additional entrances on Courthouse Road. The Commission did ask for staff to reach out to the Schools Division regarding potential impacts, particularly to Stafford Elementary School, which you'll see its entrance lining up immediately across from the proposed entrance into the site. We did reach out to the schools; they did comment, particularly the Schools Division comment that the traffic could interfere with particularly the peak hours of the school which is the morning a.m. drop-off and the p.m. pick-up of student. Generally from 8:20 to 9:10 a.m. and then 3 o'clock to 4 o'clock p.m. are those peak hours for the school traffic, including buses and then parents that are picking up and dropping off students. Staff did have a follow-up meeting with the School Division staff today, as well as Principal Foreman. We did review what the Comprehensive Plan, as well as the Redevelopment Area Plan, calls for in general in the Courthouse Area, including this property. And I'll show you those maps in just a moment. In all, the schools... the meeting, they indicated they aren't necessarily opposed to this use; it's just in general and the increase in traffic on Courthouse Road. So we went over, again, some of the proposals, long term visions for the area. I will note that the applicant did include a new proffer which changes the trash pick-up time; instead of from 6 a.m. to 9 p.m., they moved that to 9 a.m. to 9 p.m. Also, while I have the GDP here, there is a privacy fence that has now been extended in this area. That was a little bit of a concern from the Fire Marshal who indicated that that could be a distraction or a nuisance to have visibility to the adjacent Fire and Rescue Training Facility. So that addition has been added on the GDP, as well as in the proffers. So as I discussed, here's the new Land Use designation under the newly adopted Comp Plan. And the hatched area is a Targeted Growth Area which includes 3,750 residential units and approximately 5 million square feet of commercial development. You'll see the red star is the area of the subject property. The red line is the extent of the Urban Services Area. But this is a more in-depth view of the

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Courthouse Planning Area. Again, the red start is the area of indication, where the site is. The purple is actually designated as a mixed use, which would include commercial and residential development. The yellow is residential, and then the pink or red, mauve, whatever color you want to call that is more of a commercial office use. So, that just shows what the intended overall vision is for the Courthouse Planning Area. With that, I will just open up to any additional questions that you all may have on their revised submission. The applicant is here if you have additional questions for them.

Mr. Apicella: Mr. English?

Mr. English: Kathy, nothing back from VDOT? They're not going to put a light in, correct?

Ms. Baker: At Stafford Avenue?

Mr. English: Yeah, Stafford Avenue, in that intersection right here.

Ms. Baker: At this time, no, just because of the distance from the Courthouse Road/Route 1 intersection does not meet their spacing standards. There's also, you know, an offset there at Stafford Avenue to the entrance across from that. But at this time there are no plans to put in a traffic signal.

Mr. English: Well, there's no way they could work it out so that they could... the Dollar General could have gone into the Fire and Rescue area and made that their entrance? And then being right across from Stafford Avenue would help push for a light?

Mrs. Baker: Well, we initially discussed that. I sat in at the meeting with the applicant and VDOT. Because of that offset not being perfectly aligned across from Stafford Avenue, they actually saw that more as a conflict than moving the entrance across from the elementary school.

Mr. English: Okay, thank you.

Mr. Apicella: Other questions?

Mrs. Bailey: Mr. Chairman?

Mr. Apicella: Mrs. Bailey.

Mrs. Bailey: Ms. Baker, did you have a chance to discuss with the applicant the additional hours between the 3 and 4 where we have students leaving school and pickup, in regards to the trash pickup and even possibly deliveries? I'm not sure that was addressed.

Ms. Baker: We did not get into discussing deliveries. Again, the trash pickup was just the hours were moved; instead of starting at 6 a.m., starting at 9 a.m.

Mrs. Bailey: Okay, thank you.

Mr. Apicella: Other questions? I don't recall but we may have talked about it at the last meeting. What are the normal hours of operation or what are the anticipated hours of operation for this site?



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Ms. Baker: I'm going to let the applicant confirm that. As far as I know, it's 6 a.m. to 9 p.m.? Can I let them answer that for you? They're reconfirming that question.

Mr. Apicella: Again, I'm just throwing it out there since the school system at least indicated a concern about the start time. I think the later time might be problematic. It's much easier to deal with a start time. Would there be any receptivity to having a start time after 9:30? I'm just going to throw that out there. So, again, based on the conversation, the revisit from the school system, they didn't give an absolute objection to what's being proposed?

Ms. Baker: Correct.

Mr. Apicella: Especially since it's now a little bit more, I'll call it constrained.

Ms. Baker: Again, it's more of a concern of just general traffic, increase in traffic along Courthouse Road.

Mr. Apicella: Okay, thank you. Will the applicant like to come forward?

Ms. Karnes: Mr. Chairman, members of the Commission and staff, my name is Debrae Karnes. I am an attorney and land use planner with Leming and Healy, and I'm here representing the applicant. I'm going to try to be very concise because of the time. But if, in any event, I am too concise, please feel free to question me more thoroughly. In short, we are proposing a 9,100 square foot Dollar General Store, rezoning residential property to commercial, in an area that the Comp Plan calls for additional density and commercial uses. We planned the entrance based on VDOT recommendations. As you heard staff say, the entrance closer to Stafford Avenue was really deemed too close. An access management exception has been approved for the alternative entrance. Okay, at the last meeting, the Planning Commission asked a number of things. They asked for an additional fence serving as a buffer to the Fire Academy. The revised proffers I submitted did provide the fence. The Commission asked for elimination of uses that were higher traffic generators and, Mr. Chairman, we excluded more uses than even you just did for the historic area. In the event that Planning Commissioners feel we missed one, we'll be amenable to discussing it tonight to add an additional exclusion. Planning Commission last time asked that the hours of staff pickup be considered to be changed. They were 6 a.m. to 9 p.m.; we changed the proffers to say trash pickup from 9 a.m. to 9 p.m. I think I heard a suggestion just now that the Planning Commission would desire a limitation on trash pickup during the school's peak hours, both morning and afternoon. Is that what I heard?

Mr. Apicella: That's partially what you heard, yes.

Ms. Karnes: Okay. I'm trying to do it step by step. This is Rich Smith, the applicant, and he can respond. Would you be willing to proffer that?

Mr. Smith: I would be willing to proffer that, yes. And, of course, you know, that would be what they consider their peak hours and I think Mrs. Bailey said 3 to 4 was it?

Mrs. Bailey: Between 8 and 9... I'm sorry, let me put my glasses on here so I can see what I'm reading here... 8:20 to 9:10 and then 3 p.m. to 4 p.m.

Mr. Smith: We would be happy to do that.

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Mr. Apicella: I just want to be clear though; it's not just a school's issue, it's also a commuter issue. So, I wouldn't necessarily change the start time at 8:20.

Mr. Smith: No, no, we'll still start at 9:00, but if I have to... if we have to eliminate trash pickup for the hour and a half in the afternoon or something and then continue it on after that till 9 o'clock in the evening.

Mr. Apicella: I think what would be more appropriate then would be to change it from 9 a.m. to 9:30 a.m. just again to avoid any conflicts, at least at the bottom end of the clock.

Mr. Smith: Fine.

Mrs. Bailey: So that's 9:30, to start after 9:30 a.m.

Mr. Apicella: Right.

Mrs. Bailey: And then also 3 to 4. And what about... I don't believe we asked this last time and my bad for that. But what about deliveries to Dollar General? Do you have just one truck that makes deliveries or do you have a multitude of trucks?

Mr. Smith: Dollar General itself delivers one time a week. One truck comes in, they make that delivery and that's it. During the day, there are other vendors that roll in and out of there, maybe, you know, Coke and Pepsi and Fritos or whatever. You know, they come in and out. But you know, we'll just have to... I would propose to you that I would talk to Dollar General about that as well. I mean, we know that there's an issue out there. We are looking to be good neighbors. We don't want to choke everybody off down there. I can't dictate policy for them as far as their vendors go. I have some say in being able to at least question; I know the right people to ask. And I would do that tomorrow morning and get you an answer. The trash we can control. I think Dollar General would not be there with their big truck during those hours anyway and then I don't know how much control they have over their vendors. I don't know whether they can dictate that kind of policy to them or not. But we would attempt it.

Mrs. Bailey: Okay, thank you.

Mr. Apicella: Any other questions or comments? Okay.

Ms. Karnes: Um, so to wrap up, Mr. Chairman, this is a great use that doesn't generate a great deal of traffic in an area planned for this use. And I would respectfully ask that the Planning Commission consider taking action tonight, even without hearing from Dollar General Store on their deliveries, simply because the owner of the underlying land has personal commitments that need this process to go forward. Thank you.

Mr. Apicella: Okay, thank you. So, in terms of the proffer language, do we need something from the applicant changing (inaudible)?

Ms. Karnes: We could certainly change the timeframe for the trash pickup now, but I don't know that we could change the...

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Mr. Apicella: Right, I understand, but at least with respect to that element, we need the precise language that you all...

Ms. Karnes: And I wrote down starting at 9:30 a.m. with the exception of a delivery between 3:10 and 4:00. Was that the time?

Mrs. Bailey: Yes. Well, 3 o'clock.

Mr. Smith: Three o'clock to four.

Ms. Karnes: Okay. Thank you.

Mr. Apicella: Mrs. Bailey, this is in your district.

Mrs. Bailey: Mr. Chairman, I'm going to make a motion to approve RC16151104, with the addition of the change in time as stated by the applicant.

Mr. Rhodes: Second.

Mr. Apicella: Okay, so we don't need to vote on the changed proffer; we can roll it all into the overall motion? Ms. McClendon?

Ms. McClendon: Mr. Chairman, I would first suggest actually receiving the proffer change, because it has not been actually physically presented from the applicant. And then that can be voted on to be accepted, and then from there the actual application can be voted on.

Mr. Apicella: Okay. Ms. Karnes, did you hear that?

Ms. Karnes: I'm making the changes right now and I'll give them to Kathy Baker.

Mr. Apicella: Okay. So, we're going to hold tight for 60 seconds, maybe 90 seconds.

Ms. Baker: Okay, would you like me to read the revised proffer?

Mr. Apicella: Please.

Ms. Baker: Under number 6, hours of trash collection. Trash collection shall be limited to the hours between 9:30 a.m. to 9:00 p.m., 7 days per week, except for... sorry, I can't read that... between 3:00 p.m. and 4:00 p.m., except for...

Ms. Karnes: Three p.m. to four p.m.

Ms. Baker: There's one word, hold on...

Ms. Karnes: Period.

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Ms. Baker: So, except for a period between 3:00 p.m. and 4:00 p.m. So, hours of trash collection. Trash collection shall be limited to the hours between 9:30 a.m. to 9:00 p.m., 7 days per week, except for a period between 3:00 p.m. and 4:00 p.m.

Mr. Apicella: Is there a motion to accept the revised proffer?

Mrs. Bailey: I make a motion to accept the revised proffer.

Mr. Apicella: Is there a second?

Mr. Rhodes: Second.

Mr. Apicella: Any further comments Mrs. Bailey?

Mrs. Bailey: No further comments. I do appreciate the applicant's willingness to work with us given the issue there with traffic and the concerns with that from the school. Thank you.

Mr. Apicella: Mr. Rhodes?

Mr. Rhodes: No sir.

Mr. Apicella: Anyone else? Cast your vote... oh, I'm sorry.

Mr. Coen: Mr. English had his hand first.

Mr. Apicella: Remember, all we're doing is voting on the proffer revision, not on the underlying... Okay, so you're not going to make a comment then? Okay, cast your vote. Okay, the motion carries 4...

Mrs. Vanuch: Sorry, I pushed the wrong one.

Mr. Apicella: Okay.

Mr. Rhodes: So it doesn't pass.

Mr. Apicella: I understand the process, or I now understand the process when we're dealing with the underlying application, but I'm not quite sure about the proffer change.

Ms. McClendon: Mr. Chairman, because it's information presented to the Commission for the first time, it has to be passed by a super majority, which was not achieved. Therefore, the new information will not be accepted and now what's before the Planning Commission is what's been presented in the package itself.

Mr. Apicella: Okay, is there a motion on the underlying question to recommend approval or disapproval?

Mrs. Bailey: I'm going to make a motion to recommend approval for the reclassification RC16151104.

Mr. Rhodes: Second.

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Mr. Apicella: Is there a second? Okay. Any further comments Mrs. Bailey?

Mrs. Bailey: No further comments.

Mr. Apicella: Mr. Rhodes?

Mr. Rhodes: No sir.

Mr. Apicella: Anyone else? Mr. English?

Mr. English: Yeah, I'm going to have to say no to this because my real concern -- I'm pro-business, trust me -- it's just that I don't feel that it's a good location and I think it's going to be a major, major traffic problem with not having a light or anything like that. So that's the reason I'm going to have to vote no to that.

Mr. Apicella: Mr. Coen?

Mr. Coen: Yes, and to echo Mr. English's comments this evening, at that very spot I was almost hit by people rushing in and out. And I raised this last month when this first came up and I just don't feel comfortable with this at that location and the traffic. Staff earlier this week mentioned that part of the vision for this area is to have an access road whereby all these businesses would be communicated and contacted without them having access to Courthouse Road. And so this goes against what I understood staff was saying was the vision. And then as far as what the school staff says we received in the various emails, Dr. Benson, the Superintendent of Schools, update for the week dated 8/18/16 in which he stated, "The school division is concerned that commercial and retail encroachment could create the same environment we have on Route 610 with Moncure Elementary School. Specifically, we are concerned with the additional traffic in and around Stafford Elementary School and its direct impact on the school during arrival and dismissal times. At this time, the School Division staff does not support this commercial development or the proposed rezoning." And that was just 6 days ago. So I think the information today about staff was sort of unclear one way or the other, but the person who's higher than that merely 6 days ago said the opinion of his staff was that this is not something they want. And so I think because of the fact that the Comp Plan and the whole vision for that area is to have access roads, not direct conduit to Courthouse Road, and because of the safety of the area, I just cannot vote in favor of this.

Mr. Apicella: Anyone else? Mrs. Vanuch?

Mrs. Vanuch: I have a couple comments as well. I'm going to echo what Mr. Coen and what Mr. English have mentioned today. I did also receive the letter from the School Superintendent and the concerns that they had regarding the traffic in that area. My mom was in an accident a couple of years ago right in that area, and I've actually witnessed several going to... graduating from Brooke Point High School, Stafford Middle, and Stafford Elementary School. I know how bad that road can get. I don't think that this rezoning or reclassification sort of fits into the Comprehensive Plan with the lack of an access road, and I think that's really the clear... the clear vision that the County has set up to eliminate the issues with the traffic coming in and off of Stafford Avenue with the existing school. So, because of that, I have to deny.

Mr. Apicella: I'm torn on this one. We asked staff tonight whether or not it was consistent in terms of the Comp Plan. I think they said mixed use development is proposed for this area. I'm not quite sure if

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it's in the Small Area Plan or not, or that might have changed with the new Comp Plan or the changes to the Comp Plan. I appreciate that there are traffic concerns. I used to travel down that road all the time when I went to Brooke Station. To mitigate that, we asked the applicant for some certainty or clarification on what could happen at that parcel. I think they went a long way to change the uses to minimize the potential impacts. So, they've done it in two ways by restricting a significant number of otherwise allowable uses, and also, on top of that, putting a restriction that there be no more than 600 vehicles per day. Do I think a Dollar General is perfect on that site? No. Do I think other better uses could go there? Probably, but that's probably... I don't think that's within our purview. We asked the school system for two bites at the apple; the first bite was when, again, there was some uncertainty about what could happen there. They went back today and spoke to the school staff and, at best, I think it's not clear whether they're supportive or against the project as it is currently scoped. Six hundred vehicles per day spread out through the entire day -- again, it's not perfect, but I don't think it's also a perfect storm. I think there's a lot of traffic that comes out of Hospital Boulevard as well, although I don't know what the vehicle count per day is. So, I know it's kind of a long-winded response. Again, I'll start where I'll say what I said at the beginning of my comments; I'm a little torn on this one. I understand everyone's perspective, but I'm going to go ahead and support the motion to recommend approval. All those in favor, again, sorry... I will get it by the next meeting... please cast your vote. Okay, so I'm not quite sure how to articulate this. It's a tie vote, 3-3. So what is the net effect?

Ms. McClendon: Mr. Chairman, a tie vote is a failed vote that means that there is no action taken by the Commission. It's not a time sensitive item; it's not requiring action by the Commission tonight. So if the Commission so chooses, they could defer... excuse me, it could defer into the next meeting when all seven members are back in place.

Mr. Apicella: And if that doesn't happen, what's the net result?

Ms. McClendon: If there is not a deferral, there is simply no action of the Commission taken tonight and it would be more than likely just kicked over to the next meeting because it hasn't met the statutory time limit.

Mr. Apicella: So you're saying we have to...

Mr. Rhodes: It's automatically deferred.

Mr. Apicella: Yeah, it's automatically deferred.

Ms. McClendon: I don't see the mechanism in place to automatically move it forward to the Board because it hasn't reached its statutory time limit without some type of decision of the Commission. October 21<sup>st</sup>.

Mr. Apicella: So, we have two meetings between that date, September 14<sup>th</sup> and September 28<sup>th</sup>. So, Mrs. Bailey, will you make a recommendation for deferral perhaps to September 28<sup>th</sup>?

Mrs. Bailey: Yes, that would be my recommendation Mr. Chairman, September 28<sup>th</sup>.

Mr. Apicella: Is there a second? Mr. Rhodes?

Mr. Rhodes: We're going to skip the 14<sup>th</sup> purposely?



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Mr. Apicella: Yes.

Mr. Rhodes: I just don't know why we're dragging them out but I'll second whatever she wants, yep.

Mr. Apicella: Okay, any further comment? Cast your vote. Okay, motion for deferral passes 6-0.

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6. RC16151104; Reclassification – 1348 Courthouse Retail - A proposed reclassification from the R-1, Suburban Residential Zoning District to the B-2, Urban Commercial Zoning District, to allow a 9,100 square foot commercial retail building on Tax Map Parcel No. 30-70. The property consists of 1.24 acres, located on the south side of Courthouse Road and east side of Stafford Avenue, within the Aquia Election District. **(Time Limit: October 21, 2016) (History: Deferred on July 13, 2016 to August 24, 2016) (History: Deferred on August 24, 2016 to September 28, 2016)**

Mr. Harvey: Mr. Chairman, for item number 6, please recognize Kathy Baker again.

Ms. Baker: I will recap; this is unfinished business, 1348 Courthouse Road Retail reclassification request. As a reminder, the property is located on Courthouse Road, just east of the intersection with Stafford Avenue. There's an existing residential home on the lot that is no longer... it's now vacant. There was a public hearing on this application on July 13<sup>th</sup> and it was deferred to your August 24<sup>th</sup> meeting, where you all had some discussions with the applicant. Several of the items that were raised from your public hearing were addressed with revised proffers and a Generalized Development Plan at that meeting. This is the actual Generalized Development Plan. They're proposing a 9,100 square-foot retail store, specifically a Dollar General. You'll see the location to the left of the property line, the entrance onto Courthouse Road opposite of Stafford Elementary School. These are the proposed elevations, the Dollar General front of the property up in your top left-hand corner. And this was just a recap of your land use designation being in a Targeted Growth Area where you see the hatch in the tan area. The star indicates the property location. And then this is from your Comprehensive Plan, the Courthouse Planning Area, again showing the location with the star being within a mixed use residential land commercial mixed use area. So, at your last meeting there was a vote for this project; there was a tie vote so it did not move forward. So, with the subsequent motion for deferral, it was deferred to this meeting so no changes have been made to the application since you last saw it. There was, however, one proffer that was changed during your discussion that was submitted in the written format and that is in your proffers. So it wasn't a change since the meeting, but that change was incorporated from the meeting time. The applicant is here if you have additional questions, and I'll be happy to answer questions as well.

Mr. Apicella: Questions for staff? Mr. English?

Mr. English: Kathy, did the school ever respond back to us in writing about this that you know of? Or Jeff?

Ms. Baker: Just via email from the school's division. After we met with them, that was no new information; that's what they had submitted prior to your last meeting.

Mr. English: Okay.

Mr. Apicella: Anyone else? Mr. Coen?

Mr. Coen: I just wanted... if you could pull up the map again just so that I can get my visual; the one of the actual parcel via a vi... I hate that phrase, I'm sorry... in relation to the next one that you had, with the entrances directly across from Stafford Elementary School. Do I have it correctly? Yeah, okay. And the cut-through to the next parcel where there's a house, as you're looking at the screen over to the right, that's still immediately... fairly immediately after the entrance, correct? I mean, there hasn't been any change.

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Ms. Baker: That has not been modified, no.

Mr. Coen: The 8.6 million that are watching us know where it is.

Mr. Apicella: Eight-six million.

Mr. Coen: Well, I think there's a baseball game on tonight.

Mrs. Vanuch: My husband did text and say that's he's watching, so that's at least one viewer. And your mom, that's two.

Mr. Apicella: Any other questions? Mrs. Vanuch?

Mrs. Vanuch: I don't know... again, I don't know that this is a question. I just have lots of comments. So, I actually reached out to the Sheriff's Office here in Stafford County to ask about some of the traffic and accident and ticket reporting on that specific section, from Stafford Avenue onto Courthouse Road. And just in the last year alone there's been 16 traffic stops resulting in 9 summons and 7 warnings, 8 accidents with 2 involving injuries. So, I know last time when I voted no for the project, traffic was a major concern of mine and it continues to be. I went to Brooke Point High School and I see how the kids fly down that road. I am very, very concerned about the left turn traffic for a school bus to be turning into the elementary school, the left turn traffic to possibly be turning into the Dollar General location, and what that would do to impede the traffic flow for the school buses getting into the school, people getting off of Stafford Avenue, backing the traffic up into Courthouse intersection. So, I stay very concerned about that and really think that, you know, with the changes coming to the Courthouse Area, you know, I think changes like this should be... we should wait until the roads are improved. The second comment I that I have a little paper on everybody's desk to look at the Small Area Plan for the Courthouse Area. I know Kathy mentioned it in her presentation but the red dot there shows that based on the work that we've come up with in the Comprehensive Plan, it should be mixed use commercial and it's rated for high residential. And, you know, as I kind of look all of the neighborhoods and all the development that, you know, may be proposed to us in the future and we have a few areas where we are targeting this growth, and this is one of those for the high residential. And with the road improvements, this is an area that could potentially handle it. So, I'm very concerned about just doing one rezoning on one property and only looking at the small picture instead of looking at the large area plan. And I think as planners, that's our job is to look at the whole picture. And I would challenge each of the Commissioners to kind of think about what they want that area to look like and should we be accepting ordinance changes, rezoning changes, one property at a time outside of the small area plan. Anyway, those are my comments.

Mr. Apicella: Mr. English, if I may impose on you since you work during your day job for the Sheriff's Department, can you kind of give us some context to the accident information that Mrs. Vanuch mentioned?

Mr. English: What she's saying about that area, that's kind of moderately high for that area. And it is high volume traffic in the area, especially in the morning... during the morning with the school times; I'd say between 7 and at least 9:30 is high. And then it's a high volume of traffic again around 2 o'clock and it runs until 5. So, it is moderately high for that area, those stats.

Mr. Apicella: Okay. You were going to ask a question, I'm sorry, I stopped you.

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Mr. English: No, that was it.

Mrs. Vanuch: I was just going to comment we tried to get someone from the Sheriff's Office to come but, with the storm, everybody was sort of busy with all the flooding and the traffic.

Mr. Apicella: Okay. I've got basically a follow-up question from what Mrs. Vanuch said about the small area plan. So, I guess we don't have a specific insight into that parcel. But where was the entryway into that specific parcel? Was it also directly across from Stafford Elementary School?

Ms. Baker: I'm sorry, you're talking existing entrance?

Mr. Apicella: So, that area was designated for high residential and mixed use development. And so my question would be, if that's the case, when the small area plan was developed, where was... where does the plan or where does staff envision the entrance to that so-called high residential development, mixed use development going to be?

Ms. Baker: Actually, I did not include the actual redevelopment... the plan that was done with... what am I saying... the small area plan. It shows a grid pattern of streets and there was no specific entrance to this parcel, but it showed the grid pattern basically coming from the street extending from the existing -- let me go back to this. It's easier to see on this. So, from Stafford Avenue and extending on straight down was a proposal for one of the street grids to be in that location. Again, it didn't specify where your entrances would be, but a logical entrance could be on that proposed future street extension if it is (inaudible).

Mr. Apicella: It's probably unlikely though that the entrance into this parcel or section would have come directly across from the school. I guess I'm putting words in your mouth. Let me take another shot at this. Can you pull up the GDP? Okay, now I'm looking at the school entryway and exit point. Can you help me understand -- and this is what causes me a little bit of concern as I take another look at this -- you've got certain times of the day when buses are trying to get out of Stafford Elementary School and they're going to turn left, right? Some buses will turn left, some buses will turn right. For those buses that are turning left, and a car or cars that are also wanting to turn into the site, do you see a potential conflict?

Ms. Baker: I'm sure you're going to have a conflict anytime you have two different vehicles making turns.

Mr. Apicella: Well, it's more than two vehicles. Normally what happens at a school is you've got more than one bus; you have a line of buses and also cars. I don't know whether cars actually come into or go out of that site, maybe somebody could help me. My concern is, again, you've got cars wanting to turn left into the parcel. You've got buses and perhaps other cars also wanting to turn left. And that's going to cause a... unlike the high schools, where somebody gets out onto the road and helps direct traffic, you don't normally get that with elementary schools. And the reason is because, again, they want to move buses out of the school because a lot of times those buses are used more than once. So, I'm trying to remember -- does anybody know what time the elementary schools get out? Okay, and do we think those buses are used a second time?

Mr. English: You've got to consider, too, you've got Stafford Middle School on that road and you've got high school on that road too, so there's more buses...

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Mr. Rhodes: They stagger their departure.

Mr. English: Right.

Mr. Rhodes: So, one is leaving, then the middle school is leaving, then the elementary school is leaving.

Mr. English: Plus then you've got high school and then you've got high school traffic.

Mr. Apicella: I'm just... I'm looking... my concern is the totality of traffic on Courthouse Road, cars that are wanting to turn left into this parcel because it's directly across from the elementary school, and buses that also want to turn left at the same time. And what kind of traffic problem that's going to create, not for the site, but for the school who's got a mission to get their students out of the elementary school. So, I know I'm kind of throwing this at you at the last minute, but it causes me some concern.

Ms. Baker: Again, I'm not sure the question. I think I'm going to have to defer to Mr. Harvey because I don't quite understand. I mean, yes, there's going to be a conflict; there's always a conflict when you have different vehicles turning in different entrances. Yes you have bus traffic coming out here. Do you want me to say yes, it's a potential conflict? Yes, it is. Just like any other intersection that you're going to have entrances that are aligned...

Mr. Apicella: Well, we don't have a lot of entrances, we don't have a lot of commercial parcels where a school is directly across from it, as far as I know in Stafford County.

Mr. Rhodes: But it's not... conversely, it's not like it is a high volume commercial prospect. It's a Dollar General Store; they're not large square-footage, high capacity. This is one of... we don't have very many well-developed 4-lane roads in all of Stafford County. This is one of the few roads we have that actually has capacity to it and shoulders and curbing. So, if it's not good here, it's... yeah, that's the counter part that I have a little trouble wrestling with.

Mr. Apicella: I wouldn't normally raise it if it were just a normal set of circumstances. My concern is the school. But, by the same token, the school system had an opportunity to comment and they didn't raise these issues. So, I'm just throwing it out there for, you know, potential thought if and when this moves to the Board of Supervisors.

Mr. English: My concern has been all along, you've got Stafford Avenue just down from that, plus you've got the school and you've got the Dollar General, and then you've got the fire department's training ground. So you've got everything kind of clustered in there, and then you have no traffic light. And then, put on top of that, you've got a funeral coming out of there, a funeral going on, you know, you don't know what time that's going to be. And again, I just think you're just going to have a big mess adding... it's a problem now and I think we're just... personally I think compounding it by putting a business in that area, it's just compounding the problems. It's a problem already and that's how I feel. Trust me, I'm pro-business; I love businesses, but I just don't feel like no business should be in that intersection unless a light or something is there or everything can come out in a four-way or something.

Mr. Apicella: Mr. Coen?

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Mr. Coen: I'm just asking two quick questions to you Kathy, just to make life a little easier. First of all, in the small area plan, I believe Mr. Harvey told me that the concept was yes indeed that there'd be an access road, that the entities would not be coming in and off of Courthouse Road.

Ms. Baker: That's the intent, to have a grid system, yes.

Mr. Coen: Okay. And then, secondly, the one element of the small planning area is to have a lot of green space between the businesses and Courthouse Road so that we can have a pleasant pathway, so it's sort of enjoyable. You know, that's sort of the mindset of that whole concept that they came up with, correct?

Ms. Baker: That is part of it, yes.

Mr. Coen: Thanks.

Mr. Apicella: Anyone else? Okay, thank you Ms. Baker. Applicant please?

Ms. Karnes: Good evening Mr. Chairman, Planning Commissioners, and staff. My name is Debrarae Karnes; I'm an attorney and a land use planner with Leming and Healy and I am here representing the applicant. This application proposes a rezoning from residential to commercial in a manner that's consistent with the Comprehensive Plan. Specifically, the Comprehensive Plan calls for the development you described, but it also contains an interim strategy provision that envisions parcels developing at lower density before the complete small plan is enacted. What we've got here is a proposal for a building that is less than 10,000 square feet and therefore is not a heavy traffic generation at all. In response to Mr. Apicella's inquiries at earlier meetings, we drastically proffered out any use that could be seen as generating higher traffic; more than 600 vehicle trips per day. I think I sat back there and counted the uses proffered out; I counted 47 uses. That's unheard of. So, when you evaluate this application, this is the rubric if you will I suggest. If not this use, what use do you envision on this property before the entire Courthouse Development Area is proposed? One suggestion I would look at is whether the entrance meets VDOT goals. In this case, VDOT approved the entrance based on the traffic generation factor and it even issued an access management exception because they preferred the entrance across from the elementary school. They did not see the need for any kind of other mitigation measures. At the last meeting, I offered additional proffers, as authorized by the applicant. In recognition of the fact that the busiest time for the school is before 9:30 in the morning and between 3 and 4 in the afternoon, we... we provided new times for trash pickup. And so now trash pickup cannot occur before 9:30 and it cannot occur between the times of 3 and 4. Now, remember I talked about the amount of traffic. Unlike schools, a Dollar General Store generates an equal amount of traffic throughout the day. So we're not talking many vehicle trips. This is a very small use, a low traffic-generating use, and I submit to you the applicant has gone above and beyond in providing proffers that exclude the majority of available uses in B-2. Also, consistent with the Courthouse Redevelopment Area, there are excellent architectural renderings proffered. I'll be happy to answer any questions you have. I think you guys have debated it and have shown tremendous interest in the planning process. But, at the end of the day, I submit this is not a use that provides much impact and is the best use at this time for this site. I'll be happy to answer any questions.

Mr. Apicella: Questions for the applicant? Okay, thank you. I'll bring it back to the Commission.

Mrs. Bailey: Mr. Chairman, I'm going to make a recommendation to approve RC16151104.



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Mr. Apicella: Okay, there's a motion recommending approval of the reclassification. Is there a second?

Mr. Rhodes: Second.

Mr. Apicella: Okay, thank you Mr. Rhodes. Any further comment Mrs. Bailey?

Mrs. Bailey: Yes, Mr. Chairman. I do appreciate the applicant's patience and their willingness to work with staff and the Commission on this project. As we've reiterated, the parcel lies within the UDA, the Courthouse RDA, and is in a Targeted Growth Area which calls for the potential for high density and mixed use development, which could definitely occur there. VDOT's confirmed that the existing transportation infrastructure is sufficient to support the proposed use. The subject parcel is limited to the type of development due to the size of the parcel and due to the topography, not to mention the parcel that the County owns that abuts it to the rear. So there's very limited use to that and even any of the adjoining properties down the road there. I'm very sensitive to the concerns raised over potential traffic issues. There's probably not a road that you go down anymore in Stafford County, including gravel roads, where you don't have traffic issues where the roads are probably not wide enough or there's congestion or there's accidents or there's something that goes on. Unfortunately, we live in a state where you have to prove the use sometimes before the roads are built. If you waited for builds to be built in the State of Virginia, we would have probably no development going on whatsoever. I don't necessarily like it that way, but that just tends to be the way that it is. The applicant has gone above and beyond to mitigate the impacts of the traffic. A Dollar General Store will not have 30 or 40 people pulling in and out of there at any given time. I've actually sat and watched. I've driven by a number of them. So, even though a Dollar General Store has become more and more popular, I just don't think that it's that high impact use. I'd rather see that there than a high density mixed use right there across from the school, which could possibly happen even with the grid of, you know, putting in a grid of street work. We do know though that we have transportation improvements that will be in place, and they will be built. We've got Stafford Avenue, the extension for that, we've got the Courthouse redesign for the interchange, and the Courthouse intersection road improvement. That in itself is going to make a lot of change to Courthouse Road per se right there across from the school. The Courthouse Redevelopment is a wonderful plan and I do hope one day that we do have the Courthouse Redevelopment in that area. But, since its inception, I haven't seen a whole lot done with that and I don't see any incentives for that currently. I don't see grants, I don't see that at all. So, I don't want to tie the hands of a property owner over something like that. And so, basically, for those reasons, I'm in support.

Mr. Apicella: Thank you Mrs. Bailey. Mr. Rhodes?

Mr. Rhodes: Ah, yes, Mr. Chairman. I would just submit I think there've been some good commentary, good efforts by the applicant to address things of the Planning Commission. I think there have been some great suggestions by the Planning Commission to make this a better application. And I think, at this point, it's about where it can get to and reasonable enough to go forward. Thank you Mr. Chairman.

Mr. Apicella: Thank you Mr. Rhodes. Any other comments? Mr. Coen?

Mr. Coen: Yeah, as I did with my good friend, Mr. English, I'll have to disagree with my friend Mrs. Bailey. While I appreciate the work that the applicant has done and staff has done, from its inception I've had major concerns about this. I think, and without stating any viewpoints about VDOT, having the entrance directly across from Stafford Elementary School will be problematic during the times of day that the students are let out. Especially since it is not the norm to have crossing guards and staff members

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standing out in the road as is accustomed in other schools. I think that the idea that, sticking with the schools, whilst we had some verbal communication with staff from the schools at our last meeting that we talked about this, we do have one written communication. And that was emailed by Dr. Benson. And Dr. Benson wrote that it was against the viewpoint of the school system to put this and approve this. I believe his phraseology was he didn't want a repeat of Moncure Elementary School, which is sort of, you know, a lot of commercial around a school. And from what I understand with talking to my School Board member and another School Board member, there was a subsequent memo that reiterated that. It may well be that they felt that since he sent something in writing, that superseded something that a staff member may have said verbally. But I think that they have made it very clear that they're not in favor of this because of the impact on the schools. The traffic, to quote my good friend Mr. English, I think he used the term, it's a general traffic mess in that area, and having driven on that quite frequently, it is a general traffic mess. And I'm very leery to adding to a mess. In relation to the small area plan, as it was stated tonight, it's for mixed use; this is not. Then it's supposed to have an access road so there is not traffic coming off of Courthouse Road; this does not. It's supposed to have ample green space which this does not. So it doesn't go with that. And while it... I guess there's a difference between having a plan and wanting to see it come to fruition and then just saying, well, eventually. I mean, I think the phrase used by somebody was "until the plan gets enacted." Well, the problem with that is if we put a bunch of stuff in and then when we go to enact it, it's going to be well, we can't enact it because all these things are there already. So, it sort of negates the whole idea of having a plan. So, I think that that's a problem. And Mrs. Vanuch made a comment on this because she's the most recent one who's gone to our training. But if I remember our training when we went to be a Planning Commissioner, one of the things that the gentleman kept stressing to us is public safety. That we need to be, when we're doing our job, we need to be looking at public safety. And so then I look at this and say yes, I understand where they're coming from; I understand what they want to do. But I have great concerns, given the number of accidents, given riding on that road several times a day, given that there's no turn lane to get into this that people are going to be stopping in the fast lane on the left-hand side to, you know, you're going to zoom up there thinking it's clear and then all of a sudden you have to stop because somebody's making a left-hand turn and they can't make it because traffic's coming the other way, that we are just opening up something that is not for public safety. And if that is one of our guiding tenants as a Commissioner, I don't feel that I can, in good conscious, say I'm going to go along with something that I believe is bad for public safety.

Mr. Apicella: Anyone else? Mrs. Vanuch?

Mrs. Vanuch: I'll just quickly comment. I made most of my comments previously, but I will reiterate one of the comments that Commissioner Coen mentioned. And in the training they do stress public safety. And sometimes it's really hard to look at an individual property owner and make a decision that may not necessarily benefit them, but it's for the better good of the public. And then I think when I look at our job as Planning Commissioners, sometimes one of the hardest things to do is, you know, take the broader good of the public and ensure that we're doing the right thing. And I can't vote for this in support of the public good because of the public safety concerns that I have. Now, by 2020, when this road is finished and there may be some of these safety concerns are rectified, the decision could be different. But, for right now, that's my thoughts.

Mr. Apicella: Okay, I don't see anyone else commenting. I'm where I was before, somewhat conflicted on this. I agree with comments made both from those who support it and those who oppose it. I think there will potentially be some traffic problems, especially in terms of the alignment of the entrance of this site with the immediate alignment with Stafford Elementary School. On the other hand, I think a good question was asked by the applicant's agent -- if not this, then what? I think the applicant went to great

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effort to try to minimize what could actually occur on this site, so we're talking about at max 600 vehicle trips per day. Unfortunately, we can't necessarily shape when that happens throughout the whole day and so there's some uncertainty there. It is proposed for a mixed use development which does include commercial; it's not the entire portion of what's been proposed for the small area plan. I'm not quite convinced that what the specific purpose is, identified here, makes a lot of sense in that particular parcel, but that's not for us to decide. At the end of the day, we have to strike the right balance. I'm not quite sure what that is in this case, but I'm going to go ahead and support the motion as I did last time. So, with that in mind, please cast your vote. Okay, the motion carries 4-3 (*Mrs. Vanuch, Mr. English, Mr. Coen voted no*). Thank you.

## BOARD OF SUPERVISORS OF SUPERVISORS

### Agenda Item

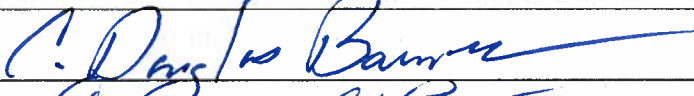
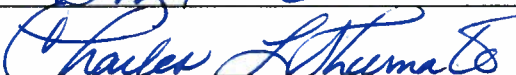
<b>Meeting Date:</b>	December 13, 2016
<b>Title:</b>	Consider the Revocation of a Special Use Permit on a Portion of Tax Map Parcel No. 45-68
<b>Department:</b>	Planning and Zoning
<b>Staff Contact:</b>	Jeffrey A. Harvey, Director
<b>Board Committee/ Other BACC:</b>	N/A
<b>Staff Recommendation:</b>	See Background Report
<b>Fiscal Impact:</b>	N/A
<b>Time Sensitivity:</b>	N/A

**ATTACHMENTS:**

1.	Background Report	5.	Location Map
2.	Proposed Resolution R16-120	6.	Site Plan
3.	Resolution R94-224 (SUP94-03)	7.	PowerPoint dtd 6/6/16
4.	Site Pictures dtd 5/11/16, 5/25/16, 11/17/16, 11/21/16 and 11/30/16		

<input type="checkbox"/>	<b>Consent Agenda</b>	<input type="checkbox"/>	<b>Other Business</b>	<input checked="" type="checkbox"/>	<b>Unfinished Business</b>
<input type="checkbox"/>	<b>Discussion</b>	<input type="checkbox"/>	<b>Presentation</b>	<input type="checkbox"/>	<b>Work Session</b>
<input type="checkbox"/>	<b>New Business</b>	<input type="checkbox"/>	<b>Public Hearing</b>	<input type="checkbox"/>	<b>Add-On</b>

**REVIEW:**

X	County Administrator	
X	County Attorney (legal review only)	

<b>DISTRICT:</b>	George Washington
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**BACKGROUND REPORT**

The Board is asked to consider revoking special use permit SUP94-03 (SUP) (the terminology was changed to conditional use permit (CUP) in 1994). On May 24, 1994, the Board adopted Resolution R94-224 (Attachment 3), approving application SUP94-03. The SUP was for an auto sales facility, located at 304 Warrenton Road (Attachment 5). The site in question is located on a portion of Tax Map Parcel No. 45-68 (Property), and is zoned B-2, Urban Commercial, along its frontage on Warrenton Road, and M-1, Light Industrial, in the rear. Approval of the SUP was required for auto sales in the B-2 Zoning District. Currently, the Property is occupied by an auto sales business operating as Auto Land. Since 1994, the Property has been owned by Sharon D. Merkert (Property Owner).

In September 2015, staff received a complaint concerning auto dealerships fronting on Warrenton Road. Staff researched all of the dealerships to ensure compliance with the zoning requirements and discovered violations of the zoning conditions at 304 Warrenton Road. Condition No. 2 of the SUP states there will be no vehicles parked within 30 feet of the edge of the pavement of Warrenton Road. Condition No. 8 states there will be no more than 30 vehicles on display at any one time. Auto Land was cited for violations of both of these conditions. A notice of violation was issued on September 21, 2015. The Property Owner contacted the County to discuss the possibility of amending the SUP conditions, but the Property Owner determined it was cost prohibitive to file an amendment. Consequently, Auto Land relocated the vehicles 30 feet from Warrenton Road and stated that the number of vehicles on the Property would be reduced. At a site inspection on March 21, 2016, staff noted that there were over 70 vehicles on display. At a subsequent site inspection on May 11, 2016, there were over 60 vehicles on display. At that point, it had been more than eight months since the notice of violation was issued and the number of vehicles had not been reduced to meet the required conditions of the SUP.

At its meeting on June 7, 2016, the Board held a public hearing and considered revocation of the SUP. During the meeting, evidence was presented by Auto Land that showed that the number of the vehicles had been reduced, and vehicles were relocated to comply with the conditions of the SUP. These actions occurred the day before the hearing and did abate the violation. The Board discussed the abatement of the violation but expressed concern about the lack of initiative shown by Auto Land to correct the violation, and voted to defer action on this item until its meeting on December 13, 2016, to give the Property Owner a chance to maintain compliance with the conditions of the SUP.

Staff made site visits on November 17, 21, 22, and 29, 2016 to validate compliance with the SUP. The number of vehicles on the site was in compliance with Condition # 8, but the location of the vehicles was not in compliance with the required 30 feet setback from Warrenton Road as specified in Condition No. 2. On November 29, 2016, staff measured the distance of 30 feet from the road to the interior of the Property and found the cars to be approximately 20 feet from the road. The operator of Auto Land was present while the measurements were being conducted and specifically shown the point of 30 feet from where vehicles could be parked. He was told the location of the cars was in violation of the SUP conditions and must be moved. He assured staff that the cars would be moved by the next day. Staff inspected the site on November 30, 2016 and found the vehicles located such that they met the 30 feet setback from the edge of pavement of Warrenton Road. On November 30, 2016, the Property was in compliance with the conditions of the SUP.

Written notice was sent to the Property Owner and the operator of Auto Land regarding the Board's further consideration of this matter. Pursuant to proposed Resolution R16-120, the Board should consider whether or not to revoke the SUP.

R16-120

PROPOSED

BOARD OF SUPERVISORS  
COUNTY OF STAFFORD  
STAFFORD, VIRGINIA

RESOLUTION

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, George L. Gordon, Jr., Government Center, Stafford, Virginia, on the 13<sup>th</sup> day of December, 2016:

MEMBERS:

Robert "Bob" Thomas, Jr., Chairman  
Laura A. Sellers, Vice Chairman  
Meg Bohmke  
Jack R. Cavalier  
Wendy E. Maurer  
Paul V. Milde, III  
Gary F. Snellings

VOTE:

On motion of , seconded by , which carried by a vote of , the following was adopted:

A RESOLUTION REVOKING SPECIAL USE PERMIT SUP94-03  
FOR AN AUTOMOBILE SALES FACILITY IN THE B-2, URBAN  
COMMERCIAL ZONING DISTRICT ON A PORTION OF TAX  
MAP PARCEL NO. 45-68, LOCATED WITHIN THE GEORGE  
WASHINGTON ELECTION DISTRICT

WHEREAS, at its meeting on May 24, 1994, the Board adopted Resolution R94-224, approving application SUP94-03 (SUP) for automobile sales in the B-2, Urban Commercial Zoning District, on a portion of Tax Map Parcel No. 45-68 (Property), with conditions; and

WHEREAS, on a number of occasions, the Property has failed to comply with the conditions of the SUP; and

WHEREAS, the Board carefully considered the recommendation of the Zoning Administrator and staff, and the public testimony, if any, received at the public hearing;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 13<sup>th</sup> day of December, 2016, that Special Use Permit SUP94-03, approved with Resolution R94-224, on May 24, 1994, be and it hereby is revoked.

R94-224

PROPOSED

BOARD OF SUPERVISORS  
COUNTY OF STAFFORD  
STAFFORD, VIRGINIA

RESOLUTION

At a regular meeting of the Stafford County Board of Supervisors held in the Board Chambers, Stafford County Administration Center, Stafford, Virginia, on the 24th day of May, 1994:

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MEMBERS:

Robert C. Gibbons, Chairman  
Linda V. Musselman, Vice Chairman  
Alvin Y. Bandy  
Ferris M. Belman, Sr.  
Lindbergh A. Fritter  
Kenneth T. Mitchell  
Lyle Ray Smith

VOTE:

-----  
On motion of , seconded by , which carried by a vote of , the following was adopted:

A RESOLUTION TO APPROVE APPLICATION SUP94-03 WHICH REQUESTS A SPECIAL USE PERMIT FOR AN AUTOMOBILE SALES FACILITY IN A B-2, GENERAL COMMERCIAL, ZONING DISTRICT ON ASSESSOR'S PARCEL 45-681 (PORTION), FALMOUTH ELECTION DISTRICT

WHEREAS, Daniel McKay Justice, applicant, has submitted application SUP94-03 requesting a Special Use Permit for an automobile sales facility in a B-2, General Commercial, Zoning District on the above described property; and

WHEREAS, the application has been submitted pursuant to Section 28-101 of the Zoning Ordinance which permits this use in a B-2, General Commercial, Zoning District after a Special Use Permit has been issued by the Board of Supervisors; and

WHEREAS, the Board of Supervisors has carefully considered the recommendation of the Planning Commission and staff and the testimony at the public hearing; and



R94-224  
Page 2

WHEREAS, the Board of Supervisors finds that the request meets the standards of the Zoning Ordinance for issuance of a Special Use Permit;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 24th day of May, 1994, that the application SUP94-03 be and it hereby is approved with the following conditions:

1. This Special Use Permit is for an automobile sales facility located on a 0.374 acre portion of Assessor's Parcel 45-68.
2. There shall be no vehicles parked within thirty feet of the edge of pavement of Warrenton Road.
3. There shall be no inoperable vehicles parked on the property.
4. There shall be no outdoor storage of automobile parts.
5. There shall be no on-site repairs made to vehicles.
6. Lighting shall be directed downward and inward away from adjacent properties and Warrenton Road.
7. There shall be no carnival style flags, banners or lights used on the site.
8. There shall be no more than thirty (30) vehicles on display at any one time.
9. This Special Use Permit may be revoked or conditions amended by the Board of Supervisors for violation of these conditions or any applicable federal, local or state code.
10. The applicant shall submit a site plan for approval of the facility prior to receiving an occupancy permit.
11. Petroleum products, anti-freeze, and other hazardous materials shall be stored and disposed of in accordance with the Stafford County Fire Prevention Code or any other applicable State or Federal code.

CMWJr:WCS:ek



The number and the location of the vehicles are noncompliant with the conditions of the SUP94-03 May 2016







Location of vehicles is noncompliant– yellow line is shows approximate 30 foot setback  
Number of vehicles is compliant on November 17, 2016







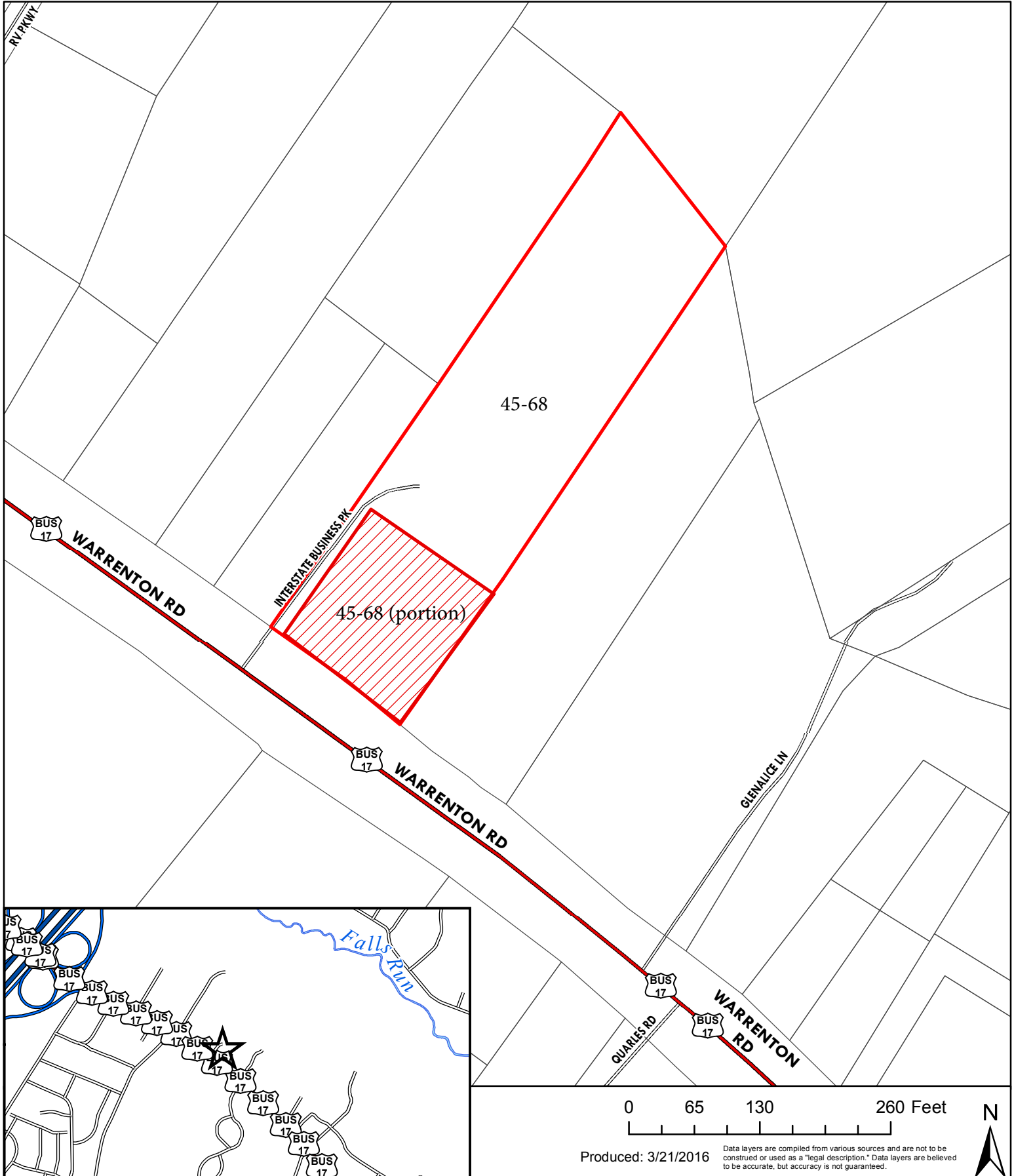
Location and number of vehicles in compliance with conditions of SUP94-03  
November 30, 2016





# SUP94-03 AUTO LAND

Produced by the Stafford County Department of Planning and Zoning  
540-658-8668 | P.O. Box 339 Stafford, VA 22555



SITE PLAN FOR DANIEL M. JUSTICE

NOTES:

SUBJECT PROPERTY: ASSESSOR'S PARCEL 45 68 (PORTION)

ZONING: B 2

PARCEL SIZE: 0.39 ACRE

TOTAL BUILDING AREA: 960 sq

SCALE: 1" = 30'

PLAN PREPARED: THERESA YATES/DAN JUSTICE

DATE: 4/26/94

SEE SUP 94 03 FOR CONDITIONS

PARKING REQUIRED: 13

PARKING PROVIDED: 29

MIN. PARKING SPACE SIZE: 8'6" x 18'

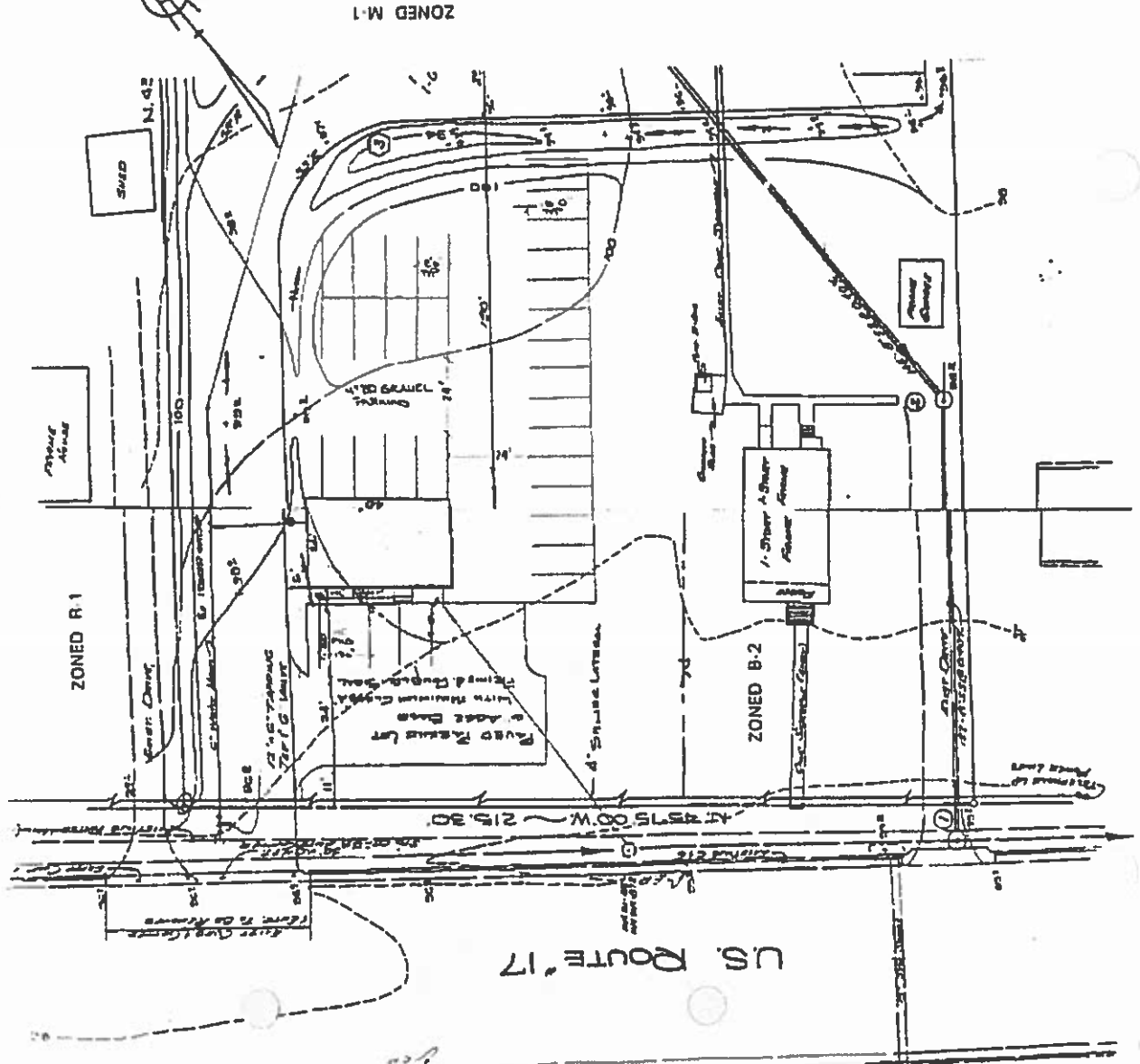
HANDICAP SPACES REQUIRED: 1

HANDICAP SPACE SIZE: 13'6" x 18'

PAVING WAIVER REQUIRED

APPROVAL

AGENT FOR STAFFORD COUNTY DATE



# Auto Land

Photographs from H. Clark Leming

Presented to the County June 6, 2016





























## BOARD OF SUPERVISORS

### Agenda Item

<b>Meeting Date:</b>	December 13, 2016
<b>Title:</b>	Authorize the Interim County Administrator to Approve Debt Issuance, Budget and Appropriate Funds, and Execute a Contract for Construction of the New Animal Shelter
<b>Department:</b>	County Administration
<b>Staff Contact:</b>	Keith Dayton, Deputy County Administrator
<b>Board Committee/ Other BACC:</b>	Public Safety Committee
<b>Staff Recommendation:</b>	Approval
<b>Budget Impact:</b>	See Background Report
<b>Time Sensitivity:</b>	N/A

#### ATTACHMENTS:

1.	Background Report	3.	Proposed Resolution R16-369 (budget and appropriate funds/award contract)
2.	Proposed Resolution R16-313 (authorize financing)	4.	Graphic of Proposed Animal Shelter

<input type="checkbox"/>	<b>Consent Agenda</b>	<input type="checkbox"/>	<b>Other Business</b>	<input checked="" type="checkbox"/>	<b>Unfinished Business</b>
<input type="checkbox"/>	<b>Discussion</b>	<input type="checkbox"/>	<b>Presentation</b>	<input type="checkbox"/>	<b>Work Session</b>
<input type="checkbox"/>	<b>New Business</b>	<input type="checkbox"/>	<b>Public Hearing</b>	<input type="checkbox"/>	<b>Add-On</b>

#### REVIEW:

X	Interim County Administrator	<i>C. Douglas Bannan</i>
X	County Attorney (legal review only)	<i>Charles L. Thomas</i>
X	Finance and Budget	<i>Maria J. Penoffe</i>

<b>DISTRICT:</b>	Hartwood
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## BOARD OF SUPERVISORS

### Agenda Item

<b>Meeting Date:</b>	December 13, 2016
<b>Title:</b>	Authorize the Interim County Administrator to Approve Debt Issuance, Budget and Appropriate Funds, and Execute a Contract for Construction of the New Animal Shelter
<b>Department:</b>	County Administration
<b>Staff Contact:</b>	Keith Dayton, Deputy County Administrator
<b>Board Committee/ Other BACC:</b>	Public Safety Committee
<b>Staff Recommendation:</b>	Approval
<b>Budget Impact:</b>	See Background Report
<b>Time Sensitivity:</b>	N/A

#### ATTACHMENTS:

1.	Background Report	3.	Proposed Resolution R16-369 (budget and appropriate funds/award contract)
2.	Proposed Resolution R16-313 (authorize financing)	4.	Graphic of Proposed Animal Shelter

<input type="checkbox"/>	<b>Consent Agenda</b>	<input type="checkbox"/>	<b>Other Business</b>	<input checked="" type="checkbox"/>	<b>Unfinished Business</b>
<input type="checkbox"/>	<b>Discussion</b>	<input type="checkbox"/>	<b>Presentation</b>	<input type="checkbox"/>	<b>Work Session</b>
<input type="checkbox"/>	<b>New Business</b>	<input type="checkbox"/>	<b>Public Hearing</b>	<input type="checkbox"/>	<b>Add-On</b>

#### REVIEW:

X	Interim County Administrator	
X	County Attorney <i>(legal review only)</i>	
X	Finance and Budget	

<b>DISTRICT:</b>	Hartwood
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## **BACKGROUND REPORT**

Stafford County currently operates its animal shelter in a 6,000 square-foot facility, located on Eskimo Hill Road near the Regional Landfill. The existing shelter was constructed in 1991 with a very limited budget. As a result, the completed facility failed to meet the County's long term needs and is out of compliance with Virginia Comprehensive Animal Care laws. The facility has been cited repeatedly by the state Office of Animal Care and Emergency Response.

The Board included \$5,748,000 to construct a new shelter that is compliant with current animal shelter regulations and capable of meeting present and future animal shelter space demands in the adopted Capital Improvement Program. The proposed facility would be constructed on 38 acres of County-owned property near the Rappahannock Regional Jail. The Board also previously appropriated funds and authorized the award of contracts for the design of the facility, along with the preliminary clearing and grading, and stormwater management.

Following the completion of the building design, the project was offered for public bids. Nine bids were received, ranging from \$3,827,000 to \$4,430,000, with the lowest three bids tallied below.

Taft Construction, Inc.	\$3,827,000
HSL, Inc. dba Loudin Building Systems (Louisa Co.)	\$3,946,000
Kenbridge Construction Company, Incorporated	\$4,098,000

The high number of bidders confirms that contractors were very interested in the project, and the narrow price range of the nine bids indicates a quality set of plans.

The apparent low bid from Taft Construction, Inc. included \$679,000 in site development costs necessary to prepare the undeveloped parcel for the animal shelter, as well as other facilities planned for this site. This is in addition to the \$885,000 in site development costs completed during the early site grading contract, resulting in a total of approximately \$1.5 million in costs associated with site development. Most of these improvements, which include construction of an entrance road off of Wyche Road, extension of water and sewer lines to the property, and the extension of electric, gas, and communications lines to the site, will also benefit the other planned County organizations which will locate on this site in the future.

Staff reviewed the recent bid, along with other project costs identified to date, and completed an updated cost estimate and funding plan for the animal shelter. Considering the additional cost absorbed by the animal shelter project for site development that will benefit other users of the site, in particular the Utilities Department, staff is proposing that the Utility Fund contribute approximately 50% of the site development costs.

Project expenditures and the proposed funding strategy are provided below.

Funding Sources		County Expenses	
Current Revenue	\$ 400,000	Design	\$ 243,650
Bonds	\$ 5,348,000	Early Grading	\$ 885,000
<b>TOTAL</b>	<b>\$ 5,748,000</b>	Additional Site Work	\$ 679,000
Utility Fund	\$ 750,000	Building Construction	\$ 3,148,000
<b>Total Funding</b>	<b>\$ 6,498,000</b>	Fit & Finish Items	\$ 95,250
		Wet/Dry Utilities	\$ 125,000
		Security/IT	\$ 90,000
		Quality Assurance	\$ 440,000
		Contingency	\$ 792,100
			<b>\$ 6,498,000</b>

Staff has analyzed the bid from Taft Construction, Inc. and believes it to be responsive and reasonable for the scope of work required. Should the Board desire to proceed with construction of the animal shelter, the Board must authorize the issuance of debt to finance the construction cost, budget and appropriate the funds, and authorize the Interim County Administrator to execute a contract for construction of the new animal shelter.

Staff is currently analyzing financing methods which would be most advantageous to the County, including a private bank placement of lease revenue bonds through the Economic Development Authority or participation in a Virginia Resources Authority pooled sale. As usual, the authorizing resolution includes project costs, cost of issuance, and an allowance for market conditions should bonds be sold with a premium, bringing the total "not to exceed" issuance amount to \$5,750,000. Once a recommended financing method is determined, the Board will be asked to consider a resolution authorizing specific bond documents.

The Board has previously budgeted and appropriated \$1,458,000 for design, site work and project management costs. Future project management costs would be included in the FY18 and FY19 proposed budgets leaving \$4,826,000 to be budgeted and appropriated at this time. The Utilities share of the site cost would be included in the FY18 proposed budget.

Staff recommends approval of proposed Resolutions R16-313 and R16-369 to authorize each of these actions.

PROPOSED

BOARD OF SUPERVISORS  
COUNTY OF STAFFORD  
STAFFORD, VIRGINIA

RESOLUTION

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, George L. Gordon, Jr., Government Center, Stafford, Virginia, on the 13<sup>th</sup> day of December, 2016:

-----  
MEMBERS:

Robert “Bob” Thomas, Jr., Chairman  
Laura A. Sellers, Vice Chairman  
Meg Bohmke  
Jack R. Cavalier  
Wendy E. Maurer  
Paul V. Milde, III  
Gary F. Snellings

VOTE:

-----  
On motion of , seconded by , which carried by a vote of , the following was adopted:

A RESOLUTION AUTHORIZING THE FINANCING OF UP TO  
\$5,750,000 OF THE COSTS OF THE NEW ANIMAL SHELTER  
FACILITY

WHEREAS, the Board desires to finance the costs of (a) a new animal shelter for the County (as more particularly described in the County's FY2017 Capital Improvement Program) (Project), and (b) the closing costs associated with the financing; and

WHEREAS, the Board has determined that it is necessary and expedient to finance up to \$5,750,000 of the costs of the Project; and

WHEREAS, the financing is expected to either be structured as lease revenue bonds issued by the Economic Development Authority of Stafford County, Virginia, or a financing lease or other arrangement between the County and the Virginia Resources Authority (collectively, such financing arrangements are referred to as Bonds); and

WHEREAS, the Board has determined that it may be necessary or desirable to advance money to pay the costs for the Project and to reimburse such advances with proceeds from one or more series of Bonds.



NOW, THEREFORE, BE IT RESOLVED ON THIS THE 13<sup>TH</sup> DAY OF DECEMBER, 2016, BY THE BOARD OF SUPERVISORS OF THE COUNTY OF STAFFORD, VIRGINIA:

1. Authorization of Bonds and Use of Proceeds. The Board hereby determines that it is advisable to finance the costs of the Project from the proceeds of Bonds in an aggregate principal amount not to exceed \$5,750,000.

2. Declaration of Intent. The Board hereby adopts this declaration of official intent under Treasury Regulation § 1.150.2. The Board reasonably expects to reimburse advances made or to be made by the County to pay the cost of the Project.

3. Evaluation of Financing Alternatives. The Board hereby authorizes and directs the staff of the County to evaluate the available financing alternatives and, if applicable, prepare and submit an application to the Virginia Resources Authority.

4. Payment. All payment terms of a series of Bonds shall be set forth in a subsequent resolution that approves the details of such series of Bonds.

5. Execution of the Financing Documents. The County shall not enter any financing arrangement related to a series of Bonds until the Board adopts a subsequent resolution approving of and setting forth the details thereof.

6. Filing of Resolution. The appropriate officers or agents of the County are hereby authorized and directed to cause a certified copy of this Resolution to be filed with the Circuit Court of the County.

7. Further Actions. Subject to the limitation on the execution of Bonds set forth in Section 6, the County Administrator, the Chairman of the Board, and all such other officers, employees and agents of the County as either of them may designate are hereby authorized to take such action as the County Administrator or the Chairman of the Board may consider necessary or desirable in connection with the financing of the Project and any such action previously taken is hereby ratified and confirmed.

8. Effective Date. This Resolution shall take effect immediately.

The undersigned Clerk of the Board of Supervisors of the County of Stafford, Virginia, hereby certifies that the foregoing constitutes a true and correct extract from the minutes of a meeting of the Board of Supervisors held on December 13, 2016, and of the whole thereof so far as applicable to the matters referred to in such extract. I hereby further certify that such meeting was a regularly scheduled meeting and that, during the consideration of the foregoing resolution, a quorum was present. The front page of this Resolution accurately records (i) the members of the Board of Supervisors present at the meeting, (ii) the members who were absent from the meeting, and (iii) the vote of each member, including any abstentions.

WITNESS MY HAND and the seal of the Board of Supervisors of the  
County of Stafford, Virginia, this 13<sup>th</sup> day of December, 2016.

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Clerk, Board of Supervisors  
of the County of Stafford, Virginia

(SEAL)

PROPOSED

BOARD OF SUPERVISORS  
COUNTY OF STAFFORD  
STAFFORD, VIRGINIA

RESOLUTION

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, George L. Gordon, Jr., Government Center, Stafford, Virginia, on the 13<sup>th</sup> day of December, 2016:

-----  
MEMBERS:

Robert "Bob" Thomas, Jr., Chairman  
Laura A. Sellers, Vice Chairman  
Meg Bohmke  
Jack R. Cavalier  
Wendy E. Maurer  
Paul V. Milde, III  
Gary F. Snellings

VOTE:

-----  
On motion of , seconded by , which carried by a vote of , the following was adopted:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR  
TO BUDGET AND APPROPRIATE FUNDS, AND AWARD A  
CONTRACT FOR THE CONSTRUCTION OF THE NEW STAFFORD  
COUNTY ANIMAL SHELTER

WHEREAS, the existing animal shelter is inadequate in size, and out of compliance with State requirements for animal shelters; and

WHEREAS, the County could be assessed fines of up to \$1,000 per day for continuing to operate an animal shelter that does not meet the State's requirements for animal care; and

WHEREAS, the Board approved approximately \$5.7 million in funding to replace the existing shelter with a new animal shelter (Shelter) that meets current standards for animal care; and

WHEREAS, the Board also authorized the design and early site preparation for the Shelter; and

WHEREAS, staff solicited public bids for the construction of the Shelter; and

WHEREAS, the County received nine bids, with the bid from Taft Construction, Inc. of \$3,827,000 being the lowest responsive bid; and

WHEREAS, staff reviewed this bid and determined it to be reasonable for the scope of services requested; and

WHEREAS, the Board intends to issue debt for financing the Shelter at a later date when the optimum financing strategy has been developed; and

WHEREAS, the Board previously budgeted and appropriated \$1,458,000 for design, site work, and project management costs, but must still budget and appropriate \$4,826,000 to allow construction of the Shelter;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 13<sup>th</sup> day of December, 2016, that it be and hereby does budget and appropriate Four Million Eight Hundred Twenty-six Thousand Dollars (\$4,826,000) for the construction of a new animal shelter; and

BE IT FURTHER RESOLVED that the Interim County Administrator is authorized to execute a contract with Taft Construction, Inc., in an amount not to exceed Three Million Eight Hundred Twenty-seven Thousand Dollars (\$3,827,000) for the construction of the new animal shelter, unless amended by a duly-authorized change order; and

BE IT FURTHER RESOLVED that the Board may consider issuing debt to finance the construction of the new animal shelter at a later date; and

BE IT STILL FURTHER RESOLVED that the Board declares its intent to reimburse for the costs associated with the construction of the new animal shelter by adoption of the following:

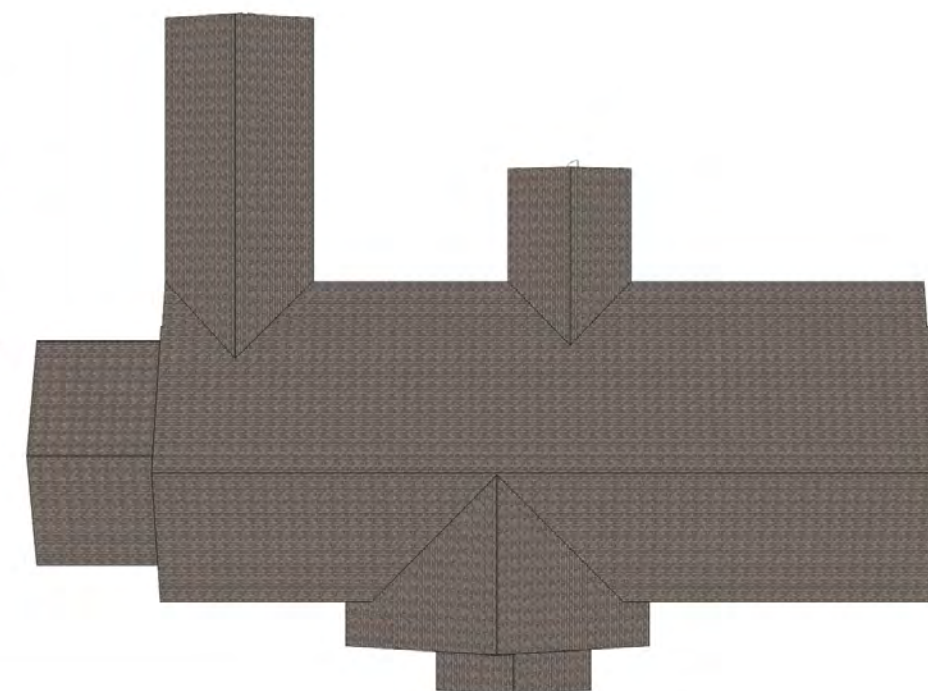
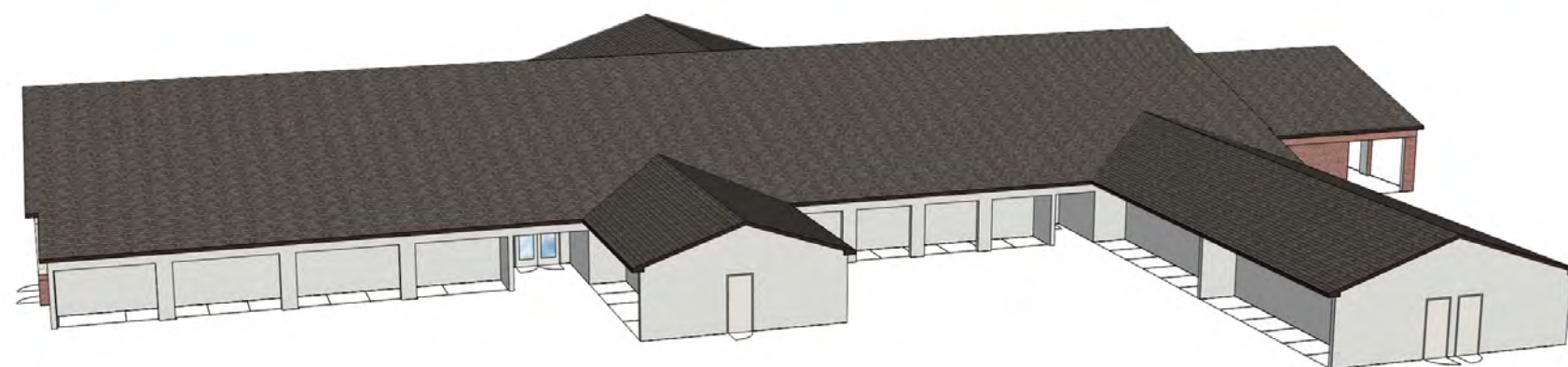
#### NOTICE OF INTENT TO REIMBURSE CERTAIN CAPITAL IMPROVEMENT EXPENDITURES

Section 1: Statement of Intent. The County presently intends to finance the new animal shelter with tax-exempt or taxable bonds or other obligations (Bonds) and to reimburse capital expenditures paid by the County (including expenditures previously paid by the County to the extent permitted by law) in connection with the new animal shelter before the issuance of the Bonds.

Section 2: Source of Interim Financing and Payment of Bonds. The County expects to pay the capital expenditures related to the new animal shelter incurred before the issuance of the Bonds with an inter-fund loan or loans from the General Fund or from temporary appropriations or loans from the Capital Reserve Fund. The County expects to pay debt service on the Bonds from the General Fund consisting of general tax revenues for the new animal shelter.

Section 3: Effective Date; Public Inspection. This Resolution is adopted for the purposes of complying with Treasury Regulation Section 1.150-2, or any successor regulation, and shall be in full force and effect upon its adoption. The Clerk of the Board shall file a copy of this Resolution in the records of the County available for inspection by the general public during the County's normal business hours.





Stafford County Animal Shelter  
Stafford County, Virginia



**BOARD OF SUPERVISORS**  
**Agenda Item**

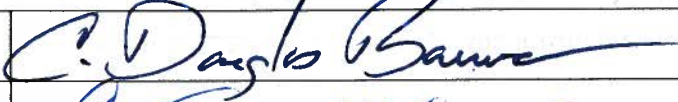

<b>Meeting Date:</b>	December 13, 2016
<b>Title:</b>	Consider the Referral of Proposed Ordinance 016-40 to the Planning Commission to Create an Integrated Corporate and Technology Park Overlay Zoning District
<b>Department:</b>	Planning and Zoning
<b>Staff Contact:</b>	Jeffrey Harvey, Director
<b>Board Committee/ Other BACC:</b>	Community and Economic Development Committee
<b>Staff Recommendation:</b>	N/A
<b>Budget Impact:</b>	N/A
<b>Time Sensitivity:</b>	N/A

**ATTACHMENTS:**

1.	Background Report	3.	Proposed Ordinance 017-03
2.	Proposed Resolution R16-375	4.	Resolution R16-294 dtd 9/20/16

<input type="checkbox"/>	<b>Consent Agenda</b>	<input type="checkbox"/>	<b>Other Business</b>	<input checked="" type="checkbox"/>	<b>Unfinished Business</b>
<input type="checkbox"/>	<b>Discussion</b>	<input type="checkbox"/>	<b>Presentation</b>	<input type="checkbox"/>	<b>Work Session</b>
<input type="checkbox"/>	<b>New Business</b>	<input type="checkbox"/>	<b>Public Hearing</b>	<input type="checkbox"/>	<b>Add-On</b>

**REVIEW:**

X	County Administrator	
X	County Attorney (legal review only)	

<b>DISTRICT:</b>	N/A
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## **BACKGROUND REPORT**

At its meeting on September 20, 2016, the Board referred to the Planning Commission proposed changes to the Comprehensive Plan and Zoning Ordinance in order to create an Integrated Corporate and Technology Park (ICTP) Overlay Zoning District. The intent of the ICTP is to provide more flexibility of uses, and to ensure that buildings that house them would be in keeping with the architectural design and scale of an existing corporate or technology park. The ICTP would be applied to projects where at least 400,000 square feet of office space already exists or is approved. Buildings would be multi-story, with a height between 40 feet and 80 feet. A variety of retail and personal service uses would be permitted as well as multi-family dwelling units. Sidewalks would be provided to connect buildings, streets, alleys, and common areas. Multi-family units would be oriented towards housing the workforce in the nearby area. There would be a limitation on the size of dwelling units, and requirements that the buildings housing multi-family units must have amenities such as meeting rooms, offices, and restaurants, as well as spaces for exercise and recreation. The proposed Ordinance would also allow for more parking credits if a developer constructed a parking structure or garage. Implementation of the ICTP would likely create additional needs for structured parking as compared to surface parking. Providing a parking credit helps to facilitate this use.

When the Board referred the Zoning Ordinance amendment to create the overlay district standards, Resolution R16-294 asked the Planning Commission to hold a public hearing and provide its recommendation on proposed Ordinance 016-40. The Resolution further allowed the Planning Commission to make modifications to the ordinance as it deemed appropriate and necessary. The proposed Ordinance was first presented to the Planning Commission at its September 28, 2016 meeting as part of the Planning Director's report. The Planning Commission further discussed the proposed Ordinance at its October 12, 2016 and October 26, 2016 meetings. At the October 26, 2016 meeting, the Planning Commission authorized a public hearing on proposed Ordinance 016-40. In doing so, the Planning Commission removed multi-family dwellings as a permitted use, as well as the development standards for multi-family dwellings in the proposed ICTP. During the discussion, Planning Commissioners felt that multi-family housing would not be an appropriate use for an industrial area. Much of the potentially eligible properties for the overlay zone currently have an underlying M-1, Light Industrial Zoning, even though they are developed as corporate buildings. Planning Commissioners also raised concerns about the inability of the County to off-set development impacts of multi-family dwellings, specifically given State proffer legislation that limits the County's ability to accept monetary proffers for off-site public facilities.

Board members have expressed concerns about the Planning Commission's action to remove multi-family dwellings from the proposed Ordinance in advance of advertising the public hearing. The intent of the overlay district was to allow a variety of complimentary uses in large scale campus environment. Allowing multi-family housing with specific limitations could be complimentary to existing corporate office space where employees could live close to their source of employment. Having residents in the campus setting would help to ensure that those areas have activity and are vibrant throughout the day and night-time hours. Such activity levels could help support services such as restaurants and personal service establishments.

If the Board finds it desirable to retain multi-family housing in the proposed Ordinance, it could adopt proposed Resolution R16-375, which would refer proposed Ordinance 017-03 to the Planning Commission and require the Commission to hold a public hearing on the proposed Ordinance as originally drafted in proposed Ordinance 016-40.

R16-375

PROPOSED

BOARD OF SUPERVISORS  
COUNTY OF STAFFORD  
STAFFORD, VIRGINIA

RESOLUTION

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, George L. Gordon, Jr., Government Center, Stafford, Virginia, on the 13<sup>th</sup> day of December, 2016:

MEMBERS:

Robert “Bob” Thomas, Jr, Chairman  
Laura A. Sellers, Vice Chairman  
Meg Bohmke  
Jack R. Cavalier  
Wendy E. Maurer  
Paul V. Milde, III  
Gary F. Snellings

VOTE:

On motion of , seconded by , which carried by a vote of , the following was adopted:

A RESOLUTION TO REFER TO THE PLANNING COMMISSION AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE SEC. 28-33, “DISTRICTS GENERALLY;” SEC. 28-34, “PURPOSE OF DISTRICTS;” SEC. 28-35, “TABLE OF USES AND STANDARDS;” SEC. 28-39, “SPECIAL REGULATIONS;” AND SEC. 28-102, “OFF-STREET PARKING”

WHEREAS, corporate and technology parks have been established in the M-1, Light Industrial Zoning District; and

WHEREAS, the M-1 Zoning District does not permit the variety of uses that support corporate and technology parks, such as child care centers, clinics, commercial retail, convention facilities, hotels, and employee housing; and

WHEREAS, the Board desires to consider creating an Integrated Corporate and Technology Park Overlay Zoning District to allow for a variety of uses for specific areas of the County where corporate and technology parks exist; and

WHEREAS, the Board desires to refer a proposed amendment pursuant to proposed Ordinance O16-40 to the Planning Commission for its review and recommendation;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 13<sup>th</sup> day of December, 2016, that amendments to Stafford County Code Sec. 28-33, "Districts generally;" Sec. 28-34, "Purpose of districts;" Sec. 28-35, "Table of uses and standards;" Sec. 28-39, "Special regulations;" and Sec. 28-102, "Off-street parking," pursuant to proposed Ordinance O17-03 be and it hereby is referred to the Planning Commission for its review, to hold a public hearing, and to provide its recommendation; and

BE IT FURTHER RESOLVED that the Planning Commission shall make a recommendation on proposed Ordinance O17-03 within 45 days of adoption of this Resolution.

CDB:jah

O17-03

PROPOSED

BOARD OF SUPERVISORS  
COUNTY OF STAFFORD  
STAFFORD, VIRGINIA

ORDINANCE

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, George L. Gordon, Jr., Government Center, Stafford, Virginia, on the    day of   , 2016:

-----  
MEMBERS:

Robert “Bob” Thomas, Jr, Chairman  
Laura A. Sellers, Vice Chairman  
Meg Bohmke  
Jack R. Cavalier  
Wendy E. Maurer  
Paul V. Milde, III  
Gary F. Snellings

VOTE:

-----  
On motion of   , seconded by   , which carried by a vote of   , the following was adopted:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD  
COUNTY CODE SEC. 28-33, “DISTRICTS GENERALLY;”  
SEC. 28-34, “PURPOSE OF DISTRICTS;” SEC. 28-35, “TABLE OF  
USES AND STANDARDS;” SEC. 28-39, “SPECIAL  
REGULATIONS;” AND SEC. 28-102, “OFF-STREET PARKING”

WHEREAS, corporate and technology parks have been established in the M-1,  
Light Industrial Zoning District; and

WHEREAS, the M-1 Zoning District does not permit the variety of uses that  
support corporate and technology parks, such as child care centers, clinics, commercial  
retail, convention facilities, hotels, and employee housing; and

WHEREAS, the Board desires to create an Integrated Corporate and  
Technology Park Overlay Zoning District to allow for a variety of uses for specific  
areas of the County where corporate and technology parks exist; and

WHEREAS, the Board carefully considered the recommendations of the  
Planning Commission and staff, and public testimony, if any, received at the public  
hearing; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, and good zoning practice require adoption of such an Ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the day of , 2017, that Stafford County Code Sec. 28-33, "Districts generally;" Sec. 28-34, "Purpose of districts;" Sec. 28-35, "Table of uses and standards;" Sec. 28-39, "Special regulations;" and Sec. 28-102, "Off-street parking;" be and they hereby are amended and reordained as follows, with all other provisions remaining unchanged:

**Sec. 28-33. – Districts generally.**

Land may also be classified into the following special overlay zoning districts:

ICTP Integrated Corporate and Technology Park Overlay

**Sec. 28-34. - Purpose of districts.**

In order to carry out and implement the purposes and objectives of this chapter, the land use districts herein established shall have the following purposes, respectively.

ICTP Integrated Corporate and Technology Park. The purpose of the ICTP district is to promote the integration of uses to facilitate the growth and development of large scale corporate office and technology parks. Such parks have the need for and shall include integrated uses such as Class A office space, hotel space for corporate clientele, supporting retail services, data centers, child care, and multi-family housing for employees working in the district and nearby area. Such districts shall be designed to accommodate at least 400,000 square feet of existing or approved corporate office space for services such as engineering, security, computer systems development, computer software development, education, and research and development.

**Sec. 28-35 – Table of uses and standards.**

Table 3.1, District Uses and Standards, sets forth the uses and standards for each zoning district in Stafford County. No land or structure shall be used, occupied or developed except in accordance with the standards set forth therein.

**Table 3.1. District Uses and Standards**

ICTP Integrated Corporate and Technology Park Overlay.



The purpose of the ICTP district is to promote the integration of uses to facilitate the growth and development of large scale corporate office and technology parks. Such parks have the need for and shall include integrated uses such as Class A office space, hotel space for corporate clientele, supporting retail services, data centers, child care, and multi-family housing for employees working in the district and nearby area. Such districts shall be designed to accommodate at least 400,000 square feet of existing or approved corporate office space for services such as engineering, security, computer systems development, computer software development, education, and research and development.

*(a) Uses permitted by right:*

Bank and lending institution.

Child care center.

Clinic, medical and dental.

Convention facility.

Dance studio.

Data and computer service centers.

Drug store.

Flex office.

General office.

Hotel.

Low intensity commercial retail.

Light manufacturing.

Medical/dental office.

Medium intensity commercial retail.

Multi-family dwellings.

Printing, publishing, engraving.

Professional office.

O17-03

Page 4

Public facilities/utilities not including wastewater treatment facilities, and propane and heating fuel distribution facilities.

Public works excluding wastewater treatment facilities.

Restaurant.

School.

School, vocational.

(b) Conditional use permit:

Hospital.

(c) Special exception:

Microbrewery.

Adult day care.

(d) Requirements:

(1) Intensity: Ratio

Maximum floor area ratio .....1.0

Open space ratio.....0.2

(2) Minimum yards: Feet

Front .....40

Side .....25

Back .....25

(3) Minimum height (in feet) for primary buildings .....40

(4) Maximum height (in feet)..... 80

(5) Maximum residential density..... 24 du/acre

***Sec. 28-39- Special regulations.******(y) Special provisions applicable to ICTP Overlay Districts.***

- (1) Sidewalks shall be provided connecting buildings, streets, alleys and common areas.***
- (2) All buildings shall have integrated architectural designs that utilize common themes and building materials throughout the district, and comply with the Neighborhood Design Standards element of the Comprehensive Plan.***
- (3) No more than ten (10) percent of the dwelling units in a multi-family building can have three (3) or more bedrooms.***
- (4) Multi-family buildings shall include space for amenities such as meeting rooms, offices, restaurants, and locations and spaces for exercise and recreation.***

***Sec. 28-102. Off-street parking.***

Every use, unless otherwise specified in this chapter, shall be provided with parking in accordance with the following standards:

- (14) Parking credits.*** Credit toward the required number of parking spaces for an individual use may be permitted with the following:
  - c. A credit for of up to twenty (20) percent of the required parking may be permitted where a parking deck, parking structure, or garage with more than 20 parking spaces is utilized.***

CDB:jah

R16-294

BOARD OF SUPERVISORS  
COUNTY OF STAFFORD  
STAFFORD, VIRGINIA

RESOLUTION

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, George L. Gordon, Jr., Government Center, Stafford, Virginia, on the 20<sup>th</sup> day of September, 2016:

<u>MEMBERS:</u>	<u>VOTE:</u>
Robert "Bob" Thomas, Jr, Chairman	Yes
Laura A. Sellers, Vice Chairman	Absent
Meg Bohmke	Yes
Jack R. Cavalier	Yes
Wendy E. Maurer	Yes
Paul V. Milde, III	Yes
Gary F. Snellings	Yes

On motion of Mrs. Maurer, seconded by Ms. Bohmke, which carried by a vote of 6 to 0, the following was adopted:

A RESOLUTION TO REFER TO THE PLANNING COMMISSION AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE SEC. 28-33, "DISTRICTS GENERALLY;" SEC. 28-34, "PURPOSE OF DISTRICTS;" SEC. 28-35, "TABLE OF USES AND STANDARDS;" SEC. 28-39, "SPECIAL REGULATIONS;" AND SEC. 28-102, "OFF STREET PARKING"

WHEREAS, corporate and technology parks have been established in the M-1, Light Industrial Zoning District; and

WHEREAS, the M-1, Light Industrial Zoning District does not permit the variety of uses that support corporate and technology parks, such as commercial retail, convention facility center, hotels, and employee housing; and

WHEREAS, the Board desires to consider creating an Integrated Corporate and Technology Park Overlay Zoning District to allow for a variety of uses for specific areas of the County where corporate and technology parks exist; and


WHEREAS, the Board desires to refer a proposed amendment pursuant to proposed Ordinance O16-40 to the Planning Commission for its review and recommendation;

R16-294  
Page 2

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 20<sup>th</sup> day of September, 2016, that amendments to Stafford County Code Sec. 28-33, "Districts Generally;" Sec. 28-34, "Purpose of Districts;" Sec. 28-35, "Table of Uses and Standards;" Sec. 28-39, "Special Regulations;" and Sec. 28-102, "Off Street Parking" pursuant to proposed Ordinance O16-40 be and it hereby is referred to the Planning Commission for its review, to hold a public hearing, and to provide its recommendation; and

BE IT FURTHER RESOLVED that the Planning Commission may make modifications to the proposed ordinance as it deems appropriate or necessary.

A Copy, teste:

  
C. Douglas Barnes  
Interim County Administrator

CDB:jah

## BOARD OF SUPERVISORS

### Agenda Item

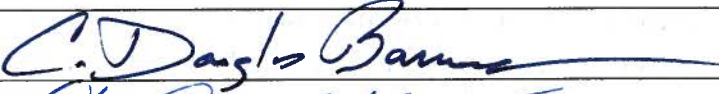

<b>Meeting Date:</b>	December 13, 2016
<b>Title:</b>	Consider an Amendment to Proffered Conditions on Tax Map Parcel No. 20-12, Consisting of 23.77 Acres, Zoned B-2, Urban Commercial
<b>Department:</b>	Planning and Zoning
<b>Staff Contact:</b>	Jeffrey A. Harvey, Director
<b>Board Committee/ Other BACC:</b>	Planning Commission
<b>Staff Recommendation:</b>	See Background Report
<b>Fiscal Impact:</b>	N/A
<b>Time Sensitivity:</b>	See Background Report

### ATTACHMENTS:

1.	Background Report	8.	Location Map
2.	Proposed Ordinance O16-27 (Approval)	9.	Application and Related Materials
3.	Proposed Resolution R16-189 (Denial)	10.	Transportation, Operational Analysis, dtd 6/2/16
4.	Proposed Proffers (redlined) dtd 12/5/16	11.	VDOT Comments, dtd 9/15/16
5.	Proposed Proffers (signed) dtd 12/5/16	12.	Amended Application letter, dtd 10/21/16
6.	Generalized Development Plan, dtd 10/17/16	13.	Ordinance O12-18 with original proffers
7.	Land Use Action Request	14.	PC Min. 6/8/16, 6/22/16, 7/13/16, & 8/24/16

	<b>Consent Agenda</b>		<b>Other Business</b>		<b>Unfinished Business</b>
	<b>Discussion</b>		<b>Presentation</b>		<b>Work Session</b>
	<b>New Business</b>	X	<b>Public Hearing</b>		<b>Add-On</b>

### REVIEW:

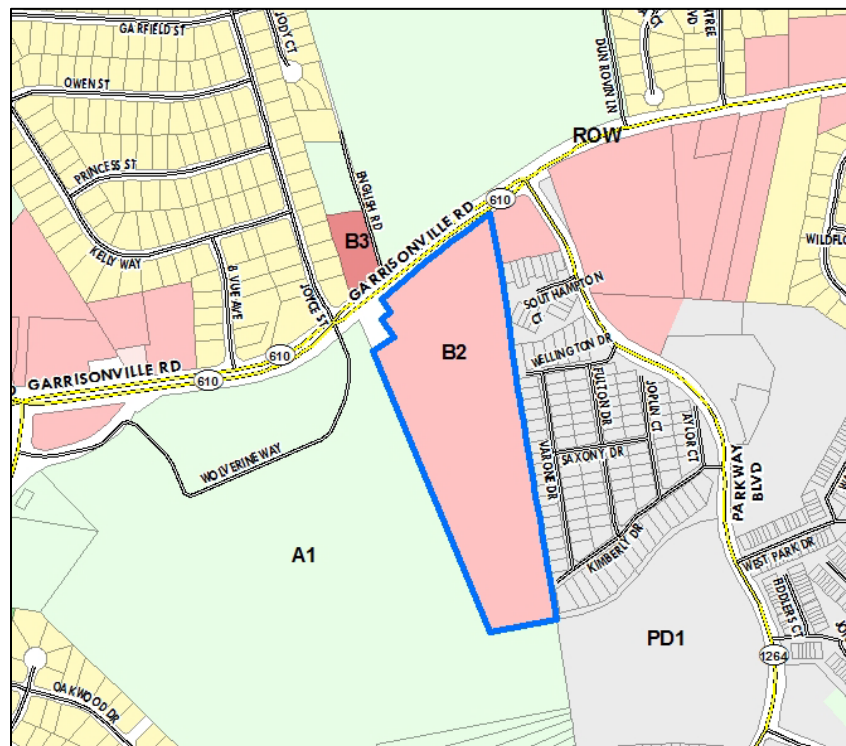
X	Interim County Administrator	
X	County Attorney (legal review only)	

<b>DISTRICT:</b>	Garrisonville
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## **BACKGROUND REPORT**

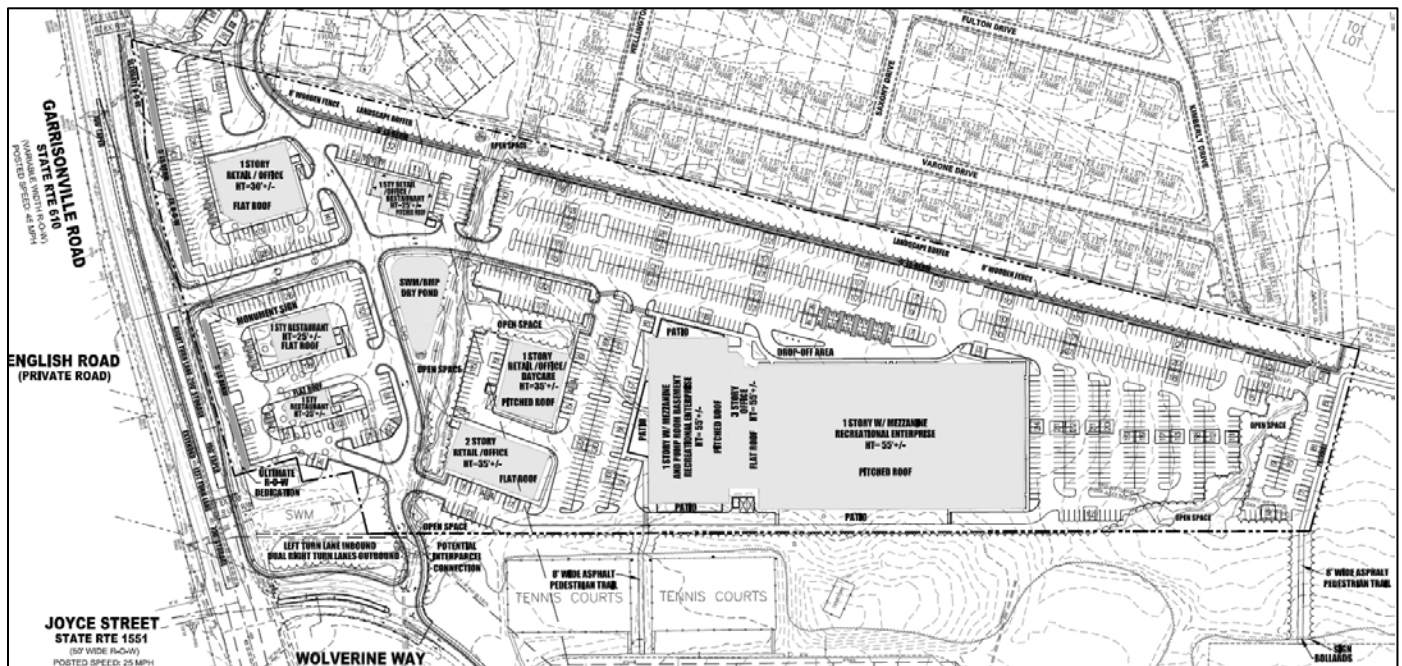
799 Garrisonville, LLC (applicant), is proposing to amend proffered conditions on Tax Map Parcel No. 20-12 (Property) to replace a planned recreational facility with other uses, and to modify transportation and other site development requirements. The current proffers require that the site be developed in accordance with the original Generalized Development Plan (GDP), which includes a recreational facility. The applicant is proposing to replace the recreational facility with several multi-tenant/office buildings and a self-storage facility, as part of the overall commercial complex. The current proffers also require specific transportation improvements, including inter-parcel connections to properties on both the east and west of the site, and other off-site improvements. The applicant believes the inter-parcel connection requirements are not as feasible as envisioned in the original proffers, and is proposing flexibility to allow for the connections to be contingent on assistance from and the approval of adjacent property owners. Other amendments coincide with the latest development proposal, which is summarized in this background report.



*Current Zoning Map*

### **Zoning History**

In 2012, the Property was rezoned from A-1, Agricultural to B-2, Urban Commercial, with proffers. The original development scheme and associated proffers were reflective of a commercial complex that included commercial retail uses in the front of the site along Garrisonville Road, and a recreational enterprise on the remainder of the site with an indoor swimming pool and athletic fields. Since rezoning, no development has occurred on the Property. In addition, the recent opening of the Jeff Rouse Swim and Sports Center has minimized the need for the indoor swimming pool.



*Original GDP*

### Existing Conditions

The site is primarily wooded with rolling terrain, and a house, built around the beginning of the 20<sup>th</sup> century, is located at the highest point. Two streams are located on the Property. One of the streams is located at the northern end in the approximate location of an existing public gravity sewer line. Originally identified as intermittent, a recent evaluation of the stream determined it to be perennial, requiring a 100-foot critical resource protection area (CRPA) buffer. The other stream, determined to be intermittent, is located at the southern end of the Property. Wetlands are located and identified on site (Page 2 of the GDP). These wetland areas are connected with the streams.

The Property has approximately 870 feet of frontage on Garrisonville Road. The property to the north, across Garrisonville Road, is a 38-acre property with one residence. North Stafford High School is located to the west and south, with its tennis courts located near the Property line. To the east, there is a real estate office building as well as townhomes and single-family detached units, all of which are associated with the Park Ridge subdivision. Park Ridge Elementary School is located at the southeast corner of the Property.



*Aerial View*

### New Generalized Development Plan

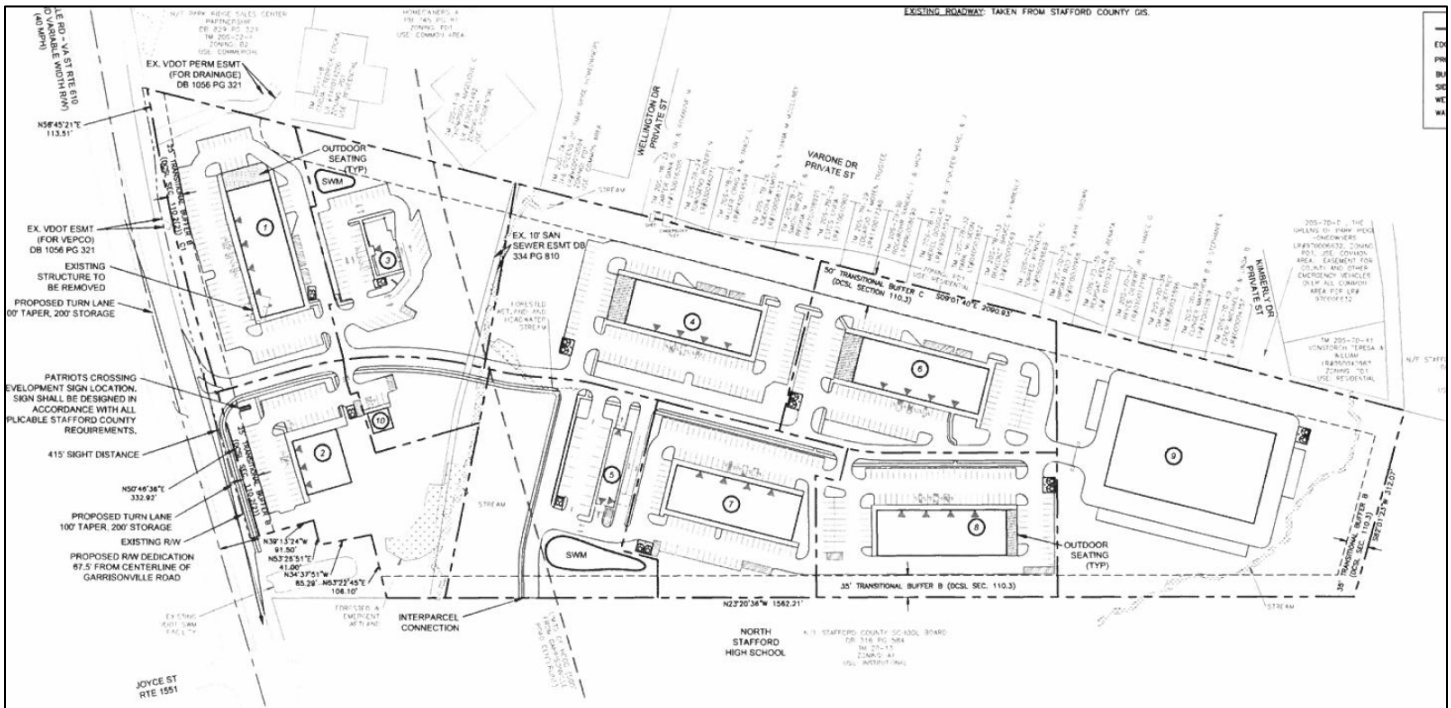
The applicant submitted a new GDP (Attachment 6) that illustrates the potential development pattern, including the location of potential uses, access points, traffic circulation, open spaces, and buffers. The site would be accessed via a single entrance off Garrisonville Road. The access would serve as a right-in/right-out entrance. In addition, a new feature of this proposal would add a break to the median for the installation of a westbound left-turn directional slip lane. Traffic exiting the site would not be able to turn left onto Garrisonville Road. The current proffers do not include this median break. Two inter-parcel easements are proposed to be granted to the parcels to the east and west. The connection to the east would only be made if there were commitments by the adjacent property owners to construct their portion of the improvement. The connection to the west to Wolverine Way would be constructed by the applicant, if approved by the Stafford County School Board and if not, would be available as an emergency access road.

Along the Garrisonville Road frontage there would be two commercial retail buildings. Two other uses identified on the GDP, a restaurant with drive-through and car wash facility would require Conditional Use Permit (CUP) approval. A CUP application has not been submitted. Concern was expressed with the proximity of the drive-through lanes and associated loud speakers to existing residential uses in Park Ridge and potential noise impacts. The appropriateness of the use and/or need for mitigation would be determined as part of a separate CUP review. A spine road runs through the middle of the site and crosses the CRPA. South of the CRPA includes the car wash use and several multi-tenant buildings. The latest version of the GDP replaces much of the office square footage with a 3-story self-storage building.



The multi-tenant buildings adjacent to Park Ridge would be limited to single story, as required in the proffers. The remaining multi-tenant buildings are shown to be one-story in height, but could be taller, up to 65 feet in height, as permitted by the County's Zoning Ordinance. A 50-foot wide transitional buffer would be provided, also as required in the proffers.

The previously required berm, and 8-foot board on board fence, may be substituted with new landscaping and/or preservation of existing trees to be determined after consultation with the adjacent Park Ridge homeowners at the time of final construction plans. Staff notes that the CRPA is not clearly designated on the GDP. The site configuration may have to be modified since encroachments into the CRPA are not permitted.



*Proposed GDP*

Although not proffered, the applicant provided these typical renderings of the style envisioned for the proposed office buildings.



### Proffer Amendments

The proposed proffer document, dated December 2, 2016, is included as Attachment 4 (red-lined version) and Attachment 5 (clean, signed version). The proposed amendments to the existing proffers are summarized below:

- Reference a new generalized development plan (GDP), which the project shall be built in conformity with as to the general location of buffer, parking areas, travelways, right-of-way entrances, pedestrian access, building height in stories, and transportation improvements; all other improvements are illustrative;
- Add that the applicant shall construct a slotted directional left turn median break at the right-in right-out entrance, subject to approval by VDOT, and if not approved, the applicant shall extend the westbound Garrisonville Road left turn lane at Wolverine Way, including traffic signal timing changes;
- Add that previously required inter-parcel connection to Tax Map Parcel No. 20S-22-A shall be designed, but is not required to be constructed on the applicant's property unless there is a commitment by others to construct the paved connection and site modifications needed on Tax Map Parcel No. 20S-22-A;
- Add that previously required inter-parcel connection to Tax Map Parcel No. 20-13 shall be designed and constructed to the applicant's property line no later than occupancy of 124,000 square feet of building area, and if necessary easements and improvements are approved by the Stafford County School Board, the applicant shall construct the inter-parcel connection on the school property from the subject property to Wolverine Way, and if not approved by the School Board, the County and VDOT for use by commercial traffic, the use of the connection shall be restricted to emergency access;
- Delete the requirement to extend the westbound turn-lane on Garrisonville Road at Parkway Boulevard;
- Delete the requirement to modify traffic signal timings at the Garrisonville Road intersections with Joyce Street/Wolverine Way and Parkway Boulevard;
- Delete the requirement to construct sidewalk along the property's frontage on Garrisonville Road and modify the requirement to construct curb and gutter from the property's frontage to a portion of the property's frontage;
- Delete the requirement to construct improvements to the Wolverine Way intersection;
- Delete the requirement to modify the inter-parcel access at the Garrisonville Road/Parkway Boulevard intersection;
- Allow the previously required berm and 8-foot board on board fence to be substituted with a combination of new landscaping, existing trees, or 8-foot solid board fence within the required buffer, determined during final construction plan, after consideration of the existing features and proposed development and after consultation with the Gates of Park Ridge homeowners and Greens of Park Ridge Homeowners;
- Add that the transitional buffer adjacent to North Stafford High School will be a minimum of 35 feet and landscape/screening shall be provided pursuant to County regulations;
- Add that the street buffer adjacent to Garrisonville Road shall be a minimum of 25 feet in width and landscape/screening shall be provided pursuant to County regulations;
- Delete all building and commercial use area size limitations;
- modify the hours of operation restrictions to allow refuse collection, and deliveries by large trucks between the hours of 6:00 a.m. and 10:00 p.m. and any car wash use between the hours of 7:00 a.m. and 9:00 p.m.;
- Add and delete uses from the list of prohibited uses within 200 feet of Garrisonville Road;
- Add additional uses to be prohibited throughout the property which would have been otherwise permitted on B-2 zoned property;
- Delete the requirement to build a swimming pool and a series of standards to define usage of the pools by Stafford County Schools;
- Delete all phasing requirements which tied the amount and type of commercial uses to the construction of the indoor recreation facility;

- Add the following new phasing requirements for development of the property:
  - Phase 1: the area within 200 feet of Garrisonville Road, anticipated to include a combination of retail and non-retail uses allowed in the B-2 zoning district by-right or contingent on issuance of a conditional use permit, limited to a maximum of 50,000 square feet;
  - Phase 2: the remainder of the property shall include commercial uses allowed in the B-2 zone not built as part of Phase 1. Non-retail uses that add to the tax base of the County shall be allowed to precede, or be constructed concurrently with uses in Phase 1. Within a three year period from approval, full buildout shall only be allowed if the planned upgrade of Garrisonville Road from 4 to 6 lanes along the Property's frontage is completed, or a revised traffic study demonstrates that the development is in compliance with minimum VDOT level of service standards; and
  - In addition to the two phases, portions of phases (subphases) may be developed rather than requiring completion of the full square footage in the phase;
- Delete the requirement to build the recreation enterprise building in accordance with proffered renderings;
- Expand on the permitted principal exterior building materials and roof types for all buildings on the property;
- Modify the following building height requirements:
  - Delete 55-foot tall building height requirement for a recreational enterprise and 36-foot tall building height restriction for other uses;
  - Add that buildings in the general area where buildings 4 and 6 are identified on the GDP shall be no greater than 1 story tall; and
  - Add that any future buildings in the general area where building 9 is identified on the GDP shall be set back at least 75 feet from the abutting private residential lots in Park Ridge;
- Delete the requirement to install signal pre-emption equipment at the traffic signals located at the intersections of Garrisonville Road with Wolverine Way and Parkway Boulevard;
- Modify the lighting requirement to meet County requirements;
- Modify the following pedestrian connections to adjacent properties:
  - Delete the requirement to install a trail which would have connected the property with Park Ridge Elementary School;
  - Add a second pedestrian connection to School property during the first construction plan in Phase 2;
  - Add a requirement to provide a pedestrian connection to the Gates at Park Ridge after full development of Phase 1, but prior to release of security bonds;
  - Modify the details of the required trail connections;
- Delete the requirement to provide an architectural survey of the house on the property;
- Delete the requirement to enter into a shared parking agreement with Park Ridge Elementary School and North Stafford High School;
- Delete requirement to provide a 10 percent reduction in surface runoff on a portion of the property, and clarify that the stormwater management will comply with state and local requirements; and
- Delete the requirement to install signage at the neighborhood entrances in Park Ridge to notify motorists that the streets are private and restricted to local traffic.

EVALUATION: The following is an evaluation of the proffer amendments that may have the greatest impact.

#### GDP (Proffer 1)

The new GDP is proposed to be incorporated into the proffers. Development of the site will need to conform to the general location of buffers, parking areas, travel-ways, right-of-way entrances, pedestrian access, building height in stories, and transportation improvements. Therefore, other elements of the GDP, including the types and locations of uses shown on the GDP may change. Although the proffers prohibit many uses, a higher level of intensity and/or orientation of uses may result.



### Transportation Access and Impact (Proffer 2)

As noted, several proffers are proposed to be amended that would change the access to the site, deleting the requirement for inter-parcel access to signalized intersections at Parkway Boulevard to the east, and Wolverine Way to the west. The proffers would still require connection to Wolverine Way if approved by the School Board, and no additional improvements would be required to Wolverine Way. This does not guarantee that the connection would occur.

Overall, this amendment, and removing the recreation facility, reduces the traffic generated from the site. The following are the estimated peak hour trips, as evaluated in a Traffic Impact Study and Operational Analysis.

- 223 AM peak hour trips (reduction from 338)
- 372 PM peak hour trips (reduction from 436)
- 349 Saturday peak hour trips (reduction from 532)

Further reductions in the peak hour trips are reflected in the latest GDP and described later in this background report.

Although the trips have been greatly reduced, the new traffic pattern proposed warrants reevaluation of the traffic impacts. The initial Traffic Study, focusing on the site entrance and new slotted directional left turn lane identified the following impacts:

- The left turn movement would perform at a Level of Service of F in the AM peak hour.
- Vehicle stacking of 208 feet would exceed the 200 feet of storage in the near-term but improve after future widening of Garrisonville Road. This would mean that left turning vehicles would block the left westbound through lane.

Staff questioned the impacts to the adjacent signalized intersections at Parkway Boulevard and Wolverine Way, asking if U-turn movements increase without the inter-parcel connections. The applicant performed an Operational Analysis (Attachment 10) of the impact on these intersections. The Analysis looked at multiple alternatives, including with and without a dedicated westbound (WB) left turn lane and inter-parcel connection to Wolverine Way:

- Scenario 1: With dedicated WB left turn lane into Site on Garrisonville Road
- Scenario 2: Without dedicated WB left turn lane into Site on Garrisonville Road
- Scenario 1A: With dedicated WB left turn lane on Garrisonville Road & with inter-parcel connection from Wolverine Way
- Scenario 2A: Without dedicated WB left turn lane on Garrisonville Road & with inter-parcel connection from Wolverine Way

In addition, the TIA considers impacts before and after the widening of Garrisonville Road to 6 lanes.

Below are the key findings of the effect on the site at full-buildout in 2020, without the widening of Garrisonville Road to 6 lanes, since there is currently no funding committed for this project:

- The alternative that appears to have the least impact on westbound traffic utilizing left turn lanes is Scenario 1 - WB left-turn lane into site without inter-parcel connection from Wolverine Way even though it will have operational problems.

- Not having a dedicated WB left turn lane into the site, severely impacts the Wolverine Way WB left turn in the AM peak hour.
  - With a dedicated WB left turn into the site on Garrisonville Road, the westbound left turn to Wolverine Way functions at LOS E with 72.6 seconds of delay (1.21 minutes).
  - Without the dedicated left, the same movement deteriorates to LOS F with 218.7 seconds of delay (3.64 minutes).
- At full buildout in 2020, with the inter-parcel connection from Wolverine Way, in the AM peak, the dedicated WB left-turn functions better, but in-turn deteriorates the WB Wolverine Way left-turn.
  - On-site WB left turn, without inter-parcel connection: LOS F with 83.2 seconds of delay (1.39 minutes).
  - On-site WB left turn, with inter-parcel connection: LOS E with 44.4 seconds of delay (0.74 minutes).
  - Wolverine Way exiting WB left turn, with inter-parcel connection: LOS F with 109.1 seconds of delay (1.82 minutes).
- The worst AM peak condition is at the Wolverine Way exiting WB left turn without on-site WB left turn lane and with inter-parcel connection - LOS F with 265 seconds of delay (4.42 minutes).
- At Parkway Boulevard, the site would cause some slight increases in delay, but not to the extent of the Wolverine Way Intersection.

VDOT commented (Attachment 11) on the Operational Analysis. The comments note that the new slotted left turn break in the median will require a spacing exception (from VDOT) due to the proximity to the two adjacent signalized intersections. The applicant must prove that the intersection will function safely and not impact or be impacted by the existing intersections. Should the exception be denied, the access to the site will be limited to a right-in/right-out entrance.

#### Recent Revisions to Development Proposal

The latest version of the GDP, submitted subsequent to the Planning Commission review, further reduced the amount of traffic generated by replacing the 216,270 square feet of office use with 71,725 square feet of office use and a 120,000 square-foot self-storage facility. A comparison of the peak hour trips between the original and recent proposals is provided below.

<u>Peak Hours</u>	<u>Original Development (2012)</u>	<u>P.C. Reviewed GDP</u>	<u>Currently Proposed GDP</u>
AM	338	223	209
PM	436	372	327
Saturday	532	349	476

The amount of traffic reflected in the latest GDP would likely reduce the projected negative impacts. The degree of the reduction to impact is unknown as the applicant has not reevaluated the traffic impacts based on this new development concept. In addition, the applicant has not proffered that the amount of development will be limited to that shown on the GDP. As a result, a more intense development may still occur.

Emergency Access (Proffer 2.b.(ii.))

The proffer require additional access to the site via full inter-parcel connections that will provide secondary emergency access. Although the new language does not guarantee full inter-parcel access, the proffers do require at least one gated secondary emergency access be provided.

Emergency access was requested via Kimberley Drive. During the public hearing, the adjacent residents were opposed to that concept. As a result, it has been removed from consideration.

Transitional Buffer (Proffer 3.a.)

The proffers maintains the requirement to provide a 50-foot transitional buffer and deletes language that would of allowed for a 50% reduction with the inclusion of a fence. The applicant is building the fence without seeking a reduction in buffer width. The applicant is modifying the berm requirement to be optional and to be determined based on topography. As noted, the previously required berm and 8-foot board on board fence may be substituted with new landscaping and/or preservation of existing trees, determined after consultation with the adjacent Park Ridge homeowners at the time of final construction plan. Staff believes this is fair because in certain situations, a berm may be ineffective due to the change in elevation. In addition, this is responsive to citizen comments during the public hearing. Different buffer methods were cited as preferences by the adjacent residents.

Prohibited Uses (Proffer 4.a.)

The applicant added several uses that are not identified as uses in the County's Zoning Ordinance, which may be difficult to enforce. The applicant was made aware of this concern, but wishes to retain these restrictions as an assurance to the adjacent residents in Park Ridge. Other changes involved correcting inconsistencies in the proffer, removing redundancies that applied to areas within 200 feet and across the entire site.

Development Phasing (Proffer 4.b.)

Given the negative impacts to the transportation network, the applicant was asked to consider phasing the development by limiting development on the site based on VPD estimates in the traffic study. The applicant added proffer 4.b., which established two phases identifying an amount of development and general uses. Also, the proffer states the phasing identifies the general order of development and allows development to occur in phase 2 before phase 1 is complete. The flexibility in the language makes the proffer ineffective.

Also, the proffer limits full-buildout within three years of approval, unless Garrisonville Road is widened or a traffic study provided. Staff notes that the widening of Garrisonville Road at this location will not occur within this timeframe and the site would not buildout, given a site this size and the normal development process. The County Capital Improvement Program identifies funding for the widening of Garrisonville Road for the years FY19-21. Construction would occur after 2021 when the project is fully funded.

Hours of Operation (Proffer 4.b. (old) and Proffer 12 (new))

Hours of operation restrictions for all uses are being deleted from the proffers, and in its place would now apply only to refuse collection and deliveries by large trucks between the hours of 6:00 a.m. and 10:00 p.m. and any car wash use between the hours of 7:00 a.m. and 9:00 p.m. Consideration should be given as to the effect this may have on the adjacent residential uses.

### Recreation Facility Related Proffers (Multiple Proffers)

In addition to the proffers proposed to be deleted that directly related to the Recreation Facility, other indirectly related requirements are proposed to be deleted too, including a requirement to construct a pedestrian trail from the site to Park Ridge Elementary, and entering in shared parking agreements with these schools to allow overflow parking for large events. These requirements would no longer be related to the office park development.

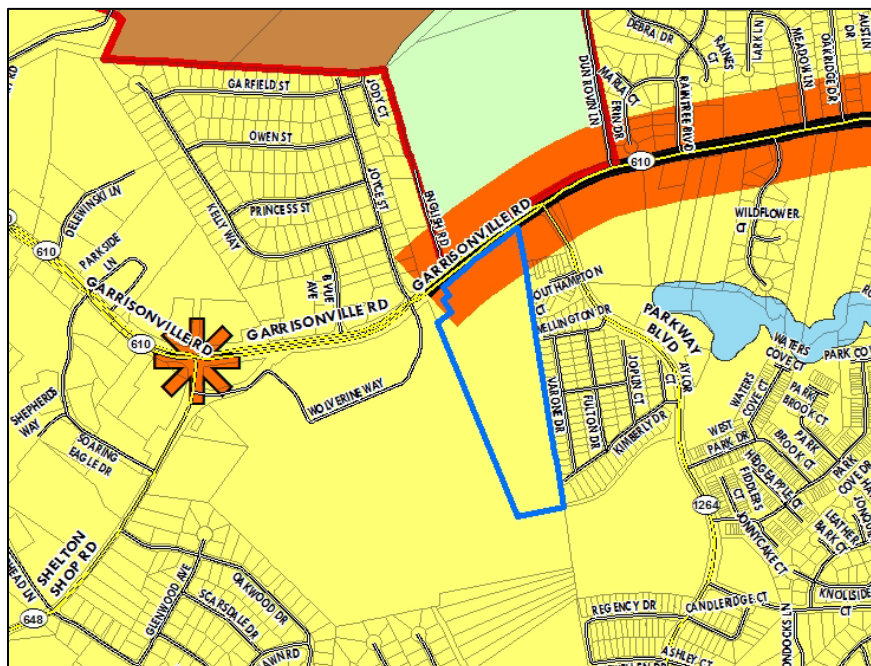
The applicant is maintaining the requirement to provide a sidewalk or trail to North Stafford High School (Proffer 10.a.) with new design standards.

### OTHER EVALUATION:

#### Comprehensive Plan

The Comprehensive Plan identifies the property within a recommended Commercial Corridor and Suburban Area land use designation. Commercial corridors are intended to encourage commercial activities where there are adequate transportation facilities to accommodate proposed uses. Suburban areas of the County are areas where suburban scale of development is most appropriate. Suburban scale of development is considered single-family detached dwelling units, typically on  $\frac{1}{4}$  to  $\frac{1}{2}$  acre lots, which may include community amenities and are buffered from any adjacent commercial development. These areas are intended to serve as infill development in the proximity of the established communities in the northern and southern areas of the County and in close proximity to major existing or planned transportation networks.

Development densities should not exceed three dwelling units per acre for residential development and a floor area ratio (FAR) of 0.4 for non-residential development. Staff believes the proposed amendments to the proffers maintain the site's consistency with the Comprehensive Plan recommendations in the 2016 - 2036 Plan.



*Future Land Use Plan*

EVALUATION CRITERIA:

Stafford County Code Sec. 28-206, lists 12 criteria to be considered at each public hearing for reclassification. A summary of each follows:

1. Compliance of the request with the stated requirements of the district or districts involved - *The uses depicted on the GDP is in compliance with the stated requirements of the B-2 Zoning District. Several uses will require future CUP approval.*
2. The existing use and character of the property and the surrounding property - *The Property is currently undeveloped. The adjacent properties include a residential development to the east and a high school to the west and south. Office uses and undeveloped land are adjacent along Garrisonville Road.*
3. The suitability of the property for various uses - *The conditions of the site make it suitable for a variety of uses. The site is generally level. The location of sensitive resources allows for the creation of large development pads with minimal impacts.*
4. The trend of growth and development in the surrounding area - *The area is a mix of residential and some commercial uses as well as County school facilities. The commercial uses are located within a commercial corridor designated in the County Comprehensive Plan. Garrisonville Road is identified as a commercial corridor from I-95 to the Garrisonville Road/Joyce Street/Wolverine Way intersection.*
5. The current and future requirements of the county for land - *Proffers already require the dedication of right-of-way, consistent with the County's Plans to widen Garrisonville Road to six lanes.*
6. The transportation requirements of the project and the County, and the impact of the proposed land use on the County's transportation network - *The full buildout of the site may have a negative impact on the transportation network. Several turning movements under different scenarios could result in a LOS F, which is inconsistent with Comprehensive Plan Policies that recommend new development maintain an LOS C or better, or not further degrade the network. However, the proposed uses would result in an overall reduction in vehicle trips compared to the current zoning.*
7. Requirements for schools, parks, recreational lands and facilities, and other public services, potentially generated by the proposed classification - *The proposal would not have any increased impact on schools or parks and recreational lands and facilities. The proffer amendments may increase the need for fire, rescue and emergency services if future buildings are being used for offices rather than retail space.*
8. The conservation of property values in the surrounding area - *Staff believes that the project would not have a negative effect on any property values in the surrounding area should potential noise issues be addressed and appropriate buffering be provided.*
9. The preservation of natural resources and the impact of the proposed uses on the natural environment - *The site is large enough to adequately accommodate development outside of the sensitive natural resources, including the CRPA stream and intermittent stream and wetlands at the southern end of the site.*

10. The most appropriate use of land - *The Land Use Plan recommends a commercial corridor within suburban land use in this location. The use is consistent with the development trend in the area, and it could provide services to support area neighborhoods.*
11. The timing of the development of utilities and public facilities and the overall public costs of the development - *Public water and sewer utilities are located in the vicinity of the project and are adequate to serve this site. The cost of connecting to the existing utilities and transportation improvements will be borne by the applicant.*
12. The consistency, or lack thereof, of the proposed rezoning with the Stafford County Comprehensive Plan as in effect at that time - *The proposal is consistent with the Comprehensive Plan Land Use recommendations and inconsistent with the Transportation Plan recommendations.*

SUMMARY OF POSITIVE AND NEGATIVE FEATURES:

POSITIVE:

1. The proposal is in conformance with the Comprehensive Plan land use recommendations.
2. The proposal updates proffers to reflect current development potential.
3. Minimizes impacts on natural resources.

NEGATIVE:

1. Negative impacts on the transportation network, which are inconsistent with Comprehensive Plan Transportation recommendations.
2. Type and location of uses ultimately to be developed on the site are unknown.
3. Potential noise impacts on adjacent properties if drive-through use is developed without mitigating measures.

RECOMMENDATION:

Staff has concerns related to potential traffic impacts with the development at full-build-out prior to the widening of Garrisonville Road. The proposed proffer amendment could reduce the overall number of daily vehicle trips compared to what is currently permitted. Recreational use on the property and access to off-site properties may not be easily achievable.

On August 24, 2016, the Planning Commission voted 6-0 to recommend denial of the application with the amended proffers.



O16-27

PROPOSED

BOARD OF SUPERVISORS  
COUNTY OF STAFFORD  
STAFFORD, VIRGINIA

ORDINANCE

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, George L. Gordon, Jr., Government Center, Stafford, Virginia, on the 13<sup>th</sup> day of December, 2016:

MEMBERS:

Robert “Bob” Thomas, Jr., Chairman  
Laura A. Sellers, Vice Chairman  
Meg Bohmke  
Jack R. Cavalier  
Wendy E. Maurer  
Paul V. Milde, III  
Gary F. Snellings

VOTE:

On motion of , seconded by , which carried by a vote of , the following was adopted:

AN ORDINANCE TO AMEND AND REORDAIN THE STAFFORD  
COUNTY ZONING ORDINANCE BY AMENDING THE  
PROFFERED CONDITIONS ON TAX MAP PARCEL NO. 20-12  
ZONED B-2, URBAN COMMERCIAL ZONING DISTRICT,  
WITHIN THE GARRISONVILLE ELECTION DISTRICT

WHEREAS, 799 Garrisonville, LLC submitted application RC15151046 requesting an amendment to proffered conditions on Tax Map Parcel No. 20-12, zoned B-2, Urban Commercial, within the Garrisonville Election District; and

WHEREAS, the Board carefully considered the recommendations of the Planning Commission and staff, and the public testimony, if any, received at the public hearing; and

WHEREAS, the Board has considered the criteria in Stafford County Code Sec. 28-206 and finds that the requested zoning and proffer amendments meet the criteria and are compatible with the surrounding land uses and zoning; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, and good zoning practice require adoption of an ordinance to amend proffered conditions on the subject property;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 13<sup>th</sup> day of December, 2016, that the Stafford County Zoning Ordinance be and it hereby is amended and reordained by amending the proffered conditions on Tax Map Parcel No. 20-12 zoned B-2, Urban Commercial Zoning District, as specified in the final proffer statement entitled, "Proffers," revised and dated December 2, 2016.

AJR:JAH:mz

R16-189

PROPOSED

BOARD OF SUPERVISORS  
COUNTY OF STAFFORD  
STAFFORD, VIRGINIA

RESOLUTION

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, George L. Gordon, Jr., Government Center, Stafford, Virginia, on the 13<sup>th</sup> day of December, 2016:

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MEMBERS:

Robert “Bob” Thomas, Jr., Chairman  
Laura A. Sellers, Vice Chairman  
Meg Bohmke  
Jack R. Cavalier  
Wendy E. Maurer  
Paul V. Milde, III  
Gary F. Snellings

VOTE:

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On motion of , seconded by , which carried by a vote of , the following was adopted:

A RESOLUTION TO DENY AN APPLICATION TO AMEND AND REORDAIN THE STAFFORD COUNTY ZONING ORDINANCE BY AMENDING THE PROFFERED CONDITIONS ON TAX MAP PARCEL NO. 20-12 ZONED B-2, URBAN COMMERCIAL ZONING DISTRICT, WITHIN THE GARRISONVILLE ELECTION DISTRICT

WHEREAS, 799 Garrisonville, LLC submitted application RC15151046 requesting an amendment to proffered conditions on Tax Map Parcel No. 20-12, zoned B-2, Urban Commercial, within the Garrisonville Election District; and

WHEREAS, the Board carefully considered the recommendations of the Planning Commission and staff, and the public testimony, if any, received at the public hearing; and

WHEREAS, the Board determined that the requested zoning is incompatible with the surrounding land uses and zoning;

WHEREAS, the Board has considered the criteria in Stafford County Code Sec. 28-206 and finds that the requested zoning and proffer amendment do not meet the standards of the Zoning Ordinance for a zoning and proffer amendment;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 13<sup>th</sup> day of December, 2016, that application RC15151046 be and it hereby is denied.

Assessor's Parcel 20-12

RC 15151046~~SSCA, LLC Patriot's Crossing~~~~Revised April 10 December~~~~18, 2012 April July 5 December 2, 2016~~**PROFFERS**

~~SSCA, 799 Garrisonville LLC, ("Owner/the Applicant"), has applied for a rezoning of an amendment to the proffered conditions on~~ Assessor's Parcel 20-12, consisting of approximately 23.77 acres, (the "Property") ~~to the which is zoned~~ B-2, Urban Commercial ~~Zoning District~~ and hereby proffers that the use and development of the subject property shall be in substantial conformance with the following conditions. In the event the above referenced reclassification is not approved as applied for by the Applicant, the below described proffers shall be withdrawn and are automatically null and void and of no further force and effect.

1. **Generalized Development Plan** - The Applicant agrees that the development of the Property shall be in conformance with the Generalized Development Plan ("GDP") ~~dated February 17, 2011~~ ~~and revised October 4, 2011~~ ~~January 18, 2015, revised March 24 May 17 July 7 October 17, 2016,~~ prepared by ~~Williams Enterprises, Inc., Fairbanks and Franklin,~~ insofar as ~~location of the Recreational Enterprise Building, travel ways, entrances, pedestrian trails as identified in Proffer 10a, and transportation improvements identified below in Proffer 2 the general location of the buffers, parking areas, travelways, right-of-way entrances, pedestrian access, building height in stories, and transportation improvements identified in Proffer 2.~~ All other improvements shown are illustrative only and are subject to modification.
2. **Transportation**
  - a. **Site Access.**— The Property shall be accessed by ~~a one~~ right-of-way entrance from Garrisonville Road in the approximate location shown on the GDP. ~~The primary entrance shall be located on Garrisonville Road, across from English Road The right-of-way entrance shall be~~ and designed as a right-in, right-out, entrance and, subject to approval for Phase I by the Virginia Department of Transportation at the time of final construction plan approval, or at such time as approved by VDOT, the applicant shall be permitted to have construct a slotted left turn directional median break with a 100' taper as shown on the GDP. If the slotted left turn directional median break is not approved by VDOT at the time of the final construction plan approval for Phase I, the applicant shall, if allowed by VDOT, extend the westbound Garrisonville Road left turn lane at the intersection of Wolverine Way to increase the vehicle stacking, and

shall make signal timing changes appropriate to address the lane modifications. If the westbound left turn lane is extended as described above, the applicant shall have no obligation to provide the slotted left turn lane at the entrance to the property. The site may also be accessed from Parkway Boulevard and Wolverine Way, through interparcel connections described below.

**b. Interparcel Connection** —If required at the time of final construction plan review and approval, one or both of the following interparcel connections shall be provided:

(i) Eastern Connection. The Applicant shall design the parking area and internal travelways to allow an interparcel connections to provide access to Assessor's Parcel 20-13 and Assessor's Parcel 20S-22-A, but shall not be required to construct the portion of the connection on the applicant's property unless there is a commitment by others to construct the paved connection and associated site modifications needed on parcel 20S-22-A. The location of the connection on parcel 20S-22-A shall be coordinated with the applicant at the time that the construction plan for this portion of the applicant's property is under review, and the location of the connection shall not conflict with the buffer shown on the GDP adjacent to The Gates of Park Ridge. The commitment to construct the connection to the parking area on parcel 20S-22-A shall be in the form of conveyance of all required easements for use and construction of the connection and a construction plan approved by the County for said improvements on 20S-22-A.

(ii) Western Connection.

a. The Applicant shall design the parking area and internal travelways to allow an interparcel connection to provide access to Assessor's Parcel 20-13 and shall construct the connection on the applicant's property to the property line when the portion of the property where the interparcel connection is shown on the GDP develops, or not later than occupancy of 124,000 square feet of building area within the development.

b. If at the time within 30 days of final construction plan review and approval for Phase II of the portion of the applicant's property where the interparcel connection to Parcel 20-13 is shown on the GDP, the Stafford County School Board approves and grants the easements and improvements necessary to construct extend the interparcel connection

to Wolverine Way, the applicant shall construct ~~the an~~ interparcel connection on the School property to complete the portion of the interparcel connection across its property to the property line and on to the School property to complete the portion of the interparcel connection from the subject site to the Wolverine Way, prior to occupancy of 124,000 square feet of building area within the development. If the interparcel connection to Wolverine Way is not approved by the Stafford County School Board, the Ceounty Transportation Department and VDOT for use by commercial traffic, ~~the connection~~ interparcel connection shall be built only on the applicants property and shall be restricted to use only for emergency access and shall be blocked with bollards to prevent nonemergency by passenger cars or trucks.

c. If the interparcel connection to Wolverine Way is approved for full time use and access by commercial traffic and the necessary easements are granted within the time period set forth in paragraph ii (b) above , the applicant shall:

1. Subject to approval by the County and VDOT and the availability of the right-of-way and all easements necessary, construct improvements at the intersection of Wolverine Way and Garrisonville Road consisting of the following:

a. An additional lane on Wolverine Way that shall be utilized as a dedicated right turn lane onto Garrisonville Road from Wolverine Way. Said lane shall be a maximum of 14 feet in width.

b. Relocation one of the existing traffic signal mast arms to allow construction of the additional lane described above.

c. Traffic signal improvements, including if necessary, the addition of one traffic signal head to allow right turns on to Garrisonville Road.

~~b.d.~~ Additional improvements such as signs, striping of the turn lanes and additional minor adjustments at the



intersection, or,

- c. **Right -of -Way Dedication** – The Applicant shall dedicate right-of-way along the Property's frontage on Garrisonville Road as shown on the GDP.
- d. **Right Turn Lanes** – Subject to Virginia Department of Transportation (VDOT) approval, the Applicant shall construct a separate right turn lane on Garrisonville Road to serve the main entrance, with a 100 foot long taper.

~~e. **Left Turn Lane**—Subject to VDOT approval, the Applicant shall construct a westbound left turn lane on Garrisonville Road along the Property's frontage as shown on the GDP with a 100 foot long taper, and shall extend the westbound left turn lane on Garrisonville Road serving as the Parkway Boulevard access as shown on the GDP.~~

~~**Traffic Signal and Intersection Modification**—Subject to VDOT approval, the Applicant shall modify the traffic signal timings, adjust the northbound right turn lane phase to run “protected only” with an overlap, and modify the signal timing splits at the Garrisonville Road/Joyce Street/Wolverine Way intersection and the Garrisonville Road/Parkway Boulevard intersection.~~

- ~~f.e. **Frontage Improvements** – The Applicant shall construct curb, and gutter along portions of, ~~and sidewalk on~~ the Property's frontage on Garrisonville Road and as required by State and County standards as determined during the construction plan review.~~

- ~~g. **Additional Transportation Improvements for Wolverine Way**—When the interparcel connection at Wolverine Way is constructed, and subject to VDOT approval, the Applicant shall (i) widen the northbound approach of the Garrisonville Road/Wolverine Way intersection to provide a left turn lane, a shared left through-right, and a separate right turn lane as shown on the GDP, (ii) widen the southbound lanes of Wolverine Way to provide a separate left turn lane at the proposed interparcel access, and (iii) extend the existing 210 foot westbound left turn lane at the Garrisonville Road/Wolverine Way intersection an additional 165 feet, resulting in a 375 foot long turn lane. Subject to VDOT approval, the interparcel access shall not be open for use by the public until such time that the indoor pool within the recreational enterprise is constructed and open to the public.~~

~~**Interparcel Access at Parkway Boulevard**—Subject to VDOT approval, the~~

~~Applicant shall modify the interparcel access at the Garrisonville Road/Parkway Boulevard intersection to prevent left turning movements onto Parkway Boulevard.~~

- ~~h.~~ **f. Limitation on Cost of Transportation Improvements.** Under all circumstances, the Applicant shall not be obligated to expend in excess of \$275,000.00 to construct the Site Access improvements described in proffered condition 2.a. above and the improvements associated with Wolverine Way described in proffered condition 2.b.(iii) above (to the extent same are approved by the parties required to approve the same). In the event that VDOT permitting requirements cause the overall cost to construct the Site Access improvements described in proffered condition 2.a. above and the improvements associated with Wolverine Way described in proffered condition 2.b.(ii) above to exceed \$275,000.00, the Applicant shall be required only to make a monetary contribution to the Stafford County School Board for Improvements to the Wolverine Way/Garrisonville Road intersection in lieu of constructing the Site Access improvements described in proffered condition 2.a. above and the improvements associated with Wolverine Way described in proffered condition 2.b.(ii). Such cost determination shall be made and such contribution shall be made not later than the time of commencement of site development in the area of Phase II of Patriot's Crossing. In the event that such monetary contribution of \$275,000.00 is made, such contribution shall be conditioned upon an agreement by the Stafford County School Board to grant to the Applicant, its successors and assigns, the necessary easements to allow full ingress and egress to and from Patriots Crossing through the North Stafford High School property and Wolverine Way to and from Garrisonville Road and to build the improvements associated with Wolverine Way described in proffered condition 2.b (ii) within years from the date such contribution is made.

**3. Buffers** – Perimeter buffers shall be provided as follows:

~~**Width**~~—The buffer between the Proffer and

- a.** ~~A buffer shall be provided adjacent to the Park Ridge residential community and shall be a minimum of 50' feet in width as depicted on the GDP. and inclusion of a fence or berm shall not result in a reduction in width as normally permitted in the DCSL. Landscape /screening shall be provided pursuant to buffer C standards in section 110.3 of the DCSL, or alternative materials shall be allowed to provide an equivalent or improved level of screening. A combination of new landscaping, existing trees, 8-foot solid board fence, or landscaped berm located within the~~

buffer shall be used to provide a screen between the subject property and the Park Ridge community. The planting of new landscaping, preservation of existing trees, and/or use of the screening fence or landscaped berm shall be determined during the review and approval of the final construction plan based on the topography of the properties, the height of the buildings proposed in close proximity to the common property line, and the character of the existing vegetation in the buffer after consultation with the Gates of Park Ridge homeowners and the Greens of Park Ridge homeowners. A landscaped berm shall be considered in those areas, if any, where the topography requires the removal of existing mature trees.

**b.** Adjacent to the North Stafford High School property, the buffer shall be a minimum of 35 feet in width and landscape/screening shall be provided in the buffer pursuant to buffer B standards in section 110.3 of the DCSL.

**a.c.** Adjacent to Garrisonville Road, the buffer shall be a minimum of 25 feet in width and landscaping shall be provided in the buffer pursuant to Transitional Buffer B standards in section 110.2 (2).

**b. Fence** ~~— The Applicant shall install an 8' board on board or opaque fence between the Property and the Park Ridge community as shown on the GDP. Subject to approval of a waiver from Section 110.0 (e) of the DCSL by the Planning Director, the Applicant shall erect the fence in such a manner that the landscaping is located between the fence and the Park Ridge community.~~

**e.d. Landscaping** – A mix of evergreen and deciduous trees shall be employed in any screening areas, with a minimum of 40% evergreens. ~~The Applicant shall preserve existing vegetation where practicable along the Property line that is abutting the Park Ridge community.~~

#### **4. Maximum Size and Permitted Uses –**

**a. Maximum Size** ~~— The Applicant agrees that there will be a maximum of 256,100 square feet of buildings constructed on the site. There shall be no more than 59,500 square feet of commercial uses constructed on the Property that are not part of the recreational enterprise use.~~

**b. Hours of Operation** ~~— The Hours of Operation of all uses on the site shall be limited to 5:00 a.m. — 12 midnight daily, seven days per week, except that the~~

~~Recreational Enterprise shall be permitted to host a maximum of two "lock-ins" per month, when special activities occur permitting overnight use. During a "lock-in", participants shall not be allowed to leave the building between 12 midnight and 5:00 a.m.~~

**e.a. Uses**

**(i) Permitted Uses.** All uses allowed in the B-2, Urban Commercial zoning district shall be permitted with the exception of uses specifically prohibited herein.

**(ii) Prohibited Uses within 200 feet of Garrisonville Road.** The following uses shall be prohibited within 200 feet of the Garrisonville Road right-of-way:

1. Auto Service
2. Automobile Repair
3. Boat Sales
4. Building material sale and storage yard and mulch sale, but this exclusion shall not be deemed to prohibit or otherwise restrict a home improvement or general retail store
5. ~~Car Wash~~ Funeral Home
6. Indoor Flea Market
7. Motor Vehicle Rental
8. Motor Vehicle Sales
9. Outdoor Flea Market

**(iii) Prohibited Uses, Generally.** The following uses shall not be permitted at any location on the property:

1. Abattoir
2. Abortion clinic or Planned Parenthood facility (or any clinic or other facility for the termination of pregnancies)
3. Adult Businesses
4. Adult (pornographic) book store, sex shop or any establishment selling or exhibiting pornographic materials or drug-related paraphernalia
5. Auto body repair shop

6. Bar, unless part of a full-service restaurant ~~or microbrewery~~
7. Central laundry
8. Commercial truck sales, leasing, display or repair
9. Drug rehabilitation center or clinic
10. Dumping, disposing, incinerating, or reduction of garbage on-site
11. Fire sale, tent sale, disaster or liquidation sale, (except as permitted in connection with Tenant's bankruptcy)
12. Massage parlor except licensed massage therapists
13. No outdoor sales of any kind without Seller's approval
14. Operations involving manufacturing, refining and smelting
15. Outdoor sales or displays of merchandise associated with any surplus store, including any store whose primary purpose is the of insurance salvage stock.
16. Pawn shop
17. Recreational enterprises larger than 40,000 square feet
18. Refuge center
19. Storage and distribution of motor fuel (not to exclude vehicle fuel sales)
20. Warehouse, storage (not to exclude warehouse, mini-storage)

The Landlord reserves the right in its sole discretion to impose further use restrictions and Rules and Regulations in the future as it deems necessary.

- ~~Any operation primarily used for assembly, manufacturing, distilling, refining or smelting;~~
- ~~Any pawn shop;~~
- ~~Any second hand store except shops dealing with antiques, collectables or historical items;~~
- ~~A ny surplus store, including any store whose primary purpose is the of insurance salvage stock. No outdoor sales of any kind without Seller's approval;~~
- ~~Any civic or social lodge;~~
- ~~Any drug rehab center;~~
- ~~Any refuge center;~~

- ~~— Any industrial warehouse;~~
- ~~— Any fire sale, tent sale, disaster or liquidation sale, (except as permitted in connection with Tenant's bankruptcy);~~
- ~~— Any central laundry;~~
- ~~— Any commercial truck sales, leasing, display or repair. Any automobile, RV or other vehicle sales or repair facility, including tires, batteries or accessories;~~
- ~~— Any mortuary, crematorium or funeral home;~~
- ~~— Any massage parlor except licensed massage therapists;~~
- ~~— Any adult (pornographic) book store, sex shop or any establishment selling or exhibiting pornographic materials or drug related paraphernalia;~~
- ~~— Any dumping or disposing of garbage;~~
- ~~— Any incineration or reduction of garbage;~~
- ~~— Any bar, unless part of a full-service restaurant or microbrewery;~~
- ~~— Any parking deck;~~
- ~~— Any abattoir;~~
- ~~— Any body repair shop;~~
- ~~— Any storage distribution of motor fuel;~~

1. ~~The Landlord reserves the right in its sole discretion to impose further use restrictions and Rules and Regulations in the future.~~

~~A swimming pool shall be built within the recreational enterprise building, with a minimum length of 25 yard and designed to provide a~~



~~minimum of 10 lanes.~~

b. Phasing – The purpose of identifying phase areas for development is to address concerns regarding potential impacts of the subject development on the transportation network while recognizing 1) that nonresidential growth adds to the County's tax base assisting in the funding of all types of public infrastructure and services and 2) nonresidential growth provides opportunities for local services and employment that reduce the length of travel of vehicular trips using the road network. With these aspects of growth in mind, two phase areas are identified. The area defined as Phase I is generally that area within 200 feet of Garrisonville Road. Phase II is generally that area that is the remainder of the property.

(i) Phase I - The first phase ~~area~~ is anticipated to ~~include~~ retail oriented and retail uses shall be limited to a maximum of 50,000 square feet. For the purpose of this phasing proffer, "retail" shall be defined as the sale of goods directly to members of the public for their use, the sale of food or food products directly to the public for on or off-premises consumption, or the provision of individual personal care services such as a barber shop, beauty salon or nail salon. Phase I may also include a combination of uses that include nonretail uses allowed in the B-2 zone by-right or contingent on issuance of a conditional use permit if required.

(ii) Phase II - The second phase area is anticipated to include a greater percentage of offices and retail services than Phase I. However, non-retail commercial uses that add to the tax base of the County shall be allowed to proceed, or to be constructed concurrently with construction of the uses in Phase I. For a period of three years from the approval of the proffer amendment requested herein, full build-out of uses on the property shall be allowed only if with the planned upgrade of Garrisonville Road from four lanes to six lanes along the Property frontage is completed, or a revised traffic study demonstrates that the ~~development~~ proposed at the time of site plan approval is in compliance with minimum VDOT level of service standards.

The phasing described above is intended to define the anticipated general order of development. Portions of phases (subphases) may be developed rather than requiring completion of the full square footage in the phase; provided, however, that roads, stormwater management, landscaping and related minimum infrastructure necessary to serve such building(s), phase(s) or subphase(s) shall be constructed and available to support the building(s), phase(s) or subphase(s) as these improvements are constructed.

(f)

~~d. Phasing The property shall be developed in two phases.~~

- (i) ~~Phase I~~. The first phase of development shall be limited to the construction of the indoor recreation use (the indoor athletic field and the swimming pool(s) and a maximum of 24,000 square feet of commercial uses. The maximum 24,000 square feet of commercial uses shall not include a day care center, and shall include one maximum 3,200 square foot fast food restaurant with drive through, one maximum 6,500 square foot sit down restaurant, and one maximum 14,500 square foot pharmacy with drive through, or other office/retail uses that generate equivalent or lower traffic. Development of the drive through uses shall be contingent on issuance of a conditional use permit if required.
- (ii) ~~Phase II~~. The second phase of development shall permit construction of the remainder of the commercial uses not built as part of Phase I. Phase II shall not be constructed until the planned upgrade of Garrisonville Road from four lanes to six lanes is completed along the Property's frontage, or until a revised traffic study is completed and submitted for VDOT and County review, which shows that construction of the additional uses will not degrade the adjacent roadways after mitigation.

## **5. Architectural Design –**

~~**a. Recreation Enterprise Building**~~ – The recreational enterprise building shall be constructed in accordance with the renderings entitled Building Material/Colors, prepared by PAE (Peter A. Edivan) dated February 8, 2011.

~~**b.a. All other buildings on the Property**~~ – ~~For all buildings other than the Recreational Enterprise building,~~ The principle exterior building material on the Property shall be brick, stone, glass, architecturally textured masonry, architectural pre-cast or job-cast concrete, stucco type material, cement fiber, Hardiplank, cementitious products, architectural aluminum or metals, or comparable materials. No building having metal siding or non-textured cinder block as a principal exterior building material shall be constructed. A flat or pitched roof or varied architectural detailing, such as varied cornices and roof-edge detailing, shall be used. Dominant colors shall generally be of low reflectance, subtle, and neutral or earth tone colors (e.g. such as beige, sage, forest greens, blues, grays, brown, terracotta, sand, cast stone, etc.) and shall not include high intensity black, bright white or fluorescent tones. Nothing herein shall be

construed to prohibit a national and/or regional retail user ~~of this building~~ on the Property from reasonably employing general features of its prototype architectural design, provided the building design and colors are consistent with this paragraph.

6. **Building Height** – ~~Any future buildings in the general area 1, 2, 3, where buildings 4, 5 and 6 are identified on the GDP, shall be a maximum of 1 story in height, excluding possible mezzanines. Any future buildings in the general area where The buildings 7, 8 and 9, as identified in the GDP housing the Recreational Enterprise uses shall be no more than 55 feet tall a maximum of buildings 9 is identified on the GDP 8, shall be set back at least 75 feet from the abutting private residential lots in Park Ridge. Any other building located on the Property shall be no more than 36 feet tall.~~
7. **Signage** – The color, design, and materials of all signs on the Property shall be coordinated with the architectural design of the building on the site.
8. **Fire and Rescue Protection** –
  - a. **NFPA-14 Standpipe System:** The Applicant shall install a NFPA-14 Standpipe System within ~~the Recreational Enterprises~~ any building which is used primarily as “recreational enterprise”, as such term is defined in the Stafford County Zoning Ordinance, where required due to the height or area of the use.
  - b. **NFPA-13 Automatic Sprinkler Systems:** The Applicant shall install NFPA-13 Automatic Sprinkler Systems in all buildings that exceed two (2) stories in height.
  - c. **Defibrillator:** The Applicant shall install a defibrillator within the recreational enterprises building, and maintain it in good working conditions at all times.
  - d. **Signal Pre-emption Equipment:** ~~The Applicant shall install signal pre-emption equipment at the traffic signals located at the intersections of Garrisonville Road/Wolverine Way and Garrisonville Road/Parkway Boulevard is used to provide access to the Property, subject to VDOT approval and in accordance with VDOT regulations.~~
9. **Lighting** – The Applicant shall install lighting for the Property consistent with the County requirements within the parking area that is a minimum of 2 to 3 foot candles and is shall be shielded and directed downward and away from residential properties and Garrisonville Road to avoid glare and light spill-over beyond the property lines.

**10-10. Pedestrian Trails Connections.**

a. **Sidewalk/Trails, on-site.** The Applicant shall construct a five foot wide sidewalk or eight foot wide pedestrian trails adjacent to the interparcel connection to Assessor's parcel 20-13 as shown on the GDP connecting the Property with North Stafford High School, ~~and Park Ridge Elementary.~~ The sidewalk/trail shall be constructed at the same time as the interparcel connection and shall match the length of the interparcel connection described in proffered condition 2.b.ii.

(i) A pedestrian connection to the Gates at Park Ridge shall be provided after full development of the Phase I area but no later than release of the bond with the County assuring construction of improvements.

(ii) ~~All The on-site pedestrian~~ trails shall be a minimum of 8 foot in width and constructed with a minimum of 3 inches of asphalt with a proper base course and soil preparation.

~~a.~~(iii) Sidewalk/trails shall have an area ~~of~~ 15 feet in width on each side that is cleared of trees and shrubs, but not grass. Entrances to ~~all the~~ trails shall be equipped with bollards or similar device ~~a gate and/or providing~~ pedestrian openings to prevent use by ATVs and other motorized vehicles. The design of the sidewalk/trail shall be determined at the time of final construction plan review and approval, after consultation with the appropriate School Board representatives.

(iv) **Lighting.** ~~All The sidewalk/trails~~ shall be ~~lighted~~ illuminated. The Applicant shall submit a lighting plan for the proposed sidewalk/trails as part of site construction plan approval. Any lighting infrastructure constructed on school property shall be maintained and become property of the Stafford County School Board.

b. **Sidewalk/Trails, off-site.** Provided that all approvals are granted for the construction of the Western Connection described in proffered condition 2.b.(ii) above, or, if applicable, the monetary contribution referred to above in accordance with proffered condition 2.f. necessary permits and studies such as, but not limited, to perennial flow determinations, cultural resource surveys, wetland delineations, or other environmental studies as may be warranted are performed

and/or secured by the County, the applicant is not obligated to mitigate any environmental or cultural resource impacts, relocate utilities, or construct stairs, ramps or bridges or any other structures, and the Stafford County School Board provides appropriate indemnification, the Applicant shall perform clearing and grading necessary for a five foot wide pedestrian trail on Assessor's parcel 20-13 connecting the North Stafford High School property to Park Ridge Elementary School property as shown on the attached Exhibit entitled "Patriots Crossing Offsite Improvements 11-30-16" prepared by Fairbanks & Franklin. In addition, the applicant shall provide a surfaced trail a minimum of 5 feet in width consisting of a minimum of 3 inches of asphalt with a proper base course and soil preparation. Subject to obtaining the foregoing approvals, and the approvals required for the improvements referred to in proffered condition 2.b.ii., the trail shall be constructed at the same time as site development in the Phase II area of Patriots Crossing, and an area 15 feet in width on each side of the sidewalk/trail shall be cleared of trees and shrubs, stabilized and seeded for grass, all of which shall be at a cost to the Applicant not to exceed \$6,000.00.

#### **11. Use of Indoor Swimming Pool by Stafford County Schools**

- a. — Use by Stafford County Swim Team** — ~~Contingent on the execution of a written agreement with the Stafford County School Board agreeing to (1) the reduction of the perimeter buffer as shown on the GDP, (2) shared overflow parking for special events, and (3) construction and use of an interparcel access from the Property onto Wolverine Way as shown on the GDP, the Applicant agrees to allow the Stafford County High School swim team(s) to access to the 10 lane competition pool (minimum 25 yards in length) at no charge for a period of six years, to be renegotiated on a biennial basis thereafter.~~
- b. — Access** — ~~Access shall be defined as use by one or more Stafford County High School swim teams with a maximum of 10 lanes Monday – Friday between 3:00 p.m. — 4:30 p.m. for regularly scheduled swimming practices when accompanied by School instructors during the competitive season.~~
- c. — Competitive Season Defined** — ~~The competitive swimming season shall be defined to be the months of November through March, or the corresponding schedule as determined by the VHSL (Virginia High School Swim League), and shall be deemed to end after all scheduled competitive swim meets are completed including District and Regional Competition, but shall not continue more than 5~~

~~months per school year. If one or more teams progress to State finals in any year, it shall be the responsibility of the Stafford County School Board to notify the Applicant in writing within 1 week of the end of scheduled competitive season of the number of pool lanes and maximum time needed for team practice for Statewide competitions.~~

~~**12. Cultural Resources**—The Applicant shall provide an architectural survey of the old house on the premises within one year of approval of this rezoning. The survey shall contain a diagram of the floor plan, architectural descriptions, exterior and interior photographs, and the chain of title.~~

**11. CPTED (Crime Prevention Through Environmental Design)** – The Applicant shall install low lying landscaping in/near the location of the light fixtures in order not to block the light.

**12. Limitations on Operating Hours**

a. Refuse collection, and deliveries. Refuse collection and deliveries by large trucks shall be allowed between 6:00 AM and 10:00 PM.

b. Car Wash. The car wash, if any, hours of operation shall be limited to between 7:00 AM and 9:00 PM.

~~**13.c.** The hours of operation for uses allowed in the B-2 district subject to approval of a conditional use permit (CUP) shall be addressed in the CUP based on the specific location and operational characteristics of the use.~~

~~**14. Shared Parking**—Subject to approval by the Stafford County School Board, the Applicant shall enter into a mutual agreement to share parking with Park Ridge Elementary School and North Stafford High School for events generating the need for overflow parking. At no time shall overflow parking on school sites be allowed for special events held on the Property that include the sale of beer, wine or other alcoholic beverages.~~

**13. Stormwater Management** – The Applicant shall design and construct stormwater management for the Property in a manner that provides a 10% reduction in surface runoff (below the predevelopment rate) for the drainage swail located between the parcel identified as Assessor's Parcel Map 20S-22A and the parcels served by Southampton Court. complies with state and local requirements for managing the quality and quantity



of stormwater run-off from the property.

**14. Off-site Clearing and Grubbing.** Provided that (a) all approvals are granted which are required for the construction of the improvements referred to in proffer 2.b.(ii) above, or, if applicable, the monetary contribution referred to above in accordance with proffered condition 2.f. and (b), all necessary permits and studies such as, but not limited to, perennial flow determinations, cultural resource surveys, wetland delineations, or other environmental studies as may be warranted are performed and/or secured by the County, and (c) the applicant is not obligated to mitigate any environmental or cultural resource impacts, relocate utilities, or construct stairs, ramps or bridges or any other structures, and (d) the Stafford County School Board provides appropriate indemnification, the Applicant shall perform clearing and grading at a cost not to exceed \$21,000.00 on approximately 2.8 acres located on Assessor's parcel 20-13, and as approximately delineated on the attached exhibit titled "Patriots Crossing Offsite Improvements prepared by Fairbanks and Franklin, November 30, 2016." Subject to obtaining the foregoing approvals, clearing and grubbing shall be conducted at the same time as site development in the Phase II area of Patriots Crossing.

**15.**

**16. Signage**

- a. — Southampton Court:** ~~The Applicant, at the request of the Gates Homeowner's Association (HOA), shall pay the reasonable cost of a sign at Southampton Court warning that there is no through access on Southampton Court, and is a private drive, or other such language as mutually agreed between the Gates HOA and the Applicant.~~
- b. — Kimberly Drive and Wellington Drive:** ~~The Applicant, at the request of representatives of the Park Ridge community, shall pay a reasonable cost of one (1) sign each at Kimberly Drive and Wellington Drive warning that the streets are private and restricted to local traffic, or other such language as mutually agreed between the Gates HOA and the Applicant.~~
- c. — No U Turn Sign:** ~~The Applicant, if authorized by VDOT, shall fund a sign at the intersection/interparcel access of Park Ridge Blvd. and the Property stating "No U Turn" or other language as requested and approved by VDOT.~~

[SIGNATURES ON FOLLOWING PAGES]

Assessor's Parcel 20-12  
Patriot's Crossing  
July 5 October 19, 2016

Assessor's Parcel 20-12

Patriot's Crossing

July 5 October 19, 2016

—This Proffer Statement supersedes any proffer statement and proffers previously made or submitted in connection with this application and with this Property.

Respectfully Submitted:

799 Garrisonville Road, LLC,  
a Virginia limited liability company

By: \_\_\_\_\_  
Donn C. Hart

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_, to wit:

I, the undersigned, a Notary Public in and for the County and State aforesaid, do hereby certify that Donn C. Hart, whose name as Managing Member of 799 Garrisonville, LLC, is signed to the foregoing Proffer Statement, has personally acknowledged the same before me in my aforesaid jurisdiction.

GIVEN under my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 2016<sup>5</sup>.

My commission expires:

\_\_\_\_\_

\_\_\_\_\_

My Registration No. is: \_\_\_\_\_

Notary Public

Assessor's Parcel 20-12  
Patriot's Crossing

RC 15151046  
Revised December 2, 2016

### **PROFFERS**

799 Garrisonville LLC, ("Owner/Applicant"), has applied for an amendment to the proffered conditions on Assessor's Parcel 20-12, consisting of approximately 23.77 acres, (the "Property") which is zoned B-2, Urban Commercial and hereby proffers that the use and development of the subject property shall be in substantial conformance with the following conditions. In the event the above referenced reclassification is not approved as applied for by the Applicant, the below described proffers shall be withdrawn and are automatically null and void and of no further force and effect.

1. **Generalized Development Plan** - The Applicant agrees that the development of the Property shall be in conformance with the Generalized Development Plan ("GDP") dated January 18, 2015, revised October 17, 2016, prepared by Fairbanks and Franklin, insofar as the general location of the buffers, parking areas, travelways, right-of-way entrances, pedestrian access, building height in stories, and transportation improvements identified in Proffer 2. All other improvements shown are illustrative only and are subject to modification.
2. **Transportation**
  - a. **Site Access**.— The Property shall be accessed by a right-of-way entrance from Garrisonville Road in the approximate location shown on the GDP. The right-of-way entrance shall be designed as a right-in, right-out, entrance and, subject to approval by the Virginia Department of Transportation at the time of final construction plan approval for Phase I, or at such time as approved by VDOT in the future, the applicant shall be permitted to construct a slotted left turn directional median break with a 100' taper as shown on the GDP. If the slotted left turn directional median break is not approved by VDOT at the time of the final construction plan approval for Phase I, the applicant shall, if allowed by VDOT, extend the westbound Garrisonville Road left turn lane at the intersection of Wolverine Way to increase the vehicle stacking, and shall make signal timing changes appropriate to address the lane modifications. If the westbound left turn lane is extended as described above, the applicant shall have no obligation to provide the slotted left turn lane at the entrance to the property.
  - b. **Interparcel Connection** If required at the time of final construction plan review and approval, one or both of the following interparcel connections shall be provided:

(i) Eastern Connection. The Applicant shall design the parking area and internal travelways to allow an interparcel connection to provide access to Assessor's Parcel 20S-22-A, but shall not be required to construct the portion of the connection on the applicant's property unless there is a commitment by others to construct the paved connection and associated site modifications needed on parcel 20S-22-A. The location of the connection on parcel 20S-22-A shall be coordinated with the applicant at the time that the construction plan for this portion of the applicant's property is under review, and the location of the connection shall not conflict with the buffer shown on the GDP adjacent to The Gates of Park Ridge. The commitment to construct the connection to the parking area on parcel 20S-22-A shall be in the form of conveyance of all required easements for use and construction of the connection and a construction plan approved by the County for said improvements on 20S-22-A.

(ii) Western Connection.

a. The Applicant shall design the parking area and internal travelways to allow an interparcel connection to provide access to Assessor's Parcel 20-13 and shall construct the connection on the applicant's property to the property line when the portion of the property where the interparcel connection is shown on the GDP develops, or not later than occupancy of 124,000 square feet of building area within the development.

b. If, within 30 days of final construction plan review and approval for Phase II, the Stafford County School Board approves and grants the easements and improvements necessary to extend the interparcel connection to Wolverine Way, the applicant shall construct an interparcel connection on the School property to complete the portion of the interparcel connection across its property to the property line and on to the School property to complete the portion of the interparcel connection from the subject site to the Wolverine Way, prior to occupancy of 124,000 square feet of building area within the development. If the interparcel connection to Wolverine Way is not approved by the Stafford County School Board, the County Transportation Department and VDOT for use by commercial traffic, interparcel connection shall be built only on the

applicants property and shall be restricted to use only for emergency access and shall be blocked with bollards to prevent nonemergency by passenger cars or trucks.

- c. If the interparcel connection to Wolverine Way is approved for full time use and access by commercial traffic and the necessary easements are granted within the time period set forth in paragraph ii (b) above , the applicant shall:

- 1. Subject to approval by the County and VDOT and the availability of the right-of-way and all easements necessary, construct improvements at the intersection of Wolverine Way and Garrisonville Road consisting of the following:

- a. An additional lane on Wolverine Way that shall be utilized as a dedicated right turn lane onto Garrisonville Road from Wolverine Way. Said lane shall be a maximum of 14 feet in width.
    - b. Relocation of one of the existing traffic signal mast arms to allow construction of the additional lane described above.
    - c. Traffic signal improvements, including if necessary, the addition of one traffic signal head to allow right turns on to Garrisonville Road.
    - d. Additional improvements such as signs, striping of the turn lanes and additional minor adjustments at the intersection, or,

- c. **Right -of -Way Dedication** – The Applicant shall dedicate right-of-way along the Property's frontage on Garrisonville Road as shown on the GDP.
- d. **Right Turn Lanes** – Subject to Virginia Department of Transportation (VDOT) approval, the Applicant shall construct a separate right turn lane on Garrisonville Road to serve the main entrance, with a 100 foot long taper.
- e. **Frontage Improvements** – The Applicant shall construct curb and gutter along



portions of the Property's frontage on Garrisonville Road as required by State and County standards as determined during the construction plan review.

- f. **Limitation on Cost of Transportation Improvements.** Under all circumstances, the Applicant shall not be obligated to expend in excess of \$275,000.00 to construct the Site Access improvements described in proffered condition 2.a. above and the improvements associated with Wolverine Way described in proffered condition 2.b.(ii) above (to the extent same are approved by the parties required to approve the same). In the event that VDOT permitting requirements cause the overall cost to construct the Site Access improvements described in proffered condition 2.a. above and the improvements associated with Wolverine Way described in proffered condition 2.b.(ii) above to exceed \$275,000.00, the Applicant shall be required only to make a monetary contribution to the Stafford County School Board for Improvements to the Wolverine Way/Garrisonville Road intersection in lieu of constructing the Site Access improvements described in proffered condition 2.a. above and the improvements associated with Wolverine Way described in proffered condition 2.b.(ii). Such cost determination shall be made and such contribution shall be made not later than the time of commencement of site development in the area of Phase II of Patriot's Crossing. In the event that such monetary contribution of \$275,000.00 is made, such contribution shall be conditioned upon an agreement by the Stafford County School Board to grant to the Applicant, its successors and assigns, the necessary easements to allow full ingress and egress to and from Patriots Crossing through the North Stafford High School property and Wolverine Way to and from Garrisonville Road and to build the improvements associated with Wolverine Way described in proffered condition 2.b (ii) within five (5) years from the date such contribution is made.

3. **Buffers** – Perimeter buffers shall be provided as follows:

- a. A buffer shall be provided adjacent to the Park Ridge residential community and shall be a minimum of 50 feet in width as depicted on the GDP. Landscape screening shall be provided pursuant to buffer C standards in section 110.3 of the DCSL, or alternative materials shall be allowed to provide an equivalent or improved level of screening. A combination of new landscaping, existing trees, 8-foot solid board fence, or landscaped berm located within the buffer shall be used to provide a screen between the subject property and the Park Ridge community. The planting of new landscaping, preservation of existing trees, and/or use of the screening fence or landscaped berm shall be determined during the review and approval of the final construction plan based on the topography of the properties, the height of the buildings proposed in close proximity to the common property line, and the character of the existing vegetation in the buffer after consultation with the Gates of Park Ridge homeowners and the Greens of

Park Ridge homeowners. A landscaped berm shall be considered in those areas, if any, where the topography requires the removal of existing mature trees.

- b. Adjacent to the North Stafford High School property, the buffer shall be a minimum of 35 feet in width and landscape/screening shall be provided in the buffer pursuant to buffer B standards in section 110.3 of the DCSL.
- c. Adjacent to Garrisonville Road, the buffer shall be a minimum of 25 feet in width and landscaping shall be provided in the buffer pursuant to Transitional Buffer B standards in section 110.2 (2).
- d. **Landscaping** – A mix of evergreen and deciduous trees shall be employed in any screening areas, with a minimum of 40% evergreens.

#### 4. **Maximum Size and Permitted Uses.**

##### a. **Uses.**

- (i) **Permitted Uses.** All uses allowed in the B-2, Urban Commercial zoning district shall be permitted with the exception of uses specifically prohibited herein.
- (ii) **Prohibited Uses within 200 feet of Garrisonville Road.** The following uses shall be prohibited within 200 feet of the Garrisonville Road right-of-way:
  - 1. Auto Service
  - 2. Automobile Repair
  - 3. Boat Sales
  - 4. Building material sale and storage yard and mulch sale, but this exclusion shall not be deemed to prohibit or otherwise restrict a home improvement or general retail store
  - 5. Funeral Home
  - 6. Indoor Flea Market
  - 7. Motor Vehicle Rental
  - 8. Motor Vehicle Sales
  - 9. Outdoor Flea Market
- (iii) **Prohibited Uses, Generally.** The following uses shall not be permitted at any location on the property:

1. Abattoir
2. Abortion clinic or Planned Parenthood facility (or any clinic or other facility for the termination of pregnancies)
3. Adult Businesses
4. Adult (pornographic) book store, sex shop or any establishment selling or exhibiting pornographic materials or drug-related paraphernalia
5. Auto body repair shop
6. Bar, unless part of a full-service restaurant
7. Central laundry
8. Commercial truck sales, leasing, display or repair
9. Drug rehabilitation center or clinic
10. Dumping, disposing, incinerating, or reduction of garbage on-site
11. Fire sale, tent sale, disaster or liquidation sale, (except as permitted in connection with Tenant's bankruptcy)
12. Massage parlor except licensed massage therapists
13. No outdoor sales of any kind without Seller's approval
14. Operations involving manufacturing, refining and smelting
15. Outdoor sales or displays of merchandise associated with any surplus store, including any store whose primary purpose is the of insurance salvage stock.
16. Pawn shop
17. Recreational enterprises larger than 40,000 square feet
18. Refuge center
19. Storage and distribution of motor fuel (not to exclude vehicle fuel sales)
20. Warehouse, storage (not to exclude warehouse, mini-storage)

The Landlord reserves the right in its sole discretion to impose further use restrictions and Rules and Regulations in the future as it deems necessary.

- b. **Phasing** – The purpose of identifying phase areas for development is to address concerns regarding potential impacts of the subject development on the transportation network while recognizing 1) that nonresidential growth adds to the County's tax base assisting in the funding of all types of public infrastructure and services and 2) nonresidential growth provides opportunities for local services and employment that reduce the length of travel of vehicular trips using the road

network. With these aspects of growth in mind, two phase areas are identified. The area defined as Phase I is generally that area within 200 feet of Garrisonville Road. Phase II is generally that area that is the remainder of the property.

- (i) Phase I - The first phase area is anticipated to include retail oriented and retail uses shall be limited to a maximum of 50,000 square feet. For the purpose of this phasing proffer, "retail" shall be defined as the sale of goods directly to members of the public for their use, the sale of food or food products directly to the public for on or off-premises consumption, or the provision of individual personal care services such as a barber shop, beauty salon or nail salon. Phase I may also include a combination of uses that include nonretail uses allowed in the B-2 zone by-right or contingent on issuance of a conditional use permit if required.
- (ii) Phase II - The second phase area is anticipated to include a greater percentage of offices and retail services than Phase I. However, non-retail commercial uses that add to the tax base of the County shall be allowed to proceed, or to be constructed concurrently with construction of the uses in Phase I. For a period of three years from the approval of the proffer amendment requested herein, full build-out of uses on the property shall be allowed only if with the planned upgrade of Garrisonville Road from four lanes to six lanes along the Property frontage is completed, or a revised traffic study demonstrates that the development proposed at the time of site plan approval is in compliance with minimum VDOT level of service standards.

The phasing described above is intended to define the anticipated general order of development. Portions of phases (subphases) may be developed rather than requiring completion of the full square footage in the phase; provided, however, that roads, stormwater management, landscaping and related minimum infrastructure necessary to serve such building(s), phase(s) or subphase(s) shall be constructed and available to support the building(s), phase(s) or subphase(s) as these improvements are constructed.

## **5. Architectural Design.**

- a. **All buildings on the Property** –The principle exterior building material on the Property shall be brick, stone, glass, architecturally textured masonry, architectural pre-cast or job-cast concrete, stucco type material, cement fiber, Hardiplank, cementitious products, architectural aluminum or metals, or comparable materials. No building having metal siding or non-textured cinder block as a principal exterior building material shall be constructed. A flat or

pitched roof or varied architectural detailing, such as varied cornices and roof-edge detailing, shall be used. Dominant colors shall generally be of low reflectance, subtle, and neutral or earth tone colors (e.g. such as beige, sage, forest greens, blues, grays, brown, terracotta, sand, cast stone, etc.) and shall not include high intensity black, bright white or fluorescent tones. Nothing herein shall be construed to prohibit a national and/or regional retail user on the Property from reasonably employing general features of its prototype architectural design, provided the building design and colors are consistent with this paragraph.

6. **Building Height** – Any future buildings in the general area where buildings 4, and 6 are identified on the GDP, shall be a maximum of 1 story in height, excluding possible mezzanines. Any future buildings in the general area where building 9 is identified on the GDP shall be set back at least 75 feet from the abutting private residential lots in Park Ridge.
7. **Signage** – The color, design, and materials of all signs on the Property shall be coordinated with the architectural design of the building on the site.
8. **Fire and Rescue Protection.**
  - a. **NFPA-14 Standpipe System** – The Applicant shall install a NFPA-14 Standpipe System within any building which is used primarily as “recreational enterprise”, as such term is defined in the Stafford County Zoning Ordinance, where required due to the height or area of the use.
  - b. **NFPA-13 Automatic Sprinkler Systems** – The Applicant shall install NFPA-13 Automatic Sprinkler Systems in all buildings that exceed two (2) stories in height.
  - c. **Defibrillator:** The Applicant shall install a defibrillator within the recreational enterprises building, and maintain it in good working conditions at all times.
9. **Lighting** – The Applicant shall install lighting for the Property consistent with the County requirements and shall be shielded and direct downward and away from residential properties and Garrisonville Road to avoid glare and light spill-over beyond the property lines.
10. **Pedestrian Connections.**

- a. **Sidewalk/Trails, on-site.** The Applicant shall construct a five foot wide sidewalk or eight foot wide pedestrian trail adjacent to the interparcel connection to Assessor's parcel 20-13 as shown on the GDP connecting the Property with North Stafford High School. The sidewalk/trail shall be constructed at the same time as the interparcel connection and shall match the length of the interparcel connection described in proffered condition 2.b.ii.
- (i) A pedestrian connection to the Gates at Park Ridge shall be provided after full development of the Phase I area but no later than release of the bond with the County assuring construction of improvements.
  - (ii) The on-site pedestrian trails shall be a minimum of 8 foot in width and constructed with a minimum of 3 inches of asphalt with a proper base course and soil preparation.
  - (iii) Sidewalk/trail shall have an area 15 feet in width on each side that is cleared of trees and shrubs, but not grass. Entrances to the trail shall be equipped with bollards or similar device providing pedestrian openings to prevent use by ATVs and other motorized vehicles.
  - (iv) **Lighting.** The sidewalk/trail shall be illuminated. The Applicant shall submit a lighting plan for the proposed sidewalk/trail as part of construction plan approval. Any lighting infrastructure constructed on school property shall be maintained and become property of the Stafford County School Board.
- b. **Sidewalk/Trails, off-site.** Provided that all approvals are granted for the construction of the Western Connection described in proffered condition 2.b.(ii) above, or, if applicable, the monetary contribution referred to above in accordance with proffered condition 2.f, all necessary permits and studies such as, but not limited, to perennial flow determinations, cultural resource surveys, wetland delineations, or other environmental studies as may be warranted are performed and/or secured by the County, the applicant is not obligated to mitigate any environmental or cultural resource impacts, relocate utilities, or construct stairs, ramps or bridges or any other structures, and the Stafford County School Board provides appropriate indemnification, the Applicant shall perform clearing and grading necessary for a five foot wide pedestrian trail on Assessor's parcel 20-13 connecting the North Stafford High School property to Park Ridge Elementary



School property as shown on the attached Exhibit entitled "Patriots Crossing Offsite Improvements 11-30-16" prepared by Fairbanks & Franklin. In addition, the applicant shall provide a surfaced trail a minimum of 5 feet in width consisting of a minimum of 3 inches of asphalt with a proper base course and soil preparation. Subject to obtaining the foregoing approvals, and the approvals required for the improvements referred to in proffered condition 2.b.ii., the trail shall be constructed at the same time as site development in the Phase II area of Patriots Crossing, and an area 15 feet in width on each side of the sidewalk/trail shall be cleared of trees and shrubs, stabilized and seeded for grass, all of which shall be at a cost to the Applicant not to exceed \$6,000.00.

- 11. CPTED (Crime Prevention Through Environmental Design)** – The Applicant shall install low lying landscaping in/near the location of the light fixtures in order not to block the light.

**12. Limitations on Operating Hours**

- a. Refuse collection, and deliveries. Refuse collection and deliveries by large trucks shall be allowed between 6:00 AM and 10:00 PM.
- b. Car Wash. The car wash, if any, hours of operation shall be limited to between 7:00 AM and 9:00 PM.
- c. The hours of operation for uses allowed in the B-2 district subject to approval of a conditional use permit (CUP) shall be addressed in the CUP based on the specific location and operational characteristics of the use.

- 13. Stormwater Management** – The Applicant shall design and construct stormwater management for the Property in a manner that complies with state and local requirements for managing the quality and quantity of stormwater run-off from the property.

- 14. Off-site Clearing and Grubbing.** Provided that (a) all approvals are granted which are required for the construction of the improvements referred to in proffer 2.b.(ii) above, or, if applicable, the monetary contribution referred to above in accordance with proffered condition 2.f, and (b) all necessary permits and studies such as, but not limited to, perennial flow determinations, cultural resource surveys, wetland delineations, or other environmental studies as may be warranted are performed and/or secured by the County, and (c) the applicant is not obligated to mitigate any environmental or cultural resource impacts, relocate utilities, or construct stairs, ramps or bridges or any other structures, and (d) the Stafford County School Board provides appropriate indemnification, the

Assessor's Parcel 20-12  
Patriot's Crossing  
December 2, 2016

Applicant shall perform clearing and grading at a cost not to exceed \$21,000.00 on approximately 2.8 acres located on Assessor's parcel 20-13, and as approximately delineated on the attached exhibit titled Patriots Crossing Offsite Improvements prepared by Fairbanks and Franklin, November 30, 2016. Subject to obtaining the foregoing approvals, clearing and grubbing shall be conducted at the same time as site development in the Phase II area of Patriots Crossing.

**[SIGNATURE ON THE FOLLOWING PAGE]**

Assessor's Parcel 20-12  
Patriot's Crossing  
December 2, 2016

This Proffer Statement supersedes any proffer statement and proffers previously made or submitted in connection with this application and with this Property.

Respectfully Submitted:

799 Garrisonville Road, LLC,  
a Virginia limited liability company

By: Donn C Hart  
Donn C. Hart *Manager member.*

STATE OF Virginia  
COUNTY OF Spotsylvania, to wit:

I, the undersigned, a Notary Public in and for the County and State aforesaid, do hereby certify that Donn C. Hart, whose name as Managing Member of 799 Garrisonville, LLC, is signed to the foregoing Proffer Statement, has personally acknowledged the same before me in my aforesaid jurisdiction.

GIVEN under my hand and seal this 5<sup>th</sup> day of December, 2016.

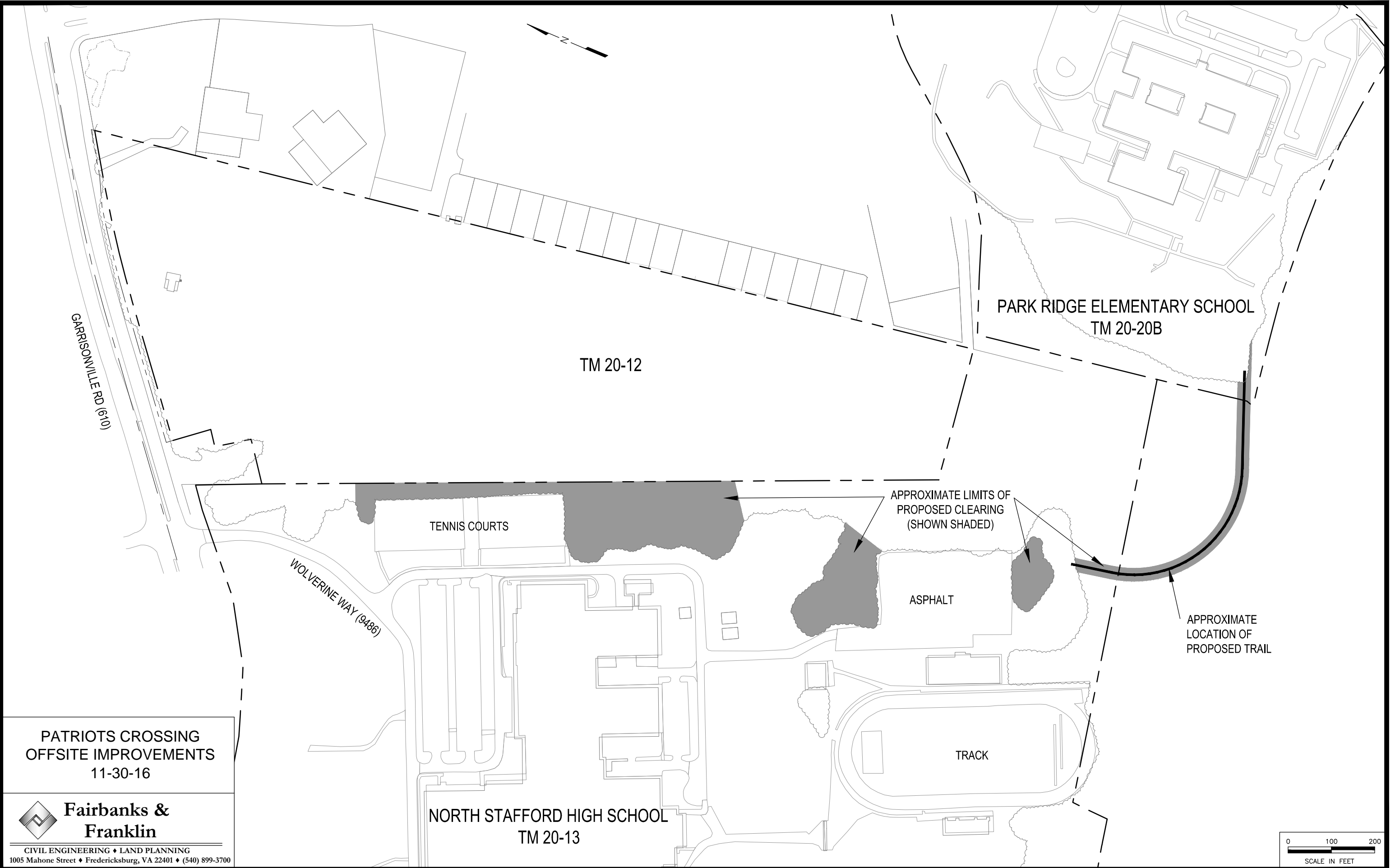
My commission expires:

May 31, 2020

My Registration No. is: 293201

Anita J Thorpe  
Notary Public





PATRIOTS CROSSING  
OFFSITE IMPROVEMENTS  
11-30-16



**Fairbanks &  
Franklin**

CIVIL ENGINEERING ♦ LAND PLANNING  
1005 Mahone Street ♦ Fredericksburg, VA 22401 ♦ (540) 899-3700

Assessor's Parcel 20-12  
Patriot's Crossing

RC 15151046  
Revised December 2, 2016

### **PROFFERS**

799 Garrisonville LLC, ("Owner/Applicant"), has applied for an amendment to the proffered conditions on Assessor's Parcel 20-12, consisting of approximately 23.77 acres, (the "Property") which is zoned B-2, Urban Commercial and hereby proffers that the use and development of the subject property shall be in substantial conformance with the following conditions. In the event the above referenced reclassification is not approved as applied for by the Applicant, the below described proffers shall be withdrawn and are automatically null and void and of no further force and effect.

1. **Generalized Development Plan** - The Applicant agrees that the development of the Property shall be in conformance with the Generalized Development Plan ("GDP") dated January 18, 2015, revised October 17, 2016, prepared by Fairbanks and Franklin, insofar as the general location of the buffers, parking areas, travelways, right-of-way entrances, pedestrian access, building height in stories, and transportation improvements identified in Proffer 2. All other improvements shown are illustrative only and are subject to modification.
2. **Transportation**
  - a. **Site Access**.— The Property shall be accessed by a right-of-way entrance from Garrisonville Road in the approximate location shown on the GDP. The right-of-way entrance shall be designed as a right-in, right-out, entrance and, subject to approval by the Virginia Department of Transportation at the time of final construction plan approval for Phase I, or at such time as approved by VDOT in the future, the applicant shall be permitted to construct a slotted left turn directional median break with a 100' taper as shown on the GDP. If the slotted left turn directional median break is not approved by VDOT at the time of the final construction plan approval for Phase I, the applicant shall, if allowed by VDOT, extend the westbound Garrisonville Road left turn lane at the intersection of Wolverine Way to increase the vehicle stacking, and shall make signal timing changes appropriate to address the lane modifications. If the westbound left turn lane is extended as described above, the applicant shall have no obligation to provide the slotted left turn lane at the entrance to the property.
  - b. **Interparcel Connection** If required at the time of final construction plan review and approval, one or both of the following interparcel connections shall be provided:

- (i) Eastern Connection. The Applicant shall design the parking area and internal travelways to allow an interparcel connection to provide access to Assessor's Parcel 20S-22-A, but shall not be required to construct the portion of the connection on the applicant's property unless there is a commitment by others to construct the paved connection and associated site modifications needed on parcel 20S-22-A. The location of the connection on parcel 20S-22-A shall be coordinated with the applicant at the time that the construction plan for this portion of the applicant's property is under review, and the location of the connection shall not conflict with the buffer shown on the GDP adjacent to The Gates of Park Ridge. The commitment to construct the connection to the parking area on parcel 20S-22-A shall be in the form of conveyance of all required easements for use and construction of the connection and a construction plan approved by the County for said improvements on 20S-22-A.
- (ii) Western Connection.
  - a. The Applicant shall design the parking area and internal travelways to allow an interparcel connection to provide access to Assessor's Parcel 20-13 and shall construct the connection on the applicant's property to the property line when the portion of the property where the interparcel connection is shown on the GDP develops, or not later than occupancy of 124,000 square feet of building area within the development.
  - b. If within 30 days of final construction plan review and approval for Phase II, the Stafford County School Board approves and grants the easements and improvements necessary to extend the interparcel connection to Wolverine Way, the applicant shall construct an interparcel connection on the School property to complete the portion of the interparcel connection across its property to the property line and on to the School property to complete the portion of the interparcel connection from the subject site to the Wolverine Way, prior to occupancy of 124,000 square feet of building area within the development. If the interparcel connection to Wolverine Way is not approved by the Stafford County School Board, the County Transportation Department and VDOT for use by commercial traffic, interparcel connection shall be built only on the



applicants property and shall be restricted to use only for emergency access and shall be blocked with bollards to prevent nonemergency by passenger cars or trucks.

c. If the interparcel connection to Wolverine Way is approved for full time use and access by commercial traffic and the necessary easements are granted within the time period set forth in paragraph ii (b) above , the applicant shall:

1. Subject to approval by the County and VDOT and the availability of the right-of-way and all easements necessary, construct improvements at the intersection of Wolverine Way and Garrisonville Road consisting of the following:

a. An additional lane on Wolverine Way that shall be utilized as a dedicated right turn lane onto Garrisonville Road from Wolverine Way. Said lane shall be a maximum of 14 feet in width.

b. Relocation of one of the existing traffic signal mast arms to allow construction of the additional lane described above.

c. Traffic signal improvements, including if necessary, the addition of one traffic signal head to allow right turns on to Garrisonville Road.

d. Additional improvements such as signs, striping of the turn lanes and additional minor adjustments at the intersection, or,

c. **Right -of -Way Dedication** – The Applicant shall dedicate right-of-way along the Property's frontage on Garrisonville Road as shown on the GDP.

d. **Right Turn Lanes** – Subject to Virginia Department of Transportation (VDOT) approval, the Applicant shall construct a separate right turn lane on Garrisonville Road to serve the main entrance, with a 100 foot long taper.

e. **Frontage Improvements** – The Applicant shall construct curb and gutter along

portions of the Property's frontage on Garrisonville Road as required by State and County standards as determined during the construction plan review.

**f. Limitation on Cost of Transportation Improvements.** Under all circumstances, the Applicant shall not be obligated to expend in excess of \$275,000.00 to construct the Site Access improvements described in proffered condition 2.a. above and the improvements associated with Wolverine Way described in proffered condition 2.b.(ii) above (to the extent same are approved by the parties required to approve the same). In the event that VDOT permitting requirements cause the overall cost to construct the Site Access improvements described in proffered condition 2.a. above and the improvements associated with Wolverine Way described in proffered condition 2.b.(ii) above to exceed \$275,000.00, the Applicant shall be required only to make a monetary contribution to the Stafford County School Board for Improvements to the Wolverine Way/Garrisonville Road intersection in lieu of constructing the Site Access improvements described in proffered condition 2.a. above and the improvements associated with Wolverine Way described in proffered condition 2.b.(ii). Such cost determination shall be made and such contribution shall be made not later than the time of commencement of site development in the area of Phase II of Patriot's Crossing. In the event that such monetary contribution of \$275,000.00 is made, such contribution shall be conditioned upon an agreement by the Stafford County School Board to grant to the Applicant, its successors and assigns, the necessary easements to allow full ingress and egress to and from Patriots Crossing through the North Stafford High School property and Wolverine Way to and from Garrisonville Road and to build the improvements associated with Wolverine Way described in proffered condition 2.b (ii) within five (5) years from the date such contribution is made.

**3. Buffers** – Perimeter buffers shall be provided as follows:

- a.** A buffer shall be provided adjacent to the Park Ridge residential community and shall be a minimum of 50 feet in width as depicted on the GDP. Landscape screening shall be provided pursuant to buffer C standards in section 110.3 of the DCSL, or alternative materials shall be allowed to provide an equivalent or improved level of screening. A combination of new landscaping, existing trees, 8-foot solid board fence, or landscaped berm located within the buffer shall be used to provide a screen between the subject property and the Park Ridge community. The planting of new landscaping, preservation of existing trees, and/or use of the screening fence or landscaped berm shall be determined during the review and approval of the final construction plan based on the topography of the properties, the height of the buildings proposed in close proximity to the common property line, and the character of the existing vegetation in the buffer after consultation with the Gates of Park Ridge homeowners and the Greens of

Park Ridge homeowners. A landscaped berm shall be considered in those areas, if any, where the topography requires the removal of existing mature trees.

- b. Adjacent to the North Stafford High School property, the buffer shall be a minimum of 35 feet in width and landscape/screening shall be provided in the buffer pursuant to buffer B standards in section 110.3 of the DCSL.
- c. Adjacent to Garrisonville Road, the buffer shall be a minimum of 25 feet in width and landscaping shall be provided in the buffer pursuant to Transitional Buffer B standards in section 110.2 (2).
- d. **Landscaping** – A mix of evergreen and deciduous trees shall be employed in any screening areas, with a minimum of 40% evergreens.

#### 4. **Maximum Size and Permitted Uses.**

##### a. **Uses.**

- (i) **Permitted Uses.** All uses allowed in the B-2, Urban Commercial zoning district shall be permitted with the exception of uses specifically prohibited herein.
- (ii) **Prohibited Uses within 200 feet of Garrisonville Road.** The following uses shall be prohibited within 200 feet of the Garrisonville Road right-of-way:
  - 1. Auto Service
  - 2. Automobile Repair
  - 3. Boat Sales
  - 4. Building material sale and storage yard and mulch sale, but this exclusion shall not be deemed to prohibit or otherwise restrict a home improvement or general retail store
  - 5. Funeral Home
  - 6. Indoor Flea Market
  - 7. Motor Vehicle Rental
  - 8. Motor Vehicle Sales
  - 9. Outdoor Flea Market
- (iii) **Prohibited Uses, Generally.** The following uses shall not be permitted at any location on the property:

1. Abattoir
2. Abortion clinic or Planned Parenthood facility (or any clinic or other facility for the termination of pregnancies)
3. Adult Businesses
4. Adult (pornographic) book store, sex shop or any establishment selling or exhibiting pornographic materials or drug-related paraphernalia
5. Auto body repair shop
6. Bar, unless part of a full-service restaurant
7. Central laundry
8. Commercial truck sales, leasing, display or repair
9. Drug rehabilitation center or clinic
10. Dumping, disposing, incinerating, or reduction of garbage on-site
11. Fire sale, tent sale, disaster or liquidation sale, (except as permitted in connection with Tenant's bankruptcy)
12. Massage parlor except licensed massage therapists
13. No outdoor sales of any kind without Seller's approval
14. Operations involving manufacturing, refining and smelting
15. Outdoor sales or displays of merchandise associated with any surplus store, including any store whose primary purpose is the of insurance salvage stock.
16. Pawn shop
17. Recreational enterprises larger than 40,000 square feet
18. Refuge center
19. Storage and distribution of motor fuel (not to exclude vehicle fuel sales)
20. Warehouse, storage (not to exclude warehouse, mini-storage)

The Landlord reserves the right in its sole discretion to impose further use restrictions and Rules and Regulations in the future as it deems necessary.

- b. **Phasing** – The purpose of identifying phase areas for development is to address concerns regarding potential impacts of the subject development on the transportation network while recognizing 1) that nonresidential growth adds to the County's tax base assisting in the funding of all types of public infrastructure and services and 2) nonresidential growth provides opportunities for local services and employment that reduce the length of travel of vehicular trips using the road

network. With these aspects of growth in mind, two phase areas are identified. The area defined as Phase I is generally that area within 200 feet of Garrisonville Road. Phase II is generally that area that is the remainder of the property.

- (i) Phase I - The first phase area is anticipated to include retail oriented and retail uses shall be limited to a maximum of 50,000 square feet. For the purpose of this phasing proffer, "retail" shall be defined as the sale of goods directly to members of the public for their use, the sale of food or food products directly to the public for on or off-premises consumption, or the provision of individual personal care services such as a barber shop, beauty salon or nail salon. Phase I may also include a combination of uses that include nonretail uses allowed in the B-2 zone by-right or contingent on issuance of a conditional use permit if required.
- (ii) Phase II - The second phase area is anticipated to include a greater percentage of offices and retail services than Phase I. However, non-retail commercial uses that add to the tax base of the County shall be allowed to proceed, or to be constructed concurrently with construction of the uses in Phase I. For a period of three years from the approval of the proffer amendment requested herein, full build-out of uses on the property shall be allowed only if with the planned upgrade of Garrisonville Road from four lanes to six lanes along the Property frontage is completed, or a revised traffic study demonstrates that the development proposed at the time of site plan approval is in compliance with minimum VDOT level of service standards.

The phasing described above is intended to define the anticipated general order of development. Portions of phases (subphases) may be developed rather than requiring completion of the full square footage in the phase; provided, however, that roads, stormwater management, landscaping and related minimum infrastructure necessary to serve such building(s), phase(s) or subphase(s) shall be constructed and available to support the building(s), phase(s) or subphase(s) as these improvements are constructed.

## **5. Architectural Design.**

- a. **All buildings on the Property** –The principle exterior building material on the Property shall be brick, stone, glass, architecturally textured masonry, architectural pre-cast or job-cast concrete, stucco type material, cement fiber, Hardiplank, cementitious products, architectural aluminum or metals, or comparable materials. No building having metal siding or non-textured cinder block as a principal exterior building material shall be constructed. A flat or pitched roof or varied architectural detailing, such as varied cornices and roof-

edge detailing, shall be used. Dominant colors shall generally be of low reflectance, subtle, and neutral or earth tone colors (e.g. such as beige, sage, forest greens, blues, grays, brown, terracotta, sand, cast stone, etc.) and shall not include high intensity black, bright white or fluorescent tones. Nothing herein shall be construed to prohibit a national and/or regional retail user on the Property from reasonably employing general features of its prototype architectural design, provided the building design and colors are consistent with this paragraph.

6. **Building Height** – Any future buildings in the general area where buildings 4, and 6 are identified on the GDP, shall be a maximum of 1 story in height, excluding possible mezzanines. Any future buildings in the general area where building 9 is identified on the GDP shall be set back at least 75 feet from the abutting private residential lots in Park Ridge.
7. **Signage** – The color, design, and materials of all signs on the Property shall be coordinated with the architectural design of the building on the site.
8. **Fire and Rescue Protection.**
  - a. **NFPA-14 Standpipe System** – The Applicant shall install a NFPA-14 Standpipe System within any building which is used primarily as “recreational enterprise”, as such term is defined in the Stafford County Zoning Ordinance, where required due to the height or area of the use.
  - b. **NFPA-13 Automatic Sprinkler Systems** – The Applicant shall install NFPA-13 Automatic Sprinkler Systems in all buildings that exceed two (2) stories in height.
  - c. **Defibrillator**: The Applicant shall install a defibrillator within the recreational enterprises building, and maintain it in good working conditions at all times.
9. **Lighting** – The Applicant shall install lighting for the Property consistent with the County requirements and shall be shielded and direct downward and away from residential properties and Garrisonville Road to avoid glare and light spill-over beyond the property lines.
10. **Pedestrian Connections.**
  - a. **Sidewalk/Trails, on-site.** The Applicant shall construct a five foot wide sidewalk



or eight foot wide pedestrian trail adjacent to the interparcel connection to Assessor's parcel 20-13 as shown on the GDP connecting the Property with North Stafford High School. The sidewalk/trail shall be constructed at the same time as the interparcel connection and shall match the length of the interparcel connection described in proffered condition 2.b.ii.

- (i) A pedestrian connection to the Gates at Park Ridge shall be provided after full development of the Phase I area but no later than release of the bond with the County assuring construction of improvements.
  - (ii) The on-site pedestrian trails shall be a minimum of 8 foot in width and constructed with a minimum of 3 inches of asphalt with a proper base course and soil preparation.
  - (iii) Sidewalk/trail shall have an area 15 feet in width on each side that is cleared of trees and shrubs, but not grass. Entrances to the trail shall be equipped with bollards or similar device providing pedestrian openings to prevent use by ATVs and other motorized vehicles.
  - (iv) **Lighting.** The sidewalk/trail shall be **illuminated**. The Applicant shall submit a lighting plan for the proposed sidewalk/trail as part of construction plan approval. Any lighting infrastructure constructed on school property shall be maintained and become property of the Stafford County School Board.
- b. **Sidewalk/Trails, off-site.** Provided that all approvals are granted for the construction of the Western Connection described in proffered condition 2.b.(ii) above, or, if applicable, the monetary contribution referred to above in accordance with proffered condition 2.f, all necessary permits and studies such as, but not limited, to perennial flow determinations, cultural resource surveys, wetland delineations, or other environmental studies as may be warranted are performed and/or secured by the County, the applicant is not obligated to mitigate any environmental or cultural resource impacts, relocate utilities, or construct stairs, ramps or bridges or any other structures, and the Stafford County School Board provides appropriate indemnification, the Applicant shall perform clearing and grading necessary for a five foot wide pedestrian trail on Assessor's parcel 20-13 connecting the North Stafford High School property to Park Ridge Elementary School property as shown on the attached Exhibit entitled "Patriots Crossing

Offsite Improvements 11-30-16" prepared by Fairbanks & Franklin. In addition, the applicant shall provide a surfaced trail a minimum of 5 feet in width consisting of a minimum of 3 inches of asphalt with a proper base course and soil preparation. Subject to obtaining the foregoing approvals, and the approvals required for the improvements referred to in proffered condition 2.b.ii., the trail shall be constructed at the same time as site development in the Phase II area of Patriots Crossing, and an area 15 feet in width on each side of the sidewalk/trail shall be cleared of trees and shrubs, stabilized and seeded for grass, all of which shall be at a cost to the Applicant not to exceed \$6,000.00.

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**12. Limitations on Operating Hours**

- a. Refuse collection, and deliveries. Refuse collection and deliveries by large trucks shall be allowed between 6:00 AM and 10:00 PM.
- b. Car Wash. The car wash, if any, hours of operation shall be limited to between 7:00 AM and 9:00 PM.
- c. The hours of operation for uses allowed in the B-2 district subject to approval of a conditional use permit (CUP) shall be addressed in the CUP based on the specific location and operational characteristics of the use.

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**14. Off-site Clearing and Grubbing.** Provided that (a) all approvals are granted which are required for the construction of the improvements referred to in proffer 2.b.(ii) above, or, if applicable, the monetary contribution referred to above in accordance with proffered condition 2.f, and (b) all necessary permits and studies such as, but not limited to, perennial flow determinations, cultural resource surveys, wetland delineations, or other environmental studies as may be warranted are performed and/or secured by the County, and (c) the applicant is not obligated to mitigate any environmental or cultural resource impacts, relocate utilities, or construct stairs, ramps or bridges or any other structures, and (d) the Stafford County School Board provides appropriate indemnification, the Applicant shall perform clearing and grading at a cost not to exceed \$21,000.00 on

Assessor's Parcel 20-12  
Patriot's Crossing  
December 2, 2016

approximately 2.8 acres located on Assessor's parcel 20-13, and as approximately delineated on the attached exhibit titled Patriots Crossing Offsite Improvements prepared by Fairbanks and Franklin, November 30, 2016. Subject to obtaining the foregoing approvals, clearing and grubbing shall be conducted at the same time as site development in the Phase II area of Patriots Crossing.

**[SIGNATURE ON THE FOLLOWING PAGE]**

Assessor's Parcel 20-12  
Patriot's Crossing  
December 2, 2016

This Proffer Statement supersedes any proffer statement and proffers previously made or submitted in connection with this application and with this Property.

Respectfully Submitted:

799 Garrisonville Road, LLC,  
a Virginia limited liability company

By: \_\_\_\_\_  
Donn C. Hart

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_, to wit:

I, the undersigned, a Notary Public in and for the County and State aforesaid, do hereby certify that Donn C. Hart, whose name as Managing Member of 799 Garrisonville, LLC, is signed to the foregoing Proffer Statement, has personally acknowledged the same before me in my aforesaid jurisdiction.

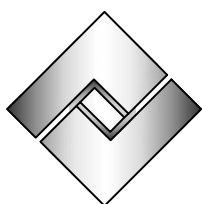
GIVEN under my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

My commission expires:

\_\_\_\_\_

My Registration No. is: \_\_\_\_\_

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



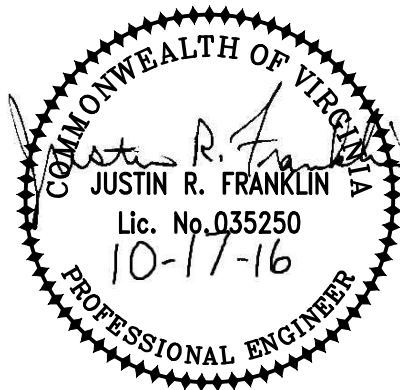
Fairbanks &  
Franklin

Civil Engineering  
Land Planning

1005 Mahone Street  
Fredericksburg, VA 22401  
(540) 899-3700

GENERALIZED DEVELOPMENT PLAN

PATRIOTS CROSSING  
ROCK HILL MAGISTERIAL DISTRICT  
STAFFORD COUNTY, VIRGINIA



DATE : 12-18-15  
DESIGNED: JRF  
DRAWN : JAC  
CHECKED : JDF

REVISIONS: 07-07-16  
03-02-16 10-17-16  
03-24-16  
05-17-16  
06-15-16

DOCUMENT NO.  
126-1037

SHEET  
1 OF 1

126-1037 PATRIOTS CROSSING GENERALIZED DEVELOPMENT PLAN 10-17-16

SITE INFORMATION:

APPLICANT: VIRGINIA PROPERTIES, INC.  
6308 FIVE MILE CENTRE PARK, SUITE 215  
FREDERICKSBURG, VIRGINIA 22407

OWNER: CURRY JOYCE MOUNTJOY & ALTON LATANA  
799 GARRISONVILLE RD  
STAFFORD, VIRGINIA 22556

PREPARED BY: FAIRBANKS & FRANKLIN  
1005 MAHONE STREET  
FREDERICKSBURG, VIRGINIA 22401  
(540) 899-3700

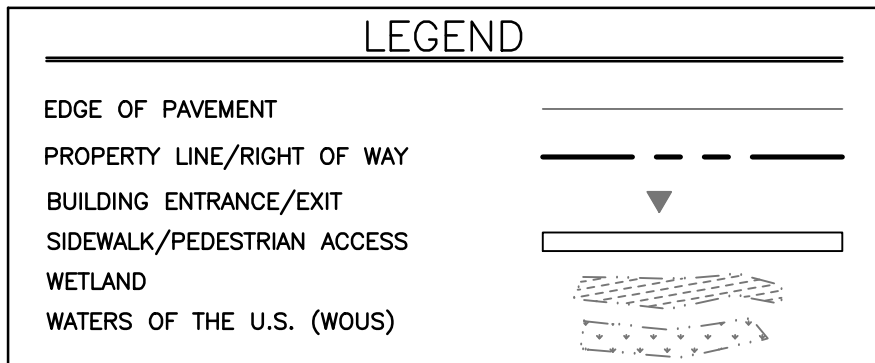
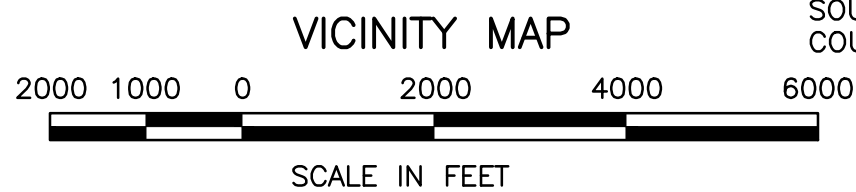
TAX PARCEL: 20-12  
PROPOSED USE: PATRIOTS CROSSING COMMERCIAL DEVELOPMENT  
ZONING: B-2  
OVERLAY DISTRICT(S): HIGHWAY CORRIDOR OVERLAY DISTRICT  
REQUIREMENTS OF B-2 ZONING  
MAXIMUM FAR: 0.70  
MINIMUM OPEN SPACE: 25%\*  
MINIMUM YARDS:  
FRONT\*\* 40'  
SIDE\*\*\* 0'  
BACK 25'  
MAXIMUM BUILDING HEIGHT 65'

\*OVERALL OPEN SPACE IN THE PATRIOTS CROSSING COMMERCIAL DEVELOPMENT WILL EXCEED 25% IN ACCORDANCE WITH THE B-2 ZONING DISTRICT REQUIREMENTS.  
\*\* FRONT SETBACK MAY BE REDUCED, SPECIFIED IN SUBSECTION 28-59(F)(10).  
\*\*\* WHERE ADJOINING PROPERTY IS OTHER THAN COMMERCIAL OR INDUSTRIAL, THE SIDE YARD SHALL BE FIFTEEN (15) FEET OR GREATER.

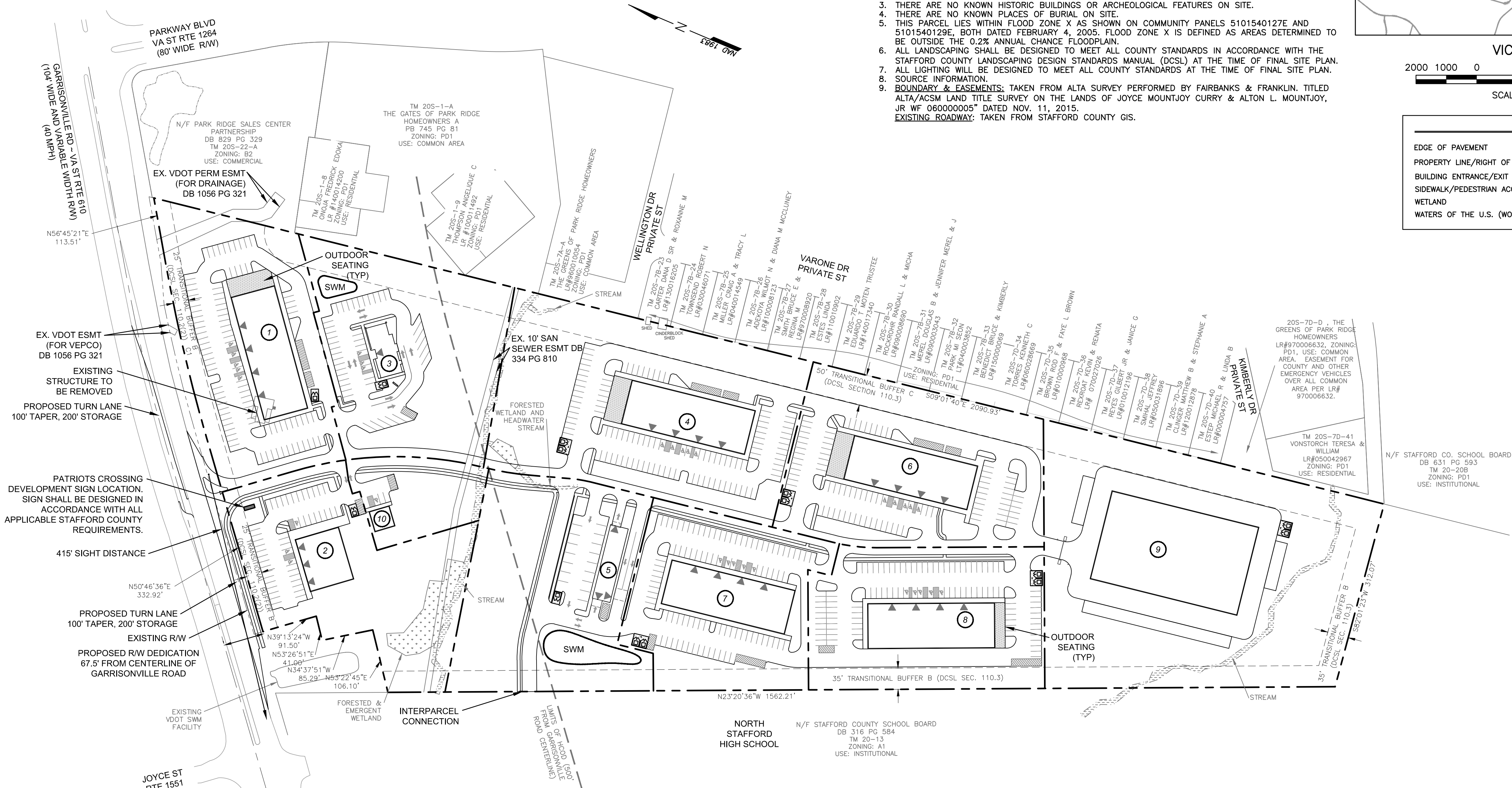
NOTES:  
1. THIS PLAN IS ILLUSTRATIVE ONLY AND MAY BE PHASED. PARCEL AREAS, BUILDING USES AND AREAS ARE REPRESENTATIVE ONLY AND SUBJECT TO MODIFICATION. ALL PROPOSED PARCEL LINES AND PROPOSED SITE IMPROVEMENTS SHOWN ON THIS PLAN MAY BE AMENDED BY THE OWNERS AND TO FULFILL REQUIREMENTS OF FINAL ENGINEERING, COMPLIANCE WITH STATE AGENCY REGULATIONS, AND/OR COUNTY DEVELOPMENT REGULATIONS.  
2. WATERS OF THE U.S. AND WETLANDS DESIGNATIONS PROVIDED BY ENVIRODATA INC.  
3. THERE ARE NO KNOWN HISTORIC BUILDINGS OR ARCHEOLOGICAL FEATURES ON SITE.  
4. THERE ARE NO KNOWN PLACES OF BURIAL ON SITE.  
5. THIS PARCEL LIES WITHIN FLOOD ZONE X AS SHOWN ON COMMUNITY PANELS 5101540127E AND 5101540129E, BOTH DATED FEBRUARY 4, 2005. FLOOD ZONE X IS DEFINED AS AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.  
6. ALL LANDSCAPING SHALL BE DESIGNED TO MEET ALL COUNTY STANDARDS IN ACCORDANCE WITH THE STAFFORD COUNTY LANDSCAPING DESIGN STANDARDS MANUAL (DCSL) AT THE TIME OF FINAL SITE PLAN.  
7. ALL LIGHTING WILL BE DESIGNED TO MEET ALL COUNTY STANDARDS AT THE TIME OF FINAL SITE PLAN.  
8. SOURCE INFORMATION.  
9. BOUNDARY & EASEMENTS: TAKEN FROM ALTA SURVEY PERFORMED BY FAIRBANKS & FRANKLIN. TITLED ALTA/ACSM LAND TITLE SURVEY ON THE LANDS OF JOYCE MOUNTJOY CURRY & ALTON L. MOUNTJOY, JR WF 060000005" DATED NOV, 11, 2015.  
EXISTING ROADWAY: TAKEN FROM STAFFORD COUNTY GIS.

OVERALL PROJECT STATISTICS (AS SHOWN)  
214,375 SF GFA  
614 SPACES  
23.55 AC (AFTER RIGHT OF WAY DEDICATION)  
APPROX. FAR: 0.21  
APPROX. OPEN SPACE: 47.2%

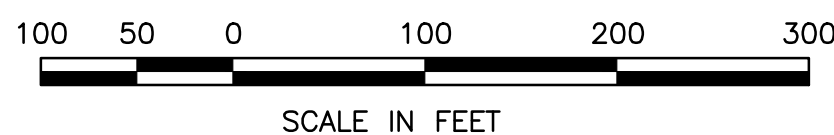
ENVIRONMENTAL NOTES:  
1. THE IMPERVIOUS AREA ASSOCIATED WITH THE DEVELOPMENT OF THIS SITE IS APPROXIMATELY 53%  
2. THERE WILL BE APPROXIMATELY 20.1 ACRES OF TREE REMOVAL ASSOCIATED WITH THE DEVELOPMENT OF THIS PROJECT



- 1 MULTI-TENANT BUILDING  
210'x75' (15,750 SF)  
95 SPACES REQUIRED  
98 SPACES PROVIDED  
2.24 AC  
APPROX. FAR: 0.16  
APPROX. OPEN SPACE: 32.2%  
APPROX. BUILDING HEIGHT 24'
- 2 MULTI-TENANT BUILDING  
90'x75' (6,750 SF)  
41 SPACES REQUIRED  
50 SPACES PROVIDED  
2.06 AC  
APPROX. FAR: 0.08  
APPROX. OPEN SPACE: 65.8%  
APPROX. BUILDING HEIGHT 24'
- 3 FAST FOOD  
3,200 SF  
48 SPACES REQUIRED  
48 SPACES PROVIDED  
2.17 AC  
APPROX. FAR: 0.05  
APPROX. OPEN SPACE: 64.4%  
APPROX. BUILDING HEIGHT 25'  
CONDITIONAL USE PERMIT REQUIRED
- 4 MULTI-TENANT BUILDING  
210'x75' (15,750 SF)  
95 SPACES REQUIRED  
110 SPACES PROVIDED  
3.25 AC  
APPROX. FAR: 0.11  
APPROX. OPEN SPACE: 47.7%  
APPROX. BUILDING HEIGHT 24'
- 5 CARWASH  
3,750 SF  
5 STACKING SPACES PER LANE REQUIRED  
7 STACKING SPACES PER LANE PROVIDED  
18 VACUUM SPACES  
2.29 AC  
APPROX. FAR: 0.04  
APPROX. OPEN SPACE: 61.2%  
APPROX. BUILDING HEIGHT 20'
- 6 MULTI-TENANT BUILDING  
210'x75' (15,750 SF)  
95 SPACES REQUIRED  
95 SPACES PROVIDED  
2.47 AC  
APPROX. FAR: 0.15  
APPROX. OPEN SPACE: 30%  
APPROX. BUILDING HEIGHT 24'
- 7 MULTI-TENANT BUILDING  
210'x75' (15,750 SF)  
95 SPACES REQUIRED  
96 SPACES PROVIDED  
1.91 AC  
APPROX. FAR: 0.19  
APPROX. OPEN SPACE: 25%  
APPROX. BUILDING HEIGHT 24'
- 8 MULTI-TENANT BUILDING  
210'x75' (15,750 SF)  
95 SPACES REQUIRED  
95 SPACES PROVIDED  
2.05 AC  
APPROX. FAR: 0.18  
APPROX. OPEN SPACE: 22.3%  
APPROX. BUILDING HEIGHT 24'
- 9 STORAGE BUILDINGS  
THREE-STORY AND SINGLE  
STORY 120,700 SF GFA  
4.51 AC  
APPROX. FAR: 0.61  
APPROX. OPEN SPACE: 59.6%  
APPROX. BUILDING HEIGHT  
40' (3 STORY)  
15' (SINGLE STORY)
- 10 OFFICE BUILDING  
35'x35' (1,225SF)  
4 SPACES REQUIRED  
4 SPACES PROVIDED  
0.59 AC  
APPROX. FAR: 0.05  
APPROX. OPEN SPACE: 61.8%  
APPROX. BUILDING HEIGHT 12'



CURVE DATA					
CURVE	ARC	RADIUS	DELTA	TANGENT	CH BEARING
C1	291.91'	2797.29'	5°58'45"	146.09'	N53°45'58"E



**LAND USE ACTION REQUEST**

**BOARD OF SUPERVISORS**

Date: December 13, 2016

☒ New

☐ Revised

☐ Unfinished

**REQUEST:** Amendment to proffered conditions on Tax Map Parcel No. 20-12, consisting of 23.79 acres, zoned B-2, Urban Commercial.

Conforms with the Comprehensive Plan? ☒ Yes ☐ No ☐ N/A

**CONDITIONS:** See proposed Ordinance 016-27

**APPLICANT:**

Name: Donn C. Hart  
799 Garrisonville, LLC

Address: 6308 Five Mile Centre Park, Suite 215  
Fredericksburg, VA 22407

Agent: Sherman Patrick Jr. AICP  
Compton & Duling, L.C.

**TAX STATUS:** Paid through December 5, 2016

**PLANNING COMMISSION RECOMMENDATION:** Approve ☐ Deny ☒

At its meeting on August 24, 2016, the Planning Commission voted 6-0 (Mr. Boswell Absent) to recommend denial of Application RC15151046.

**TIMING:**

Application Date December 18, 2015 (submitted); May 17, 2016 (completed)

Advertisement Date/s November 29, 2016 and December 6, 2016

Plan. Comm. Action Date August 24, 2016 (Required) September 17, 2016

Proposed Board Action Date December 13, 2016 (Required) May 16, 2017



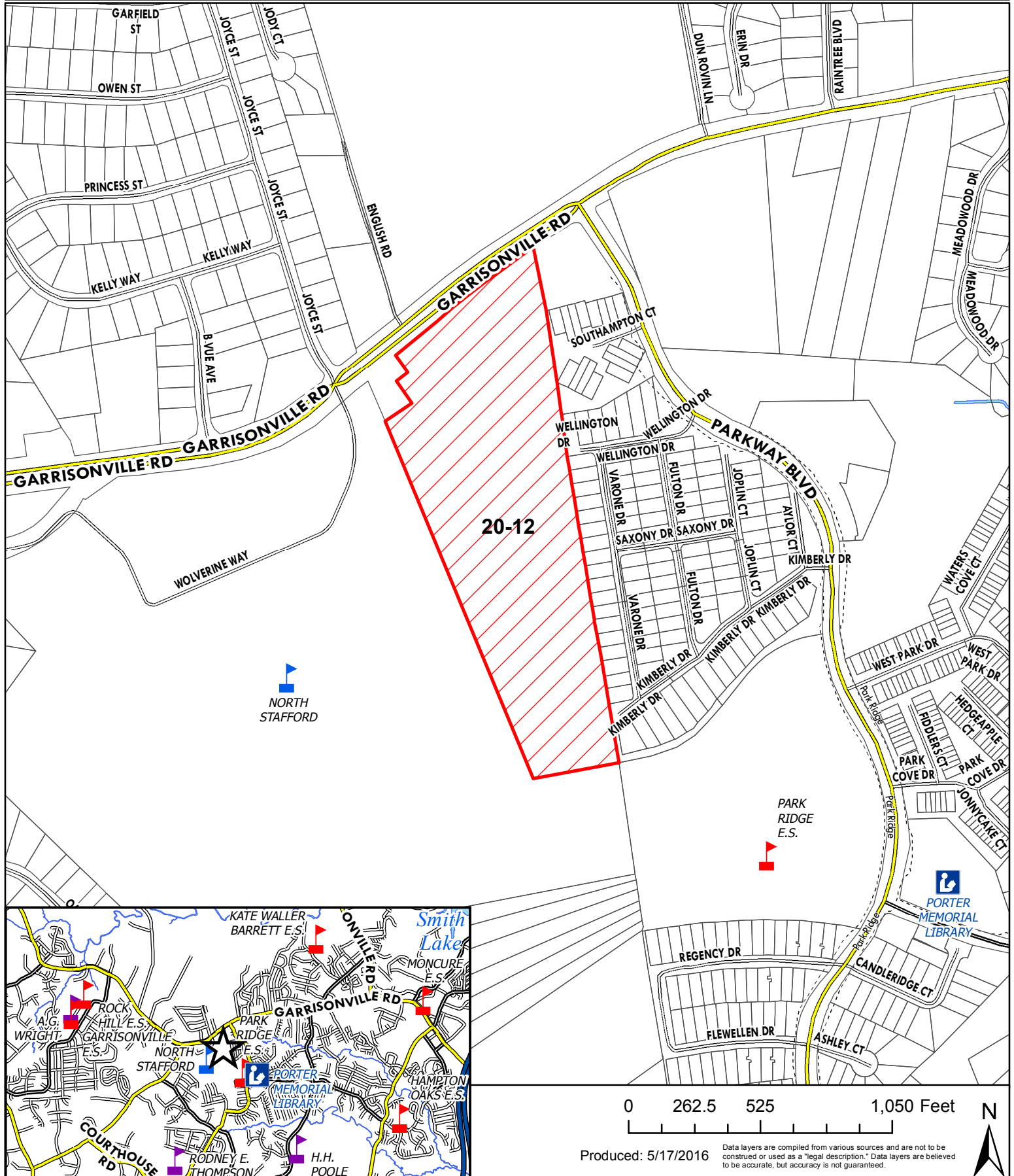


# RC15151046; Reclassification

## PATRIOTS CROSSING PROFFER AMENDMENT

Produced by the Stafford County Department of Planning and Zoning  
540-658-8668 | P.O. Box 339 Stafford, VA 22555

Attachment 8  
Page 1 of 1



# ZONING RECLASSIFICATION

## APPLICATION



November 1, 2015

Beginning July 1, 2012, per Ordinance O12-19, a 2.75% technology fee will be assessed and collected on the total fees for all new and resubmitted applications until June 18, 2017.

### 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)  
Reclassification Application Instructions

STAFFORD COUNTY  
Department of Planning and Zoning

- 
- ☒ Completed "Project Information & Primary Contacts" form (Page 5)
  - ☒ Signed "Statements of Understanding" from the owner(s) and applicant (Page 6)
  - ☐ Signed and Notarized Owner's Consent Statement (if applicant/agent is not the owner)
  - ☒ Completed "General Information" sheet (Page 7)
  - ☒ Completed "Review Fee Calculation" sheet and appropriate fees payable to "County of Stafford" and "Virginia Department of Transportation" (if applicable) (Pages 8 – 10)
  - ☒ Completed "List of Adjoining Property Owners" (Pages 11 & 12)
  - ☒ Completed "Application Affidavit" (Pages 13 – 16)
  - ☐ 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 Statements
    - \* See "Checklist for Impact Statements" (Page 17)
  - ☐ 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)

Applications for reclassification to the P-TND zoning district shall also include:

- ☐ Twenty (20) copies of the Regulating Plan
- ☐ Twenty (20) copies of the Neighborhood Design Standards

RECEIVED

DATE

12/18

INITIALS

ATM

OFFICIALLY SUBMITTED

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

STAFFORD COUNTY  
Department of Planning and Zoning

## Project Information & Primary Contacts

<b><u>PROJECT INFORMATION</u></b>		<b><u>PROJECT #</u></b> <u>15151044</u>
<u>Patriot's Crossing</u>		
PROJECT NAME	<u>799 Garrisonville Road</u>	SECTION <u>23.792</u>
ADDRESS (IF AVAILABLE)	<u>20-12</u>	TOTAL SITE ACREAGE <u>Garrisonville</u>
TAX MAP / PARCEL(S)	ZONING DISTRICT	
<u>South side of Garrisonville Rd., 270 feet west of Parkway Blvd.</u>		
LOCATION OF PROJECT		

<b><u>APPLICANT/AGENT</u></b> (Provide attachment if Applicant and Agent differ)		Primary Contact Person <input checked="" type="checkbox"/>	
<u>Sherman Patrick, Jr.</u>		<u>Compton &amp; Duling, L.C</u>	
NAME		COMPANY	
<u>12701 Marblestone Drive Suite 350</u>	<u>Woodbridge</u>	<u>VA</u>	<u>22192</u>
ADDRESS	CITY	STATE	ZIP
<u>703-565-5134</u>		<u>sp@comptonduling.com</u>	
PHONE NUMBER	FAX NUMBER	EMAIL ADDRESS	

<b><u>OWNER</u></b> (Provide attachments if multiple owners)		Primary Contact Person <input type="checkbox"/>	
<u>Joyce Mountjoy Curry &amp; Alton Latana Curry</u>			
NAME		COMPANY	
<u>1320 Tannery Circle</u>	<u>Midlothian</u>	<u>VA</u>	<u>23113</u>
ADDRESS	CITY	STATE	ZIP
PHONE NUMBER	FAX NUMBER	EMAIL ADDRESS	

<b><u>PROFESSIONAL</u></b> (Engineer, Surveyor, etc.)		Primary Contact Person <input type="checkbox"/>	
<u>Justin R. Franklin</u>		<u>Fairbanks &amp; Franklin</u>	
NAME		COMPANY	
<u>1005 Mahone Street</u>	<u>Fredericksburg</u>	<u>VA</u>	<u>22401</u>
ADDRESS	CITY	STATE	ZIP
<u>540-899-3700</u>		<u>franklin@ff-pc.com</u>	
PHONE NUMBER	FAX NUMBER	EMAIL ADDRESS	

STAFFORD COUNTY  
Department of Planning and Zoning

### 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 reclassification 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

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
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 reclassification 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.

Donna C Hart  
Signature of Applicant/Agent

DONNA C HART 12/16/15  
Printed Name Date

\* Additional sheets may be used, if necessary.

STAFFORD COUNTY  
Department of Planning and Zoning

**General Information**

Clearly indicate all information that applies to this project:

**DETAILED DESCRIPTION OF PROJECT**

Proffer amendment to allow B-2 Urban Commercial uses (office & retail)

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**INFORMATION FOR FEE CALCULATIONS**

23.792 # of Acres

Type of Rezoning:

- ☐ Standard Rezoning
- ☐ Planned Development
- ☒ Proffer Amendment
- ☐ Minor Proffer Amendment
- ☐ Minor Proffer Amendment (when submitted simultaneously with Minor Conditional Use Permit Application)

**INFORMATIONAL**

Previous Ordinance # 012-18

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

# of Lots (if rezoning to residential) \_\_\_\_\_

Original Zoning B-2

Proposed Zoning B-2

Proposed Use(s) Urban Commercial (office & retail)

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STAFFORD COUNTY  
Department of Planning and Zoning

## Review Fee Calculations

### STAFFORD COUNTY FEES:

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

-----  
**Section I. Standard Rezoning:**

A. Base Fee: (Required - Enter the dollar amount that applies)

    If less than 5.0 acres ..... \$4,375.00

    If 5.0 acres or greater .....\$12,500.00..... \$ \_\_\_\_\_

B. General Fee: (If greater than 5 acres)

    ( \_\_\_\_\_ Acres - 5) X \$125 ..... \$ \_\_\_\_\_

C. Fire & Rescue Review Fee (required)..... \$ 125.00

D. Utilities Department Review Fee (required)..... \$ 215.00

E. Public Works Review Fee (required)..... \$ 200.00

F. Traffic Impact Analysis Review Fee: (If TIA required)

    Volume <1,000 VPD .....\$200.00

    Volume >1,000 VPD .....\$400.00..... \$ \_\_\_\_\_

G. Adjacent Property Notification (required):

    ( \_\_\_\_\_ Adjacent properties) X \$6.48 ..... \$ \_\_\_\_\_

**Sub-total** (Add appropriate amounts from lines A thru G above)..... \$ \_\_\_\_\_

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

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

STAFFORD COUNTY  
Department of Planning and Zoning

**Section II. Planned Development:**

(For requests to the PD-1, PD-2, or P-TND zoning districts)

A. Base Fee .....	\$ <u>15,000.00</u>
B. General Fee:	
( _____ Acres – 75) X \$25 .....	\$ _____
C. Fire & Rescue Review Fee (required) .....	\$ <u>125.00</u>
D. Utilities Department Review Fee (required) .....	\$ <u>215.00</u>
E. Public Works Review Fee (required).....	\$ <u>200.00</u>
F. Traffic Impact Analysis Review Fee: (If TIA required)	
Volume <1,000 VPD .....	\$200.00
Volume >1,000 VPD .....	\$400.00
G. Adjacent Property Notification (required):	
( _____ Adjacent properties) X \$6.48 .....	\$ _____
Sub-total (Add lines A through G) .....	\$ _____
H. Technology Fee (sub-total x 2.75% or 0.0275).....	\$ _____
TOTAL (Sub-total + H. Technology Fee).....	\$ _____

**Section III. Proffer Amendment:**

A. General Fee:	
\$10,000 + If Acres>5 ((Acres – 5) X \$25) .....	\$ <u>10,469.80</u>
B. If Planned Development:	
\$10,000 + (( _____ Acres – 75) X \$25) .....	\$ _____
C. Adjacent Property Notification (required):	
( <u>26</u> Adjacent properties) X \$6.74 .....	\$ <u>175.24</u>
Sub-total (Add lines A and C) or	
(Add lines B and C) .....	\$ <u>10,645.04</u>
D. Technology Fee (sub-total x 2.75% or 0.0275).....	\$ <u>292.74</u>
TOTAL(Sub-total + D. Technology Fee).....	\$ <u>10,937.78</u>

STAFFORD COUNTY  
Department of Planning and Zoning

**Section IV. Minor Proffer Amendment:**

A. General Fee: ..... \$ 6,190.00

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)..... \$ \_\_\_\_\_

**Section V. Minor Proffer Amendment (when submitted simultaneously  
with minor Conditional Use Permit 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)..... \$ \_\_\_\_\_

Sections I, II, III, IV and V: 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.

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**VIRGINIA DEPARTMENT OF TRANSPORTATION FEES:**

**Transportation Impact Analysis Fee:**

(For applications that meet VDOT Traffic Impact Analysis thresholds)

A. Subject to low volume road criteria (see 24 VAC 30-155-40 A 3) ..... \$ 250.00

B. All other submissions ..... \$ 1000.00

MAKE CHECK PAYABLE TO "VIRGINIA DEPARTMENT OF TRANSPORTATION"

For a third or subsequent submission of a rezoning proposal that is requested by VDOT on the basis of the failure of the applicant to address deficiencies previously identified by VDOT, the fee is equal to the initial fee paid. (per 24 VAC 30-155, §15.2-2222.1 of the Code of Virginia)

### 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.

20-10	Barbara Florence Gallahan	
TAX MAP / PARCEL	NAME	
905 Charlotte Street		
MAILING ADDRESS		
Fredericksburg	VA	22401
CITY	STATE	ZIP

20-11	Philip Le & Noelle Nguyen	
TAX MAP / PARCEL	NAME	
3232 Glen Carlyn Road		
MAILING ADDRESS		
Falls Church	VA	22041
CITY	STATE	ZIP

20-13	Stafford County School Board	
TAX MAP / PARCEL	NAME	
13 Stafford Avenue		
MAILING ADDRESS		
Stafford	VA	22554
CITY	STATE	ZIP

STAFFORD COUNTY  
Department of Planning and Zoning

<u>20S 22 A</u>	<u>Park Ridge Sales Center Partnership</u>	
TAX MAP / PARCEL	NAME	
<u>100 Parkway Blvd.</u>		
MAILING ADDRESS		
<u>Stafford</u>	<u>VA</u>	<u>22554</u>
CITY	STATE	ZIP

<u>20S 1 A</u>	<u>The Gates of Park Ridge HOA</u>	
TAX MAP / PARCEL	NAME	
<u>P.O. Box 7268</u>		
MAILING ADDRESS		
<u>Fredericksburg</u>	<u>VA</u>	<u>22404</u>
CITY	STATE	ZIP

<u>20S 1 8</u>	<u>Frederick Edeka Onoja</u>	
TAX MAP / PARCEL	NAME	
<u>206 Southampton Court</u>		
MAILING ADDRESS		
<u>Stafford</u>	<u>VA</u>	<u>22554</u>
CITY	STATE	ZIP

<u>20S 1 9</u>	<u>Angelique C. Thompson</u>	
TAX MAP / PARCEL	NAME	
<u>43 Nugent Street</u>		
MAILING ADDRESS		
<u>Stafford</u>	<u>VA</u>	<u>22554</u>
CITY	STATE	ZIP

STAFFORD COUNTY  
Department of Planning and Zoning

<u>20S 7A A</u>	<u>The Greens of Park Ridge HOA</u>	
TAX MAP / PARCEL	NAME	
<u>P.O. Box 7268</u>		
MAILING ADDRESS		
<u>Fredericksburg</u>	<u>VA</u>	<u>22404</u>
CITY	STATE	ZIP

<u>20S 7B 22</u>	<u>Lisa Saez</u>	
TAX MAP / PARCEL	NAME	
<u>12 Wellington Drive</u>		
MAILING ADDRESS		
<u>Stafford</u>	<u>VA</u>	<u>22554</u>
CITY	STATE	ZIP

<u>20S 7B 23</u>	<u>Dana &amp; Roxanne Carter</u>	
TAX MAP / PARCEL	NAME	
<u>35 Varone Drive</u>		
MAILING ADDRESS		
<u>Stafford</u>	<u>VA</u>	<u>22554</u>
CITY	STATE	ZIP

<u>20S 7B 24</u>	<u>Robert Townsend</u>	
TAX MAP / PARCEL	NAME	
<u>33 Varone Drive</u>		
MAILING ADDRESS		
<u>Stafford</u>	<u>VA</u>	<u>22554</u>
CITY	STATE	ZIP



STAFFORD COUNTY  
Department of Planning and Zoning

<u>20S 7B 25</u>	<u>Craig &amp; Tracy Miller</u>	
TAX MAP / PARCEL	NAME	
<u>31 Varone Drive</u>		
MAILING ADDRESS		
<u>Stafford</u>	<u>VA</u>	<u>22554</u>
CITY	STATE	ZIP

<u>20S 7B 26</u>	<u>Wilmot Adekoya &amp; Diana McCluney</u>	
TAX MAP / PARCEL	NAME	
<u>29 Varone Drive</u>		
MAILING ADDRESS		
<u>Stafford</u>	<u>VA</u>	<u>22554</u>
CITY	STATE	ZIP

<u>20S 7B 27</u>	<u>Bruce &amp; Regina Smith</u>	
TAX MAP / PARCEL	NAME	
<u>27 Varone Drive</u>		
MAILING ADDRESS		
<u>Stafford</u>	<u>VA</u>	<u>22554</u>
CITY	STATE	ZIP

<u>20S 7B 28</u>	<u>Linda Estes</u>	
TAX MAP / PARCEL	NAME	
<u>25 Varone Drive</u>		
MAILING ADDRESS		
<u>Stafford</u>	<u>VA</u>	<u>22554</u>
CITY	STATE	ZIP

STAFFORD COUNTY  
Department of Planning and Zoning

<u>20S 7B 29</u>	<u>Eduardo T. Moten Trustee</u>	
TAX MAP / PARCEL	NAME	
<u>P.O. Box 7439</u>		
MAILING ADDRESS		
<u>Augusta</u>	<u>GA</u>	<u>30905</u>
CITY	STATE	ZIP

<u>20S 7B 30</u>	<u>Randall &amp; Micha Rockrohr</u>	
TAX MAP / PARCEL	NAME	
<u>PSC 303 Box 30</u>		
MAILING ADDRESS		
<u>APO</u>	<u>AP</u>	<u>96204</u>
CITY	STATE	ZIP

<u>20S 7B 31</u>	<u>Douglas &amp; Jennifer Merel</u>	
TAX MAP / PARCEL	NAME	
<u>12 Augusta Drive</u>		
MAILING ADDRESS		
<u>Stafford</u>	<u>VA</u>	<u>22554</u>
CITY	STATE	ZIP

<u>20S 7B 32</u>	<u>Mi Seon Park</u>	
TAX MAP / PARCEL	NAME	
<u>17 Varone Drive</u>		
MAILING ADDRESS		
<u>Stafford</u>	<u>VA</u>	<u>22554</u>
CITY	STATE	ZIP

STAFFORD COUNTY  
Department of Planning and Zoning

<u>20S 7B 33</u>	<u>Bruce &amp; Kimberly Benedict</u>	
TAX MAP / PARCEL	NAME	
<u>15 Varone Drive</u>		
MAILING ADDRESS		
<u>Stafford</u>	<u>VA</u>	<u>22554</u>
CITY	STATE	ZIP

<u>20A 7D 34</u>	<u>Kenneth Torres</u>	
TAX MAP / PARCEL	NAME	
<u>13 Varone Drive</u>		
MAILING ADDRESS		
<u>Stafford</u>	<u>VA</u>	<u>22554</u>
CITY	STATE	ZIP

<u>20A 7D 35</u>	<u>Rod &amp; Faye Brown</u>	
TAX MAP / PARCEL	NAME	
<u>11 Varone Drive</u>		
MAILING ADDRESS		
<u>Stafford</u>	<u>VA</u>	<u>22554</u>
CITY	STATE	ZIP

<u>20A 7D 36</u>	<u>Kevin &amp; Renata Rexroat</u>	
TAX MAP / PARCEL	NAME	
<u>P.O. Box 517</u>		
MAILING ADDRESS		
<u>Stafford</u>	<u>VA</u>	<u>22554</u>
CITY	STATE	ZIP

STAFFORD COUNTY  
Department of Planning and Zoning

<u>20A 7D 37</u>	<u>Gilbert &amp; Janice Reyes</u>	
TAX MAP / PARCEL	NAME	
<u>7 Varone Drive</u>		
MAILING ADDRESS		
<u>Stafford</u>	<u>VA</u>	<u>22554</u>
CITY	STATE	ZIP

<u>20A 7D 38</u>	<u>Jeffrey Sminal</u>	
TAX MAP / PARCEL	NAME	
<u>5 Varone Drive</u>		
MAILING ADDRESS		
<u>Stafford</u>	<u>VA</u>	<u>22554</u>
CITY	STATE	ZIP

<u>20A 7D 39</u>	<u>Matthew &amp; Stephanie Clinger</u>	
TAX MAP / PARCEL	NAME	
<u>3 Varone Drive</u>		
MAILING ADDRESS		
<u>Stafford</u>	<u>VA</u>	<u>22554</u>
CITY	STATE	ZIP

<u>20A 7D 40</u>	<u>Michael &amp; Linda Estep</u>	
TAX MAP / PARCEL	NAME	
<u>1 Varone Drive</u>		
MAILING ADDRESS		
<u>Stafford</u>	<u>VA</u>	<u>22554</u>
CITY	STATE	ZIP

STAFFORD COUNTY  
Department of Planning and Zoning

<u>20A 7D 41</u>	<u>Teresa &amp; William Vonstorch</u>	
TAX MAP / PARCEL	NAME	
<u>1380 Guill Road</u>		
MAILING ADDRESS		
<u>Mount Juliet</u>	<u>TN</u>	<u>37122</u>
CITY	STATE	ZIP

<u>20-20B</u>	<u>Stafford County School Board</u>	
TAX MAP / PARCEL	NAME	
<u>31 Stafford Avenue</u>		
MAILING ADDRESS		
<u>Stafford</u>	<u>VA</u>	<u>22554</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

STAFFORD COUNTY  
Department of Planning and Zoning

## Application Affidavit

This form to be filed with:

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

Internal Use Only	
Project Name:	<u>PATRIOTS CROSSING</u>
A/P #:	<u>15151046</u>
Date:	<u>12/18/15</u>

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 799 Garrisonville, LLC  
Name of Company \_\_\_\_\_

Applicant Address 6308 Five Mile Centre Park, Suite 215  
Fredericksburg, VA 2240

Applicant's Signature \_\_\_\_\_

Name of Agent Sherman Patrick, Jr. / Compton & Duling, L.C.

Address of Agent 12701 Marblestone Drive, Suite 350, Woodbridge, VA 22192

### 2. Type of Application

- |   |   |
|---|---|
| <input type="checkbox"/> Conditional Use Permit<br><br><input checked="" type="checkbox"/> Rezoning | <input type="checkbox"/> Variance<br><br><input type="checkbox"/> Special Exception |
|---|---|



STAFFORD COUNTY  
Department of Planning and Zoning

**Application Affidavit**

**Page 2**

**Applicant:** 799 Garrisonville, LLC

Project Name:	_____
A/P #:	<u>15151046</u>
Date:	_____

**3. Property Information**

**Assessors Parcel(s)** 20-12

**Address** 799 Garrisonville Road  
Stafford, VA 22554

**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>
<u>Joyce Mountjoy Curry</u>	<u>1320 Tannery Circle, Midlothian, VA 23113</u>
<u>Alton Lalana Curry</u>	<u>1320 Tannery Circle, Midlothian, VA 23113</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 share holders.**

<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>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

STAFFORD COUNTY  
Department of Planning and Zoning

**Application Affidavit**

**Page 3**

**Applicant:** 799 Garrisonville, LLC

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

**A/P #:** 15151046

**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**

Donn Hart  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Manager**  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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.

**Name**

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

**Address, including zip code, no P.O. Box please**

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

**Number of owners to be notified:** 26 X

**Cost for certified letters** \$ 6.74 (cost as of the day of submittal)

**Total due:** \$ 175.24 (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.

STAFFORD COUNTY  
Department of Planning and Zoning

**Application Affidavit**

**Page 4**

**Applicant:** 799 Garrisonville, LLC

Project Name: _____
A/P #: <u>15151046</u>
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** \_\_\_\_\_

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

**Signature** \_\_\_\_\_

**Date** \_\_\_\_\_

COMMONWEALTH OF VIRGINIA  
COUNTY OF STAFFORD, to wit:

The forgoing affidavit was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ by  
\_\_\_\_\_ owner/applicant.

My commission expires: \_\_\_\_\_

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

### **Checklist for Impact Statements**

Impact statements are required for rezoning requests which meet at least one of the following criteria:

- a. would allow for a use(s) that could generate more than 500 average daily vehicle trips;
- b. would have a gross density of more than seven (7) dwelling units per acre;
- c. would have more than fifty (50) dwelling units;
- d. would be greater than fifty (50) acres in size;
- e. propose a commercial rezoning adjacent to residentially zoned property.

Impact Statements must address the following:

- a. current capacity of and anticipated demands on highways, utilities, storm drainage, schools and recreational facilities;
- b. fiscal impact: potential tax revenues and anticipated cost to County services;
- c. environmental impact ;
- d. impact on adjacent property;
- e. location and proximity to designated and identified historic sites.

**\*\* These studies shall describe the differences which would result from maximum, ultimate development of the land under the proposed zoning classification as compared to maximum development under the existing zoning classification.**

#### **Transportation Impact Analysis**

A Transportation Impact Analysis Determination Form (provided on page 18) must be submitted to determine if a Transportation Impact Analysis is required. A Transportation Impact Analysis (TIA) may be required by the County or VDOT depending on the amount of traffic generated by the proposed development. The thresholds are provided on the determination form.

## 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 type="checkbox"/>	Date of drawing,
<input type="checkbox"/>	<input type="checkbox"/>	true north arrow,
<input type="checkbox"/>	<input type="checkbox"/>	scale,
<input type="checkbox"/>	<input type="checkbox"/>	legend for all symbols used,
<input type="checkbox"/>	<input type="checkbox"/>	name of the applicant,
<input type="checkbox"/>	<input type="checkbox"/>	name of the owner,
<input type="checkbox"/>	<input type="checkbox"/>	name of the development,
<input type="checkbox"/>	<input type="checkbox"/>	person preparing the drawing,
<input type="checkbox"/>	<input type="checkbox"/>	match lines if applicable;
		<b>Sec 28-225(2)</b>
<input type="checkbox"/>	<input type="checkbox"/>	Boundaries of the area covered by the application,
<input type="checkbox"/>	<input 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 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 type="checkbox"/>	Approximate location of each existing and proposed structure on the site
<input type="checkbox"/>	<input type="checkbox"/>	the number of stories,
<input type="checkbox"/>	<input type="checkbox"/>	height,
<input type="checkbox"/>	<input type="checkbox"/>	roof line,
<input type="checkbox"/>	<input type="checkbox"/>	gross floor areas and
<input type="checkbox"/>	<input type="checkbox"/>	location of building entrances and exits;
		<b>Sec 28-225(5)</b>
<input type="checkbox"/>	<input type="checkbox"/>	Identification and location of uses and structures on all abutting properties;
		<b>Sec 28-225(6)</b>
<input type="checkbox"/>	<input type="checkbox"/>	Approximate location of all existing and proposed parking and loading areas,
<input type="checkbox"/>	<input type="checkbox"/>	outdoor trash storage,
<input type="checkbox"/>	<input type="checkbox"/>	lighting facilities, and
<input type="checkbox"/>	<input type="checkbox"/>	pedestrian walkways;
		<b>Sec 28-225(7)</b>
<input type="checkbox"/>	<input type="checkbox"/>	Approximate location, height and type of each existing and proposed wall, fence, and other types of screening;

STAFFORD COUNTY  
Department of Planning and Zoning

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

N/A    COMPLETE

- |                          |                          |   |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | Sec 28-225(8)<br>Approximate location and description of all proposed landscaping;  |
| <input type="checkbox"/> | <input type="checkbox"/> | Sec 28-225(9)<br>Approximate location, height and dimensions of all proposed signage on site;   |
| <input type="checkbox"/> | <input type="checkbox"/> | Sec 28-225(10)<br>Approximate location of all existing drainage ways, floodplains and wetlands on site;   |
| <input type="checkbox"/> | <input type="checkbox"/> | Sec 28-225(11)<br>Approximate location of all common open space, recreational areas and bufferyards;  |
| <input type="checkbox"/> | <input type="checkbox"/> | Sec 28-225(12)<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 type="checkbox"/> | Sec 28-225(13)<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.



STAFFORD COUNTY  
Department of Planning and Zoning

# **RECLASSIFICATION TRANSPORTATION IMPACT ANALYSIS DETERMINATION**

Name of development \_\_\_\_\_  
Type of development \_\_\_\_\_  
Parcel # \_\_\_\_\_

RECEIVED BUT NOT OFFICIALLY  
SUBMITTED:

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

OFFICIALLY SUBMITTED:

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

## **Traffic Volume Calculations**

This site generates:

\_\_\_\_\_ VPH (highest VPH)  
\_\_\_\_\_ VPD on state controlled highways (highest)  
\_\_\_\_\_ VPH Peak AM  
\_\_\_\_\_ VPH Peak PM  
\_\_\_\_\_ VPH Peak Saturday  
\_\_\_\_\_ VPD highest intensity\*

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

## **Minimum Thresholds to submit a TIA**

County: Any proposals generating 1,000 or more VPD.

VDOT: 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 redeveloped as a higher intensity use, 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.

## 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 or 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 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 AFD exceeds the current traffic volume on a state controlled highway	VDOT or local TIA (identified 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 AFD within 2000 feet of a state controlled highway	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 initiated by locality or public agency  No fee if using a VDOT TIA prepared for a small area plan

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

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

**Filing Dates and Public Hearing Schedules****REZONING AND CONDITIONAL USE PERMIT APPLICATIONS**

Final Application Date	Initial Comments Provided to Applicants	Potential Planning Commission Public Hearing *	Potential Board of Supervisors Public Hearing **
June 19, 2015	July 24, 2015	September 23, 2015	October 20, 2015
July 17, 2015	August 28, 2015	October 28, 2015	January 19, 2016
August 21, 2015	September 25, 2015	December 9, 2015	January 19, 2016
September 18, 2015	October 23, 2015	January 13, 2016	February 16, 2016
October 16, 2015	November 25, 2015	January 27, 2016	March 1, 2016
November 20, 2015	December 23, 2015	February 24, 2016	April 5, 2016
December 18, 2015	January 22, 2016	March 23, 2016	May 3, 2016
January 15, 2016	February 26, 2016	April 27, 2016	June 7, 2016
February 19, 2016	March 25, 2016	May 25, 2016	July 5, 2016
March 18, 2016	April 22, 2016	June 22, 2016	August 2, 2016
April 15, 2016	May 27, 2016	July 27, 2016	September 6, 2016
May 20, 2016	June 24, 2016	August 24, 2016	October 4, 2016
June 17, 2016	July 22, 2016	September 28, 2016	November 8, 2016
July 15, 2016	August 26, 2016	October 26, 2016	December 6, 2016
August 19, 2016	September 23, 2016	December 14, 2016	January 17, 2017

\* Subject to receipt of final applicant resubmission 30 days in advance of public hearing date.

\*\* Board of Supervisors date subject to change depending on dates of Planning Commission action.

**Stafford County Real Estate Tax Search/Payment**

Owner	Property Description	Current Assessment
Name / Mailing Address: CURRY JOYCE MOUNTJOY & ALTON LATANA 1320 TANNERY CIR MIDLOTHIAN VA 23113-2675	Map #: 20-12 Alt. ID/PIN: 05497 Legal: 799 GARRISONVILLE RD	Land Value: \$2,089,600 Improvement Value: \$100 Total Taxable Value: \$2,089,700 <a href="#">View Real Estate Details</a>

**Invoice History**

Total Due: \$11,200.80      Total Tax Paid: \$298,630.02  
 Total Penalty/Int Paid: \$54.35  
 Total Fees Paid: \$0.00  
 Total Other Assessments: \$2,674.82

Year	Bill #	Type	Due Date	Rate	Levy Due	Penalty Due	Interest Due	Total Due	Total Paid	Date Paid
2016	5402	Real Estate	12/5/2016	0.990	\$10,344.02	\$0.00	\$0.00	\$10,344.02	\$0.00	
2016	5402	Garrisonville Road	12/5/2016	0.082	\$856.78	\$0.00	\$0.00	\$856.78	\$0.00	
2016	5402	Real Estate	6/6/2016	0.990	\$10,344.02	\$0.00	\$0.00	\$0.00	\$10,344.02	6/2/2016
2016	5402	Garrisonville Road	6/6/2016	0.082	\$856.78	\$0.00	\$0.00	\$0.00	\$856.78	6/2/2016
2015	5408	Real Estate	12/7/2015	1.019	\$10,647.02	\$0.00	\$0.00	\$0.00	\$10,647.02	12/2/2015
2015	5408	Garrisonville Road	12/7/2015	0.087	\$909.02	\$0.00	\$0.00	\$0.00	\$909.02	12/2/2015
2015	5408	Real Estate	6/5/2015	1.019	\$10,647.02	\$0.00	\$0.00	\$0.00	\$10,647.02	6/3/2015
2015	5408	Garrisonville Road	6/5/2015	0.087	\$909.02	\$0.00	\$0.00	\$0.00	\$909.02	6/3/2015
2014	5408	Real Estate	12/5/2014	1.019	\$10,647.02	\$0.00	\$0.00	\$0.00	\$10,647.02	12/3/2014
2014	5408	Real Estate	6/5/2014	1.019	\$10,647.02	\$0.00	\$0.00	\$0.00	\$10,647.02	5/27/2014
2013	5414	Real Estate	12/5/2013	1.070	\$11,179.90	\$0.00	\$0.00	\$0.00	\$11,179.90	12/2/2013
2013	5414	Real Estate	6/5/2013	1.070	\$11,179.90	\$0.00	\$0.00	\$0.00	\$11,179.90	5/13/2013
2012	5424	Real Estate	12/5/2012	1.070	\$439.77	\$0.00	\$0.00	\$0.00	\$439.77	12/3/2012
2012	800832	RRB	7/18/2012	0.000	\$167,641.94	\$0.00	\$0.00	\$0.00	\$167,641.94	7/9/2012
2012	5424	Real Estate	6/19/2012	1.070	\$439.77	\$0.00	\$0.00	\$0.00	\$439.77	5/29/2012
2011	5428	Real Estate	12/5/2011	1.080	\$497.88	\$49.79	\$4.56	\$0.00	\$552.23	1/9/2012
2011	5428	Real Estate	6/6/2011	1.080	\$497.88	\$0.00	\$0.00	\$0.00	\$497.88	5/17/2011
2010	5430	Real Estate	12/6/2010	1.100	\$507.10	\$0.00	\$0.00	\$0.00	\$507.10	11/29/2010
2010	5430	Real Estate	6/7/2010	1.100	\$507.10	\$0.00	\$0.00	\$0.00	\$507.10	6/3/2010
2009	5436	Real Estate	12/7/2009	0.840	\$546.42	\$0.00	\$0.00	\$0.00	\$546.42	12/7/2009
2009	5436	Real Estate	6/5/2009	0.840	\$546.42	\$0.00	\$0.00	\$0.00	\$546.42	6/1/2009
2008	5440	Real Estate	12/5/2008	0.840	\$318.78	\$0.00	\$0.00	\$0.00	\$318.78	12/4/2008
2008	5020836	Real Estate	12/5/2008	0.840	\$227.64	\$0.00	\$0.00	\$0.00	\$227.64	10/24/2008
2008	5020836	Real Estate	12/5/2008	0.840	\$227.64	\$0.00	\$0.00	\$0.00	\$227.64	10/24/2008
2008	5440	Real Estate	6/5/2008	0.840	\$318.78	\$0.00	\$0.00	\$0.00	\$318.78	6/2/2008
2007	5447	Real Estate	12/5/2007	0.700	\$2,664.20	\$0.00	\$0.00	\$0.00	\$2,664.20	11/20/2007
2007	5447	Real Estate	6/5/2007	0.700	\$2,664.20	\$0.00	\$0.00	\$0.00	\$2,664.20	5/17/2007
2006	27983	Real Estate	12/5/2006	0.630	\$2,397.78	\$0.00	\$0.00	\$0.00	\$2,397.78	11/27/2006
2006	27983	Real Estate	6/5/2006	0.630	\$2,397.78	\$0.00	\$0.00	\$0.00	\$2,397.78	6/2/2006
2005	27046	Regular RE	12/5/2005	0.000	\$2,976.93	\$0.00	\$0.00	\$0.00	\$2,976.93	11/29/2005
2005	27046	Regular RE	6/5/2005	0.000	\$2,976.93	\$0.00	\$0.00	\$0.00	\$2,976.93	6/17/2005
2004	26061	Regular RE	12/5/2004	0.000	\$2,976.93	\$0.00	\$0.00	\$0.00	\$2,976.93	12/16/2004
2004	26061	Regular RE	6/5/2004	0.000	\$2,976.93	\$0.00	\$0.00	\$0.00	\$2,976.93	6/25/2004

Year	Bill #	Type	Due Date	Rate	Levy Due	Penalty Due	Interest Due	Total Due	Total Paid	Date Paid
2003	25266	Regular RE	12/5/2003	0.000	\$2,057.13	\$0.00	\$0.00	\$0.00	\$2,057.13	12/10/2003
2003	25266	Regular RE	6/5/2003	0.000	\$2,057.13	\$0.00	\$0.00	\$0.00	\$2,057.13	6/11/2003
2002	23910	Regular RE	12/5/2002	0.000	\$2,057.13	\$0.00	\$0.00	\$0.00	\$2,057.13	12/27/2002
2002	23910	Regular RE	6/5/2002	0.000	\$2,057.13	\$0.00	\$0.00	\$0.00	\$2,057.13	5/30/2002
2001	23320	Regular RE	12/5/2001	0.000	\$1,824.28	\$0.00	\$0.00	\$0.00	\$1,824.28	11/19/2001
2001	23320	Regular RE	6/5/2001	0.000	\$1,824.28	\$0.00	\$0.00	\$0.00	\$1,824.28	5/15/2001
2000	22376	Regular RE	12/5/2000	0.000	\$1,824.28	\$0.00	\$0.00	\$0.00	\$1,824.28	11/14/2000
2000	22376	Regular RE	6/5/2000	0.000	\$1,824.28	\$0.00	\$0.00	\$0.00	\$1,824.28	5/23/2000
1999	21937	Regular RE	12/5/1999	0.000	\$1,665.90	\$0.00	\$0.00	\$0.00	\$1,665.90	11/18/1999
1999	21937	Regular RE	6/5/1999	0.000	\$1,665.90	\$0.00	\$0.00	\$0.00	\$1,665.90	5/26/1999
1998	21333	Regular RE	12/5/1998	0.000	\$1,665.90	\$0.00	\$0.00	\$0.00	\$1,665.90	11/17/1998
1998	21333	Regular RE	6/5/1998	0.000	\$1,665.90	\$0.00	\$0.00	\$0.00	\$1,665.90	5/20/1998
1997	20977	Regular RE	12/5/1997	0.000	\$1,600.02	\$0.00	\$0.00	\$0.00	\$1,600.02	11/18/1997
1997	20977	Regular RE	6/5/1997	0.000	\$1,600.02	\$0.00	\$0.00	\$0.00	\$1,600.02	5/13/1997
1996	20472	Regular RE	12/5/1996	0.000	\$1,600.02	\$0.00	\$0.00	\$0.00	\$1,600.02	11/14/1996
1996	20472	Regular RE	6/5/1996	0.000	\$1,600.02	\$0.00	\$0.00	\$0.00	\$1,600.02	5/24/1996

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**IMPACT STATEMENT**  
**Proposed Proffer Amendment**  
**to Zoning Reclassification RC-1100077**  
**Tax Map Parcel 20-12 (23.98 ac.)**  
**April 11, 2016**

This is an application to amend the proffer statement for Zoning Reclassification, RC-1100077, approved April 17, 2012. This reclassification changed the zoning of Tax Map parcel 20-12 from A-1 Agricultural to B-2, Urban Commercial. The property is located at 799 Garrisonville Road, approximately 300 feet west of the intersection of Garrisonville Road and Parkway Boulevard. The subject property is 23.98 acres and has frontage along Garrisonville Road. It is located between North Stafford High School to the west and an office use and Park Ridge residential subdivision to the east. A proposal for the property in 2012 included a recreational field house with an indoor pool designed for competitive swimming and freestanding commercial uses. The development of the recreation center at Embrey Mill made the Stafford Sports Center proposal infeasible.

The Jeff Rouse swim and sport center is a 76,000-square foot indoor recreation center with three pools located at Stafford County's new Embrey Mill Park. The result of the construction of this facility is that there is not sufficient demand for the proffered indoor competition pool and recreation facility. The applicant is requesting to make changes to the Generalized Development Plan (GDP) and mix of uses on the property. The property will still be developed with commercial uses but the proffers related to the indoor recreational facility will need to be amended now that the indoor competitive swimming facility will not be developed.

The revised GDP includes sites for individual uses and proposed are a multi-tenant building, and individual sites for uses such as a restaurant, pharmacy, and similar retail and retail service oriented uses. Retail/office buildings and a fitness facility are also proposed. Auto oriented uses must be setback at least 200 feet from Garrisonville Road.

A summary of the proposed revisions are as follows:

**Transportation**

- A detailed traffic impact analysis as provided with the zoning reclassification in 2012. This proffer amendment only makes minor changes to volumes and distributions on traffic. The most significant changes are that the commercial trips now proposed will be more dispersed than the previous recreational uses.
- Interparcel connections to Wolverine Way and Parkway Boulevard are eliminated to reduce transportation impacts to roads.
- Vehicular access will be by a single right-of-way entrance.

**Permitted Uses and Square Footage**

- Maximum building height and area will conform with the B-2 Urban Commercial zoning.



- Over 30 uses are prohibited to assure compatibility with the adjoining uses.
- The GDP reflects a build-out GFA of 238,970 square feet resulting in a floor area ratio of 0.23. This build out will occur over an extended period of time.

#### **Architectural Design**

- The proffered Architectural design shall be applied to all the buildings to be developed on the site.

#### **Building Height**

- The heights of the office uses shall not exceed 3 stories. All other buildings shall remain at the proffered 36 foot height.

#### **Fire and Rescue Protection**

- An NFPA-14 Standpipe System shall be used when required for use in 1 or 2 stories and NFPA-13 shall be used for 3-story buildings.

#### **Lighting**

- All outdoor lighting to be installed shall be consistent with the County requirements

#### **Pedestrian Trails, Use of Indoor Swimming Pool by Stafford County Schools, and Shared Parking**

- Pedestrian trails to connect North Stafford High School and Park Ridge Elementary will be provided.

#### **Cultural Resources**

- An architectural survey of the structure on the property has been completed per the proffer to preserve archaeological record of the building.

#### **Stormwater Management**

- The stormwater management will be built to comply with state and local requirements.

#### **Signage**

- The design of signs shall be coordinated with the building designs.

### **I. Capacity Impacts**

#### **A. Transportation**

The primary access to the site is from Garrisonville Road (SR 610) but the exact location of the travelways, entrances, pedestrian access and transportation improvements will be subject to approval by Stafford County. Interparcel access to an adjoining property shall be designed as required.

Garrisonville Road is a four lane divided urban collector. Traffic signals are currently located at Garrisonville Road's intersections with Wolverine Way and Parkway Boulevard which are the closest intersections to the subject property.

A Traffic Impact Analysis (TIA) was prepared in 2011 by Wells + Associates for the original Reclassification. An update to the TIA, dated April 7, 2016 that summarizes the changes proposed to the transportation improvements is part of this proffer revision package attached. The revised TIA indicates that the proposed development would generate an estimated 3,606 Vehicles Per Day (VPD) on weekdays. The biggest changes in impact are in the a.m. and p.m. peak hours due to the increased employment opportunities which are the result of adding office space square footage in place of recreational uses.

Major transportation improvements proffered to serve the site include:

- Access by one entrance on Garrisonville Road which will be a right-in/right-out entrance and slotted directional westbound Left Turn Lane on Garrisonville Road
- Right-of-way dedication along Garrisonville Road frontage
- Construction of a separate right turn lane east bound on Garrisonville Road to serve the main entrance
- Frontage improvements to include curb, gutter and sidewalk on the property

The proposed proffer revisions, with the transportation improvements listed above, do not change the proposed development's consistency with Transportation Chapter of the Comprehensive Plan. See the update to the TIA for additional information on the of traffic impacts of this development.

## **B. Utilities**

The development will utilize existing public water and sewer service lines along Garrisonville Road. The project is located in the Garrisonville pressure zone. The subject property is within the Urban Services Area. There is an existing water line along Garrisonville Road and a sanitary sewer line easement across the property. This project is located in the Austin Run Sewer Shed.

The anticipated water demands is:

47,970 GPD

The anticipated sewage demands for the development are:

47,970 GPD

Other utilities will be provided by the service companies in the area.

## **C. Storm Drainage**

The approved proffers require the applicant to construct the property in such a way as to provide a 10% reduction in surface runoff. The revised proffers are more specific and propose

stormwater management for the subject property that “complies with state and local requirements for managing the quality of stormwater run-off from the property.”

## **II Fiscal Impacts**

### **Recurrent Annual Revenue**

The commercial development represented in the GDP is approximately 240,000 total GFA. This will generate revenues in the form of real property, business property, meals and sales taxes. The property is currently assessed at \$2,089,700 primarily for the land and only \$100 for improvements. Once the site is developed the property will be taxed at a commercial Fair Market Value rate.

### **Business Property**

A rough estimate of the annual commercial based on building area is as follows:

\$136,000

The overall open space after site development is approximately 36% of the net site area after right-of-way dedication. Tree removal is approximately 20 acres. Impervious area (i.e. surface area occupied by buildings and parking) is anticipated to be 64% meaning approximately 36% will be new or preserved landscaping.

## **III. Environmental Impacts**

Two intermittent drainage areas are located on the property. One drainage area is on the northern end of the property and an existing gravity sewer line is located in the same area. The other drainage area is in the southern part of the property and will be left as open space as shown on the revised General Development Plan. The applicant will be required by the Department of Environmental Quality (DEQ) to mitigate any environmental impact during the site plan process.

## **IV. Mitigation for Potential Impacts to Adjacent Properties**

A 37.5 foot to 50 foot wide transitional buffer will be provided adjacent to the Park Ridge residential community. In addition the eight (8) foot board on board fence and landscaping will also remain as approved in the proffers. Now that competitive league designed swimming pool will no longer be developed, the impact to adjacent properties from league parking and traffic has greatly been reduced and the proffers relating to Indoor Swimming Use by Stafford County Schools has been deleted. Other proffers related to mitigating impacts to adjacent properties include:

- Building Height is restricted to three (3) stories for the office buildings and 36 feet in height for all other buildings.
- Outdoor Lighting installed shall be directed away from residential properties
- the site shall be developed with Crime Prevention Through Environmental Design (CPTED) features.

## **V. Historical Features**

An architectural survey of the house on the property was completed and was provided to the county (see attached).

#### **VI. Schools/Recreational Facilities**

No residents will be generated from the commercial development of this property and therefore there will be no impact to the level of service to the Schools or Recreational Facilities. However, it is acknowledged that the development is adjacent to a high school and an elementary school. Trails and/or sidewalks connecting between neighboring properties will be provided to enhance pedestrian connections in the community.



## WELLS + ASSOCIATES

### MEMORANDUM

**To:** Donn Hart  
Virginia Properties, Inc.

**From:** Michael R. Pinkoske, PTP  
John A. Schick

**Re:** Patriot's Crossing (Stafford Parcel 20-12)  
Operational Analysis  
Stafford County, Virginia

**Date:** June 2, 2016

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## INTRODUCTION

This memorandum provides the operational analysis requested by VDOT at joint meeting with the Applicant and Stafford County staff in response to their review of the proposed proffer amendment for the proposed Patriot's Crossing (Stafford Parcel 20-12) development held on May 19<sup>th</sup>, 2016. The site is located on the south side of Garrisonville Road (VA 610), between Wolverine Way/Joyce Street and Parkway Boulevard. The property is located just east of the North Stafford High School. The general site location is depicted on Figure 1.

The site was previously approved for a Sports Center with commercial space including retail space, a full service or fast food restaurant, and general office. The site is now proposed to be developed with a modified program and requires a Proffer Amendment. As proposed, the site would be developed with a combination of commercial uses, including retail space, a fast food restaurant, a car wash, and general office (See Figure 2). Given the configuration of the property, a larger portion of the property will be used for general office. For purpose of the analysis it is assumed that Parcels 1 through 4 would be complete by 2018 and Parcels 5 through 9 would be complete by 2020.

Access to the site is proposed via one (1) limited access (left-in, right-in, right-out) driveway located approximately 470 feet east of the Wolverine Way/Joyce Street intersection with a median break on Garrisonville Road to facilitate left turns into the property. The new left turn lane would be constructed to include 200 feet of storage and a 100 foot taper.



**WELLS + ASSOCIATES**  
MEMORANDUM

This analysis evaluates the operations of the planned access on Garrisonville Road (VA 610) that would serve the property and the adjacent signalized intersections. Specifically, it evaluates the operations of the adjacent signalized intersections with and without the proposed limited accessed median break (serving left-turns into the property) on Garrisonville Road at the site driveway. As an alternative to the proposed access, a scenario is evaluated herein without left-turns in (right-in, right-out only). Additionally, each of the aforementioned scenarios has been evaluated with a proffered inter-parcel connection to Wolverine Way (private) to the west.



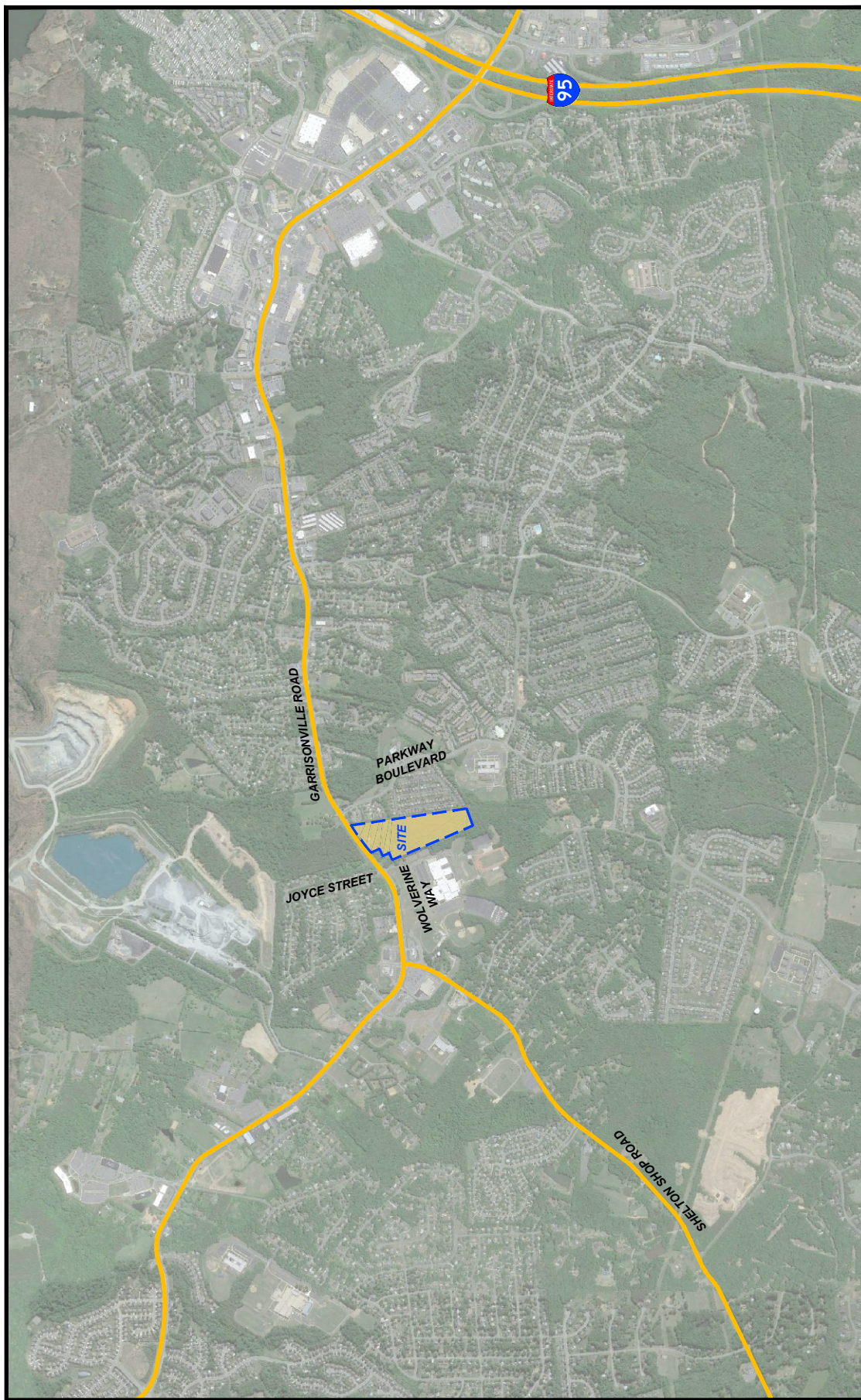


Figure 1  
Site Location

Patriot's Crossing  
Stafford County, VA







## WELLS + ASSOCIATES

### MEMORANDUM

#### EXISTING CONDITIONS

Peak hour traffic volume data was collected in March 2015 was provided by VDOT for the signalized intersections of Garrisonville Road/Wolverine Way/Joyce Street and Garrisonville Road/Parkway Boulevard. Based on a review of the data provided, the peak hours of the Garrisonville Road in the vicinity of the site occur between 7:00 to 8:00 AM and 4:00 to 5:00 PM. The peak hour traffic counts provided by VDOT were reviewed and balanced to account for differences between intersections greater than 10%. As such, the traffic data at the Garrisonville Road/Parkway Boulevard intersection was increased using the Garrisonville Road/Wolverine Way/Joyce Street intersection. The existing lane use and traffic controls as well as peak hour traffic counts are shown on Figure 3. As shown on Figure 3, 65% of the AM peak hour traffic on Garrisonville Road is traveling eastbound towards Interstate 95. Conversely, during the PM peak hour, 60% of traffic on Garrisonville Road is travelling westbound.

#### Operational Analysis

The existing levels of service (LOS) were calculated for the AM and PM peak hours based on the peak hour traffic data provided by VDOT, the existing lane use and traffic controls, the traffic signal phasing/timings provided by VDOT, and the Highway Capacity Manual 2000 (HCM) methodologies for signalized and unsignalized intersections using Synchro 9.1. The peak hour queuing analysis was conducted using SimTraffic 9. The Synchro and SimTraffic analysis was completed based on the standard input parameters and assumptions contained in the VDOT Traffic Operations and Safety Analysis Manual (TOSAM), Version 1.0, dated November 2015.

The peak hour LOS and estimated queues as reported by Synchro and SimTraffic are summarized in Tables 1 and 2. The Synchro and SimTraffic summary sheets are also provided in Appendix A.

**Levels of Service.** As shown in Table 1, the intersections along Garrisonville Road at Wolverine Way/ Joyce Street and Parkway Boulevard currently operate at an overall LOS "D" or better during both the AM and PM peak hours. The minor street approaches and left turns from Garrisonville Road at Wolverine Way/Joyce Street currently operate at LOS "E" during peak periods primarily due the amount of green time allocated to the mainline in order to move through traffic, the protected left turns phasing along the mainline, and the split phasing of minor street approaches. Since left turns on Garrisonville Road are not permitted without a green arrow and the minor street approaches each get separate green lights (split phased) all add incrementally to the overall delay at the intersection.



## WELLS + ASSOCIATES

### MEMORANDUM

All lane groups and approached at the intersection of Garrisonville Road/Parkway Boulevard currently operate at LOS "D" or better during peak periods.

**Queues.** The 50<sup>th</sup> and 95<sup>th</sup> percentile and maximum queues of existing conditions are used to establish a datum against which to compare future conditions. The results of the SimTraffic analysis are the average of ten (10) 60 minute simulations, with a ten (10) minute seed.

The 50<sup>th</sup> percentile (or average) queue is defined as the maximum back of queue associated with a typical signal cycle. The 95<sup>th</sup> percentile queue is defined as the maximum back of queue with 95<sup>th</sup> percentile traffic volumes. The 95<sup>th</sup> percentile queue is not necessarily ever observed, it is simply based on statistical calculations. The maximum queue is the maximum back of queue observed for the entire analysis interval. This is a simple maximum; no averaging is performed and is calculated by lane.<sup>1</sup> The existing storage length provided in the VDOT Synchro files was reviewed and confirmed using Google Earth imagery.

As shown on Table 2, the turn lane storage (plus half the available taper) provided at study intersections are sufficient to accommodate the average AM and PM peak hour queue. Based on the simulations the maximum queue would exceed this storage by approximately one (1) vehicle (25 feet or less) at the below locations in the remaining portion of the taper.

- Garrisonville Road eastbound right turn at Wolverine Way (AM peak)
- Garrisonville Road westbound left turn at Wolverine Way (AM peak)
- Garrisonville Road westbound right turn at Wolverine Way (PM peak)
- Garrisonville Road eastbound right turn at Parkway Boulevard (AM & PM peak)
- Garrisonville Road westbound left turn at Parkway Boulevard (AM peak)

<sup>1</sup> Synchro Studio 9, Traffic Signal Software – User Guide

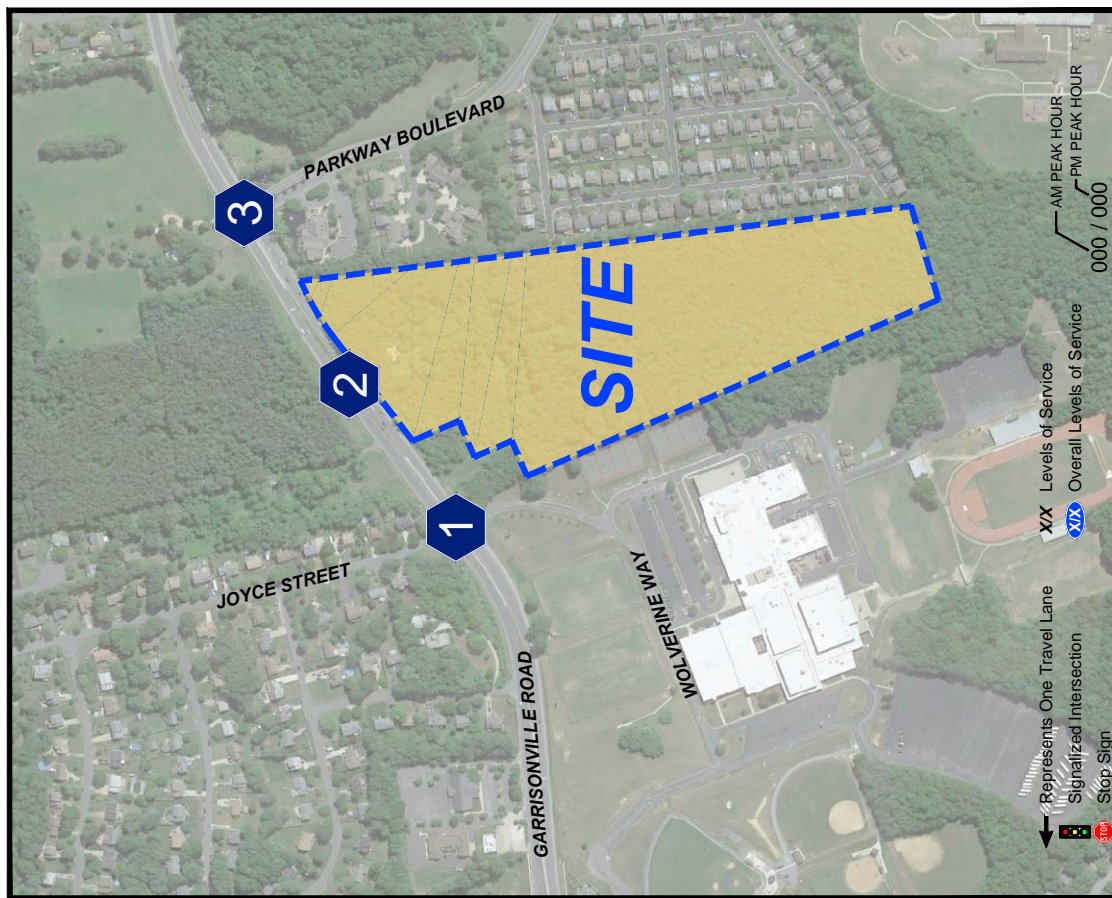


Figure 3  
Existing Lane Use, Peak Hour Volumes, & Levels of Service

Patriot's Crossing  
Stafford County, VA

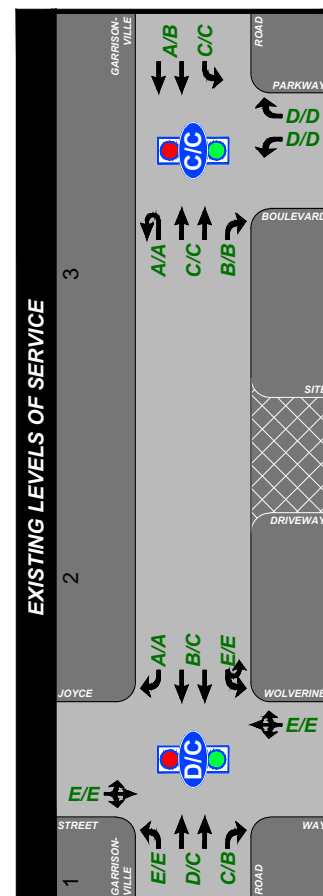
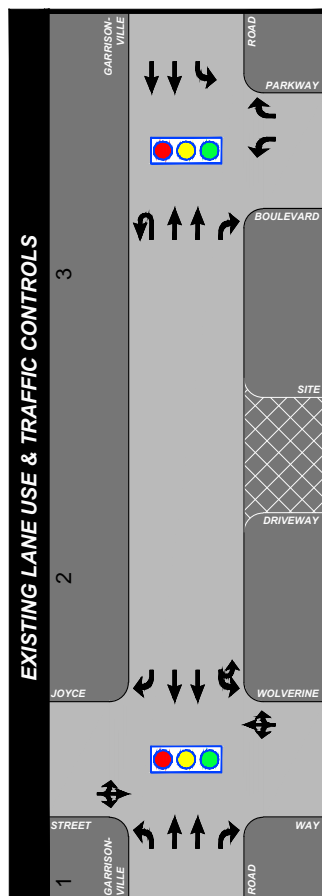
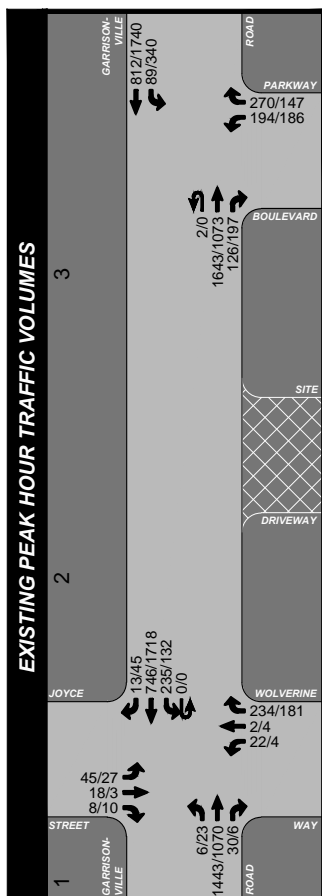




Table 1  
Patriot's Crossing  
Intersection Level of Service <sup>1</sup>

			Existing Conditions				Background Conditions (2018)				Background Conditions (2020)							
		Lane	AM Peak Hour		PM Peak Hour		AM Peak Hour		PM Peak Hour		AM Peak Hour		PM Peak Hour					
Intersection	Control	Group	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay		
(1) Garrisonville Road/ Wolverine Way/ Joyce Street	Signalized	EBL	E	75.3	E	64.1	E	75.3	E	64.2	E	75.3	E	64.2				
		EBT	D	43.2	C	20.1	D	48.6	C	21.0	D	50.2	C	21.3				
		EBR	C	20.3	B	13.2	C	20.3	B	13.2	C	20.3	B	13.3				
		WBLU	E	69.5	E	59.3	E	69.5	E	59.6	E	69.5	E	59.4				
		WBT	B	12.2	C	21.0	B	12.4	C	23.5	B	12.4	C	24.1				
		WBR	A	9.3	A	8.7	A	9.3	A	8.7	A	9.3	A	8.7				
		NBLTR	E	67.4	E	59.3	E	67.4	E	59.3	E	67.4	E	59.3				
		SBLTR	E	66.4	E	61.7	E	66.4	E	61.7	E	66.4	E	61.9				
		Overall	D	39.6	C	25.1	D	42.2	C	26.6	D	43.0	C	27.0				
(2) Garrisonville Road/ Site Driveway (Future)			Future Intersection		Future Intersection		Future Intersection		Future Intersection		Future Intersection		Future Intersection					
(3) Garrisonville Road/ Parkway Boulevard	Signalized	EBLU	A	8.1	-	-	B	10.5	-	-	B	10.6	-	-				
		EBT	C	23.4	C	28.5	D	36.0	D	44.3	D	37.8	D	44.6				
		EBR	B	10.1	B	19.2	B	13.1	C	27.7	B	13.1	C	27.7				
		WBL	C	20.7	C	32.7	D	36.4	E	74.7	D	37.1	E	77.9				
		WBT	A	9.0	B	10.6	A	9.9	B	13.6	A	9.9	B	13.8				
		NBL	D	43.9	D	43.9	D	48.4	F	86.8	D	48.4	F	89.5				
		NBR	D	36.8	D	37.2	D	38.2	D	42.1	D	38.2	D	42.3				
		Overall	C	21.5	C	21.1	C	29.9	D	38.0	C	30.9	D	38.8				
					Total Future - Scenario 1 (2018)				Total Future - Scenario 2 (2018)				Total Future - Scenario 1A (2018)				Total Future - Scenario 2A (2018)	
		Lane	AM Peak Hour		PM Peak Hour		AM Peak Hour		PM Peak Hour		AM Peak Hour		PM Peak Hour		AM Peak Hour		PM Peak Hour	
Intersection	Control	Group	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay
(1) Garrisonville Road/ Wolverine Way Joyce Street	Signalized	EBL	E	76.1	E	64.2	E	79.5	E	64.4	F	85.2	E	73.4	F	85.9	E	73.7
		EBT	E	57.9	C	22.2	E	75.9	C	25.9	F	102.9	D	35.1	F	109.3	D	38.0
		EBR	C	20.8	B	13.6	C	23.8	B	15.8	C	27.9	C	21.3	C	28.7	C	22.8
		WBLU	E	70.3	E	59.5	E	79.6	E	59.5	F	84.8	E	68.3	F	99.0	E	68.3
		WBT	B	12.4	C	25.8	B	12.0	C	25.7	B	17.6	D	43.1	B	16.6	D	42.9
		WBR	A	9.2	A	8.7	A	8.9	A	8.7	B	13.3	B	14.1	B	12.4	B	13.5
		NBLTR	E	68.1	E	59.3	E	71.7	E	59.5	F	86.8	E	73.9	F	86.1	E	73.4
		SBLTR	E	67.2	E	61.7	E	71.0	E	61.9	E	76.1	E	70.9	E	3.8	E	71.2
		Overall	D	47.2	C	28.2	E	58.3	C	29.9	E	75.9	D	44.0	F	80.1	D	45.0
(2) Garrisonville Road/ Site Driveway (Future)	Stop	EBTR	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
		WBL	C	21.4	B	13.8	-	-	-	-	C	20.3	B	13.0	-	-	-	-
		WBT	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
		NBR	B	12.7	B	11.5	B	12.4	B	11.7	B	11.6	B	10.9	B	11.6	B	11.3
(3) Garrisonville Road/ Parkway Boulevard	Signalized	EBLU	B	10.0	C	30.1	A	10.0	C	27.7	B	10.5	C	24.1	B	10.5	C	24.1
		EBT	D	45.7	D	51.9	D	45.4	D	49.8	D	40.5	D	45.4	D	40.5	D	45.4
		EBR	B	13.4	C	27.5	B	13.4	C	27.3	B	13.1	C	26.5	B	13.1	C	26.5
		WBL	C	34.7	F	80.3	C	34.8	F	83.9	D	37.0	F	94.4	D	37.0	F	94.4
		WBT	B	12.1	C	30.7	B	12.0	C	26.6	B	10.3	B	19.9	B	10.3	B	19.9
		NBL	D	46.2	F	91.8	D	46.2	F	95.3	D	48.4	F	105.8	D	48.4	F	105.8
		NBR	D	36.9	D	43.2	D	36.9	D	43.8	D	38.2	D	45.9	D	38.2	D	45.9
		Overall	C	34.3	D	47.8	C	34.1	D	46.3	C	31.8	D	44.6	C	31.8	D	44.6
			Total Future - Scenario 1 (2020)				Total Future - Scenario 2 (2020)				Total Future - Scenario 1A (2020)				Total Future - Scenario 2A (2020)			
		Lane	AM Peak Hour		PM Peak Hour		AM Peak Hour		PM Peak Hour		AM Peak Hour		PM Peak Hour		AM Peak Hour		PM Peak Hour	
Intersection	Control	Group	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay
(1) Garrisonville Road/ Wolverine Way Joyce Street	Signalized	EBL	E	77.2	E	64.2	F	81.3	E	65.0	F	87.9	E	75.6	F	87.2	E	76.9
		EBT	F	82.1	C	22.8	F	110.3	C	27.9	F	149.0	D	40.4	F	143.8	D	45.8
		EBR	C	21.7	B	13.8	C	25.1	B	16.7	C	30.6	C	23.8	C	30.0	C	26.3
		WBLU	E	72.6	E	59.4	F	218.7	E	60.1	F	109.1	E	71.4	F	265.0	E	73.7
		WBT	B	12.4	C	29.8	B	13.4	C	29.2	B	18.5	E	56.4	B	17.9	E	57.8
		WBR	A	9.1	A	8.7	A	9.9	A	8.6	B	13.9	B	15.7	B	13.4	B	15.5
		NBLTR	E	69.2	E	59.3	E	74.9	E	60.0	F	97.6	F	97.1	F	93.0	F	95.1
		SBLTR	E	68.2	E	61.9	E	72.6	E	62.5	E	79.1	E	73.3	E	78.3	E	74.6
		Overall	E	60.6	C	30.5	F	97.1	C	32.6	F	103.9	E	55.2	F	123.1	E	57.8
(2) Garrisonville Road/ Site Driveway (Future)	Stop	EBTR	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
		WBL	F	83.2	B	14.6	-	-	-	-	E	44.4	B	13.5	-	-	-	-
		WBT	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
		NBR	B	13.3	B	14.8	B	12.8	C	15.3	B	11.7	B	12.6	B	11.8	B	13.4
(3) Garrisonville Road/ Parkway Boulevard	Signalized	EBLU	B	10.3	D	52.3	B	10.4	D	36.4	B	10.7	C	25.4	B	10.7	C	25.4
		EBT	E	56.0	E	72.3	D	52.1	E	72.3	D	45.9	E	64.3	D	45.9	E	64.1
		EBR	B	13.7	C	27.8	B	13.5	C	27.8	B	13.1	C	27.3	B	13.1	C	27.3
		WBL	C	33.6	F	83.2	C	34.8	F	83.2	D	37.4	F	90.3	D	37.4	F	90.3
		WBT	B	14.2	D	36.3	B	13.1	C	34.6	B	11.2	C	23.8	B	11.2	C	23.8
		NBL	D	45.1	F	93.8	D	46.4	F	93.8	D	48.7	F	101.4	D	48.7	F	101.4
		NBR	D	36.2	D	43.2	D	37.0	D	43.2	D	38.2	D	44.6	D	38.2	D	44.6
		Overall	D	38.7	E	57.1	D	36.8	E	56.1	C	33.8	D	51.1	C	33.8	D	51.0
			Total Future - Scenario 1 (2020) Garrisonville Road 6 Lanes				Total Future - Scenario 2 (2020) Garrisonville Road 6 Lanes				Total Future - Scenario 1A (2020) Garrisonville Road 6 Lanes				Total Future - Scenario 2A (2020) Garrisonville Road 6 Lanes			
		Lane	AM Peak Hour		PM Peak Hour		AM Peak Hour		PM Peak Hour		AM Peak Hour		PM Peak Hour		AM Peak Hour		PM Peak Hour	
Intersection	Control	Group	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay
(1) Garrisonville Road/ Wolverine Way Joyce Street	Signalized	EBL	E	75.3	E	56.3	F	80.3	E	56.9	F	87.4	E	69.0	F	87.2	E	70.5
		EBT	D	35.4	C	21.3	D	41.1	C	25.3	D	50.0	D	35.7	F	143.8	D	38.7
		EBR	C	22.1	B	15.7	C	25.5	B	18.5	C	30.8	C	26.1	C	30.0	C	28.3
		WBLU	E	69.0	D	48.2	F	209.4	D	48.0	F	105.5	E	62.2	F	265.0	E	64.8
		WBT	B	11.3	B	17.1	B	12.1	B	17.0	B	16.8	C	29.5	B	16.1	C	29.1
		WBR	A	9.3	A	9.6	A	9.9	A	9.5	B	13.9	B	17.3	B	13.4	B	16.9
		NBLTR	E	67.4	D	50.9	E	73.8	D	51.6	F	95.8	E	69.4	F	93.0	E	70.1
		SBLTR	E	66.4	D	53.5	E	71.4	D	54.3	E	78.7	E	66.4	E	78.3	E	67.9
		Overall	D	35.1	C	22.2	E	61.1	C	24.0	D	52.2	D	37.2	F	122.7	D	38.4
(2) Garrisonville Road/ Site Driveway (Future)	Stop	EBTR	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
		WBL	D	25.7	B	12.5	-	-	-	-	C	17.9	B	11.6	-	-	-	-
		WBT	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
		NBR	B	10.7	B	12.7	B	10.8	B	12.9	B	10.5	B	11.0	B	11.5	B	11.4
(3) Garrisonville Road/ Parkway Boulevard	Signalized	EBLU	A	9.7	D	36.5	B	10.0	C	25.7	B	10.6	C	22.0	B	10.6	C	



Table 2  
Patriot's Crossing  
SimTraffic Queuing Summary <sup>1</sup>

				Existing Conditions						Background Conditions (2018)						Background Conditions (2020)											
Intersection	Control	Lane Group	Storage <sup>2</sup>	AM Peak Hour			PM Peak Hour			AM Peak Hour			PM Peak Hour			AM Peak Hour			PM Peak Hour								
				Max	Ave	95th	Max	Ave	95th	Max	Ave	95th	Max	Ave	95th	Max	Ave	95th	Max	Ave	95th						
(1) Garrisonville Road/ Wolverine Way Joyce Street	Signalized	EBL	310	172	10	93	52	13	39	271	14	112	89	14	54	274	16	124	107	15	75						
		EBT	-	1203	844	1367	357	174	324	1413	1055	1690	406	198	361	1357	974	1555	406	200	368						
		EBR	260	285	59	230	53	5	52	285	46	202	102	5	52	285	54	221	101	6	60						
		WBLU	290	314	190	306	290	103	231	307	186	294	314	120	266	294	172	278	314	113	251						
		WBT	-	400	122	279	497	236	462	324	129	247	503	256	506	327	125	257	522	248	480						
		WBR	165	93	6	44	177	26	122	92	6	44	190	27	121	93	5	43	190	27	120						
		NBLTR	-	269	153	261	182	76	141	264	145	252	189	82	157	261	151	257	211	90	175						
		SBLTR	-	146	62	122	87	28	67	157	62	128	90	30	69	154	60	122	96	29	69						
(2) Garrisonville Road/ Site Driveway (Future)				Future Intersection			Future Intersection			Future Intersection			Future Intersection			Future Intersection			Future Intersection								
(3) Garrisonville Road/ Parkway Boulevard	Signalized	EBLU	295	82	4	47	-	-	-	50	3	35	-	-	-	111	4	57	-	-	-						
		EBT	-	675	357	604	490	234	422	711	518	781	577	344	550	732	543	830	642	370	601						
		EBR	250	275	99	281	275	98	267	275	165	362	275	163	350	275	170	367	275	181	364						
		WBL	295	135	54	103	313	151	263	188	90	152	320	264	371	179	84	149	320	276	370						
		WBT	-	217	99	185	541	189	421	205	94	173	829	339	668	203	98	171	621	336	576						
		NBL	-	204	105	179	231	118	201	275	137	231	628	397	663	263	131	224	641	430	703						
		NBR	-	207	107	184	141	48	102	250	131	222	339	102	376	250	134	227	399	132	476						
				Total Future - Scenario 1 (2018)						Total Future - Scenario 2 (2018)						Total Future - Scenario 1A (2018)						Total Future - Scenario 2A (2018)					
Intersection	Control	Lane Group		AM Peak Hour			PM Peak Hour			AM Peak Hour			PM Peak Hour			AM Peak Hour			PM Peak Hour			AM Peak Hour			PM Peak Hour		
				Max	Ave	95th	Max	Ave	95th	Max	Ave	95th	Max	Ave	95th	Max	Ave	95th	Max	Ave	95th	Max	Ave	95th	Max	Ave	95th
(1) Garrisonville Road/ Wolverine Way Joyce Street	Signalized	EBL	310	239	11	99	80	12	50	146	9	86	157	16	81	146	9	86	227	23	113	180	9	86	246	19	108
		EBT	-	1554	1206	1720	418	210	388	1573	1335	1817	458	263	439	1568	1309	1753	499	288	470	1570	1338	1834	484	306	470
		EBR	260	285	51	220	105	8	74	285	42	197	154	8	69	285	57	229	234	19	124	285	72	263	233	15	110
		WBLU	290	311	207	320	314	125	264	315	280	360	314	173	322	308	211	316	315	169	331	315	278	363	315	191	336
		WBT	-	370	131	302	452	239	463	450	289	551	455	274	488	379	150	333	464	345	530	455	275	541	459	335	542
		WBR	165	75	4	37	189	23	111	74	5	39	164	23	107	103	6	51	190	32	134	28	3	18	190	31	133
		NBLTR	-	264	153	265	189	82	156	268	160	270	199	81	156	275	189	294	276	172	288	270	183	296	259	158	268
		SBLTR	-	146	59	120	85	29	69	149	62	126	88	30	70	148	63	122	97	33	75	147	63	121	108	34	81
(2) Garrisonville Road/ Site Driveway (Future)	Stop	EBT	-	283	49	207	119	15	87	125	11	65	70	5	39	235	33	165	241	41	202	142	12	70	155	26	137
		EBR	250	126	9	93	15	1	8	-	-	-	-	-	-	96	4	61	124	9	88	-	-	-	59	3	51
		WBL	300	129	55	114	118	48	96	-	-	-	-	-	-	125	49	102	164	45	103	-	-	-	-	-	-
		WBT	-	25	2	24	240	24	125	280	64	288	266	34	167	76	4	42	333	71	246	268	63	279	393	76	269
		NBR	-	158	71	151	206	130	221	154	61	120	203	117	204	118	45	96	198	84	175	118	45	95	195	89	170
(3) Garrisonville Road/ Parkway Boulevard	Signalized	EBLU	295	319	54	210	320	142	339	319	42	183	320	101	284	118	7	69	149	16	96	151	8	70	264	27	147
		EBT	-	654	514	732	643	482	682	646	451	684	635	437	639	658	482	721	656	472	725	646	437	679	647	491	713
		EBR	250	275	166	361	275	212	379	275	141	338	275	200	375	275	155	353	275	197	375	275	126	320	275	199	376
		WBL	295	210	90	160	320	308	362	164	89	146	320	298	370	185	91	156	320	284	369	207	88	155	320	286	369
		WBT	-	281	136	238	1028	551	868	237	123	209	967	475	833	245	120	207	1145	382	780	254	115	203	956	385	741
		NBL	-	250	139	234	621	458	717	293	140	244	642	472	743	266	141	237	600	458	718	261	132	226	617	446	725
		NBR	-	273	132	229	424	172	557	240	133	223	514	203	628	267	130	225	450	179	582	262	129	219	351	158	530
				Total Future - Scenario 1 (2020)						Total Future - Scenario 2 (2020)						Total Future - Scenario 1A (2020)						Total Future - Scenario 2A (2020)					
Intersection	Control	Lane Group		AM Peak Hour			PM Peak Hour			AM Peak Hour			PM Peak Hour			AM Peak Hour			PM Peak Hour			AM Peak Hour			PM Peak Hour		
				Max	Ave	95th	Max	Ave	95th	Max	Ave	95th	Max	Ave	95th	Max	Ave	95th	Max	Ave	95th	Max	Ave	95th	Max	Ave	95th
(1) Garrisonville Road/ Wolverine Way Joyce Street	Signalized	EBL	310	208	8	85	168	16	83	146	6	70	191	21	114	144	6	70	275	28	140	143	7	70	225	26	129
		EBT	-	1573	1329	1837	440	239	424	1587	1453	1774	478	285	470	1579	1442	1829	518	320	487	1575	1443	1777	557	352	534
		EBR	260	285	50	217	206	9	84	285	40	189	233	11	95	285	61	238	233	15	99	285	73	262	184	15	107
		WBLU	290	313	225	335	314	127	270	315	313	318	314	205	343	315	295	360	314	195	353	315	313	319	315	235	368
		WBT	-	409	163	368	455	276	489	471	444	453	456	305	509	457	351	584	467	384	549	470	441	493	466	385	546
		WBR	165	124	8	62	190	25	116	78	4	37	176	24	113	90	6	44	190	35	145	106	6	54	189	33	137
		NBLTR	-	269	166	277	190	91	167	266	157	255	215	100	183	277	209	316	287	247	313	273	193	304	280	230	316
		SBLTR	-	141	60	120	88	31	71	155	59	124	92	31	71	145	60	124	95	32	72	175	68	141	99	33	78
(2) Garrisonville Road/ Site Driveway (Future)	Stop	EBT	-	183	23	129	238	37	163	3	0	3	145	17	113	102	8	56	407	114	321	60	4	30	319	88	280
		EBR	250	64	7	59	108	6	63	-	-	-	30	2	42	25	2	14	213	11	104	-	-	-	150	17	131
		WBL	300	283	150	259	168	60	120	-	-	-	-														



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### MEMORANDUM

#### FUTURE CONDITIONS WITHOUT DEVELOPMENT (2018 and 2020)

Future traffic conditions without the proposed development at study intersections were analyzed based on the projected future peak hour traffic forecasts without the development. The future peak hour traffic forecasts without the development include a regional growth factor of 0.5 percent, compounded annually and the approved, but unbuilt 610 Parkridge development located in the southeast quadrant of the Garrisonville Road/Parkway Boulevard intersection.

As directed by VDOT, the regional growth rate was established by reviewing published VDOT average annual daily traffic (AADT) volumes for both Garrisonville Road and Parkway Boulevard for the most recent five (5) year period. Based on a review of the AADT data both Garrisonville Road and Parkway Boulevard experienced little or no growth in traffic from 2011 to 2015. Therefore, a regional growth rate of 0.5 percent was assumed herein and is summarized on Figure 4 for years 2018 and 2020.

While the timeframe for the redevelopment of adjacent pipeline development (610 Parkridge) is unclear and in order to provide a more conservative analysis, the peak hour trips associated with the approved development have been assumed herein and are summarized on Figure 5 for years 2018 and 2020.

Based on the above assumptions, the background peak hour traffic forecasts which add regional growth and the 610 Parkridge development to the existing peak traffic counts is summarized on Figure for years 2018 and 2020. The estimated levels of service for years 2018 and 2020 without development are also summarized on Figure 6 and will be discussed in detail below.

#### Operational Analysis

The future LOS without development in 2018 and 2020 were calculated for the AM and PM peak hours based on the peak hour traffic data provided by VDOT, the existing lane use and traffic controls, the traffic signal phasing/timings provided by VDOT, and the Highway Capacity Manual 2000 (HCM) methodologies for signalized and unsignalized intersections using Synchro 9.1. The peak hour queuing result were reported using SimTraffic 9.

The peak hour LOS and estimated queues as reported by Synchro and SimTraffic, respectively, are summarized in Tables 1 and 2. Additionally, the Synchro and SimTraffic summary sheets are also provided in Appendix B.

**2018 Levels of Service.** As shown in Table 1 with the addition of regional growth and the planned 610 Parkridge development, the intersections along Garrisonville Road



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at Wolverine Way/ Joyce Street and Parkway Boulevard would continue to operate at an overall LOS “D” or better during both the AM and PM peak hours. The minor street approaches and left turns from Garrisonville Road at Wolverine Way/Joyce Street would continue to operate at LOS “E” during peak periods. As mentioned previously, this is primarily due the amount of green time allocated to the mainline in order to move through traffic as well as protected left turn phasing along the mainline and the split phasing of minor street approaches. With the addition of regional growth and the 610 Parkridge development the westbound left turn on Garrisonville Road and the northbound left turn on Parkway Boulevard would operate at LOS “E” and “F”, respectively during the PM peak hour.

**2018 Queues without Development.** As shown on Table 2, with the addition of regional growth and the planned 610 Parkridge development the turn lane storage provided at study intersections would continue to be sufficient to accommodate the average AM and PM peak hour queue. Based on the simulations the maximum queue would continue exceed storage at the locations mentioned previously, consistent with existing conditions. Additionally, the maximum westbound left turn on Garrisonville Road at Parkway Boulevard would exceed the full width storage by approximately 25 feet (or one vehicle) during the PM peak with the additional 610 Parkridge development traffic.

**2020 Levels of Service with Development.** As shown in Table 1, the intersections along Garrisonville Road at Wolverine Way/Joyce Street and Parkway Boulevard would continue to operate at levels of service consistent with 2018 conditions without development with two (2) additional years of regional growth.

**2020 Queues without Development.** Similar to LOS results above the estimated peak hour queues (maximum queue) would increase marginally when compared to 2018 condition without development with two (2) years of additional growth. The results of the SimTraffic analysis are summarized in Table 2.

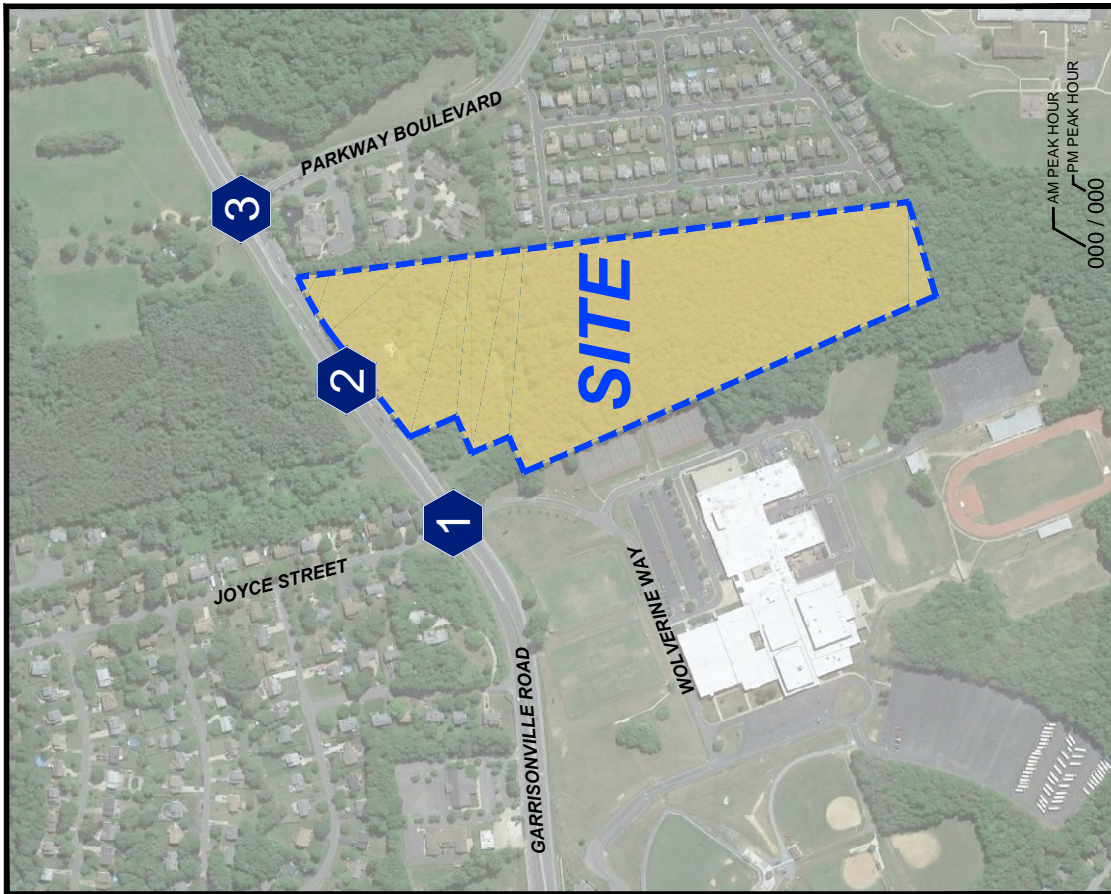


Figure 4  
Regional Traffic Growth and 610 Park Ridge Peak Hour Forecasts

Patriot's Crossing  
Stafford County, VA



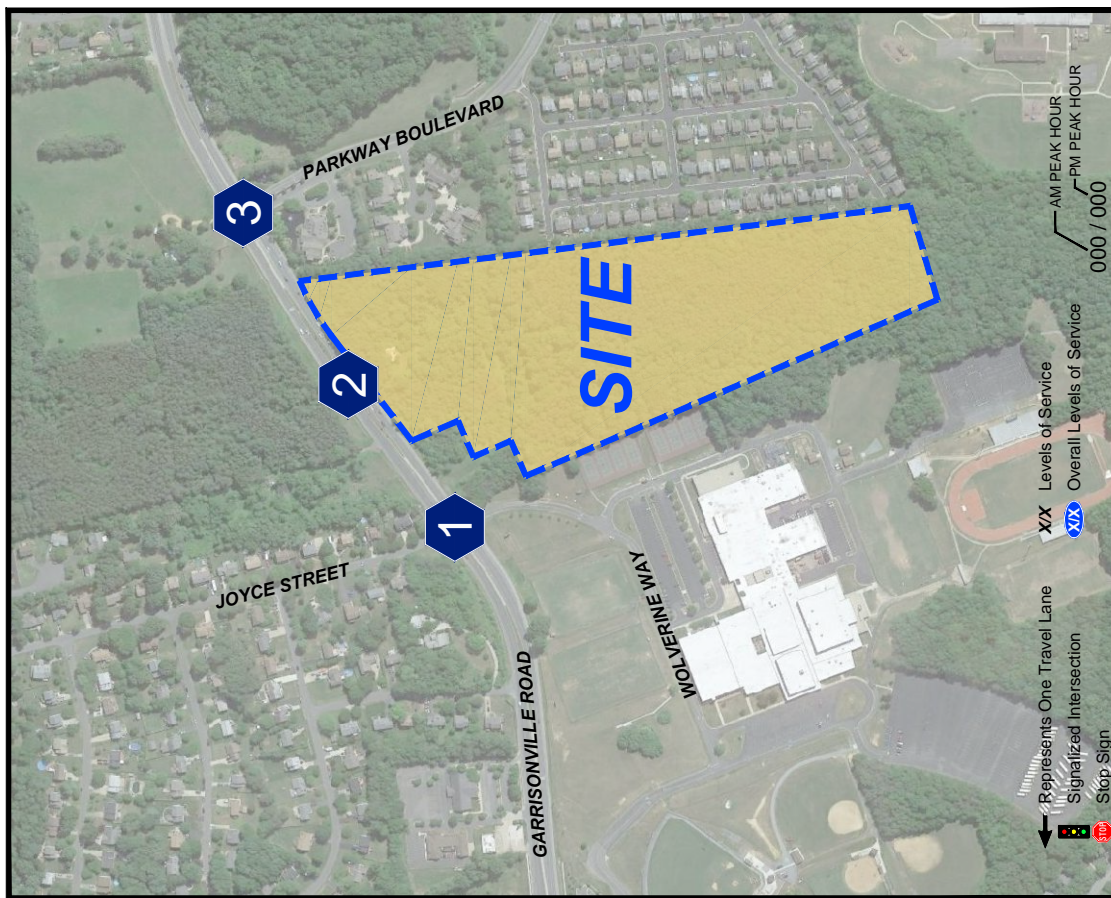
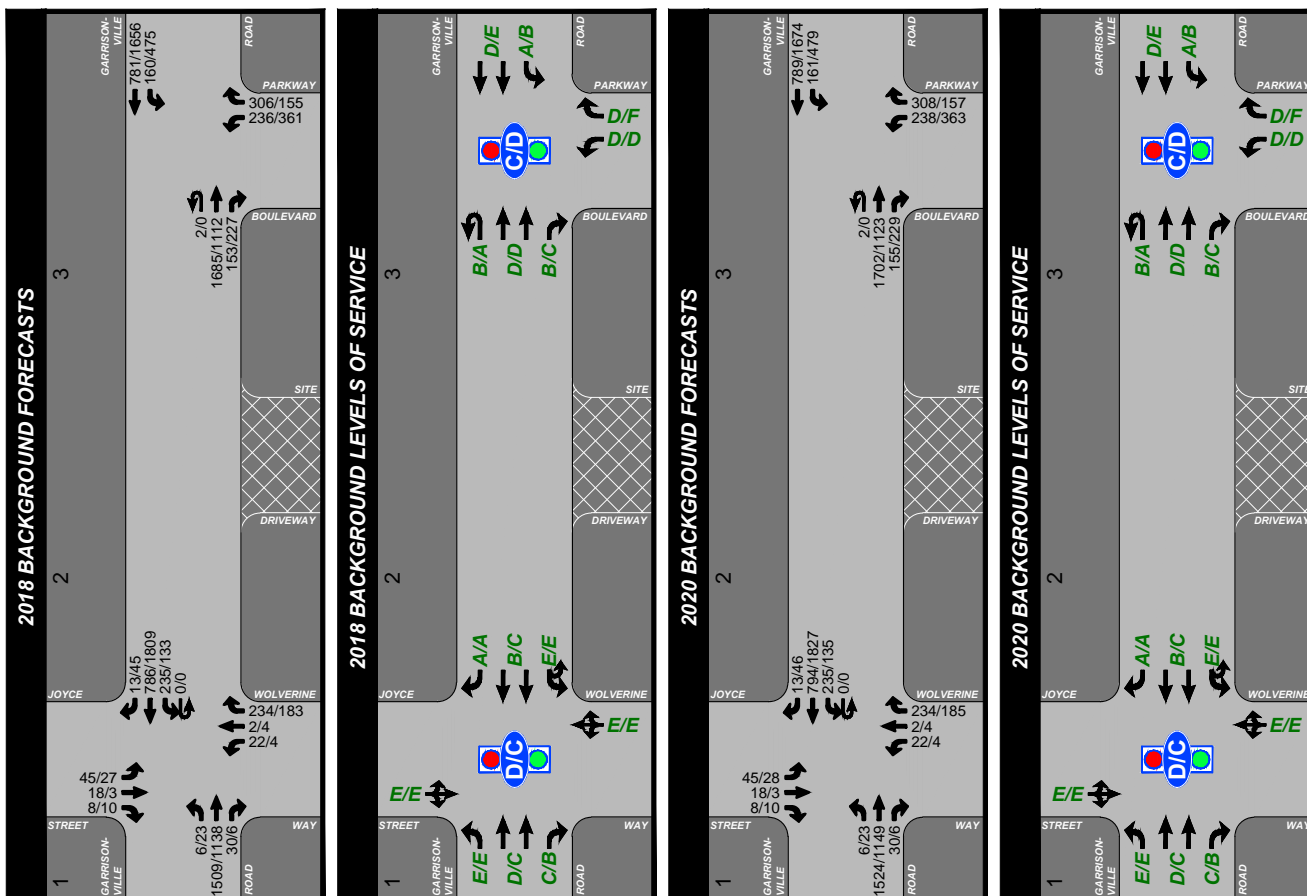


Figure 5  
Background Peak Hour Traffic Forecasts, & Levels of Service

Patriot's Crossing  
Stafford County, VA



## WELLS + ASSOCIATES

### MEMORANDUM

#### SITE TRIP GENERATION and ACCESS SCENARIOS

**Trip Generation Estimates.** Based on plans provided by Fairbanks & Franklin, the site is proposed to be developed with a combination of commercial uses, including retail space, restaurants, car wash, pharmacy, and general office (See Figure 2).

A trip generation analysis is provided on Table 3 that reflects the currently proposed development plan for Pads 1 through 4, which is assumed as the Phase I. Based on the Institute of Transportation Engineer's (ITE) Trip Generation Manual, 9<sup>th</sup> Edition rates and equations the site is expected to generate 215 new AM peak hour trips (147 in and 68 out), 29 new PM peak hour trips (106 in and 189 out), and 2,922 daily weekday trips. This assumes a 40 percent pass-by reduction for the fast food restaurant and carwash, and a 25 percent pass-by reduction for the other retail uses.

As shown in Table 3, upon full-buildout (Pads 1 through 9) the site is expected to generate 479 new AM peak hour trips (379 in and 100 out), 493 new PM peak hour trips (140 in and 353 out), and 4,632 daily weekday trips.

**Site Access.** As shown on Figure 7 multiple access scenarios have been evaluated at the request of VDOT. Scenario 1, the proposed access, includes a new median break on Garrisonville Road which would allow for westbound left turns into the site as well as right-in, right-out turning movements along eastbound Garrisonville Road. The proposed access would reduce the frequency of U-turn movements at the Wolverine Way/Joyce Street intersection west of the site. Scenario 2, removes the left-in access and would result in all traffic approaching the site from the east to make a U-turn the Wolverine Way/Joyce Street intersection. Scenarios 1A and 2A are similar to the scenarios describe previously, but also include the addition of a proffered inter-parcel connection between the proposed development and the High School via Wolverine Way. While the inter-parcel connection is proffered it would require an agreement with the High School to implement since the connection would be on the school's property reduces security and results in an increase in traffic on Wolverine Way a privately maintained road.

Table 3  
Patriot's Crossing  
ITE Trip Generation Analysis <sup>1</sup>

	ITE Land Use		AM Peak Hour			PM Peak Hour			Weekday
			In	Out	Total	In	Out	Total	
<b>Pads 1 through 4 (2018)</b>	934								
Fast Food with Drive-Thru		3,200	74	71	145	54	50	104	1,588
Automated Carwash	948	3,750	0	0	0	27	26	53	530
Subtotal			74	71	145	81	76	157	2,118
<u>40% Pass-By Adjustment</u>			<u>-30</u>	<u>-28</u>	<u>-58</u>	<u>-32</u>	<u>-30</u>	<u>-62</u>	<u>-847</u>
<b>Fast Food + Carwash Primary Trips</b>			<b>44</b>	<b>43</b>	<b>87</b>	<b>49</b>	<b>46</b>	<b>95</b>	<b>1,271</b>
Shopping Center	820	15,750	31	19	50	84	90	174	2,043
<u>25% Pass-By Adjustment</u>			<u>-8</u>	<u>-5</u>	<u>-13</u>	<u>-21</u>	<u>-23</u>	<u>-44</u>	<u>-511</u>
<b>Fast Food + Carwash Primary Trips</b>			<b>23</b>	<b>14</b>	<b>37</b>	<b>63</b>	<b>67</b>	<b>130</b>	<b>1,532</b>
General Office Building	710	39,574	80	11	91	21	102	123	649
Total Phase 1 Trips			185	101	286	159	242	401	4,280
<u>Total Pass-By Adjustment</u>			<u>-38</u>	<u>-33</u>	<u>-71</u>	<u>-53</u>	<u>-53</u>	<u>-106</u>	<u>-1,358</u>
<b>Net New Primary Phase 1 Trips</b>			<b>147</b>	<b>68</b>	<b>215</b>	<b>106</b>	<b>189</b>	<b>295</b>	<b>2,922</b>
<b>Pads 1 through 9 (2020)</b>	934								
Fast Food with Drive-Thru		3,200	74	71	145	54	50	104	1,588
Automated Carwash	948	3,750	0	0	0	27	26	53	530
Subtotal			74	71	145	81	76	157	2,118
<u>40% Pass-By Adjustment</u>			<u>-30</u>	<u>-28</u>	<u>-58</u>	<u>-32</u>	<u>-30</u>	<u>-62</u>	<u>-847</u>
<b>Fast Food + Carwash Primary Trips</b>			<b>44</b>	<b>43</b>	<b>87</b>	<b>49</b>	<b>46</b>	<b>95</b>	<b>1,271</b>
Shopping Center	820	15,750	31	19	50	84	90	174	2,043
<u>25% Pass-By Adjustment</u>			<u>-8</u>	<u>-5</u>	<u>-13</u>	<u>-21</u>	<u>-23</u>	<u>-44</u>	<u>-511</u>
<b>Fast Food + Carwash Primary Trips</b>			<b>23</b>	<b>14</b>	<b>37</b>	<b>63</b>	<b>67</b>	<b>130</b>	<b>1,532</b>
General Office Building	710	216,270	312	43	355	55	266	321	2,359
Total Phase 1 Trips			417	133	550	193	406	599	5,990
<u>Total Pass-By Adjustment</u>			<u>-38</u>	<u>-33</u>	<u>-71</u>	<u>-53</u>	<u>-53</u>	<u>-106</u>	<u>-1,358</u>
<b>Net New Primary Phase 1 Trips</b>			<b>379</b>	<b>100</b>	<b>479</b>	<b>140</b>	<b>353</b>	<b>493</b>	<b>4,632</b>

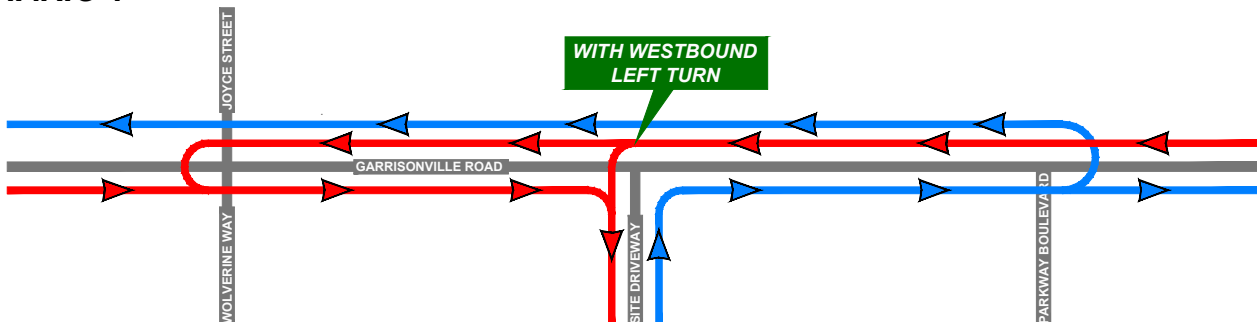
Notes:

1. Traffic estimates based on Institute of Transportation Engineers (ITE) Trip Generation Manual, Ninth Edition.

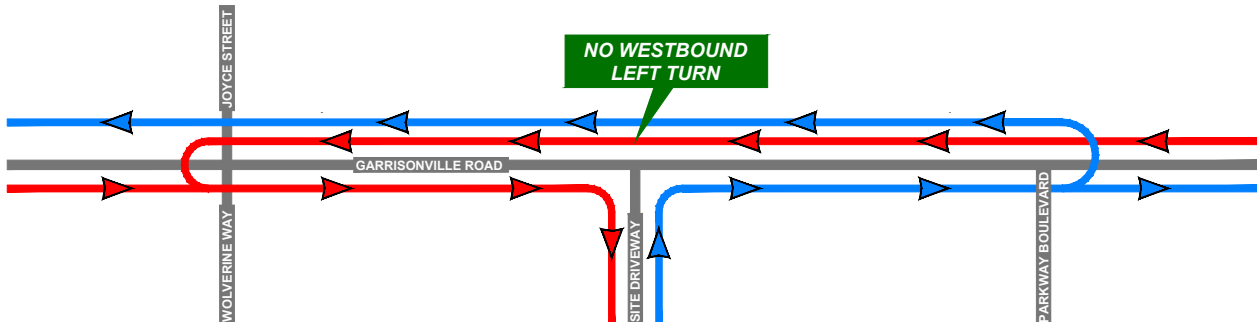


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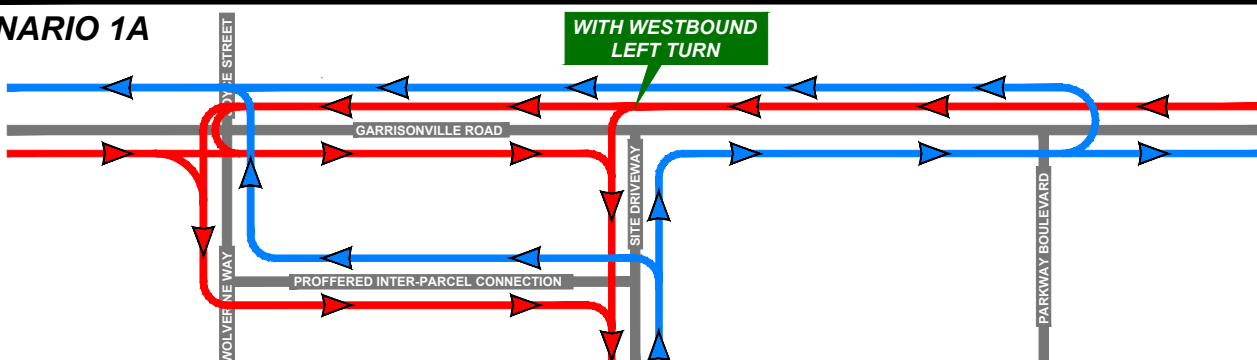
## SCENARIO 1



## SCENARIO 2



## SCENARIO 1A



## SCENARIO 2A

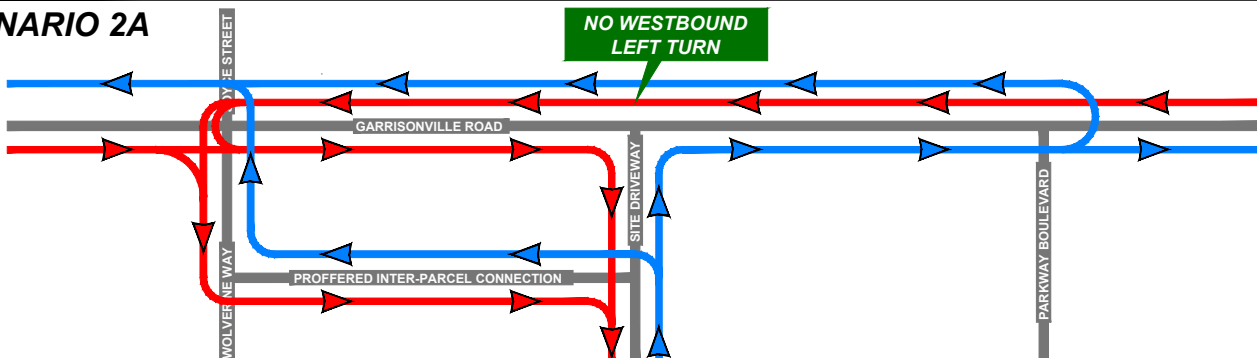


Figure 6  
Circulation / Access Scenarios

Patriot's Crossing  
Stafford County, VA

INBOUND TRAFFIC  
OUTBOUND TRAFFIC



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## WELLS + ASSOCIATES

### MEMORANDUM

#### FUTURE CONDITIONS WITH DEVELOPMENT (2018 and 2020)

The site generated traffic assignments for the proposed development were added to future traffic forecasts without the development to yield future peak hour traffic forecasts with the proposed development and are shown on Figures 7 through 15. Future LOS and queue estimates with the development were calculated for the AM and PM peak hours based on future peak hour traffic forecasts with the development, future lane use and traffic controls, signal phasing/timings consistent with existing conditions, and the Highway Capacity Manual 2000 (HCM) methodologies for signalized and unsignalized intersections. The level of service results are shown on Figures 7 through 10 for the respective Scenarios in 2018, Figure 11 through 14 for the respective Scenarios in 2020 and on Figure 15 for 2020 conditions with Garrisonville Road widened to six (6) lanes. The level of service results are also summarized in Table 1. The SimTraffic queuing results are summarized in Table 2. The Synchro and SimTraffic summary sheets are also provided in Appendix C. The results of the operational analysis of future condition with development are summarized below.

#### Levels of Service (2018 and 2020)

**Scenario 1 (Proposed Access).** As shown in Table 1 with the proposed median break and the buildout of Pads 1 through 4 the signalized intersection of Garrisonville Road/Wolverine Way/Joyce Street and Garrisonville Road/Parkway Boulevard would continue to operate at acceptable levels of service, LOS “D” or better during both the AM and PM peak hours. When compared to future conditions without development the overall delay per vehicle at the signalized study intersections would increase by five (5) seconds or less during the AM peak hour and by 10 seconds or less during the PM peak hour.

The estimated delay per vehicle for westbound left turns on Garrisonville Road at Wolverine Way/Joyce Street would remain consistent with future conditions without development. The eastbound left U-turn on Garrisonville Road at Parkway Boulevard would operate at LOS “C” or better during peak periods.

The proposed westbound left turn on Garrisonville Road at the future site driveway would operate at LOS “C” during the critical AM peak hour and LOS “B” during the PM peak hour. Egress from the site (right-out only) would operate at LOS “B” during the AM and PM peak hours.

**Scenario 2 (No Median Break).** As shown in Table 1 without the proposed median break and the buildout of Pads 1 through 4 the signalized intersection of Garrisonville Road/Wolverine Way/Joyce Street and Garrisonville Road/Parkway Boulevard would continue to operate at acceptable levels of service, LOS “D” or



## WELLS + ASSOCIATES

### MEMORANDUM

better during both the AM and PM peak hours with the exception of the AM peak hour at the Wolverine Way/Joyce Street intersection which would degrade to LOS "E". When compared to Scenario 1 (proposed access) above, overall delay per vehicle at the signalized study intersections of Garrisonville Road/Wolverine Way/Joyce Street would increase by approximately 29 seconds during the AM peak hour and 16 seconds during the PM peak hour. This is directly attributable to the increase in the number of westbound left U-turns at Wolverine Way/Joyce Street.

Egress from the site (right-out only) would operate at LOS "B" during the AM and PM peak hours.

**Scenario 1A (Proposed Access & Connection to Wolverine Way).** As shown in Table 1 with the proposed median break, an inter-parcel connection to Wolverine Way, and the buildout of Pads 1 through 4 the signalized intersection of Garrisonville Road/Wolverine Way/Joyce Street and Garrisonville Road/Parkway Boulevard would continue to operate at acceptable levels of service, LOS "D" or better during both the AM and PM peak hours with the exception of the AM peak hour at the Wolverine Way/Joyce Street intersection which would degrade to LOS "E".

The estimated delay per vehicle for certain turning movements from Garrisonville Road at Wolverine Way/Joyce Street and the minor street approaches would operate at LOS "F" during the AM peak hour. This is due to the increase in traffic at the intersection with the inter-parcel connection. The eastbound left U-turn on Garrisonville Road at Parkway Boulevard would operate at LOS "C" or better during peak periods.

The proposed westbound left turn on Garrisonville Road at the future site driveway would operate at LOS "C" during the critical AM peak hour and LOS "B" during the PM peak hour. Egress from the site (right-out only) would operate at LOS "B" during the AM and PM peak hours.

While the inter-parcel connection shows an increase in delay at the Garrisonville Road/Wolverine Way/Joyce Street intersection the connection would provide better connectivity on the south side of Garrisonville Road. Additionally the connection would reduce the number of eastbound U-turns at Parkway Boulevard for vehicles exiting the site destined to the west.

**Scenario 2A (Proposed Access & Connection to Wolverine Way).** As shown in Table 1 without the proposed median break, an inter-parcel connection to Wolverine Way, and the buildout of Pads 1 through 4 the signalized intersection of Garrisonville Road/Wolverine Way/Joyce Street and Garrisonville Road/Parkway Boulevard would continue to operate at acceptable levels of service, LOS "D" or better during both the AM and PM peak hours with the exception of the AM peak hour at the Wolverine Way/Joyce Street intersection which would degrade to LOS "F".



## WELLS + ASSOCIATES

### MEMORANDUM

When compared to other Scenarios this scenario results in the poorest levels of service during the AM peak hour at the intersection of Garrisonville Road/Wolverine Way/Joyce Street (LOS "F"). Similar to Scenario 1A, but to a greater extent, the increase in traffic at the intersection would result in failing levels of service for turning movements from Garrisonville Road and on the minor street approaches.

Egress from the site (right-out only) would operate at LOS "B" during the AM and PM peak hours.

**2020 Conditions.** As shown in Table 1 and summarized on Figure 16, at full built out of the site and the existing four (4) lane section under the preferred access (Scenario 1) on Garrisonville Road in the vicinity of the site overall delay per vehicle would increase. The intersection of the intersection of Garrisonville Road/Wolverine Way/Joyce Street would operate an overall LOS "E" during the AM peak hour and LOS "C" during the PM peak hour. The intersection of the intersection of Garrisonville Road/Parkway Boulevard would operate an overall LOS "D" during the AM peak hour and LOS "E" during the PM peak hour.

Similar to the detailed comparisons provided above for 2018 conditions with development, Scenario 1 (proposed access) resulted in the best overall operations at the adjacent signalized intersections. However, without the inter-parcel connection the westbound left turn in the site via the proposed median break would operate at LOS "F" during the AM peak hour. If the median break was in place and inter-parcel connection was provided (Scenario 1A) the westbound left turn at the site driveway would operate at LOS "E" and the average delay could be reduced in half when compared to Scenario 1 (without the inter-parcel connection).

As mentioned above, the proffered inter-parcel connection to Wolverine Way would provide better connectivity on the south side of Garrisonville Road, but would add additional traffic to the intersection of Wolverine Way/Joyce Street. The connection would better distribute site traffic and would reduce the potential number of eastbound U-turns at Parkway Boulevard for vehicles exiting the site destined to the west.

As shown on Table 1, assuming the Comprehensive Plan widening of Garrisonville Road from four (4) to six (6) lanes overall levels of service would improve at the signalized study intersections with the increased through capacity of Garrisonville Road. With the widening under Scenarios 1 and 1A both adjacent signalized intersections would operate LOS "D" or better during peak periods. With the widening of Garrisonville Road under Scenarios 2 and 2A the Garrisonville Road/Wolverine Way/Joyce Street intersection would operate at LOS "E" and "F", respectively during the AM peak hour.



## **WELLS + ASSOCIATES**

### **MEMORANDUM**

With the widening of Garrisonville Road the proposed westbound left turn at the future site driveway would operate at LOS “D” and “C” during the AM peak hour and LOS “B” during the PM peak hour under Scenarios 1 and 1A, respectively.

#### **Queuing (2018 & 2020)**

Table 2 provides a detailed summary of the 50<sup>th</sup> and 95<sup>th</sup> percentile and maximum queues are reported by SimTraffic, version 9.1.

Under 2018 conditions with the proposed median break in place the planned 200 foot turn lane would be adequate to accommodate the maximum queue for the westbound left turn into the site on Garrisonville Road. In 2020 without or with the Comprehensive Plan widening of Garrisonville Road to six (6) lanes the estimated maximum queue would require 300 feet of storage (or 250 feet full-width turn lane and a 100 foot taper).

Under all Scenarios in both 2018 and 2020 the existing and proposed turn lane storage is adequate to accommodate the average queue at all study intersections. Similar to existing and future conditions without development the maximum queue may extend beyond available full width storage into the taper during certain peak periods by approximately one (1) vehicle.



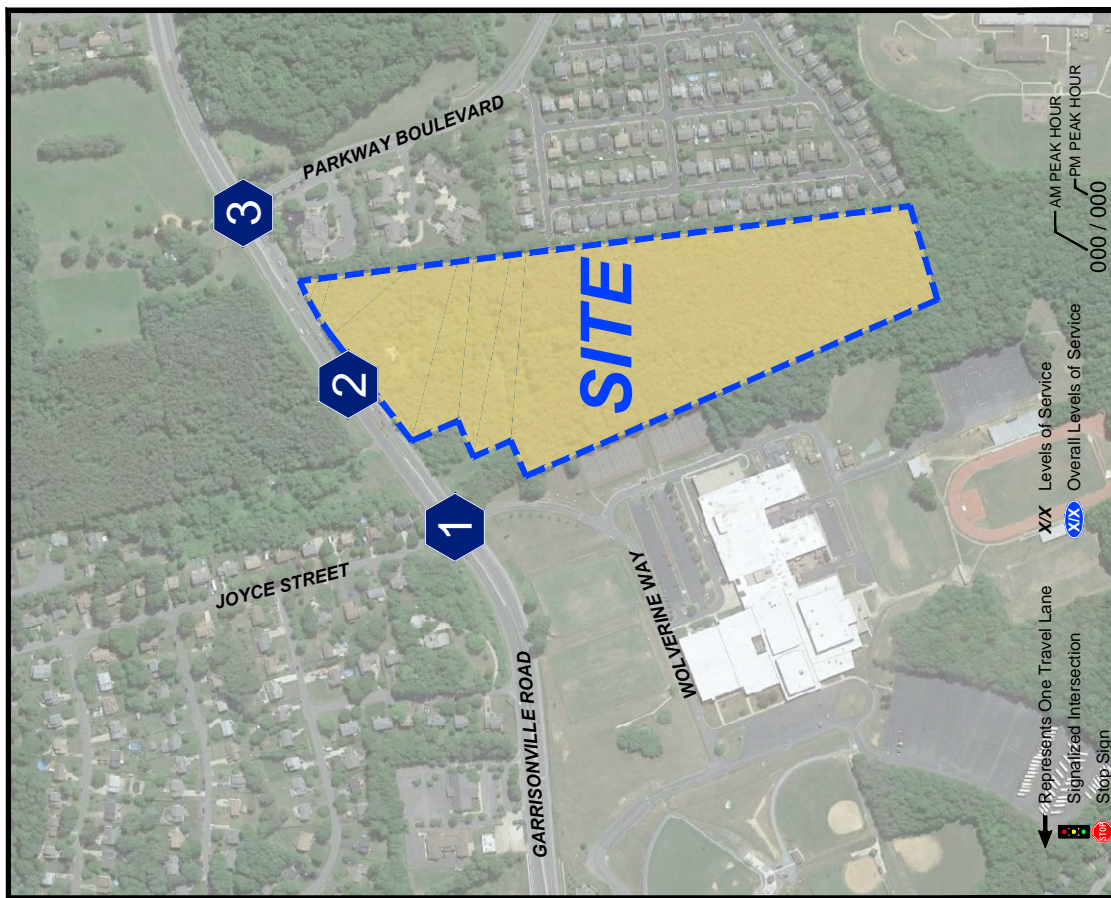
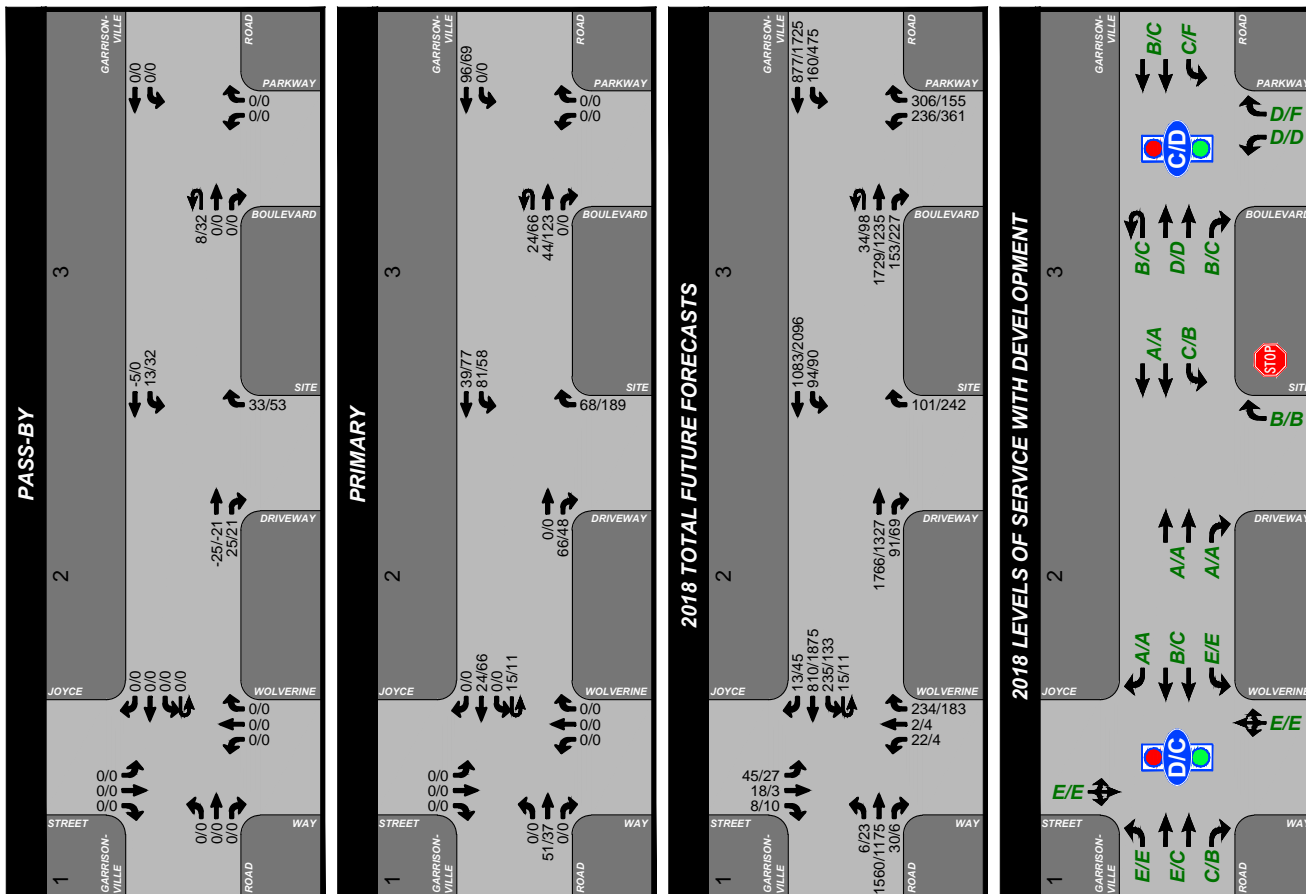


Figure 7

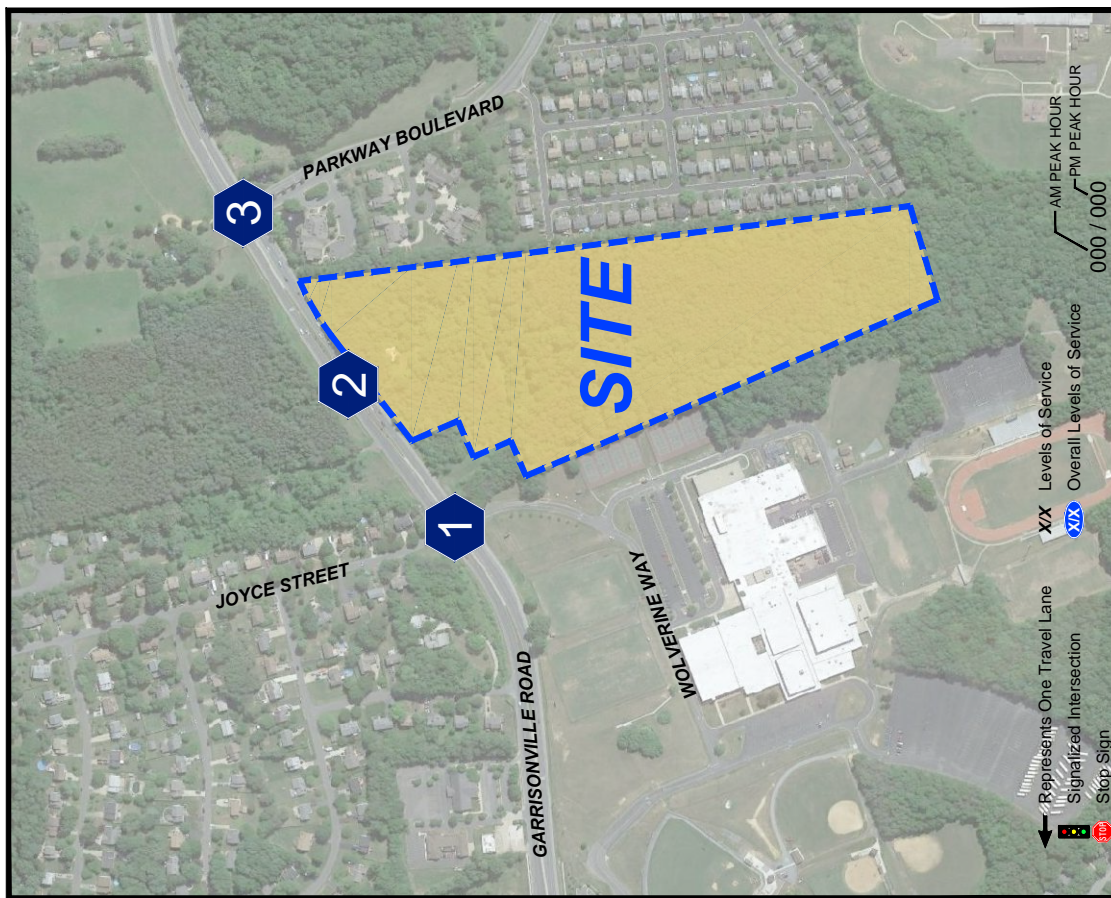
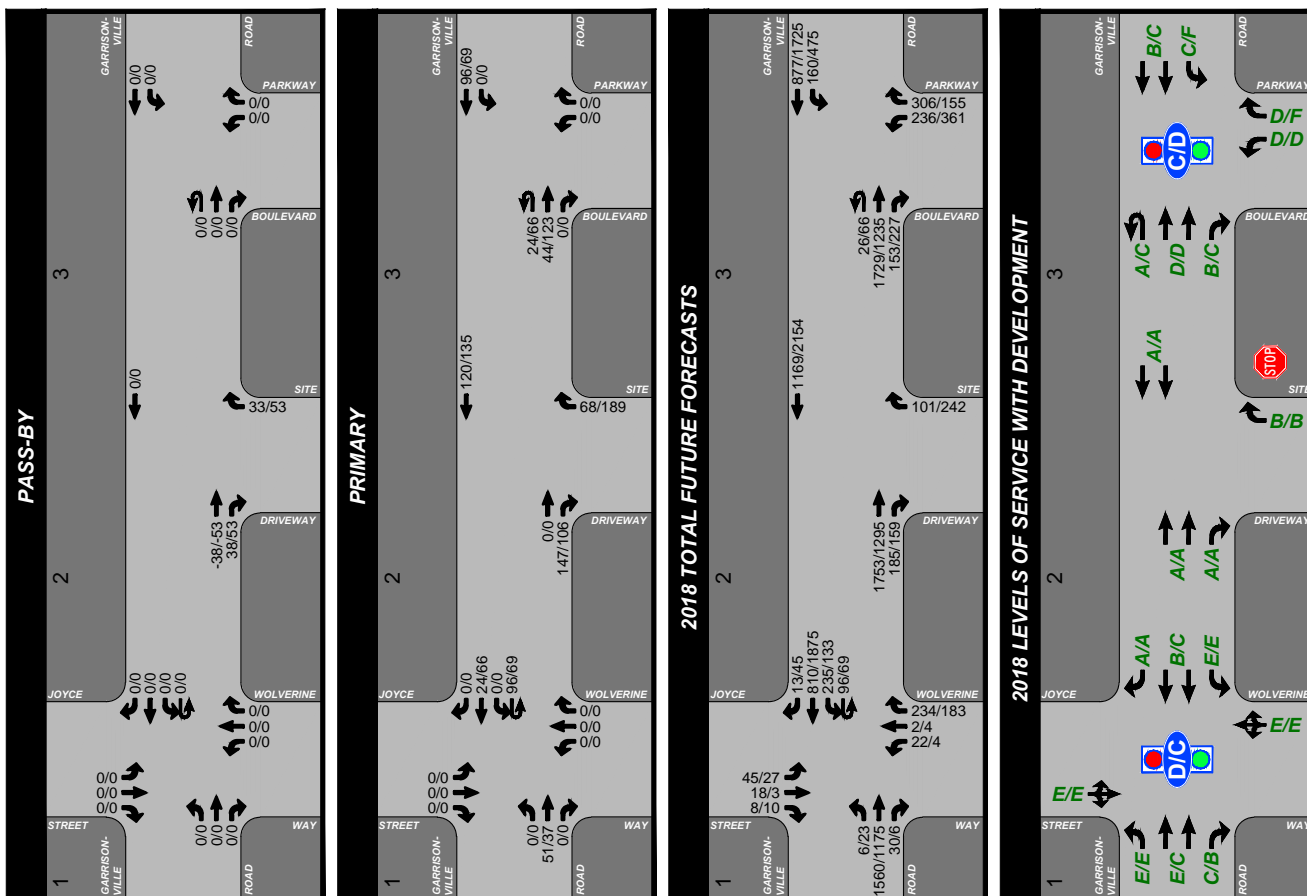
2018 Future Peak Hour Traffic Forecasts, & Levels of Service

Scenario 1

Patriot's Crossing  
Stafford County, VA







**Figure 8**  
2018 Future Peak Hour Traffic Forecasts, & Levels of Service  
Scenario 2  
Patriot's Crossing  
Stafford County, VA

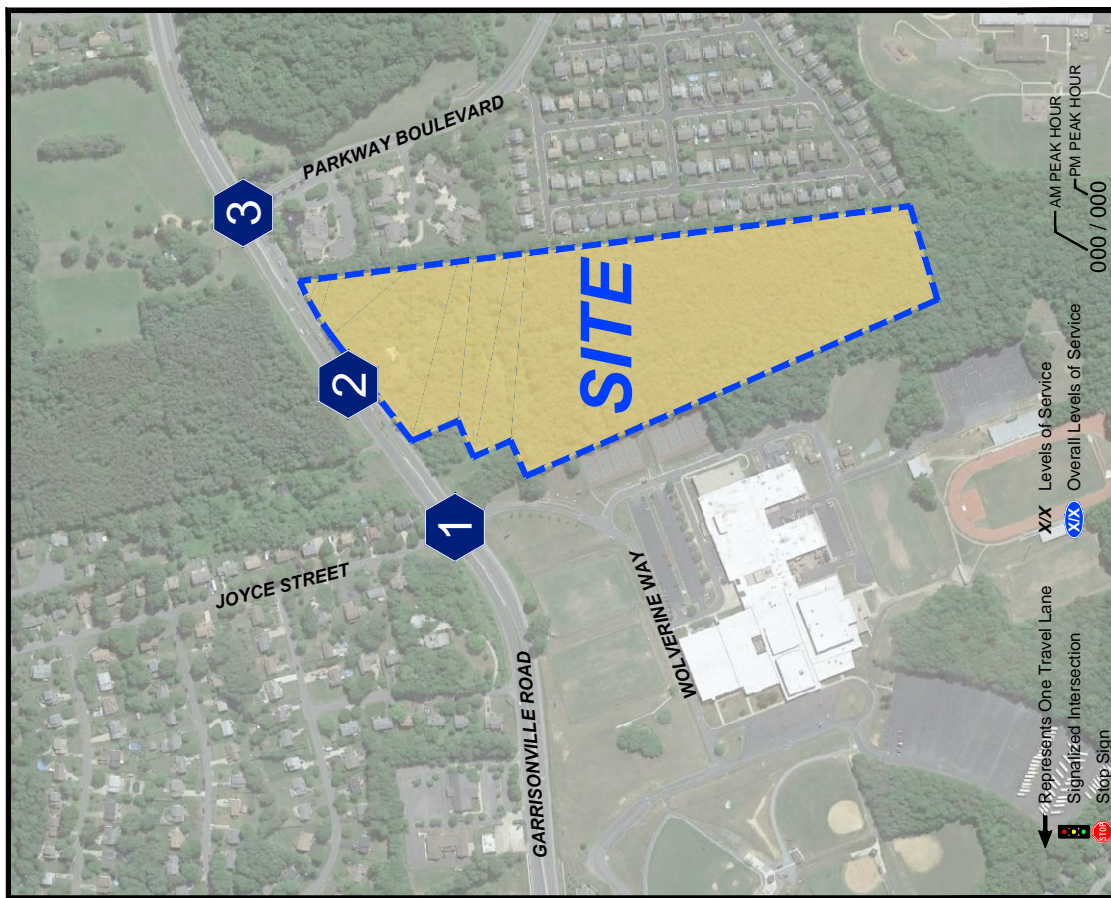
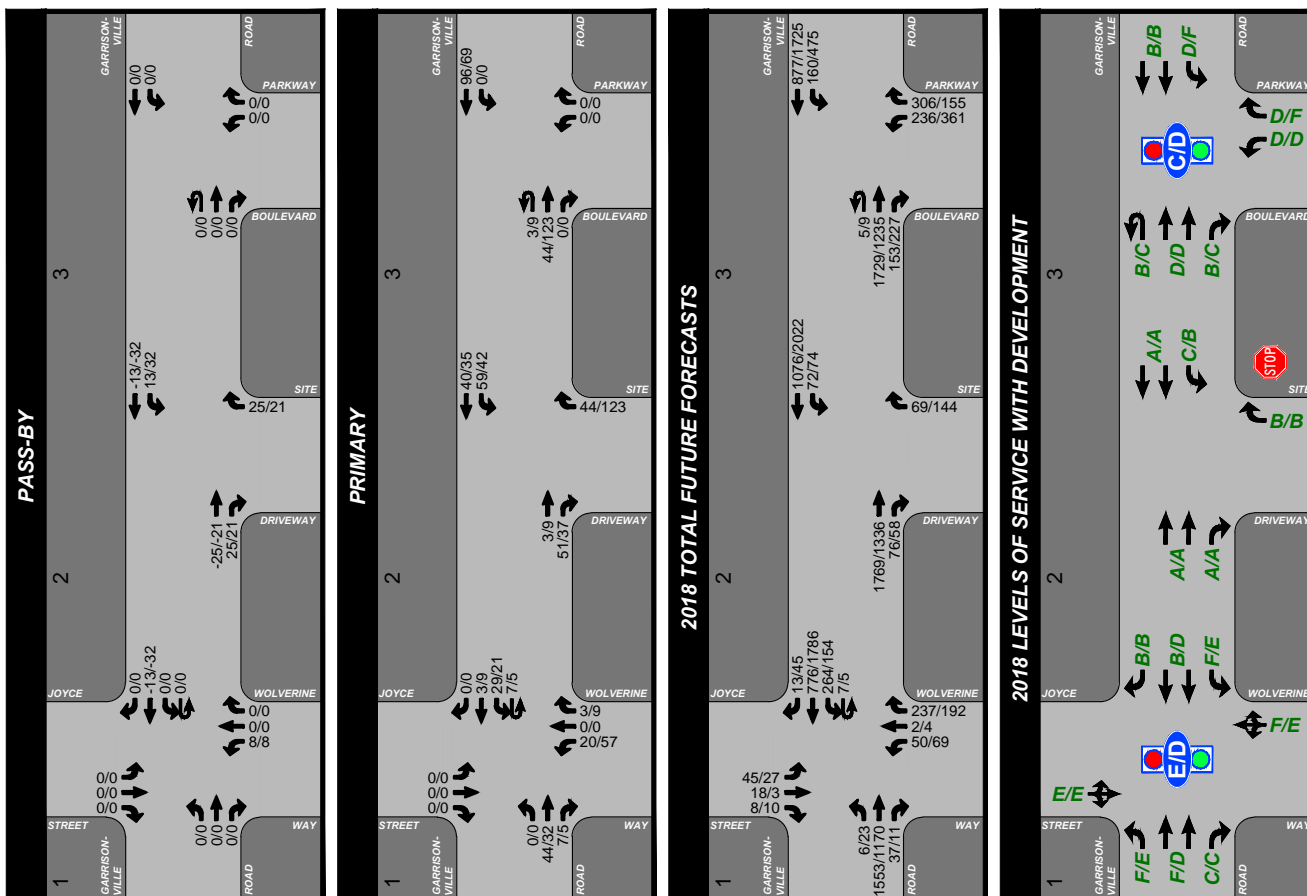


Figure 9  
2018 Future Peak Hour Traffic Forecasts, & Levels of Service  
Scenario 1A

Patriot's Crossing  
Stafford County, VA





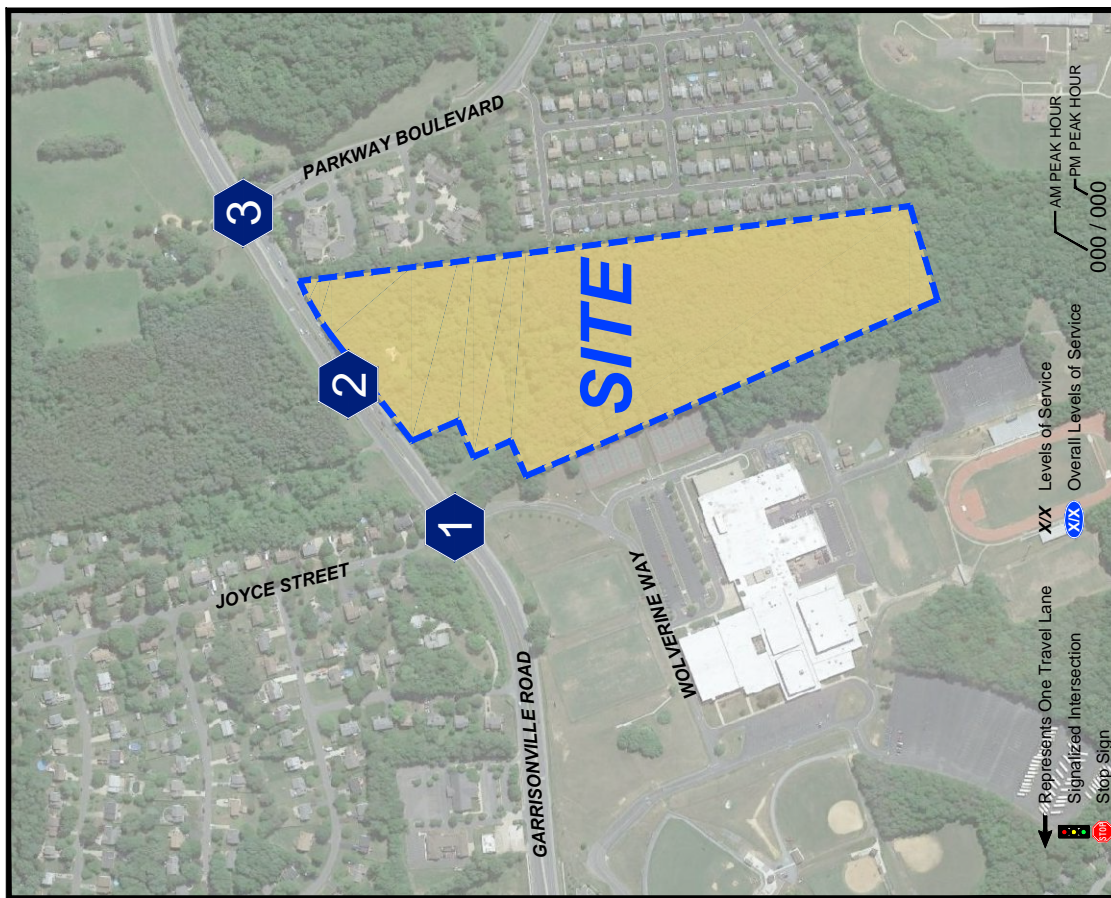
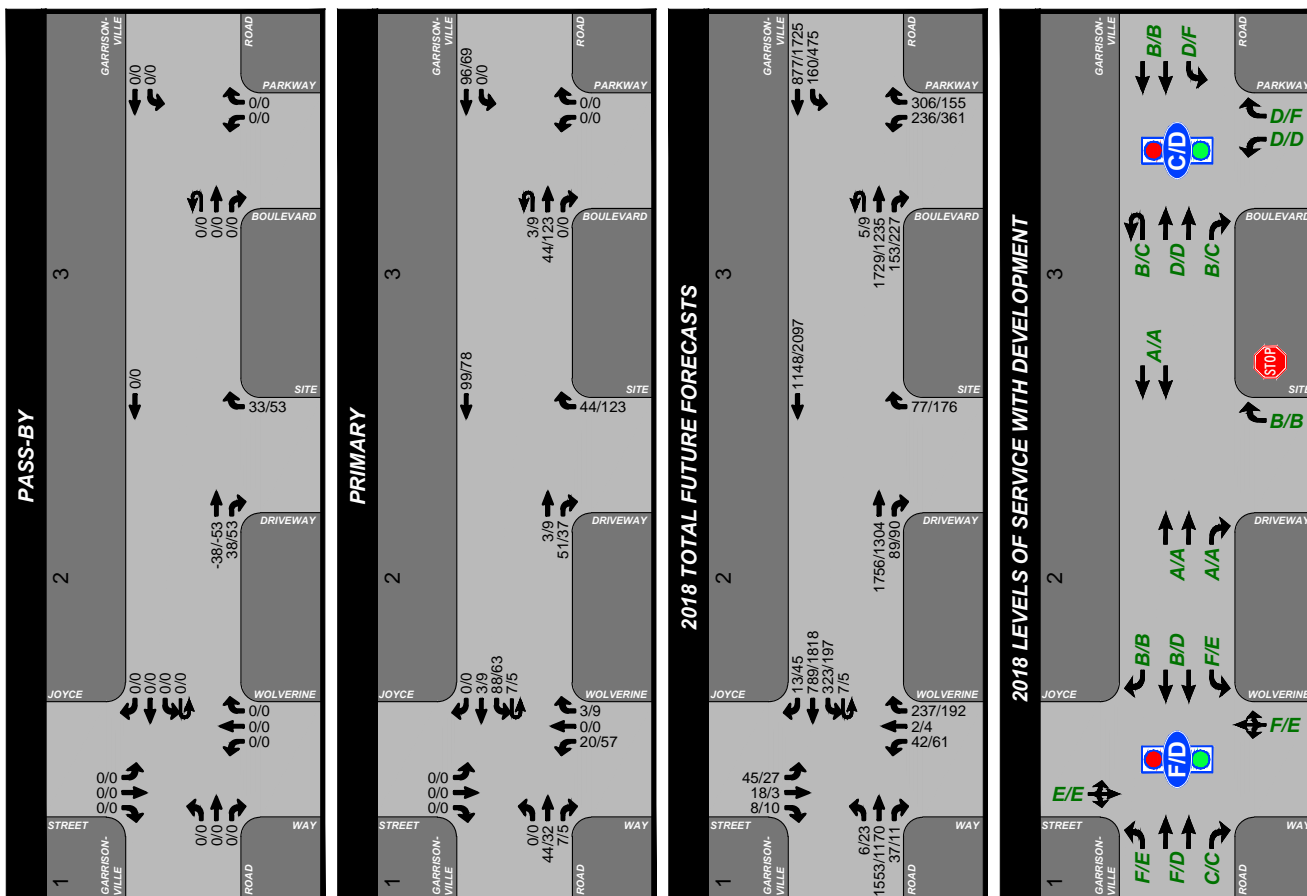


Figure 10  
2018 Future Peak Hour Traffic Forecasts, & Levels of Service  
Scenario 2A

Patriot's Crossing  
Stafford County, VA

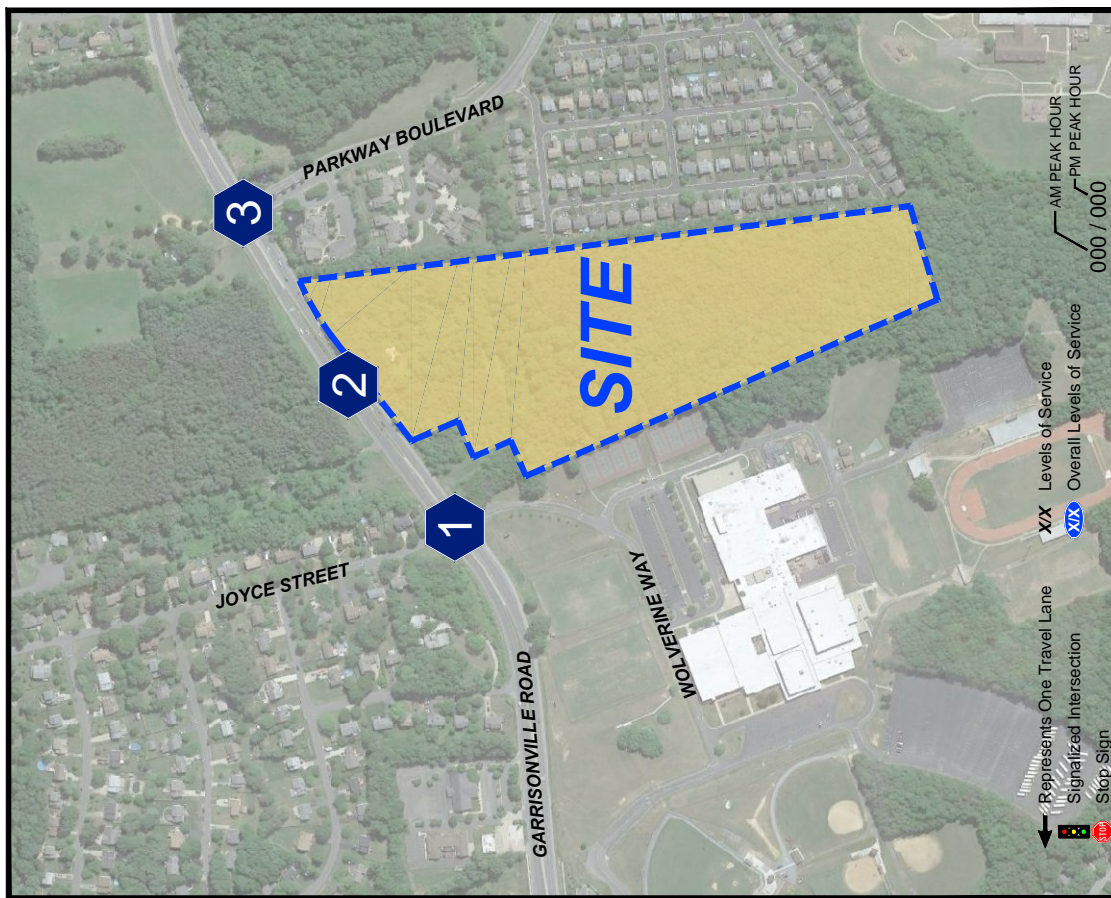
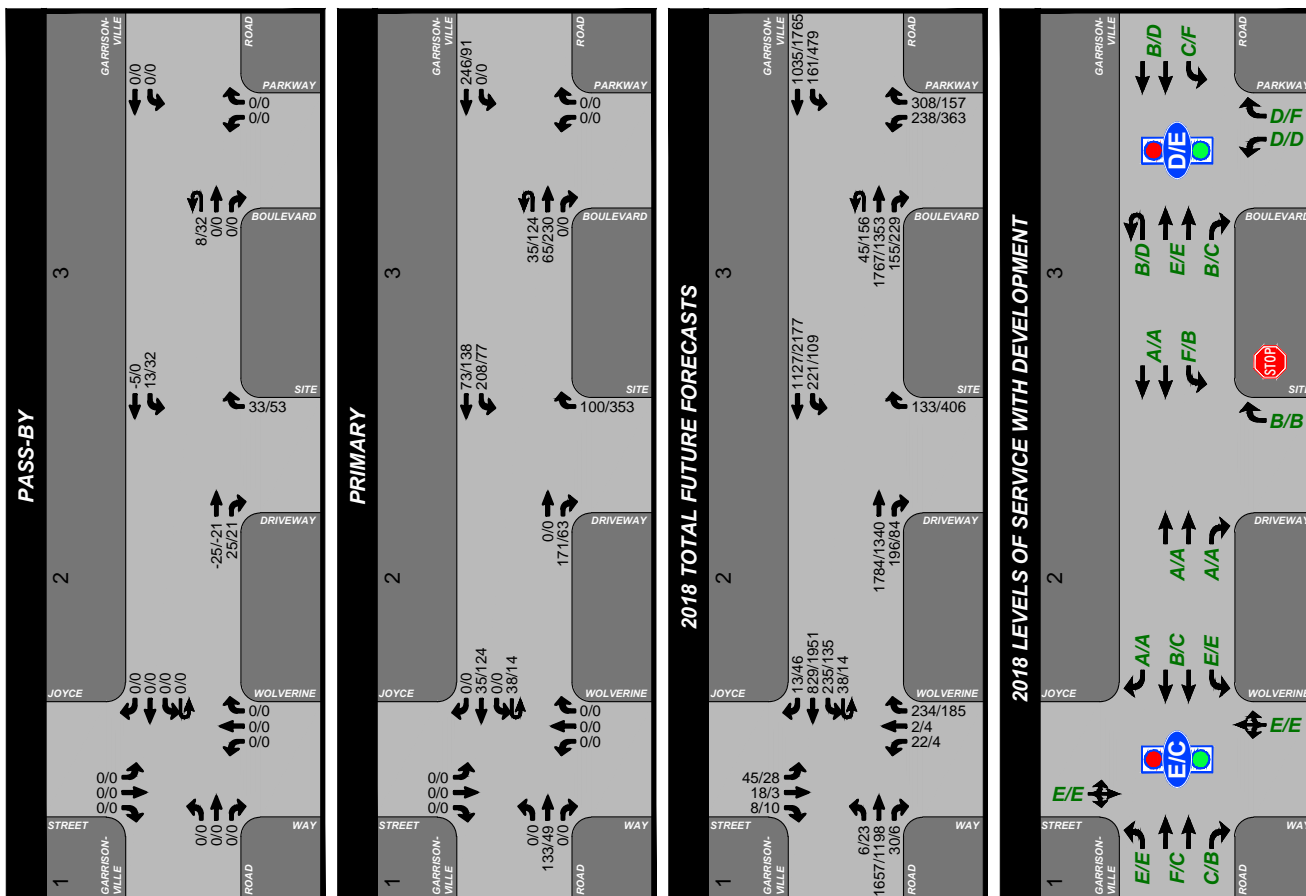


Figure 11  
2020 Future Peak Hour Traffic Forecasts, & Levels of Service  
Scenario 1

Patriot's Crossing  
Stafford County, VA





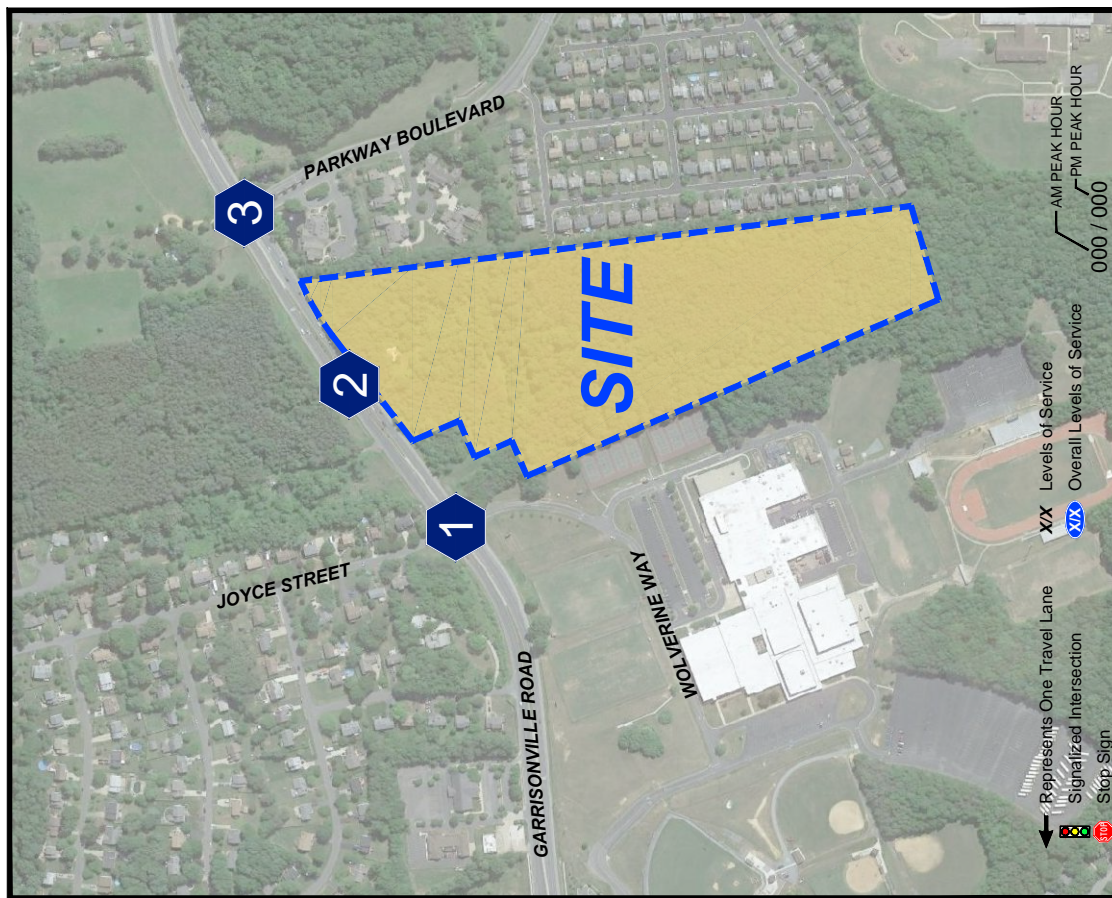
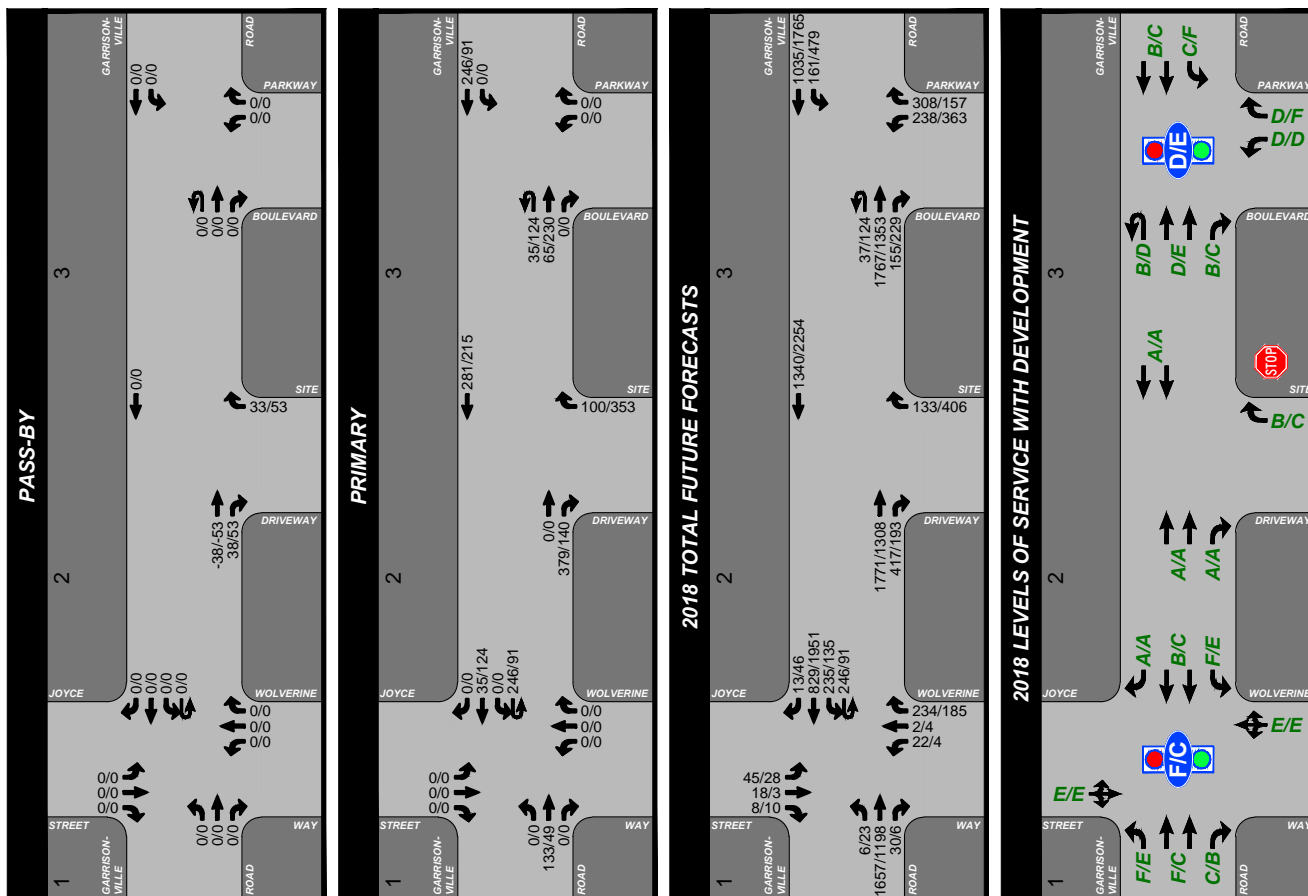


Figure 12  
2020 Future Peak Hour Traffic Forecasts, & Levels of Service  
Scenario 2

Patriot's Crossing  
Stafford County, VA



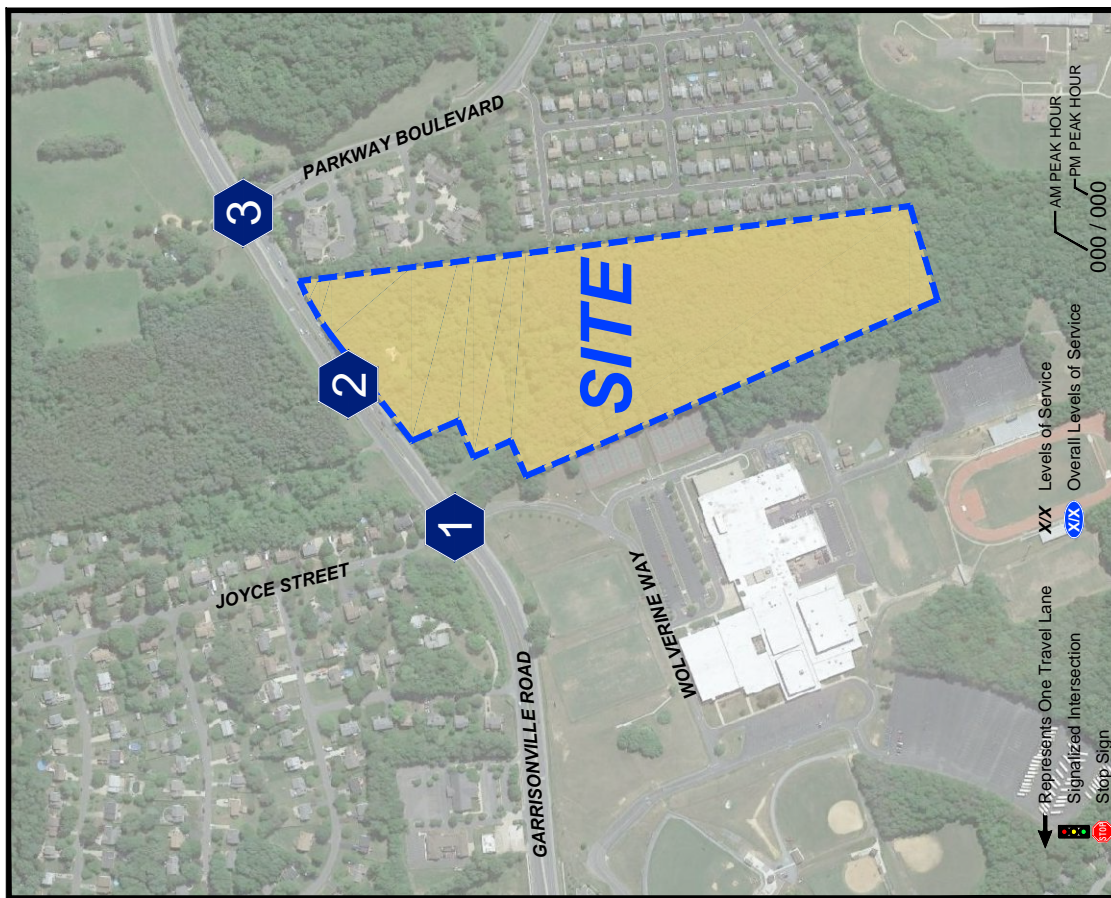
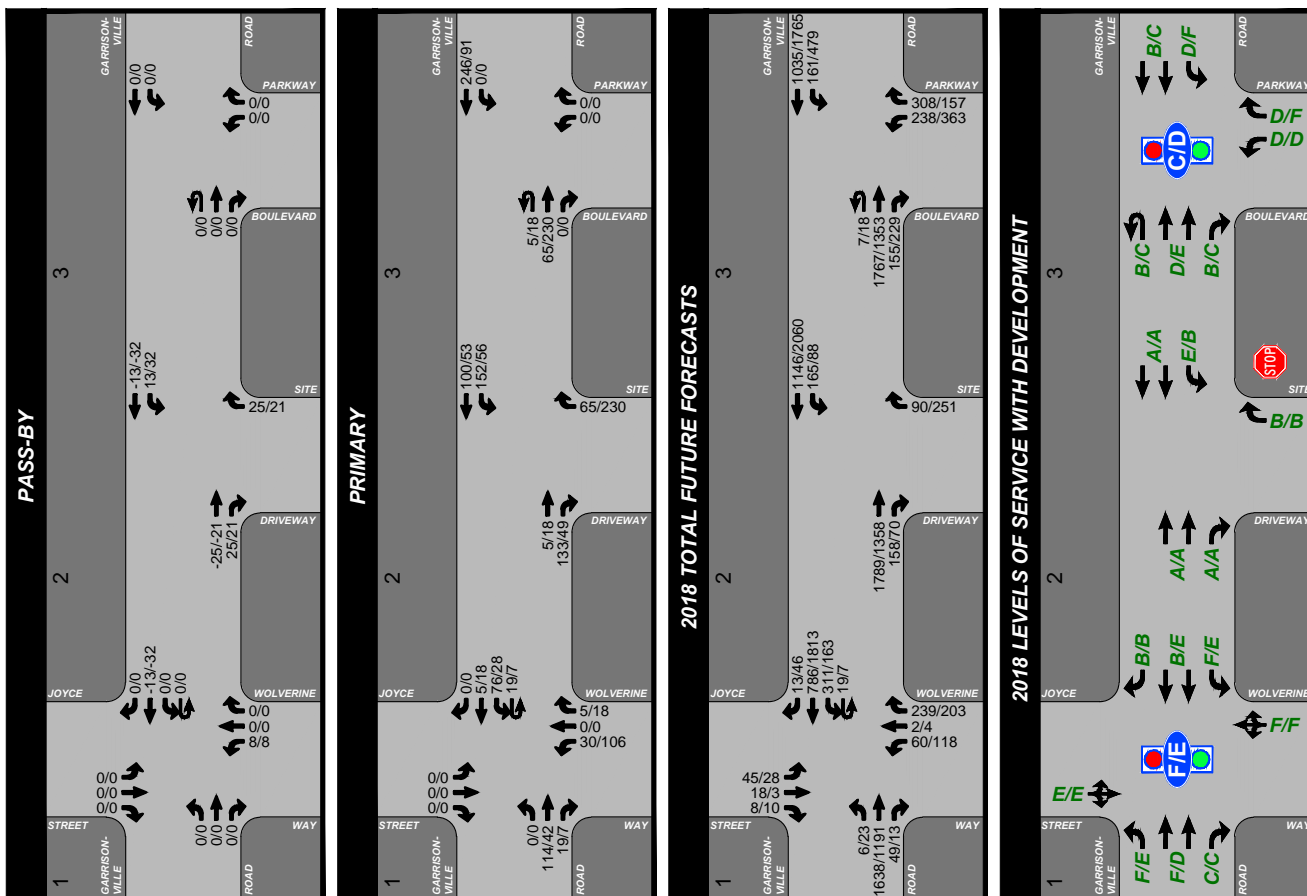


Figure 13  
2020 Future Peak Hour Traffic Forecasts, & Levels of Service  
Scenario 1A

Patriot's Crossing  
Stafford County, VA



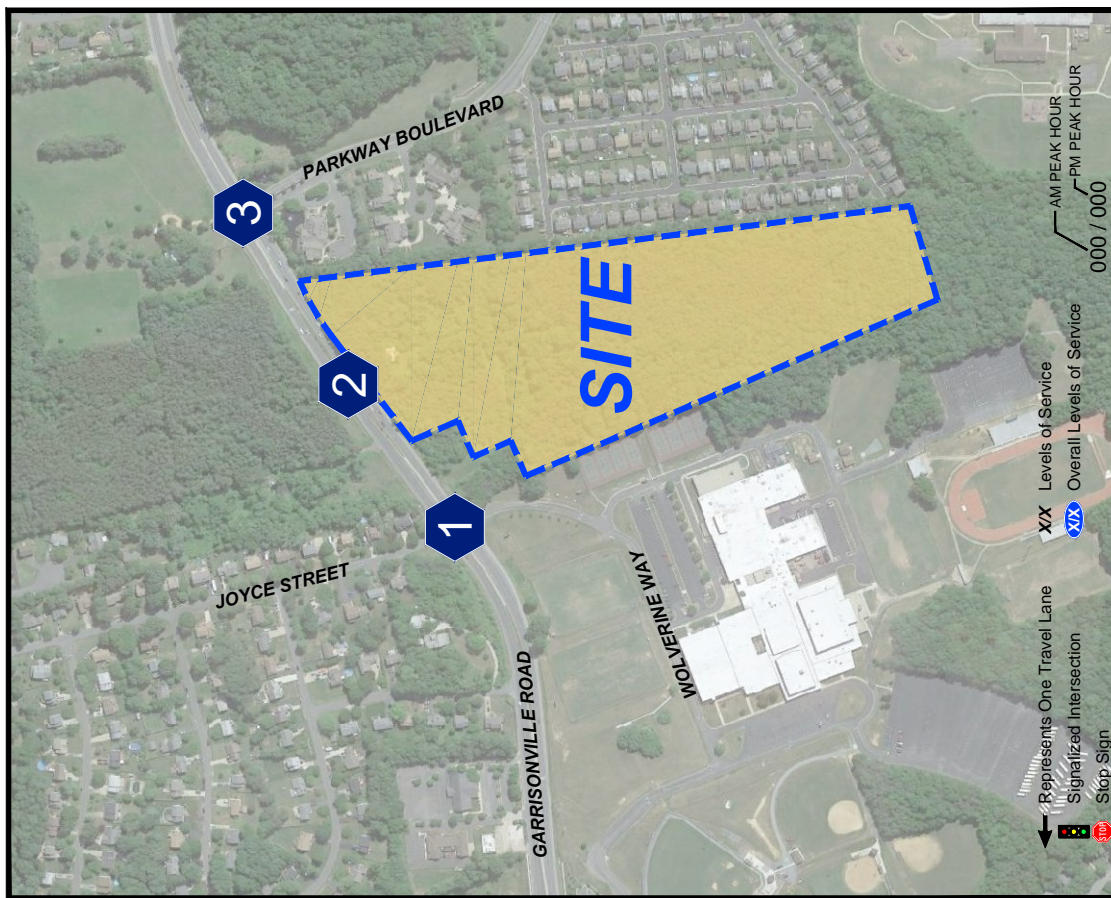
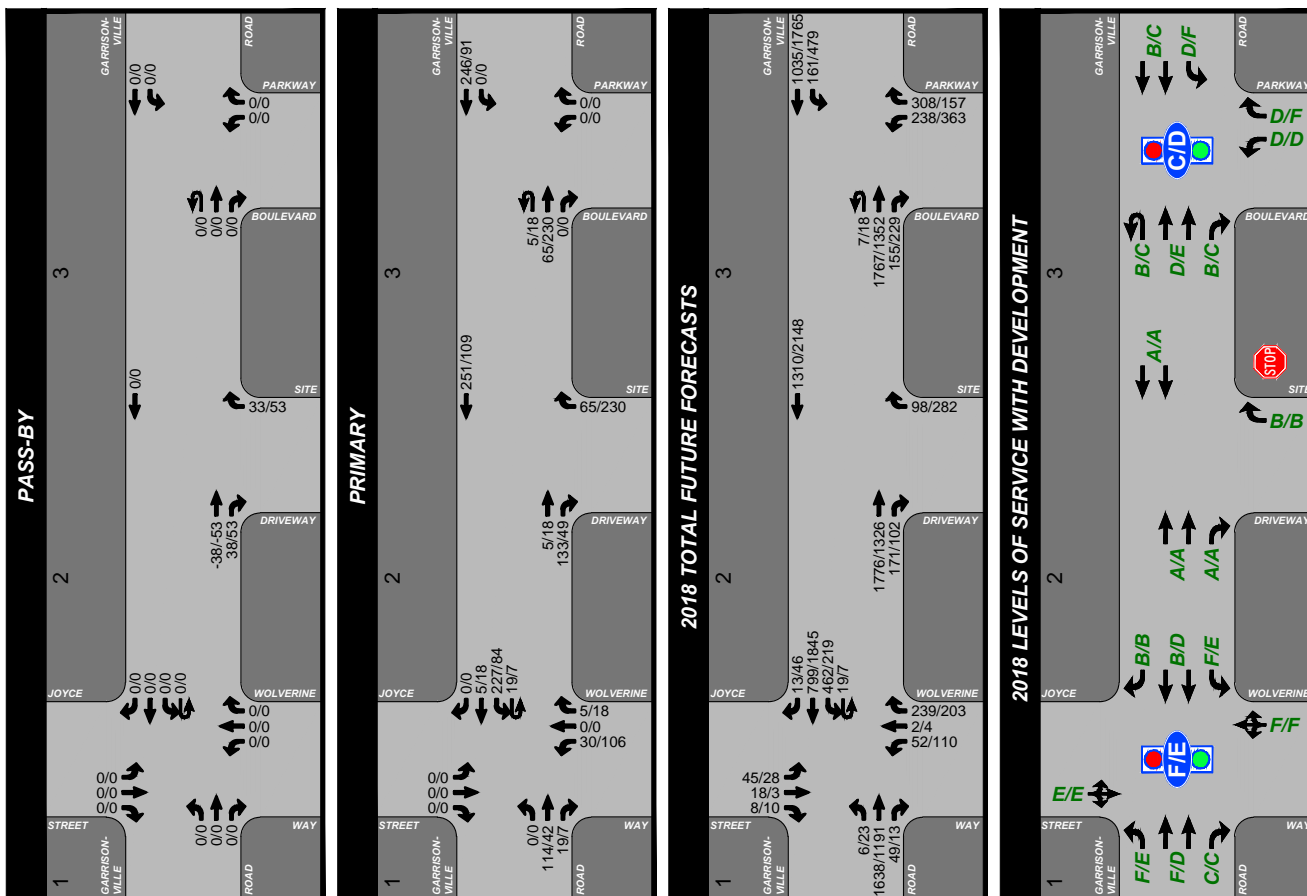


Figure 14  
2020 Future Peak Hour Traffic Forecasts, & Levels of Service  
Scenario 2A

Patriot's Crossing  
Stafford County, VA



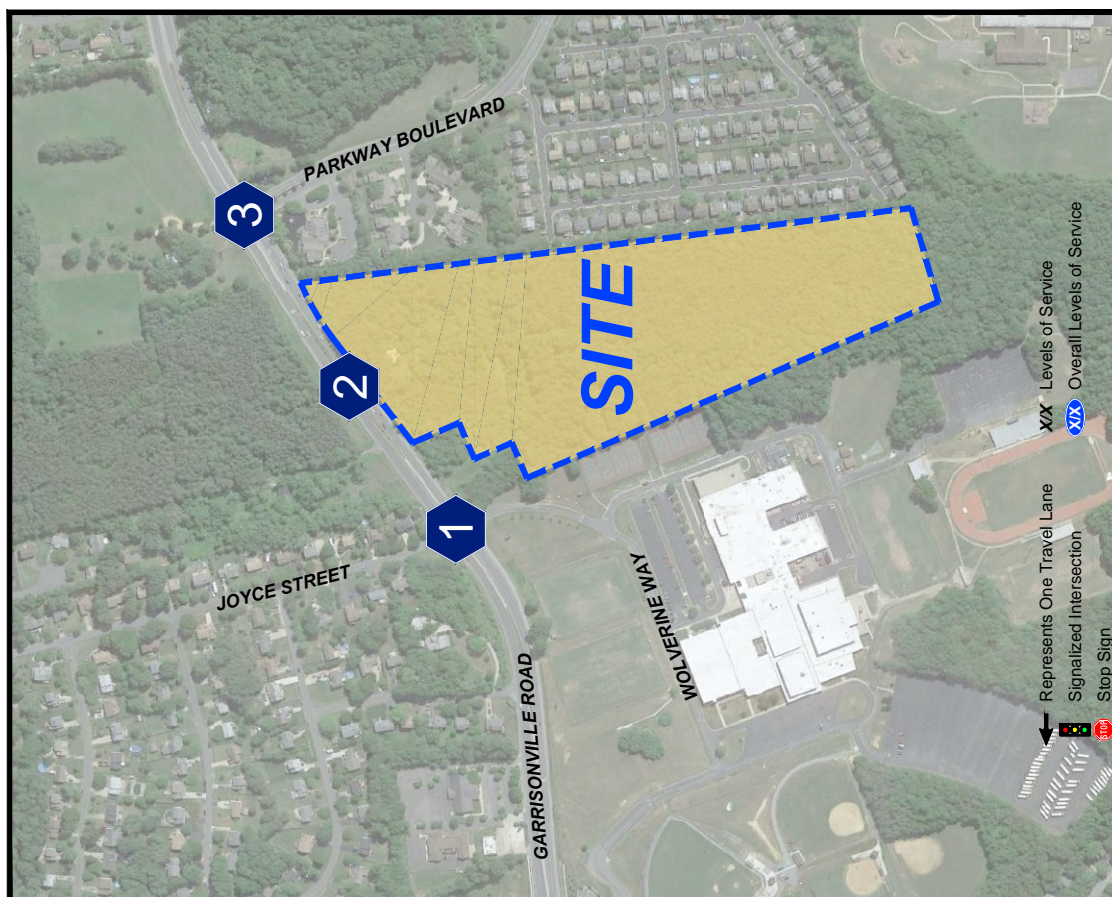
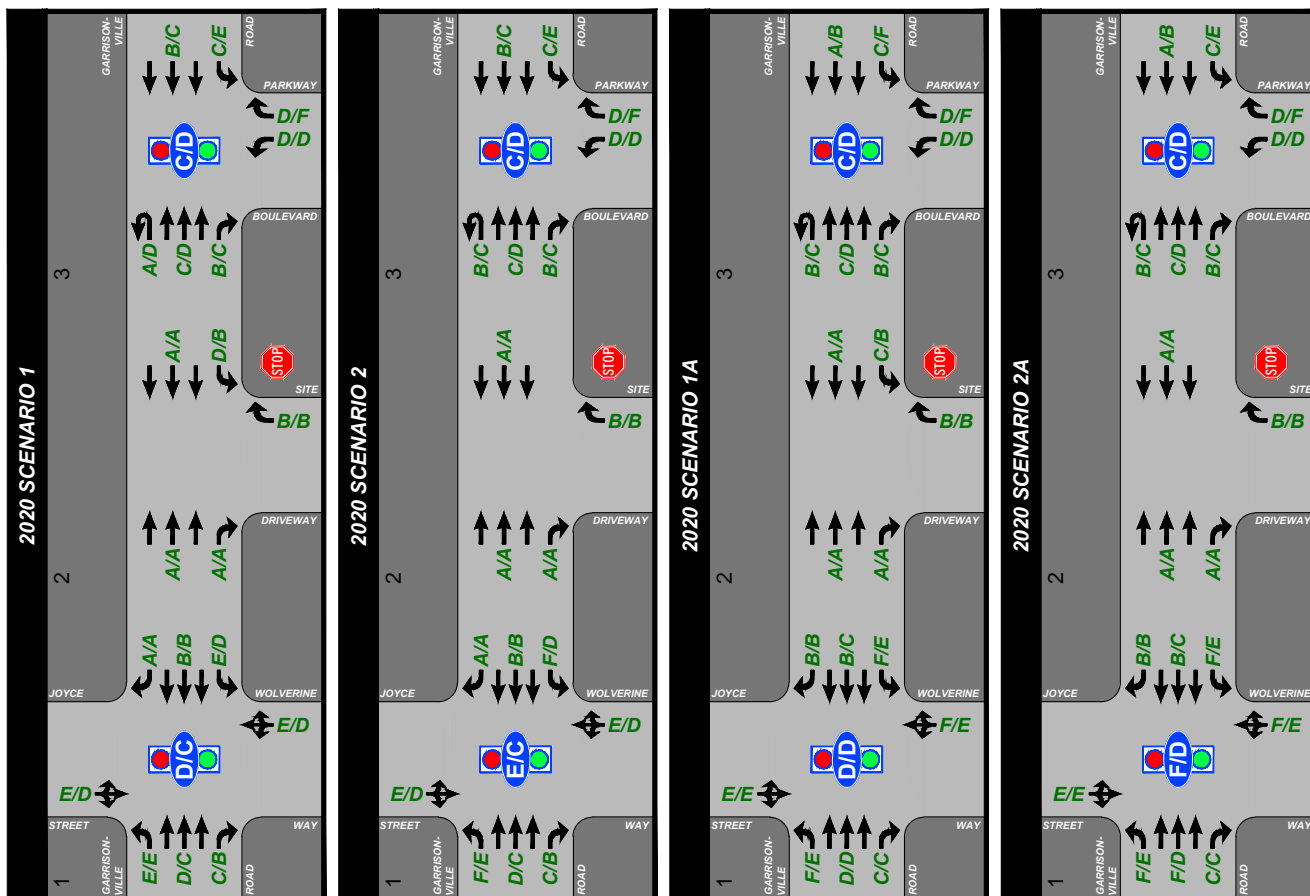


Figure 15  
2020 Levels of Service with Development  
And Garrisonville Road Widened to 6 Lanes  
Patriot's Crossing  
Stafford County, VA



# WELLS + ASSOCIATES

## MEMORANDUM

### SUMMARY/CONCLUSION

The results of this updated traffic analysis for Patriot's Crossing indicates that the adjacent signalized intersections operate with better overall levels of service with the proposed median break on Garrisonville Road (Scenarios 1 and 1A) to allow for westbound left turns into the site.

Table 4  
Patriot's Crossing  
Total Future Overall LOS Summary

Intersection		2018 Scenario				2020 Scenario				2020 - 6 lanes Scenario			
		1	2	1A	2A	1	2	1A	2A	1	2	1A	2A
		AM/PM LOS	AM/PM LOS	AM/PM LOS	AM/PM LOS	AM/PM LOS	AM/PM LOS	AM/PM LOS	AM/PM LOS	AM/PM LOS	AM/PM LOS	AM/PM LOS	AM/PM LOS
Garrisonville Rd./Wolverine Way	Overall	D/C	E/C	E/D	F/D	E/C	F/C	F/E	F/E	D/C	E/C	D/D	F/D
Garrisonville Road/Site Driveway	WBL	C/B	-	C	-	F/B	-	E/B	-	D/B	-	C/B	-
Garrisonville Rd./Parkway Blvd.	Overall	C/D	C/D	C/D	C/D	D/E	D/E	C/D	C/D	C/D	C/D	C/D	C/D

The inter-parcel connection to Wolverine Way would provide for better circulation on the south side of Garrisonville Road, but would result in additional traffic on Wolverine Way during peak periods and would add additional delay to the intersection during peak periods as shown herein. The inter-parcel connection is not anticipated to result in cut-through traffic from the school since Wolverine Way provides direct signalized access to Garrisonville Road.

The 2020 analyses without the widening of Garrisonville Road indicate that the westbound left turn lane should provide a minimum of 250 feet of full width storage and a 100 foot taper in order to accommodate the estimated maximum queue during peak periods. The estimated maximum westbound left turn is not expected to occur throughout the day and is estimated to occur only during the AM peak hour when eastbound traffic on Garrisonville Road is heaviest. With the Garrisonville Road widening in place the adjacent signalized intersections would operate at an overall LOS "D" or better under access Scenarios 1 and 1A with the median break.





# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF TRANSPORTATION

87 Deacon Road  
Fredericksburg, VA 22405

Charles A. Kilpatrick, P.E.  
COMMISSIONER

September 15, 2016

County of Stafford  
P. O. Box 339  
Stafford, VA 22555-0339

RE: Patriot's Crossing  
Operational Analysis TIA & GDP Review #1  
REC #15151046, Stafford County

Dear Mr. Zuraf and Mr. Hess:

As requested by Stafford County, VDOT has completed a review of the T Operational Analysis TIA & GDP (TIA), prepared by Wells & Associates and dated 06/02/16, and the GDP, prepared by Fairbanks & Franklin and sealed 05/17/16, on behalf of Virginia Properties, Inc. in support of the Patriot's Crossing rezoning/reclassification application. The proposed development is located in the on the south side of Rte 610 Garrisonville Road, between Rte 1264 Parkway Boulevard and rte 1551 Joyce Street/ Rte 9486 Wolverine Way. The site is just east of North Stafford High School.

The site proposes to develop a combination of commercial uses to include retail space, fast food restaurant, a car wash and general office.

VDOT offers the following comments to Stafford County for its comprehensive use. It should be noted that addressing these comments may change the results of the operational analyses. Although certain design features may be referenced in the comments, this review does not cover engineering details. These details, including but not limited to, signalization, site plan, retaining walls, turn-lane storage length, crossover spacing and entrance spacing issues, will be addressed at a later stage of development review.

### Traffic Engineering Comments:

1. Page 6 lists five deficient left turn storage conditions. The applicant needs to explain how these are to be addressed. VDOT requires that turn lanes be adequate for maximum queues.
2. Table 1 on page 8:
3. In the total future scenario with six lanes on Garrisonville Road, Scenario 1, Wolverine Way, AM peak hour shows several delay values identical to the 4-lane condition. This seems unlikely.

Page 2

RE: Patriot's Crossing

Operational Analysis TIA & GDP Review #1

REC #15151046, Stafford County

4. In the total future scenario with six lanes on Garrisonville Road, Scenario 2A, Wolverine Way, AM peak hour shows all delay values identical to the 4-lane condition. This seems unlikely.
5. Page 10: Paragraph 2 indicates VDOT directed that a "regional growth rate" should be established. I do not recall this direction and note in the original scope process a growth rate of 3% was specified for 610 and 1% for Parkway Boulevard. I would also note that 425 Garrisonville used a 2.5% growth rate. This may have a significant effect on the analysis since the left turn storage was shown to be marginal for several locations with the 0.5% growth rate used by the analyst.
6. Page 14 that last line indicates that Wolverine Way is a privately maintained road. This is actually a state maintained school road, though the applicant would still need to cross private property to access the road.
7. Page 15: an automated car wash is proposed for which ITE has very limited data. It would be helpful if the applicant provided data for other similar facilities to determine realistic trip forecasts. For example, as an automated facility, it could have AM peak hour trips. Overall, this use probably would not have much impact on traffic operations.
8. The applicant needs to address the safety of the left turn through the proposed median break. Specific measurements are not provided for the distance of this crossover from the Parkway Boulevard intersection. The applicant needs to look at safety relative to forecast queuing (maximum) back from the Parkway Boulevard intersection as it may impact the crossover.
9. Consider adding an interparcel connection to the lot at the corner of Parkway Boulevard.

GDP Comments:

Detailed construction / site plan has not been submitted or reviewed. These comments are general and additional comments may be rendered when an official site plan has been submitted for review by Stafford County.

10. As indicated in the traffic engineering comments, interparcel connection should be considered with the parcels along Parkway Boulevard and with the Stafford County School Board property.

You may contact Margaret Niemann at (540) 899-4106 if there are any questions.

Sincerely,



David L. Beale, P.E.

Area Land Use Engineer-Fredericksburg

Cc: Wells & Associates  
Fairbanks & Franklin



COMPTON & DULING  
*Attorneys At Law*

October 21, 2016

(703) 565-5134  
sp@comptonduling.com

**VIA ELECTRONIC MAIL**

Jeff Harvey, Director of Planning  
Stafford County Government Center  
Department of Planning and Zoning  
1300 Courthouse Road  
Stafford, VA 22554-7232

Re: Patriots Crossing Zoning Reclassification  
RC15151046

Dear Mr. Harvey:

Please find enclosed our revised General Development Plan, and updated Trip Generation Comparison and proffered conditions for Patriots Crossing.

As discussed in our meetings after the Planning Commission public hearing, the General Development Plan (GDP) has been revised to reflect mini-warehouses in place of a large percentage of the office area proposed in the earlier GDP. Mini-warehouses have a much lower overall trip generation rate and have lower trip generation rates during the morning and evening rush hours. This makes absolutely clear that Patriots Crossing will have less traffic impact than even the first phase of the Stafford Sports Complex proposal (see Trip Generation Comparison). In addition, the proffered conditions have been revised to clarify the vehicular access point options, the intent of the phasing, and provides for addition pedestrian connections to the adjoining properties.

If you have any questions or concerns, please do not hesitate to contact me immediately.

Sincerely,

COMPTON & DULING, LC

Sherman Patrick, Jr.

SP/jlom  
Enclosures

cc: Donn Hart  
Mike Zuraf



126-1037 PATRIOTS CROSSING GENERALIZED DEVELOPMENT PLAN 10-17-16



**Fairbanks & Franklin**  
Civil Engineering  
Land Planning  
1005 Midway Street  
Fredericksburg, VA 22401  
(540) 371-1700

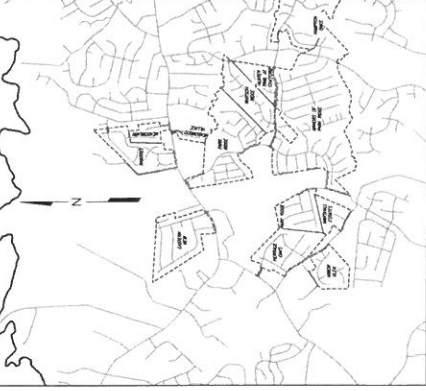
GENERALIZED DEVELOPMENT PLAN

PATRIOTS CROSSING  
ROCK HILL MAJESTICAL DISTRICT  
STAFFORD COUNTY, VIRGINIA



DATE: 12-14-15  
DESIGNED: JBC  
CHECKED: JDF  
REVISIONS: 03-24-16  
03-24-16  
05-11-16  
08-11-16

DOCUMENT NO:  
126-1037  
1 SHEET  
1 OF 1



VICINITY MAP  
SCALE IN FEET  
2000 1000 0 2000 4000 6000  
SOURCE: STAFFORD COUNTY GIS



**SITE INFORMATION:**

APPLICANT: VIRGINIA PROPERTIES, INC.  
8520 FIVE MILE CENTRE PARK, SUITE 215  
FARMERSBURG, VA 22432

OWNER: CURRY JOYCE MONROE & ALTON LAYNA  
799 CARROLLVILLE RD  
STAFFORD, VIRGINIA 22556

PREPARED BY: FAIRBANKS & FRANKLIN  
1005 MIDWAY STREET  
FREDERICKSBURG, VIRGINIA 22401  
(540) 371-1700

TAX MAP: 2015  
PROPOSED USE: PATRIOTS CROSSING COMMERCIAL DEVELOPMENT  
ZONING: B-2 (TRUCKS), HIGHWAY CORRIDOR OVERLAY DISTRICT  
REQUIREMENTS OF B-2 ZONING:  
MINIMUM OPEN SPACE: 25%  
MINIMUM BUILDING HEIGHT: 12'

OVERALL PROJECT STATISTICS (AS SHOWN):  
23.55 AC (AFTER RIGHT OF WAY DEDICATION)  
APPROX. OPEN SPACE: 61.8%  
APPROX. BUILDING HEIGHT: 12'

**ENVIRONMENTAL NOTES:**

1. THE WETLANDS AREA ASSOCIATED WITH THE SITE IS APPROXIMATELY 1.5 AC.
2. TREE REMOVAL ASSOCIATED WITH THE DEVELOPMENT OF THIS PROJECT:

**OVERALL PROJECT STATISTICS (AS SHOWN):**

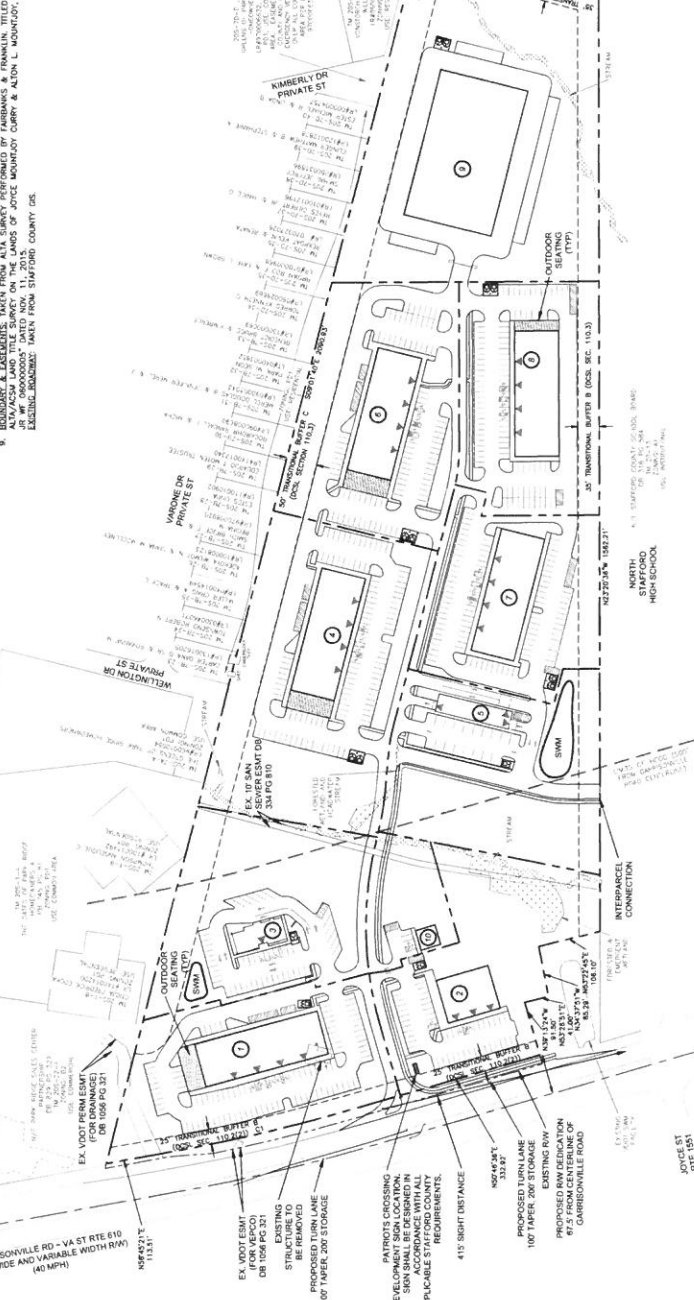
- 1. MULTITENANT BUILDING: 107,075 (15,790 SF), 98 SPACES PROVIDED, APPROX. FAR 0.19, APPROX. OPEN SPACE: 25%, APPROX. BUILDING HEIGHT: 24'
- 2. MULTITENANT BUILDING: 107,075 (15,790 SF), 98 SPACES PROVIDED, APPROX. FAR 0.19, APPROX. OPEN SPACE: 25%, APPROX. BUILDING HEIGHT: 24'
- 3. CARWASH: 5 STAGING SPACES PER LANE REQUIRED, 20,000 (15,790 SF), 2.08 AC, APPROX. FAR 0.19, APPROX. OPEN SPACE: 25%, APPROX. BUILDING HEIGHT: 24'
- 4. MULTITENANT BUILDING: 107,075 (15,790 SF), 98 SPACES PROVIDED, APPROX. FAR 0.19, APPROX. OPEN SPACE: 25%, APPROX. BUILDING HEIGHT: 24'
- 5. FAST FOOD: 48 SPACES REQUIRED, 21,714 AC, APPROX. FAR 0.05, APPROX. OPEN SPACE: 30%, APPROX. BUILDING HEIGHT: 24'

**ENVIRONMENTAL NOTES:**

1. THE WETLANDS AREA ASSOCIATED WITH THE SITE IS APPROXIMATELY 1.5 AC.
2. TREE REMOVAL ASSOCIATED WITH THE DEVELOPMENT OF THIS PROJECT:

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- 1. MULTITENANT BUILDING: 107,075 (15,790 SF), 98 SPACES PROVIDED, APPROX. FAR 0.19, APPROX. OPEN SPACE: 25%, APPROX. BUILDING HEIGHT: 24'
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- 5. FAST FOOD: 48 SPACES REQUIRED, 21,714 AC, APPROX. FAR 0.05, APPROX. OPEN SPACE: 30%, APPROX. BUILDING HEIGHT: 24'



**CURVE DATA**

CURVE	ARC	RADIUS	DELTA	TANGENT	CHORD
C1	291.91'	279.23'	5.58/45°	146.09'	163.43/38°

OFFICE ST  
ROUTE 151

Notes: (1) Trip generation calculations based on Institute of Transportation Engineers (ITE) Trip Generation, 9th Edition.

O12-18

BOARD OF SUPERVISORS  
COUNTY OF STAFFORD  
STAFFORD, VIRGINIA

ORDINANCE

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, Stafford County Administration Center, Stafford, Virginia, on the 17<sup>th</sup> day of April, 2012:

<u>MEMBERS:</u>	<u>VOTE:</u>
Susan B. Stimpson, Chairman	Yes
Cord A. Sterling, Vice Chairman	Yes
Jack R. Cavalier	Yes
Paul V. Milde III	Yes
Ty A. Schieber	Yes
Gary F. Snellings	Yes
Robert "Bob" Thomas, Jr.	Yes

On motion of Mr. Schieber, seconded by Mr. Milde, which carried by a vote of 7 to 0, the following was adopted:

AN ORDINANCE TO AMEND AND REORDAIN THE STAFFORD COUNTY ZONING ORDINANCE BY AMENDING THE ZONING DISTRICT MAP TO RECLASSIFY FROM A-1, AGRICULTURAL ZONING DISTRICT TO B-2, URBAN COMMERCIAL ZONING DISTRICT ON ASSESSOR'S PARCEL 20-12, WITHIN THE GARRISONVILLE ELECTION DISTRICT

WHEREAS, SSSA, LLC, applicant, submitted application RC1100077 requesting a reclassification from A-1, Agricultural Zoning District to B-2, Urban Commercial Zoning District on Assessor's Parcel 20-12; and

WHEREAS, the Board carefully considered the recommendations of the Planning Commission and staff and public testimony at the public hearing; and

WHEREAS, the Board determined that the requested zoning is compatible with the surrounding land uses and zoning; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, and good zoning practice require adoption of an ordinance to reclassify the subject property;

O12-18  
Page 2

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 17<sup>th</sup> day of April, 2012, that the Stafford County Zoning Ordinance be and it hereby is amended and reordained by amending the zoning district map to reclassify from A-1, Agricultural Zoning District to B-2, Urban Commercial Zoning District on Assessor's Parcel 20-12, with proffers entitled "Proffers," last revised April 10, 2012.

A Copy, teste:

A handwritten signature in blue ink, appearing to read "Anthony J. Romanello", written over a horizontal line.

Anthony J. Romanello, ICMA-CM  
County Administrator

AJR:JAH:mz

Assessor's Parcel 20-12  
SSCA, LLC

RC 1100077  
revised April 10, 2012

### **PROFFERS**

SSCA, LLC, ("the Applicant"), has applied for a rezoning of Assessor's Parcel 20-12, consisting of approximately 23.77 acres, (the "Property") to the B-2, Urban Commercial Zoning District and hereby proffers that the use and development of the subject property shall be in substantial conformance with the following conditions. In the event the above referenced reclassification is not approved as applied for by the Applicant, the below described proffers shall be withdrawn and are automatically null and void and of no further force and effect.

1. **Generalized Development Plan** - The Applicant agrees that the development of the Property shall be in conformance with the Generalized Development Plan ("GDP"), dated February 17, 2011 and revised October 4, 2011, prepared by Williams Enterprises, Inc., insofar as location of the Recreational Enterprise Building, travel ways, entrances, pedestrian trails as identified in Proffer 10a, and transportation improvements identified below in Proffer 2.

#### **2. Transportation**

a. **Site Access** – The Property shall be accessed by one entrance from Garrisonville Road in the approximate location shown on the GDP. The primary entrance shall be located on Garrisonville Road, across from English Road and designed as a right-in, right-out, entrance. The site may also be accessed from Parkway Boulevard and Wolverine Way, through inter-parcel connections described below.

b. **Interparcel Connection** – The Applicant shall design interparcel connections to provide access to Assessor's Parcel 20-13 and Assessor's Parcel 20S-22-A.

c. **Right -of -Way Dedication** - The Applicant shall dedicate right-of-way along the Property's frontage on Garrisonville Road as shown on the GDP.

- d. **Right Turn Lanes** - Subject to Virginia Department of Transportation (VDOT) approval, the Applicant shall construct a separate right turn lane on Garrisonville Road to serve the main entrance, with a 100 foot long taper.
- e. **Left Turn Lane** – Subject to VDOT approval, the Applicant shall construct a west-bound left turn lane on Garrisonville Road along the Property’s frontage as shown on GDP with a 100 foot long taper, and shall extend the westbound left turn lane on Garrisonville Road serving as the Parkway Boulevard access as shown on the GDP.
- f. **Traffic Signal and Intersection Modification** - Subject to VDOT approval, the Applicant shall modify the traffic signal timings, adjust the northbound right turn lane phase to run “protected only” with an overlap, and modify the signal timing splits at the Garrisonville Road/Joyce Street/Wolverine Way intersection and the Garrisonville Road/Parkway Boulevard intersection.
- g. **Frontage Improvements** – The Applicant shall construct curb, gutter, and sidewalk on the Property’s frontage on Garrisonville Road.
- h. **Additional Transportation Improvements for Wolverine Way** – When the interparcel connection at Wolverine Way is constructed, and subject to VDOT approval, the Applicant shall (i) widen the northbound approach of the Garrisonville Road/Wolverine Way intersection to provide a left turn lane, a shared left-through-right, and a separate right turn lane as shown on the GDP, (ii) widen the southbound lanes of Wolverine Way to provide a separate left turn lane at the proposed inter-parcel access, and (iii) extend the existing 210 foot westbound left turn lane at the Garrisonville Road/Wolverine Way intersection an additional 165 feet, resulting in a 375 foot long turn lane. Subject to VDOT approval, the interparcel access shall not



be open for use by the public until such time that the indoor pool within the recreational enterprise is constructed and open to the public.

i. **Interparcel Access at Parkway Boulevard** – Subject to VDOT approval, the Applicant shall modify the interparcel access at the Garrisonville Road/Parkway Boulevard intersection to prevent left turning movements onto Parkway Boulevard.

3. **Buffers** –

a. **Width** – The buffer between the Proffer and the Park Ridge residential community shall be a minimum of 50', and inclusion of a fence or berm shall not result in a reduction in width as normally permitted in the DCSL.

b. **Fence** – The Applicant shall install an 8' board on board or opaque fence between the Property and the Park Ridge community as shown on the GDP. Subject to approval of a waiver from Section 110.0 (e) of the DCSL by the Planning Director, the Applicant shall erect the fence in such a manner that the landscaping is located between the fence and the Park Ridge community.

c. **Landscaping** - A mix of evergreen and deciduous trees shall be employed in any screening areas, with a minimum of 40% evergreens. The Applicant shall preserve existing vegetation where practicable along the Property line that is abutting the Park Ridge community.

4. **Maximum Size and Permitted Uses** –

a. **Maximum Size** - The Applicant agrees that there will be a maximum of 256,100 square feet of buildings constructed on the site. There shall be no more than 59,500 square feet of commercial uses constructed on the Property that are not part of the recreational enterprise use.

**b. Hours of Operation** – The Hours of Operation of all uses on the site shall be limited to 5:00 a.m. – 12 midnight daily, seven days per week, except that the Recreational Enterprise shall be permitted to host a maximum of two “lock-ins” per month, when special activities occur permitting overnight use. During a “lock-in,” participants shall not be allowed to leave the building between 12 midnight and 5:00 a.m.

**c. Uses** –

**(i) Permitted Uses**. All uses allowed in the B-2, Urban Commercial zoning district shall be permitted, except that the following uses shall not be constructed: (1) Adult Businesses as defined by Stafford Zoning Ordinance Section 4-86; (2) Building material sale and storage yard and mulch sale, but this exclusion shall not be deemed to prohibit or otherwise restrict a home improvement or general retail store; (3) Car Wash; (4) Funeral Home; (4) Indoor Flea Market; (5) Auto Service; (6) Automobile Repair; (7) Boat Sales; (8) Marina; (9) Motor Vehicle Rental; (10) Motor Vehicle Sales; (11) Outdoor Flea Market; and (12) Motor Vehicle Fuel Sales.

**(ii) Required Uses**. A swimming pool shall be built within the recreational enterprise building, with a minimum length of 25 yards and designed to provide a minimum of 10 lanes.

**d. Phasing** – The Property shall be developed in two phases.

**(i) Phase I**. The first phase of development shall be limited to the construction of the indoor recreation use (the indoor athletic field and the swimming pool(s) and a maximum of 24,000 square feet of

commercial uses. The maximum 24,000 square feet of commercial uses shall not include a day care center, and shall include one maximum 3,200 square foot fast food restaurant with drive through, one maximum 6,500 square foot sit down restaurant, and one maximum 14,500 square foot pharmacy with drive through, or other office/ retail uses that generate equivalent or lower traffic.

Development of the drive through uses shall be contingent on issuance of a conditional use permit if required.

- (ii) **Phase II.** The second phase of development shall permit construction of the remainder of the commercial uses not built as part of Phase I. Phase II shall not be constructed until the planned upgrade of Garrisonville Road from four lanes to six lanes is completed along the Property's frontage, or until a revised traffic study is completed and submitted for VDOT and County review, which shows that construction of the additional uses will not degrade the adjacent roadways after mitigation.

**5. Architectural Design –**

a. **Recreation Enterprise Building** – The recreational enterprise building shall be constructed in accordance with the renderings entitled Building Material/Colors, prepared by PAE (Peter A. Edivan) dated February 8, 2011.

b. **All other buildings on the Property** - For all buildings other than the

Recreational Enterprise building, the principle exterior building material on the Property shall be brick, stone, glass, architecturally textured masonry, architectural pre-cast or job-cast concrete, stucco type material, or comparable material. No building having metal siding or non-textured cinder block as a principal exterior building material shall be constructed. A pitched roof or varied architectural detailing, such as varied cornices and roof-edge detailing, shall be used. Dominant colors shall generally be of low reflectance, subtle, and neutral or earth tone colors (e.g. such as beige, sage, forest greens, blues, grays, brown, terracotta, sand, cast stone, etc.) and shall not include high intensity black, bright white or fluorescent tones. Nothing herein shall be construed to prohibit a national and/or regional retail user of this building on the Property from reasonably employing general features of its prototype architectural design, provided the building design and colors are consistent with this paragraph.

6. **Building Height** – The building housing the Recreational Enterprise uses shall be no more than 55 feet tall. Any other building located on the Property shall be no more than 35 feet tall.

7. **Signage** – The color, design, and materials of all signs on the Property shall be coordinated with the architectural design of the building on the site.

8. **Fire and Rescue Protection** -

a. **NFPA - 14 Standpipe System**: The Applicant shall install a NFPA-14 Standpipe System within the Recreational Enterprises building.

b. **NFPA-13 Automatic Sprinkler Systems**: The Applicant shall install NFPA-13 Automatic Sprinkler Systems in all buildings that exceed two (2) stories in height.

c. **Defibrillator**: The Applicant shall install a defibrillator within the recreational enterprises building, and maintain it in good working conditions at all times.

d. **Signal Pre-emption Equipment**: The Applicant shall install signal pre-emption equipment at the traffic signals located at the intersections of Garrisonville Road/Wolverine Way and Garrisonville Road/Parkway Boulevard if used to provide access to the Property, subject to VDOT approval and in accordance with VDOT regulations.

9. **Lighting** - The Applicant shall install lighting within the parking area that is a minimum of 2 to 3 foot candles and is directed away from residential properties and Garrisonville Road.

**10. Pedestrian Trails** –

a. **Trails**. The Applicant shall construct eight foot wide pedestrian trails as shown on the GDP connecting the Property with North Stafford High School and Park Ridge Elementary. All trails shall be a minimum of 8 foot in width and constructed with a minimum of 3 inches of asphalt with a proper base course and soil preparation. Trails shall have an area of 15 feet on each side that is cleared of trees and shrubs, but not grass. Entrances to all trails shall be equipped with a gate and/or pedestrian opening to prevent use by ATVs and other motorized vehicles.

b. **Lighting**. All trails shall be lighted. The Applicant shall submit a lighting plan for the proposed trails as a part of site plan approval. Any lighting infrastructure constructed on school property shall be maintained and become the property of the Stafford County School Board.

**11. Use of Indoor Swimming Pool by Stafford County Schools**

a. **Use by Stafford County Swim Team** - Contingent on the execution of a written agreement with the Stafford County School Board agreeing to (1) the reduction of the perimeter buffer as shown on the GDP, (2) shared overflow parking for special events, and (3) construction and use of an interparcel access from the Property onto Wolverine Way as shown on the GDP, the Applicant agrees to allow the Stafford County High School swim team(s) to access to the 10 lane competition pool (minimum 25 yards in length) at no charge for a period of six years, to be renegotiated on a biennial basis thereafter.

b. **Access** - Access shall be defined as use by one or more Stafford County High School swim teams of a maximum of 10 lanes Monday – Friday between 3:00 p.m. – 4:30 p.m. for regularly scheduled swimming practices when accompanied by School instructors during the competitive season.

c. **Competitive Season Defined** - The competitive swimming season shall be defined to be the months of November through March, or the corresponding schedule as determined by the VHSL (Virginia High School Swim League), and shall be deemed to end after all scheduled competitive swim meets are completed including District and Regional Competition, but shall not continue more than 5 months per school year. If one or more teams progress to State finals in any year, it shall be the responsibility of the Stafford County School Board to notify the Applicant in writing within 1 week of the end of scheduled competitive season of the number of pool lanes and maximum time needed for team practice for Statewide competitions.

12. **Cultural Resources** - The Applicant shall provide an architectural survey of the old house on the premises within one year of approval of this rezoning. The survey shall contain a



diagram of the floor plan, architectural descriptions, exterior and interior photographs, and the chain of title.

**13. CPTED (Crime Prevention Through Environmental Design)** –The Applicant shall install low lying landscaping in/near the location of the light fixtures in order not to block the light.

**14. Shared Parking** – Subject to approval by the Stafford County School Board, the Applicant shall enter into a mutual agreement to share parking with Park Ridge Elementary School and North Stafford High School for events generating the need for overflow parking. At no time shall overflow parking on school sites be allowed for special events held on the Property that include the sale of beer, wine, or other alcoholic beverages.

**15. Stormwater Management** – The Applicant shall design and construct the Property in a manner that provides a 10% reduction in surface runoff (below the predevelopment rate) for the drainage swail located between the parcel identified as Assessor's Parcel Map 20S-22A and the parcels served by Southampton Court.

**16. Signage** –

**a. Southampton Court:** The Applicant, at the request of the Gates Homeowner's Association (HOA), shall pay the reasonable cost of a sign at Southampton Court warning that there is no through access on Southampton Court, and is a private drive, or other such language as mutually agreed between the Gates HOA and the Applicant.

**b. Kimberly Drive and Wellington Drive:** The Applicant, at the request of representatives of the Park Ridge community, shall pay the reasonable cost of one (1) sign each at Kimberly Drive and Wellington Drive warning that the streets are private and restricted to

local traffic, or other such language as mutually agreed between the Gates HOA and the Applicant.

**c. No U-Turn Sign:** The Applicant, if authorized by VDOT, shall fund a sign at the intersection/interparcel access of Park Ridge Blvd. and the Property stating "No U-Turn" or other language as requested and approved by VDOT.

SSCA, LLC

By

Name:

Title:

R.E. Williams Jr  
ROBERT E WILLIAMS JR  
MANAGING MEMBER

COMMONWEALTH/STATE OF Virginia  
COUNTY/CITY OF Stafford, to wit:

I, the undersigned, a Notary Public in and for the County and State aforesaid, do hereby certify that R.E. Williams has personally acknowledged the same before me in my aforesaid jurisdiction for the corporation.

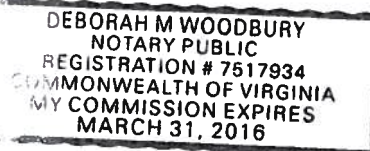
GIVEN under my hand and seal this 17<sup>th</sup> day of April, 2012

Deborah H Woodbury  
Notary Public, Signature

Deborah H Woodbury  
Notary Public, Printed

My Commission Expires 3/31/16

My ID Number 7517934



2. RC15151046; Reclassification – Patriots Crossing Proffer Amendment (formerly known as Stafford Sports Center) - A proposal to amend proffered conditions on Tax Map Parcel No. 20-12, zoned B-2, Urban Commercial Zoning District, to replace a planned recreational facility with other uses and modify transportation and other site development requirements. The site consists of 23.79 acres and is located on the south side of Garrisonville Road, approximately 220 feet west of Parkway Boulevard, within the Garrisonville Election District. **(Time Limit: September 6, 2016)**

Mr. Harvey: Mr. Chairman, please recognize Mike Zuraf for the presentation.

Mr. Zuraf: If I could have the computer please. Good evening Mr. Chairman, members of the Planning Commission; Mike Zuraf with the Planning and Zoning Department. The item before you is a proffer amendment for a project known as Patriots Crossing. This is a request to amend proffered conditions on the Patriots Crossing development project, on Assessor's Parcel 20-12. The total site area is approximately 24 acres. The site is zoned B-2, Urban Commercial. The applicant is 799 Garrisonville LLC, with Sherman Patrick as the agent for the applicant. This project was formerly known as the Stafford Sports Center. The proposal is to amend proffered conditions to replace a planned recreational facility with other uses and modify the associated transportation and other site development requirements that were related to the recreational facility. That was the main focus of the development project at the time of initial approval. The location of this site is on the south side of Garrisonville Road, approximately 220 feet west of Parkway Boulevard. The zoning history: in 2012, the rezoning of the site occurred from A-1, Agricultural to the current B-2, Urban Commercial zoning designation with proffers. At the time, the plan included commercial retail uses in the front of the site along Garrisonville Road and the recreational enterprise on the remainder of the site to the south. Since this time, no development has occurred on the property and the recent opening of the Jeff Rouse Swim and Sports Center at Embrey Mill likely has minimized the need for a swimming pool and recreational complex of that type on this site. And so a new development concept is being considered on this property. Looking at the existing conditions, you can see an aerial view of the property highlighted in red. The site is primarily wooded. There's rolling terrain. There are two streams located on the property. The stream on the northern end of the site has been recently designated as a perennial stream which includes a 100-foot Critical Resource Protection Area buffers along it. The stream to the south is intermittent and includes some associated wetland areas. Surrounding uses to the north is a Rural Residential type of use; probably the last one on Garrisonville Road in that area. To the west and south is North Stafford High School. To the east is the Park Ridge Community with a professional office in the front of the site along Garrisonville Road and townhome and single-family detached units along the remainder of the border of this property. This is a view of that original General Development Plan, and just to highlight, the plan envisioned commercial uses in the front of the site in this area and then other commercial uses as well in this location. And the large recreational facility and associated parking really took up the remainder of the site to the back. And, at the time when this was approved, that perennial stream... that what's now known as a perennial stream, at the time was determined to be intermittent. So, it's in this location. There were no buffer requirements along that stream. The circulation pattern of the original plan included a primary access point, right in/right out onto Garrisonville Road in this location, but it also included inter-parcel connections over to North Stafford High School and Wolverine Way. People could access the site by turning left onto Wolverine Way and heading in this way. And then there also was an inter-parcel connection through the office parcel over to Parkway Boulevard that people could access as well. So, this is the new General Development Plan. On this plan, the site is talking about (inaudible) access. The site would be accessed by again the same primary access point onto Garrisonville Road in this location. The new feature that is being proposed with this is a dedicated left-turn cut in Garrisonville Road that people could access the site directly from Garrisonville Road. The applicant is proposing inter-parcel access easements over towards

North Stafford High School and to the Park Ridge commercial site, but is not necessarily guaranteeing that the connections will be made. So that will be a different change to the traffic pattern in the site as the use will be... connections to the signalized intersections at Wolverine and Parkway Boulevard may not be there. Also on the site, the plan shows a potential for gated access through Park Ridge for emergency purposes. They show a potential gated access point onto Kimberly Drive, in this location. The proffers say that a secondary access will be provided; it doesn't necessarily say it has to be at this location, but they show that as a potential location for a gated access. As mentioned, there's a new CRPA designation which does affect and change the layout of the site. Your commercial uses are still in the front of the parcel but you do have a larger protected area in the middle of the site. And then to the back of the site, in place of the recreational facility, are several office buildings in this location. Also, the applicant does show a potential car wash located in this location on the site. Staff did note concern with that potential use in that location given the potential noise impacts to the adjacent residential uses. This car wash use would require a conditional use permit. The applicant has not applied for one, so to actually have that car wash use in that location, they would have to come in and seek a conditional use permit. So this approval doesn't guarantee that use in that location. The commercial... also, the office buildings are proposed... they're shown as being 2-story buildings with approximately 40,000 square feet of floor area for each building. And the applicant is maintaining a 50-foot transitional buffer adjacent to Park Ridge with an 8-foot fence. All of these are not proffered; the applicant did provide these typical renderings of the style of the office buildings that may occur on the property. Many of the proffers that are being changed are associated and related to the development of the recreational facility and associated traffic patterns. Just to kind of summarize some of the changes and highlight some of the main changes to the proffers, proffer 1, a new General Development Plan is being offered. The applicant is only proffering the transportation requirements that are provided under proffer 2 as they're shown on the GDP. The other elements of the GDP, including the types and locations of uses, may change from what you see in the GDP. With proffer 2, the transportation access, noted on the GDP the new traffic pattern. The applicant's proposing to delete the requirements for the inter-parcel access to the signalized intersections to the east and west, so there would potentially be only one access point into the site. But staff will note overall, removal of the recreational facility and replacing those uses with offices does reduce the overall traffic generated on the site. By giving the new traffic pattern, re-evaluation of the impacts was warranted. And under the initial study, the applicant looked at the main entrance point. One of the main issues that came out of that study was that directional slotted left-turn lane identified a Level of Service F in the morning AM peak hour. All other movements at that main intersection were determined to be acceptable. Also, vehicle stacking was on the edge of meeting the available stacking on the site. Staff did request additional analysis on the adjacent intersections, the adjacent signalized intersections. This was just completed and provided to you. We are still reviewing the report and have some questions about the assumptions, so we don't have an answer as to the results of that and the impact on those adjacent properties... of those adjacent intersections to this project. And also, VDOT notes that a new slotted left-turn break and median on Garrisonville in that location would need an exception from VDOT regarding the spacing from those signalized intersections. Also, the proffers requiring additional emergency access does include language that may not guarantee that it would be required. And also the language regarding the phasing of when that occurs staff believes could be improved. The proffers also maintain the requirement to provide a 50-foot transitional buffer and also in this proposal the applicant's deleted the language that would allow for a 50% reduction with the inclusion of a fence. So this is going to guarantee that the buffer will be 50 feet wide with a fence. And also, the applicant is modifying some of the language regarding whether a berm would be constructed. They would do that if it's shown to be beneficial, because in certain cases, if there's enough of a slope a berm really is not going to be effective.

Mr. Apicella: Who would make that decision?

Mr. Zuraf: That's going to be something that's going to be determined at site plan stage when site grading is...

Mr. Apicella: So if staff thinks it's necessary, they would push it.

Mr. Zuraf: Right, right.

Mr. Apicella: Because the language indicates that it's ultimately up to...

Mr. Zuraf: Yeah, in the language the applicant could make that determination. But that wouldn't be done until likely the time when the site plan is (inaudible).

Mr. Apicella: So, if there's a disagreement between the applicant and the County, what happens?

Mr. Zuraf: The applicant will prevail on that under that language. Some of the other amendments to touch on, regarding proffer 4, there are several additional uses being prohibited that are not identified in the County Zoning Ordinance that may be difficult for us to enforce. We've shared that concern with the applicant. The applicant does wish to retain those additional restrictions as assurances to the adjacent residents in Park Ridge that the overall uses would be limited. Regarding hours of operations for all...

Mr. Apicella: Mike, I'm sorry to jump in on that one. So, where they're unenforceable, at least from the County's perspective, is there another way to guarantee it, i.e., through a deed restriction?

Mr. Zuraf: That's likely, and maybe the applicant can confirm my understanding from the applicant is that something they may be placing on the property is that overall restriction through their covenants.

Mr. Apicella: Alright, thank you.

Mr. Zuraf: I'd ask for the applicant to kind of confirm that. Okay, on the issue of hours of operation, there are current restrictions for buildings. Those are being lifted and they would remain for the car wash use and also for any refuse collection. There would be hours of operation restrictions on trash collection. So staff notes that consideration should be given to the affect this may have on adjacent residential uses. With fire and rescue protection, the applicant is deleting the requirement to have standpipe system... requirements that were in place for the recreational facility are being deleted, so the remainder of the site would not have that requirement to have a standpipe. Staff is requesting that requirement be retained for any building greater than 2 stories tall. And with the recreational facility, other proffers that indirectly to the recreation facility are proposed to be deleted. This includes a requirement to construct a pedestrian trail that would have run from Park Ridge Elementary School over to North Stafford High School and through the site. And also, requirements for shared parking agreements with the adjacent schools if there were events that needed extra parking, these requirements would no longer be related to the office park development. And staff doesn't see those as necessary. With the Comp Plan, the Land Use Plan recommends the site as a commercial corridor with suburban land use. Commercial corridors are intended to encourage commercial activities where there are adequate transportation facilities to accommodate proposed uses. Suburban areas of the County are areas where suburban scale development is most appropriate. Staff believes the proposed amendments to the proffers maintain the site's consistency with the Comp Plan recommendations in this area. Regarding the staff findings on summary, there are positive aspects. It's in conformance with the Comp Plan. The proposal updates proffers reflect the current development potential on the site, and minimize impacts on natural resources. Also, there are some negative aspects. There are negative and unknown impacts on the transportation network at this

time. The type and location of uses ultimately to be developed on the site are unknown. And the changes in the proffers potentially reduces fire protection measures previously proffered on the site, and there are potential noise impacts on adjacent properties with these changes. Given this comparison of positive and negative features, staff cannot support the request at this time. There should be some additional consideration given to those concerns. And you've received Ordinance O16-27 which reflects approval with the proffers in their current form. And I'll take any questions.

Mr. Apicella: Questions for staff?

Mr. Rhodes: Yes, Mr. Chairman?

Mr. Apicella: Mr. Rhodes?

Mr. Rhodes: Mr. Zuraf, you mentioned on wanting the standpipe and the fire protection on any buildings over 2 stories.

Mr. Zuraf: Yes.

Mr. Rhodes: Isn't that offered in here? I thought I saw that in the proffers? I know fire sprinklers were for any buildings over 2 stories. Was there more than that that you were looking for?

Mr. Zuraf: It's a separate requirement from the sprinkler systems.

Mr. Rhodes: Oh, okay.

Mr. Zuraf: The standpipe system is a measure to increase water flow and allow...

Mr. Rhodes: Increase the pressure?

Mr. Zuraf: ... the pressure to (inaudible) the taller buildings.

Mr. Rhodes: Okay. So that wouldn't apply to the statement there that's on the sprinkler system?

Mr. Zuraf: Right.

Mr. Rhodes: Okay, understood. Okay, I didn't realize it. Thank you. And I know I'll ask this of the applicant, but was there a particular reason cited to you for no longer doing the connector through... over to Parkway Boulevard?

Mr. Zuraf: Yeah, they did note that in that location of where a connection would be required, it's basically a parking lot and there are parking spaces. And they see it as really an unrealistic connection that may have been difficult to make in the first place, because they'd be running the traffic through a parking lot in this area.

Mr. Rhodes: Gotcha. And then the way... I always knew Wolverine Boulevard was a little weird because it's the school's entrance, etcetera, and they have the right, or typically have reserved the right to lock it off or secure it off, and so that would now have to have separate agreements. And just to make sure I understood what I was reading there, we were talking about the five buildings in the back being upwards of 40,000 square feet each, right? So a couple hundred thousand of office space back there.



Mr. Zuraf: Correct.

Mr. Rhodes: So occupancies of 80 to 100 people or so potentially, depending on the configuration of the use and the purpose.

Mr. Zuraf: Right.

Mr. Rhodes: So, several hundred and just the one entrance is all that's being...

Mr. Zuraf: Yes, yes. And just for clarification on the connection to Wolverine Way, the applicant is specifying that they would make the connection if the County School Board agrees to a connection and also if the applicant's not going to be required to make any extra improvements to the Wolverine Way intersection.

Mr. Rhodes: Okay. Alright, thank you.

Mr. Apicella: Other questions? Okay, spring-boarding off of Mr. Rhodes' question about the office buildings, they may not be office buildings, right, because the GDP is not proffered in terms of the uses?

Mr. Zuraf: Correct.

Mr. Apicella: Have you discussed with the applicant potentially proffering a maximum daily traffic count as a way to mitigate or put a ceiling on the amount of through-cut?

Mr. Zuraf: I did mention that to the applicant and that is something that they see as maybe might be a good option, but at the time I mentioned it, it was the first time I mentioned it to them and I've not heard yet if that's something that they're willing to proffer, but definitely thought it was a good idea.

Mr. Apicella: How many residential units about the parcel roughly? You don't have to give me an exact.

Mr. Zuraf: How many... sorry.

Mr. Apicella: Residential units.

Mr. Zuraf: Well, it looks like...

Mr. Apicella: Well, immediately about; there's obviously...

Mr. Zuraf: It looks like maybe 20 to 30. There are the condo units, so, say 20 to 30.

Mr. Apicella: Okay, and have the residents and the HOA been notified of the proposed changes?

Mr. Zuraf: Yes.

Mr. English: Did you get any feedback from the HOA?

Mr. Zuraf: No.

Mr. English: No feedback.

Mr. Zuraf: No. And I believe the applicant met with the HOA. Maybe they can expand on that.

Mr. Apicella: Okay, that's it from me for now. Anybody else? Okay, applicant?

Mr. Patrick: Good evening Mr. Chairman, members of the Commission, I'm Sherman Patrick. I work with Compton and Duling and we're representing the applicant in this case. I'm a land use planner and have spent some time with this application, as well as with many others. I appreciate the comments and questions that you all have made and the very thorough presentation by Mr. Zuraf, so I'll try to present things that are different than what he said even though a few things I have to admit I do overlap on. So, if I stumble a bit, I'm trying to catch myself up and not be redundant and make the best use of your time. Also, he's challenging me to use this pen to point to things and I never do well at that. I had 8 slides and I would like to use these as a way of kind of giving you a little bit different perspective on the proposal. The concern I know, whenever you're looking at a proffer amendment is whether something is being taken away that was promised previously. In this case, the issue really is is that the applicant had previously just proffered a little too much and (inaudible).

Mr. Rhodes: Computer please.

Mr. Patrick: The proffered conditions themselves indicated that there would be a recreational center on this facility. That would be the major use. It also allowed commercial and retail uses on the front, much as we have, although they extended that much deeper onto the property as our plan does... than our plan does. But, in their application, once the County built a recreation center that basically absorbed the market for that use, they were left with a piece of property because of its zoning and its proffers that is essentially unusable. So, we're back before you now to try to come up with a reasonable and practical use of the property. It is already zoned B-2, General Business. You heard Mr. Zuraf say that our overall traffic counts are lower than what the recreational facility would have generated. And that's particularly true on weekends and in the evenings. Also, there was a lot of discussion about things, connectivity and shared parking and things like that that were a part of the original proffers, and those had to do with a certain synergy that was being assumed between the school sites -- the elementary school as well as the high school site -- and then this recreation center site that don't apply at this point. If there is something like a trail that needs further discussion, we're interested in having that conversation but we did not hear that. We did meet with the umbrella Homeowner's Association for Park Ridge, and then we met with a subcommittee of the two areas within Park Ridge that are immediately adjacent to and most affected by this proposed rezoning. We have an aerial photograph on the screen right now in front of you and that photograph has outlined in white the proposed site. It's almost 24 acres. It is located halfway between the Wolverine Way and the Park Ridge Boulevard intersections where there are already traffic signals. If you look across the street, you'll see another large tract, larger than ours, that is also green. And when that property... it's green now but it is planned for development in the future. When that property comes into you for rezoning, you're going to having this exact same discussion about what happens to the properties that happen to be halfway between two traffic signals. Properties that are halfway between two traffic signals are always going to have this concern with transportation about what are your impact on the other signals, how many U-turns you're going to cause at those intersections. The only way to alleviate those U-turns is to have a slotted left-turn lane. And that is why we proposed a slotted left-turn lane because it improved the Level of Service at the intersection of Wolverine Way and Garrisonville Road. So, the slotted left-turn lane that we've proposed that may require a modification from VDOT is actually a mitigation effort to try to address this issue of what you do when you have a large parcel that's halfway between two traffic signals. This is a copy of the existing zoning map. You see our property outlined in

yellow. It is zoned B-2, General Business... or not General Business but B-2, Urban Business, as I mentioned already. You see North Stafford High School to the left and Park Ridge Elementary in the back to the right, and Park Ridge residential area also to the right. We have very few opportunities for inter-parcel connections. And the previous applicant for rezoning proposed two opportunities, if you will, for inter-parcel connections and they did it in exactly the same manner that we've done it, across the high school. It's subject to the adjoining property and giving them authorization to do it. The difference is, we said it in our proffer, but they didn't say it in theirs. They could never have crossed either of those two properties without having authorization from the adjoining property owner. Also, I'm pointing out again the A-1 zoned property across the street from us that's going to have the same type of access issue in the future. Our proposal overview, I won't spend a lot of time on this because Mike has already spent a good deal of time on it. We do have a right-of-way access onto Garrisonville Road and we've proffered that we will connect to Wolverine if that is available to us. And, again, we mention the slotted left-turn lane. This is a copy of our General Development Plan which Mike has already shown you. We have six office buildings on the back of the property because we think that's the way the property is going to develop. Retail users are generally wanting to go where they have some visibility. Our commercial retail area, as we anticipate it evolving, is closer to the road; it is about 300 feet deep whereas previously you saw a commercial retail area that was 600 feet deep. Also, I'll point out that the office buildings that we have shown are the highest and most impactful in terms of transportation generation. And that's what we're usually asked to do. We're usually asked to show whatever might create the most traffic and office uses, create the most traffic and plus they create it at very concentrated times during the day. It's that 8:30 arrival in the morning and that 5 PM departure in the evening. And so that too causes a difference in what you see in the transportation model. And I'll come back to that in just a second. But as I said before, we have this issue of having proffered a little too much, proffered a little too specifically, and now we're trying to make the site more usable realistically. We know that we don't have a crystal ball. We don't know who our end users are going to be. We're going to have to react to the market and the market is also probably going to evolve over a much longer period of time than what the traffic impact analysis requires. And traffic analyses are snapshots in time. So, you have to realize that you take the numbers from today... and they're also filled with all sorts of assumptions. So, you take the numbers from today, you escalate them to whatever percentage you're told to do it, you do it for the number of years you're told to do it, and you assume the distribution of trips in the manner that you're told. So, you make them go left or right and if VDOT says that's not right, I want you to make more of them go right, then that's what you do. And then the numbers come out and they give you a conclusion. So, they're for very specific points in time which is important because we think that there is going to be improvements to Garrisonville Road earlier than we're going to be able to build out this entire site with all of these office buildings. So, the issue is that our study is showing everything being built out in a very short period of time even more rapidly than what Garrisonville Road will be widened. So, we like the idea of looking at phasing the development based on the amount of traffic that's generated and based on the conditions that exist at the time when the actual improvement is proposed. So, we're very interested in looking at that in further detail. I already mentioned that there are a lot of assumptions that go into a plan.

Mr. English: Sir, I've got a question for you.

Mr. Patrick: Yes sir.

Mr. English: You've got a lot of office buildings in there, that I've noticed; I think it's 6 or 7 office buildings.

Mr. Patrick: Six.

Mr. English: Six. You go straight up the road not less than a mile and you've got an office park up there that's not even filled up. And you're putting more in and I know there's at least... well, I know there's two up there at 610. One down across from Sheetz, and then before you get to Sheetz there's a strip mall and then you've got the office park. And you want to add more office spaces. Do you think you're going to be able to fill these with what's vacant now?

Mr. Patrick: We think that eventually we will be able to, but we don't know what that time horizon is. And that's the point that I wanted to make. I'm glad that you picked up on that, because we don't know the time horizon.

Mr. English: I just hate to see... I hate to see you put these 6, 7 buildings in here and they're going to sit empty or not even be vacant when you've got something up the road that's not even filled up. It seems like that we've got more office space vacant, especially in the 610 area.

Mr. Patrick: We would not construct these buildings until those offices that you're talking about were absorbed into the market.

Mr. English: Thank you.

Mr. Patrick: That's when it would become viable to start to do this. So, what I started to talk about a little is the access points that were previously proffered. You see an asterisk on the screen that shows what was previously proposed as a connection to Park Ridge was not a full turning movement intersection. It was a limited access; it only allowed right in and right out. And so, that entrance was not doing a lot to disburse traffic. In addition, it was causing a great deal of impact on the adjoining community. If you look at the photographs that are to the right of this exhibit, you'll see first the picture... the first top left-hand corner is a picture of the parking lot. The new driveway was going to go around that parking lot in some manner. And if you look at the second to the right... I mean, the second photograph in the top right-hand corner, you'll see a photograph closer to a transformer. You can just see it in the first photograph, but if you go to number two, you can see the transformer again. And you look through that little window between the landscaping and you see someone's house, and the bypass lane, if you will, that was shown in the other GDP was going around that edge of the parking lot. So it was going that much closer to that person's house. The next photograph down is closer to the curb. It shows you that there's a drainage area outside of the parking lot exactly where the bypass lane I'll call it was to be located. And then the final photograph is showing you just how close that it is again to someone's house. So we thought that that particular road going out to Park Ridge Drive was just going to have too much impact... Park Ridge Boulevard, was just having too much impact on the neighborhood. And so that's why that was deleted. And it was not disbursing very much traffic because of the limited turning movements on it. Essentially you could turn right onto Park Ridge and go down, you know, to wherever you would back into that community, but that was the only trip that it really addressed. The next intersection or inter-parcel connection, which we have proffered to because we were asked to, is over to Wolverine Way. And again, the top left-hand photograph shows you an aerial of where Wolverine Way is located and you can see that the asterisk on that photo is showing you where the intersection would come in from our inter-parcel connection. It is behind a security fence and behind the security gate that goes into the school. Wolverine Way is essentially simply a driveway that goes to the high school. And so that was why we said we'd connect to it because we were asked to, but we said that we could only to limited improvements to it. Because very frequently, it's like pulling a thread when you're dealing with an application like this, you proffer that you'll make a connection and then someone says, oh, because you're making a connection now you have to build a commercial roadway section and you have to put sidewalk, curb, and gutter on it, the lanes have to be twice as wide, and suddenly the cost is rapidly rising,

well beyond anything that was anticipated at the time of the zoning. So we're just being cautious. If you don't watch your expenses, you end up with a rezoning that you can't build and then I'd be right back here or someone else would be in my footprints here trying to explain to you why what was proffered before isn't buildable. So we're trying not to do that. The next photograph down from the first one that I mentioned, so I'm not following the same sequence that I did in the last slide, is a closer up picture of where the inter-parcel connection would come in. Again, it's marked with a red asterisk. It would come in between soccer fields and tennis courts. It'd be immediately adjacent to the tennis courts and, if you look at the photographs in the right-hand column... if you go to the top right-hand corner of the four photographs... you should be able to see a blue rock, a white rock, and a red rock. The inter-parcel connection would come out at about where the white rock is. And the next slide down... or the next photograph down shows you a picture of the white rock and you can also see in the background how close that would be to the tennis court. We're not so certain how the School Board's going to feel about that. But again, being careful and not wanting to misrepresent to you all that we can do something that we don't have permission to do, our proffer says very straightforwardly, we'll build it but we have to get permission from someone else because we're building it on their land.

Mr. Apicella: Mr. Patrick, it begs the question have you reached out to the Stafford School system?

Mr. Patrick: I made a phone call and I didn't get a return call, and I apologize because I did not follow-up on that. And we're completely willing to go ahead and follow that to the end. At one point, we thought that we were getting a signal that that connection was not going to be desired. And the reason for that, you may remember me mentioning before, is because with our traffic going into that intersection, Wolverine Way goes to a Level of Service E. So it diminishes the Level of Service on Wolverine Way. And so when we saw that, we assumed that the School Board would say, oh, wait a minute, we don't want you interfering with our students and our bus traffic exiting the property, or entering the property in the morning which is when the hours would overlap. So, we just didn't think that that was going to be a very likely scenario, but it's seeming now that it is one that is desired and so we can run it to ground.

Mr. Rhodes: I think I would just characterize for consideration that I couldn't imagine the schools wanting to have your... I agree with you, I couldn't imagine them wanting your traffic unless something were improved... unless it improved it for them and for the kids. That's where a lot of the kids are turning in. The buses primarily go on off of Shelton Shop into the school, so that's mainly the personal vehicles dropping off or students driving. And short of a great extension to the turn lane or other type of improvement that made it worth their while, I wouldn't see why they would want any added traffic there. So, if there's not any intent to incentivize their interest in that, I would anticipate that that would be the response. I think the desire in there is just trying to find relief from a singular entrance on who knows what development on a site and a parcel, and the concern on the traffic and the small, you know, setup between those turn lanes. Even going out on the other way on Park Ridge Boulevard, at least there was a signalized intersection that people could make left turns who are proceeding west on 610 and then you could access the property from there if there were some type of an entrance. It is a right-in, so I think it was just the relief from a singular entrance on a very complicated road that is a while till we get the improvements on it.

Mr. Patrick: Some other items that were mentioned was about the hours of operation. Our hours of operation were much more limited than what the recreational center hours of operation would have been. Our activities in the evening are much less because we're talking about office types of uses and the same or less commercial retail type of use. The fire and rescue request for NFP-14... NFPA-14 has confused me a little bit. The buildings will be constructed fully compliant with the Uniform Statewide Building Code. All of the buildings will be sprinkled and they do all get pressure-tested to make sure that they

have adequate fire flow prior to occupancies being issued. And when the site plan is submitted, you have to do pressure calculations to show that you do have adequate water pressure to serve these buildings. I'm not... I'll have to have somebody explain that to me further. But we believe that we are meeting all the building code requirements and, again, all the buildings will be fully sprinkled and they will all meet pressure requirements for those sprinkler systems. The proposal has been found consistent with the Comprehensive Plan land use goals for the area. We do have this question about what do you do with a large parcel that is located between two intersections. And you're going to have this issue over and over again. We are looking for your support and would like to have your support, but we are willing to talk about some of these concerns in more detail and see if we can come to some resolution that gets everyone comfortable with the proposal. With respect to not knowing the precise land uses, I explained already the reason that we showed offices is because we're told to show offices. It's the highest transportation impact, so it is likely that we would have other types of uses. It's likely that we'll have lesser square footages. It's likely that we'll have a lesser square footage until well after Garrisonville Road and many other things develop in this area. And so the snapshot in time is not accurate for what will actually happen on this property as it develops. We are fully cognizant that we need a Conditional Use Permit for a use that has the car wash, and we would apply for that later. We're showing it in our plan because we have a letter of interest for a car wash on this property. We also have an interest from a restaurant. The owner of Zibibbo's is interested in locating in this area. So, we have a couple of things that we have interest already; they're retail oriented. We have a Conditional Use Permit in our future, so if there are noise impacts from that conditional use, we will absolutely address them in the Conditional Use Permit. But we've been up front with you and we've told you that these two uses are likely to happen here because we have interest in those from people. With respect to building architecture, we have proffered materials that would be used. This, again, becomes an issue of time; building design, technology, and building standards change over time. We think that we have a long time horizon on this property. We don't want to proffer a particular type of building only to find out that it's considered dated and unattractive and difficult to lease in the future. We need to have the flexibility to create attractive buildings that will attract the types of businesses that you want in the County. And those will have to change over time. You'll notice that shopping centers refresh, they call it, about every 20 years. They come in and they strip the old building facades off and they put new building facades on. And that's to make them keep them fresh and keep them marketable and keep them viable. So, we need to be able to do that as well, as investors in this property. With respect to condition enforceability, we recognize there are some things that the County would have difficulty enforcing, but Mr. Hart feels very strongly that he's made representations to the County or to the community that he's not going to allow certain things to happen in his business. And he has the sole authority and discretion to enforce those types of things. The types of things that he is committing to is that he won't allow adult business, he won't allow bars, he won't allow things that are going to change the character of the neighborhood. Now whether the County can enforce those or not is really not terribly disconcerting for his because he plans to and he's fully resolved to enforce those. If the County sees that they aren't being enforced, the County can always approach him and address the concern that it's not being enforced. Some of them would be easier than others. But and the way the things are these days and different decisions that you see, having a private owner who's willing to enforce some sort of, you know, value standards I think would be really reassuring to people because he's not afraid to stick his neck out and say this is good business and this is bad business and I don't want the bad business in my facility. So, I don't really think that's an issue. Whether or not the County can enforce it, I think we should all be pleased that there's someone who has the integrity to stand up and say he's going to take care of that and take care of the character of the community. If you have any questions, I'd be happy to try to answer them. I hope I didn't overwhelm you with too many thoughts.

Mr. Apicella: Questions? Mr. English?



Mr. English: Did you meet with the Homeowner's Association?

Mr. Patrick: Yes sir, we did. We met with the umbrella association first and then we had a second meeting with the two sub-associations that immediately about this site. And one of them is the Gates and one is the Gardens, I think I've forgotten the names. I apologize to the people. I think they're here to speak this evening, so you'll hear from them. We offered to meet a third time after we had the staff comments and after we had submitted our final proffers, but they didn't, at that time, feel that it was necessary, I presume. Either that or they thought it was impractical to pull people together given the amount of conditions that were on it. I'll let them speak for themselves.

Mr. English: Okay.

Mr. Patrick: But we did offer a third meeting.

Mr. English: Thank you.

Mrs. Bailey: Mr. Apicella...

Mr. Apicella: Mrs. Bailey?

Mrs. Bailey: I have a question. I was just reading through the proffers and, for uses, as far as the car wash -- and this relates to the hours of operation that's here in the proffer -- is that a manned or an unmanned car wash that you're thinking of?

Mr. Patrick: It's a full service manned car wash.

Mrs. Bailey: It's a full service? And so are car washes generally operational from 6 a.m. to 10 p.m.?

Mr. Patrick: No, they aren't. We thought we could refine that with the owner if he moved forward with securing a location here through the Conditional Use Permit.

Mrs. Bailey: Okay, because that would be something that would be problematic I would think. The other is for clarifications, because you have under permitted uses, under (i), boat sales and marina. And then when I read through the prohibited uses, any boat sales or marina. So, I don't know if that's a typo or...

Mr. Apicella: Funeral home as well.

Mrs. Bailey: Beg your pardon?

Mr. Apicella: Funeral home is in both.

Mrs. Bailey: Right, so... not sure what is meant, if you do want boat sales and a marina or not.

Mr. Patrick: Outdoor sales of any kind are something that's going to be looked at very carefully. I'm not seeing the proffer, and I'm sorry, I don't remember it.

Mrs. Bailey: Okay, so that's under uses; it would be 4.a., or (i)

Mr. Patrick: Okay.

Mrs. Bailey: So, under uses (i) you have permitted uses and number (7) is boat sales and (8) is marina, and then below that, prohibits uses.

Mr. Patrick: I can explain that. The first grouping of uses that are permitted are sort of conditionally described, and they must be set back at least 200 feet from Garrisonville Road. That came from input that we received that people didn't want to see a lot of automobile uses, automobile oriented uses, next to Garrisonville Road. So our proffer, including the car wash, says that those uses will all, if there are any, will be at least 200 feet back from Garrisonville Road. And then the second list of uses, the prohibited uses, the (ii), are ones that are prohibited throughout the entire site.

Mr. Apicella: I think Mrs. Bailey's point is, it's mentioned in both. So it's mentioned as being no closer than 200 feet in a., and then in (i) it's mentioned as a prohibition throughout the site. So there's an inconsistency between the two.

Mrs. Bailey: That's correct.

Mr. Patrick: I'm sorry, I didn't understand. I think... yes, you're right. It's a typo; we'll fix that.

Mrs. Bailey: So, it's something that you do want within 200 feet or you do not want?

Mr. Patrick: Do not want it.

Mrs. Bailey: Thank you.

Mr. Rhodes: Mr. Apicella?

Mr. Apicella: Mr. Rhodes?

Mr. Rhodes: Just to confirm what I thought I heard you say, Mr. Patrick, that you and your applicant are certainly willing to... are willing to discuss phasing development to capacity or capability on the roadway to support? So working in some phasing construct?

Mr. Patrick: Yes sir. I want to be completely clear about that. We need to understand... we need to crunch the numbers.

Mr. Rhodes: Oh, sure.

Mr. Patrick: We need to know exactly what that means. But we're absolutely to... Mr. Hart has said he's absolutely willing to discuss that and wants to explore that.

Mr. Rhodes: Understood. Okay, thank you.

Mr. Apicella: Anyone else? I would ask... it's more of a comment, two comments. On the berm, if the County requests that you keep it in... so, it's conditional if the County desires it.

Mr. Patrick: I think that we can probably write some criteria for decision-making. I find that it's always wise to do that. Otherwise you end up with berms that are built on top of big hills and don't benefit anyone, but they're expensive (inaudible).

Mr. Apicella: I don't think the staff would put you in that position, but I understand where you're coming from.

Mr. Patrick: Right. So, yes sir, with some decision-making criteria in place, that would be acceptable.

Mr. Apicella: And the other thing on use is, I would ask you to take another look at the list that's here, whether 200 feet or not, and maybe work with staff and think about what really would be appropriate on this particular parcel. I'm not sure why motor vehicle sales anywhere on the parcel would be necessarily appropriate, especially given what you might want to put there. But it's one of my issues that I bring up with all B-2 zonings. So, my concern is to make sure that whatever is proposed isn't incompatible with the surrounding area, especially since it's close to a neighborhood. And you may have said this in your comments, in terms of the uses, additional uses that you all say that you're going to prohibit, you're going to do that by a deed restriction or a covenant restriction?

Mr. Patrick: Yes, that can be done.

Mr. Apicella: Okay.

Mr. Rhodes: Mr. Apicella?

Mr. Apicella: Mr. Rhodes?

Mr. Rhodes: One other quasi comment versus question. Was appreciative of seeing the continued 50-foot buffer in there; that certainly was an important point when we did the last rezoning a number of years ago. There wasn't going to be anything near the neighbors, it's mostly parking area -- you know, the other GDP was -- but still having that distinctive buffer and the willingness of the fence and the other things I think that is a very positive continuation of one of the terms that was important to your neighbors on the property. So, certainly appreciative of that consideration and just would submit that I understand the need for some decision-making methodology that's clear, but the consideration of taking a recommendation on the berms is appreciated as well. I think those are positive steps forward on that, so thank you.

Mr. Apicella: Any other questions? Okay, thank you Mr. Patrick.

Mr. Patrick: Thank you.

Mr. Apicella: I'll open up the public hearing on this matter. This is an opportunity for the public to comment on it. Same ground rules as before. You have 3 minutes to speak, up to 3 minutes. If anyone would like to come forward, please do so now.

Ms. McMahon: Good evening, my name is Mary McMahon. And I am the President of The Gates HOA which is contiguous to this property. I'm also a member of the Master Association so I've had presentations from the developer at both levels. I would tell you that our community is small; we are 16 homes. We are right behind the Coldwell Banker building, and we are vehemently opposed to any kind of access from Parkway Boulevard through the Coldwell Banker parking lot or around the parking lot or

anything along that line. Vehemently opposed. We will never get out of our community, which is a cul-de-sac. The other thing that I would say is that we are concerned about a car wash. In particular, we had heard that it was going to be moved to another part of the parcel closer over to the school as opposed to close to The Gates, which is where it currently I think is residing. So, we would urge that that continue to be looked at because we really don't want a car wash from 6 to 10 at night going 7 days a week. The developer has addressed the buffer and we're really glad to see that that continues to be there and seems to be still a strong buffer. We continue to worry a little bit about noise, about light diffusion. We've been told that the light would go down so it would not broadcast all night long into our homes. In addition to that, the refuse location and the pickup of refuse is a concern, and where that's located on that parcel. So, the developer has been very nice about coming and talking to both the Masters and the smaller associations, but we still have some concerns. We thank you for listening to us.

Mr. Apicella: Thank you. Anyone else?

Mr. Clinger: Good evening Chairman, members of the Board. I'm Matthew Clinger. I'd like to mention that the vast majority of the homes along Verone Drive, about 20 homes, are detached dwellings. The condos are located at the northern end of the proposed site along Garrisonville Road. We'd like to see stronger language to keep the berm in place for discretion. Most of the land, once you get south of the condos, is fairly level. Not being a ground engineer, there isn't a lot of movement of area. Being part of the community that abuts where Kimberly Drive is, I understand the last developers tried to get access through Kimberly for fire and ambulance and that was disregarded. We'd like to keep that so other avenues of approach through Wolverine Way, North Stafford High School and don't come through a neighborhood. Once a private neighborhood that has a paved road with a gate become an access point for... an easier access point for traveling. Right now students travel it to get to North Stafford High School. Once it is paved, it's just going to increase the level. And walking my dog already, we normally catch kids drinking or smoking weed in the woods. So as it develops greater, the ability to come in is likely to increase. I'd like to see that the members retain the 2-story, 36-foot building, specifically for buildings 4, 6, and 9 vice letting them increase to 3 stories, because those do abut parcels where people live. Granted they do have a 50-foot buffer, but only 50% of the trees that they have to plant have to be coniferous, which means during the wintertime we're going to be staring at the back-ends or shallow ends of office buildings. The normal trees in the area are probably about 2-stories tall that may give enough cover but adding that additional story would mainly hurt home values. I appreciate your time.

Mr. Apicella: Thank you.

Mr. Estep: Mr. Chairman, Commissioners, thanks for the opportunity to speak before you. I'd like to just continue piggyback off on what Matthew Clinger said. But before I do that, if I may address the applicant's representative, Mr. Patrick, if you would be so kind to convey to Mr. Hart, I certainly appreciate Mr. Hart's sentiment in terms of how he embraces the community, certainly having the values and the type of business that he would prohibit from being introduced. On that same line, we are a community, we're a small community that certainly abuts it and we certainly understand business. But it's also good business to take care of the community, people within, especially us. We're about as close as we're going to be to them and they're going to be to us as they develop. In the grand scheme of things, I've been here over 16 years and I certainly don't object to any development. But at the same time, I certainly ask you folks, and you're alluding to it and thank you for that as far as the buffer zone, but I think having that wall, the berm, is going to be key for us because, and I understand your staff addressed the noise concern, but you know, noise abatement is going to be important as well as like Matthew just mentioned. When the trees are gone on the wintertime, I've got a 2, 3-story building staring at my window through my bedroom and privacy is important to us. And we certainly would ask you folks to

continue to champion that for us and give us that sense of privacy. And that berm, in my mind, is as about as important as that that I would ask and certainly Mr. Hart would consider. It's just good business. It's not just bringing in development business, but taking care of the people within it. And we're it. We're the community that represents them and they represent us. So, we'd like that sense of partnership and we ask you folks to continue to champion on behalf of us. And my last note is, I'd like some clarification, if I heard it right, if there's a disagreement between the County and the applicant, the applicant prevails. I'd like to know how that happens.

Mr. Apicella: Sir, before you go, could you give us your name and address?

Mr. Estep: Yes sir, I will. My name is Michael Estep. I'm the guy who's going to be facing the south end of that perpendicular building, right into my bedroom. So, again, I thank you in advance.

Mr. Apicella: Thank you.

Mr. Estep: Thank you.

Mr. Smihal: Ladies and gentlemen, my name's Jeff Smihal. I'm neighbors just to the north of Mr. Clinger and Mr. Estep. I share their same sentiments. I appreciate a lot of the things I've heard here today about taking our privacy into account. You know, we've been blessed to have nothing but woods behind us. I don't... you know, I understand that development is coming. I don't have a problem with that. I would stress, as the other two gentlemen have stressed, the berm. I think that's very important. I think Mr. Clinger talked about the trees specifically. Even in the winter, you know, the less we can see of the development, I think the more that that would be appreciated, you know, within our community. You know, we want business there. We want business to thrive. I appreciated Mr. English pointing out the fact that we do have a lot of empty buildings right now along Garrisonville, and we don't want to see that. But we don't want to stop development either. I think if things can be placed in there that can be used, I think that's a good thing for the community. But, you know, we appreciate the developer taking our privacy into account as they're building this. And that's all I want to say. Thank you.

Mr. Apicella: Thank you sir.

Mr. Dixon: My name is Scott Dixon. So, if you're standing on my front porch, I am looking at the south end of the building. So, I have a few concerns that I want to talk about as well. We have probably around 200 homes in The Greens where I live. And the last time that this was brought up, I actually was for the pool because I want to see that kind of infrastructure in Stafford County and I do agree that the more office spaces like having another pizza and wings place on 610, we just don't need it. But, with that being said, to reiterate what they said, I am in full support of that berm and an 8-foot wall. Specifically for our corner, though, one of my concerns that I have is that this security access point; we were able to show that it was completely unnecessary last time and I think we can do that again. I'd be happy to meet with any of you in our neighborhood to show you, and once you see our roads and how tiny they are, we have so many one-lane driveways that a lot of people have to park on the street. And the access is very limited. It's 15 miles an hour. It's completely unnecessary. As a member of Fire and Rescue for over 25 years, I can tell you right now I would never go down that road to respond to those buildings. I would never stop, get out, unlock a gate, open it, drive through. So, it is unnecessary. We were able to successfully prove that last time; I think we can do that again. But, to go off that concern, not only do I feel like it's a safety issue with the 15 miles an hour and all the kids that play down there and all that stuff, I'm also concerned that while we may have this berm and privacy fence if I'm staring a security gate, we don't get that same privilege so the berm and the wall don't seem to benefit us at all who probably have the most affected

house values. So, like I said, I just wanted to say that the trees are very important to us. We love that they have that in there. And the berm and wall are important to us; love that that's in there. The security gate needs to go. The berm and wall need to go... continue past to the edge of the property. And I would love to be able to speak with somebody about that and get that resolved. Because we did it last time and I don't think it needs to be there. So, thank you.

Mr. Apicella: Thank you sir. Anyone else? Okay, seeing no one else, I'm going to close the public hearing and bring this back to the... actually, Mr. Patrick, do you have anything else you want to add?

Mr. Patrick: No sir.

Mr. Apicella: Okay, I'm going to bring it back to the Commission. Mr. Rhodes, this is in your district.

Mr. Rhodes: Yes, Mr. Apicella, I would just raise one point because the question was raised. I think when Mr. Zuraf was talking about the question if there isn't something specifically identified dealing with differences of opinion on the berms or other things, that there's not some manner or form in the agreement on the front end that Mr. Zuraf was characterizing, then the developer prevails if they have a disagreement. If you don't have a terms or conditions or a way to address it, and I think we are working on trying to address that with the question that you had asked, Mr. Patrick, and others, can we put some type of language to try and take that a little bit further. And I'm sure there'll be a way to address it. But there seemed to be a concern as to how does that work and I think what you were saying, Mr. Zuraf, was simply that if there's not... if it's not stated that they have to do anything, then obviously they can do what they desire if we don't have some other term that would direct them in that behavior.

Mr. Zuraf: Correct, yeah, if there's no other criteria, then they can make the decision.

Mr. Rhodes: So, that is, as you had said, that is something we would... I think we would want to address a little bit further. I will make a motion here in a moment to defer this a bit to work on some things. But I would just like to first make a couple comments. One, I'm very appreciative of the applicant working so openly proactively with the Homeowner's Associations; it's always something we advocate. It's not something that always happens. It certainly makes everything better, as I think it has here. I appreciate the receptivity of the applicant trying to work through some of the issues with them. That's a positive step. This is in a commercial corridor along 610. It's certainly something we do need to get reworked. We had a previous agreement for a different thing on the property that's not going to happen now, and so now it is something we need to figure out how to develop. I certainly appreciate the recognition of that by the neighbors as well and just trying to find the right balance. And I think we're on a great path. The willingness to continue the 50-foot buffer; we can work a little further on what might be the right balance in terms to take care of getting the benefit of the berm, but if the berm's already there I can understand not wanting to build a berm on a berm. But we need to make sure that these things, I think, stay consistent. But I sense that that's the desire of the applicant as well, so I think in the next couple weeks we can probably work through those pieces. What will be... and there's a couple other things that we've got identified here that were mentioned and we can work through them. What is of interest to me is to better understand and get staff's sense on the transportation impacts. It is a busy road; it will be awhile. I don't think this portion of 610 is in the 6-year improvement plan. It used to be but I think it got bumped just on the outside. Yeah, so it's outside the 6-year improvements. So it's going to be awhile till that portion gets widened and we will have more cars on that road before that point of widen, so I think some talk -- and we've got to rationalize it -- but some talk as to how we might phase that to match capacity. We ought to put some smart brains on that portion as well I think would be very beneficial. But with that said, Mr. Chairman, I'd like to make a motion that we defer this to our next meeting and try and work



through a couple of these remaining open items. But I'm very appreciative of all the efforts on all sides to make this an effective and positive type of an agreement.

Mr. Apicella: Is there a second?

Mr. English: I'm going to second it with the caveat to put in there when he goes back to the... as he goes back to the School Board that maybe for that secured entrance, instead of maybe that we should be on the North Stafford High School side, it would be fenced, it wouldn't be used but for emergencies only. That might be an area that they could do that. Just see if that's a doable area instead of putting it on the backside of the residents. They wouldn't be using it. It'd be closed, only for emergencies, so that's one thing I'd ask.

Mr. Rhodes: Put the knox box there, yeah.

Mr. English: What did you say?

Mr. Rhodes: Put that knox box on the fence there instead of in the back corner.

Mr. English: Right, that would be my thing.

Mr. Apicella: Motion to defer with comments, motion to defer with comments. Anything else Mr. Rhodes?

Mr. Rhodes: Nope.

Mr. Apicella: Anything else Mr. English?

Mr. English: No, that's it.

Mr. Apicella: Anyone else? I'm going to support the motion to defer. I think there's some really good changes with this proposal. I think the... I won't say getting rid of the rec center, but the fact that the rec center is no longer viable is probably a positive thing in terms of the potential impact on the traffic pattern. That being said, I think there is some uncertainty with this proposal so the impacts, it's not clear that they're fully mitigated or the extent to which they're mitigated. What I heard were some concerns about the car wash location, lighting although I think that would probably be dealt with with our standards. I guess timing of refuse collection, hours of operation, the security gate issue, continuing no road into Park Ridge, and something that I do have some concerns about -- 2 stories versus 3 stories closest to the neighboring houses. So, those are things that the applicant may also want to keep into consideration as this moves forward. Did you have anything else you wanted to add Mr. Rhodes?

Mr. Rhodes: I apologize, I did mean to just confirm something. So, they're not proffering the GDP. So the siting of anything that they're proposing on there is not necessarily what they're trying to begin to lock in. That's just a concept.

Mr. Zuraf: Correct.

Mr. Rhodes: Okay.

Mr. Apicella: That being said, but they could proffer that any buildings that are close to the neighboring houses could be restricted.

Mr. Rhodes: Understood. Yep. And that certainly could be on the other side. And I do want to just publicly acknowledge consistent with the efforts to reach out to the HOA and others. The applicant's representative had reached out to me and I completely dropped the ball in circling back with them. So there were some of these things we probably could have addressed before now, so I apologize for that. But I'll certainly get with them in the intervening time.

Mr. Apicella: Okay, with no further comments, there's a motion to defer. All those in favor signify by saying aye.

Mr. Rhodes: Aye.

Mrs. Bailey: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mrs. Vanuch: Aye.

Mr. Apicella: Aye. All opposed? The motion carries 6-0. Thank you. Mr. Harvey, item number 3?

1. RC15151046; Reclassification – Patriots Crossing Proffer Amendment (formerly known as Stafford Sports Center) - A proposal to amend proffered conditions on Tax Map Parcel No. 20-12, zoned B-2, Urban Commercial Zoning District, to replace a planned recreational facility with other uses and modify transportation and other site development requirements. The site consists of 23.79 acres and is located on the south side of Garrisonville Road, approximately 220 feet west of Parkway Boulevard, within the Garrisonville Election District. **(Time Limit: September 6, 2016) (History: Deferred on June 8, 2016 to June 22, 2016)**

Mr. Harvey: Yes, Mr. Chairman, thank you. Please recognize Mike Zuraf for the staff update on this case.

Mr. Zuraf: Good evening Mr. Chairman, members of the Planning Commission. Mike Zuraf with the Planning and Zoning Department. This is a request for a project known as Patriots Crossing. It's a request to amend proffered conditions to replace a planned recreational facility with other uses, and modify transportation and other site development requirements that are in place on that property. The property is 23.79 acres and zoned B-2, Urban Commercial. A public hearing was conducted at your last meeting on June 8<sup>th</sup> and the case was deferred to provide additional information in response to public comments received. Subsequently, the applicant had requested the case be deferred to your next meeting on July 13<sup>th</sup>. That request is in your package that you received. This would allow them more time to modify the proffers and General Development Plan in response to the comments that were provided. We did, in our staff memo, provide a summary of the issues that were discussed at the public hearing. Those include transportation issues, including evaluation of the revised Traffic Impact Analysis, and then also consideration of phasing of development of the site based on the estimated vehicles per day in their traffic studies. There were public safety concerns, consideration of emergency access via Wolverine Way rather than through the Park Ridge residential streets, obtain input from the school division regarding their thoughts on the inter-parcel connection to Wolverine Way, and we did provide some information. We did reach out to the School Board staff and they did provide some feedback. They noted that they would not be in favor of allowing commercial traffic through to Wolverine Way on a normal basis unless there was some sort of direct benefit to North Stafford High School. And that was probably the basis for the previous connection when there was a recreational facility. They did add that emergency access could be considered if that was desired in this location through a probably gated, secure access through the school property to their site. Hitting on some of the other highlights, also there were adjacent property impacts discussed. The applicant was going to look into modifying the proffered berm language to add more objective criteria. There were concerns expressed about the car wash use and its location. Also, there was a request to consider prohibiting other uses on the property. Also, correcting prohibited use inconsistencies that were pointed out. The applicant was going to work to make those adjustments. Also, considering hours of operation limitations, and there was a preference for the office buildings adjacent to Park Ridge to be limited to 2 stories in height. So the applicant is working on those amendments. We did receive some additional comments after talking to school division staff that talked about pedestrian access between the school and the site. The HCOD... the Highway Corridor Overlay does require a sidewalk to be constructed along Garrisonville Road, so an extension of sidewalk to Wolverine Way may resolve this request. And then also, there were some other requests that a lighted pedestrian access between Park Ridge and North Stafford High School, which was in the original proffers, that that be maintained and an appropriate buffer or fencing between the school site and the development, that that be provided as well. And the applicant can, you know, these are new comments, so the applicant has, you know, may want to expand on how they may be able to comply with some of these requests. And at this point I'll turn it back for any comments or questions.

Mr. Apicella: Thank you Mr. Zuraf. Any questions for staff? Seeing none, any questions for the applicant? Seeing none. Mr. Rhodes, this is in your district.

Mr. Rhodes: Would the applicant like to commentate, especially those couple late comments, because there wasn't a dialog on them?

Mr. Apicella: Okay.

Mr. Patrick: Thank you for the opportunity to speak and let you know that we are looking at these things. What we ran into as we started to review them was that there are some competing priorities and we think that there are some solutions that are possibly going to resolve an issue in ways that may not have been anticipated. For example, the building height request and the height preservation of trees along the property line seemed to be addressing the same concern about visibility of the office buildings from the residential neighborhood. So, if we're able to reduce the height of those buildings we think that we've also addressed the advantage or comment that we heard from the neighbor that they would like to see the existing trees preserved in certain areas and see additional evergreen type trees. So and then, the other thing that was a little bit of a competing priority was the berm. There was a request for a berm, but if you are preserving existing trees, the berm would be in conflict with that in some areas because the berm would require clearing trees in order to construct the berm. And then we did receive some additional comments from the School Board which was requesting trails and some things that we didn't anticipate previously. So, we're just trying to balance those all into the package and work through them. We checked with the Fire Marshal about the building standpipe, the sprinkler system, and standpipes aren't required if the building is under 40 feet in height. And so again, if we're addressing the building height as a way of addressing the screening issue, then that also addresses the standpipe. So we think there's some common solutions to some of these comments. And then finally, frankly VDOT confused us and surprised us by asking that we fill out certain forms and checklists in advance of a study. We prepared the study and provided it a month ago, but they're not reviewing it because we haven't filled out certain checklist items, and so we're completing those for them. If you have any questions, I'd be happy to try to answer them. We are very appreciative of the short deferral that you gave us. We're disappointed that we weren't able to meet that deadline and if you could just give us a couple more weeks then we think that we'll be able to address all of these.

Mr. Apicella: Thank you. Any questions? No? Okay.

Mr. Patrick: Thank you.

Mr. Rhodes: I just wanted to remark, Mr. Chairman, that I was appreciative of the applicant's efforts. Immediately after the meeting they were getting the list of those who spoke so they can make sure and can get back with the community members on their comments. I continue to appreciate that outreach with the neighbors. With that, I'd make a motion for deferral to the first meeting in July.

Mr. Boswell: Second.

Mr. Apicella: Okay, there is a motion to defer to the first meeting in July, made by Mr. Rhodes; a second by Mr. Boswell. Anything further, Mr. Rhodes?

Mr. Rhodes: No sir.

Mr. Apicella: Mr. Boswell? Anybody else? All those in favor of the motion signify by saying aye.

Mr. Rhodes: Aye.

Mrs. Bailey: Aye.

Mr. Coen: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mrs. Vanuch: Aye.

Mr. Apicella: Aye. Opposed? The motion carries 7-0. Thank you sir.

Mr. Harvey: Mr. Chairman, just to clarify, that will be July 13<sup>th</sup>.

Mr. Apicella: The first meeting, well the one and only meeting in July.

Mr. Rhodes: The meeting, yep.

7. RC15151046; Reclassification – Patriots Crossing Proffer Amendment (formerly known as Stafford Sports Center) - A proposal to amend proffered conditions on Tax Map Parcel No. 20-12, zoned B-2, Urban Commercial Zoning District, to replace a planned recreational facility with other uses and modify transportation and other site development requirements. The site consists of 23.79 acres and is located on the south side of Garrisonville Road, approximately 220 feet west of Parkway Boulevard, within the Garrisonville Election District. **(Time Limit: September 16, 2016) (History: Deferred on June 8, 2016 to June 22, 2016) (Deferred on June 22, 2016 to July 13, 2016)**

Mr. Harvey: Thank you Mr. Chairman. Mike Zuraf will lead the staff summary of the application case to this date.

Mr. Zuraf: Okay, Mr. Chairman, members of the Planning Commission, this item is a continuation of a zoning reclassification, specifically a proffer amendment for Patriots Crossing. This is the former Stafford Sports Center site, and this is a request to amend proffered conditions to replace a planned recreational facility with other uses and modify transportation and other site development requirements on the property. If I could have the computer please? The public hearing... in this image is highlighting the location of the site along Garrisonville Road. The public hearing was conducted on June 8<sup>th</sup> and the Planning Commission deferred the case to June 22<sup>nd</sup> and, upon the applicant's request, the case was deferred to the July 13<sup>th</sup> meeting to allow additional time to fully address public concerns. The applicant has submitted since that time a revised proffer statement, both a marked up version showing the latest changes and then a clean version which shows all the latest proposed changes that are made at this point. And then also a revised General Development Plan consistent with the new proffer statement. So, I want to go through and summarize some of the issues that were raised at the previous meetings and where we are with each issue. Regarding transportation, the applicant is in the process of completing materials that are needed by VDOT to be able to completely review the revised traffic impact assessment. That's still a work in progress so no comments are available at this time on the traffic impact assessment from VDOT. Also, a request was made to consider phasing of the project and limitation of development on the site based on vehicle trips per day that were estimated in the traffic study. The applicant and the proffers do not address that request. Regarding public safety, the issue of secondary emergency access was discussed at length. There's a request to provide a connection... secondary connection to Wolverine Way rather than through the residential sections of Park Ridge. Proffer 2.b., subsection 2, establishes new criteria for the potential connection to Wolverine Way which would be a full... the potential for a full inter-parcel connection where the public could travel through. But if not approved by the School Board in that means, there'd at a minimum be a connection provided via emergency access, a gated emergency access. And that location is highlighted on the image within the red circle where that connection would be proposed from the site. And just for reference as well, the area where the Kimberly Drive potential connection through Park Ridge, that's identified with the blue circle where that would go. Fire and Rescue staff has expressed preference that a secondary emergency access still be provided in the vicinity of Kimberly Way due to the depth of the parcel and to provide better access to the back of this site. Proffer 2.b.1. provides that the applicant would design a site to allow for the potential connection, but that would be subject to approval by the Park Ridge residents since that's private property. Also, we did request input from the School Division on this inter-parcel connection to Wolverine Way. They did note that the emergency access option could be considered if desired. And also, the applicant was working to get more input on the request to retain the standpipe system for fire protection purposes. Proffer 8.a. remains limited to standpipe systems to only recreational enterprise uses, and staff has forwarded the latest proffers to Fire and Rescue for their review and haven't received any revised comments to date. On the issue of adjacent property impacts, there were several different issues raised. A lot of discussion circled around the proposed proffers for a berm, which would be located in this strip... 50-foot strip between the project and



Park Ridge. And so the request at the time at the previous meeting was to modify the proffered berm language to add objective criteria, with the emphasis on how to decide whether a berm was needed rather than who decides. The applicant did modify proffer 3 to list all the potential screening methods that may occur in that 50-foot buffer. The method of screening would be determined though at the final construction plan and determined following consultation with the Gates of Park Ridge and the Greens of Park Ridge homeowners. This language is similar to that approved as part of the Stafford Village Center development proffers that were approved last October. So this would give those residents of Park Ridge a say in what method is decided when the site development plan is developed. Also, there was a concern about the car wash use and its location in relation to the associated residential uses and associated noise impacts. There was also a request to consider limiting the hours of that use. So, on the General Development Plan, the car wash use has been relocated and it's now proposed in this location. Previously it was proposed right here, so they moved it to that spot. With this new location, staff has noticed some and we identified this included in the application, but we noticed some issues with this potential location for the car wash; specifically, stacking and how that may impact the inter-parcel access road. You have the proposed inter-parcel access road to Wolverine Way. The car wash itself is in this location. Stacking areas are here, and then cars going into the car wash would circle around and we see this as a possible concern with stacking through the inter-parcel access as cars are waiting to enter the car wash. So, that's a detail that would need to get worked out and this plan would likely need to be modified. The applicant would I believe need to get a Conditional Use Permit for that car wash use; I would have to check that though. But this issue should be considered in the plan.

Mr. English: Mike?

Mr. Zuraf: Yes.

Mr. English: Question. Building 10 that you have on there, it says outdoor seating. Is that like a patio? Is that what they're referring to? I don't understand; what's the definition of outdoor seating? It's not like stadium seating or anything?

Mr. Zuraf: No, likely it would be outdoor seating associated with a restaurant type of use.

Mr. English: Okay.

Mr. Coen: To tag onto what Mr. English just said, so, what they did is they moved the car wash and replaced it with a restaurant that will have people sitting outside.

Mr. Zuraf: The use previously, over here, is now replaced with a... it looks like a drive-through restaurant.

Mr. Coen: Restaurant. Okay.

Mr. Zuraf: Not necessarily have outdoor seating, but it could.

Mr. Coen: (Inaudible) still has the outdoor seating, and so they changed the car wash with a drive-through restaurant.

Mr. Zuraf: Yes.

Mr. Coen: Okay.

Mr. Apicella: And does staff have concerns about that?

Mr. Zuraf: Well, that will require a Conditional Use Permit so we'll have a chance to look at that as well. There could be some concerns depending on where on the hours of the drive-through restaurant those sometimes can run later into the night, but a Conditional Use Permit can address the hours. Also, the drive-through operation with the loud speakers could be a concern adjacent to the residential as well. So, there could be a need for some of those issues to be addressed. And that could be handled also where the location of those loud speakers are located, if the building can buffer them.

Mr. Apicella: Mrs. Vanuch, did you have a question? No? Okay.

Mr. Zuraf: So then one of the other issues was a concern with building heights. There was a preference that the buildings adjacent to the Park Ridge residential areas not exceed two stories in height. The applicant has modified proffer 6. This image tries to help illustrate how the new proffer is structured. The area surrounded in red, within that area any buildings located in that red area would be limited to only one story in height. Then, any building located in the orange area would be required to have a 75-foot setback from the Park Ridge property, but there would be no additional height restriction. So, the standard Zoning Ordinance requirement of 65 feet would apply with that extra setback. And then, in all other areas outside of those highlighted locations would have just the standard Zoning Ordinance height restriction of 65 feet applied to them. Some of the other issues to point out, the applicant amended proffer 4.a. to modify the list of prohibited uses and correct some of the prohibited use inconsistencies that were identified within the proffers.

Mr. Apicella: Can you clarify what was added or what was deleted? At least under A.2.?

Mr. Zuraf: Under A.2., the car wash use was deleted as a prohibited use. And then the applicant... the first section is within 200 feet of Garrisonville Road, they added restrictions to not permit auto service/auto repair or boat sales.

Mr. Apicella: Can you pull up the GDP? And maybe just kind of draw a circle about 200 feet would be from Garrisonville Road?

Mr. Zuraf: Roughly estimating, it's probably going to be the frontage uses right here.

Mr. Apicella: So, anything beyond that red line, any one of these could occur beyond that red line essentially.

Mr. Zuraf: Correct, unless it's prohibited in the other section. Then the next section prohibits uses across the entire site and, for example, auto body repair shop is one of the restricted uses. Auto repair really cannot be... is not permitted anywhere on the site.

Mr. Apicella: Why would you have it in both then? Why wouldn't you just either allow it or disallow it?

Mr. Zuraf: It probably is not necessary in that first section.

Mr. Apicella: But just to reiterate, something like a funeral home could occur beyond that red line?

Mr. Zuraf: Correct, it's not restricted. Yes.

Mr. Apicella: Okay.

Mr. Zuraf: And then the next section there is they basically rewrote the list. I've not gone through and checked each, you know, and done a specific comparison. I probably need to sit down and look through it to just double check that I'm correctly identifying what uses changed.

Mr. Apicella: I appreciate that, thank you.

Mr. Zuraf: So then, also there were concerns about the hours of operation and limitation of uses on the site. So the hours of operation were specifically limited in proffer 12.b. to car wash use only. The car wash use would be limited to 7 a.m. to 9 p.m.; no other uses would have a hours of operation limit, other than refuse collection and delivery. Then there were comments provided from the school. The school is requesting pedestrian access to the school site; from the school site to this site. They requested a lighted pedestrian access either along Garrisonville Road or just past the tennis courts to the new development. Proffer 10.a. would provide a sidewalk or trail at the location of the proposed inter-parcel connection to the school site, and that is in this location.

Mr. Apicella: And is it lighted Mike?

Mr. Zuraf: They would...

Mr. Apicella: I think b. says yes, the sidewalk trail shall be lighted.

Mr. Zuraf: Okay. Yes, it shall be lighted. Then there was also a request to retain the proffered pedestrian trail between the high school and elementary school site. The applicant noted that the office use is less of a... lessens the need for the trail connection to their site from these schools, and they also did cite safety and liability concerns for removing that proffer requirement. And the schools also requested a buffer between the high school site and the (inaudible).

Mr. Apicella: Do we know where the offices are? I mean, are we sure they're going to be offices? Or could they be something else?

Mr. Zuraf: Yes, they could be some other use, too.

Mr. Apicella: Where kids might be interested in going there.

Mr. Zuraf: I guess it's a potential.

Mr. Apicella: Okay.

Mr. Zuraf: And then there was a request for a buffer between the high school and this site, and the applicant has added to proffer 3.b. a requirement that a 35-foot buffer be provided along the perimeter of the site as a transitional buffer.

Mr. Rhodes: Mr. Chairman?

Mr. Apicella: Mr. Rhodes?

Mr. Rhodes: On the one point of the path, I do recall when we did the first application it was going to be the sports and pool complex, we knew it would be an attraction point so it served dual purpose. One, we knew it would be an attraction point for the kids and others from the community, so it made perfect sense to have that in there and they were very amenable to it. In addition, it provided a great access way from the community to the school, a very safe one not having to go out to 610 or otherwise so it was very beneficial. Certainly, that latter... if this is more office, if this is not something that's going to draw and there's less of a reason to have drawn to the site, but certainly the latter point would be beneficial, the problem becomes when you are a sports complex or something else you are expecting to bring that in so you're willing to take the liability of anything that would happen to somebody on your property, now the complication I know as we're working with the applicant is who takes the liability if you're drawing them in. How do you do the CPTED on the path between there, from the Park Ridge portion over, from the school portion over; it just was a different dynamic when it wasn't a destination location if you will because we were talking through that but they were having trouble dealing with the liability issue since it's not necessarily a location you're trying to draw them to necessarily. Thank you.

Mr. Apicella: Thank you Mr. Rhodes.

Mr. Zuraf: That pretty much summarized the issues at this point. Staff would recommend deferral of the application until the VDOT comments are submitted. Those comments may affect the... or have comments regarding the configuration of access to the property and request that we hold off till that's been received.

Mr. Apicella: Thank you Mr. Zuraf. Any questions for staff? Mr. Coen?

Mr. Coen: Yes, Mr. Zuraf, just real quickly. With the 35-foot buffer they've agreed to put in between themselves and North Stafford, do we know whether that's evergreens, a fence, pine trees, you know, Leeland Cypress, or is it just there's going to be a buffer?

Mr. Zuraf: Just a buffer and the flexibility will just apply... there'd be flexibility as to how the developer puts that in. It could be a mix. It doesn't specify the type of materials within that buffer.

Mr. Apicella: Anyone else? Mr. Zuraf, and I'll obviously ask this question of the applicant, do we know why they would not commit to a maximum daily traffic count?

Mr. Zuraf: I am not certain why that is.

Mr. Apicella: And do we know what the alternative potential impact is in terms of the greatest number of vehicles that could occur in the absence of knowing what's going to be on this site?

Mr. Zuraf: We'd have to go and crunch some numbers to see if there's a potential for a higher amount of (inaudible).

Mr. Apicella: I would certainly ask for that, especially since -- correct me if I'm wrong -- under the current version there's two points of ingress/egress. And now, under the proposal, there's only one point of ingress and egress, right?

Mr. Zuraf: Right, with a potential for a second one.

Mr. Apicella: Potential, but it's not guaranteed and they're not willing to pave it, right?

Mr. Zuraf: Pave for any widening, correct.

Mr. Apicella: Okay. Alright, thank you. Applicant?

Mr. Patrick: Thank you Mr. Chairman and members of the Commission. Obviously I'm more familiar with the case than staff, and I feel like there are a few things that we're going to have to correct that were misstatements. For example, there's a 40% commitment to evergreens in the buffers. There is a commitment to pave that connection over to Wolverine Way as well. So, those are two items that are in the proffered conditions. What I've done this evening is similar to what Mr. Zuraf has done, but I feel like I have a little bit different perspective on all of this. I came this evening to tell you a story of success, because I believe that we have addressed almost every issue that was raised or topic that was discussed at your last meeting. The... I always mess up your slide -- computer please... I can see it in front of me but it's different than what's on the screen.

Mr. Apicella: There's going to be some remedial training at the next meeting.

Mr. Patrick: You know, I need to come down here one day and get Jeff and Mike to show me how to use this thing, but they're busy. What I have on this first slide is the list in the entirety of the topics that were discussed at the last public hearing. I've organized them slightly differently than they came out at the public hearing because some of them overlapped and some of them duplicated one another, the goals of those particular things that were raised, issues that were talked about. And some of them were in direct conflict with one another. And so I'll run through this list real quickly and explain why I've organized them the way that I have and then I will address each issue in more detail as we go through this. And answer any questions that you all have. With respect to the traffic analysis, we prepared a traffic impact analysis at considerable expense with 13 different... 13 different situations analyzed. Three of them are existing conditions that show that they're a Level of Service F along Garrisonville Road and Park Ridge and Wolverine, with or without the development of this site. The remainder are different variations on the proposal. We proposed a slotted left-turn lane with a single right-of-way entrance on Garrisonville Road, and I can assure you that that scenario performs better than the other scenarios when you get into the out years. And in the beginning even, it performs better. What... and I'll be more specific about where the failures are in the traffic impact analyses that include connections to Parkway Boulevard and to Wolverine Way. So, with respect to the traffic impact analysis, we've done a lot of work on that. I'll have to explain about the phasing of the traffic impact and how that it causes serious economic problems, potentially for the County and its economic development goals, as well as for the client and his development goals for the property. But what I'd like to remind you of first is, this is 195,000 square feet of building area. That's smaller than your average neighborhood shopping center; 195,000 square feet. That's not really very big on 17 acres. The floor area ratio is 0.2. Normally with 1-story development you have 0.25 just in a shopping center. You'll normally have way above that if you have 2-story construction. And what we have also in this General Development Plan is over 40% open space. So, only 195,000 square feet, which is less than what was previously approved on the site -- this property is already zoned B-2. FAR .2; obviously if the GFA is lower, the gross floor area is lower than the FAR is lower than what was there previously, and we have 40% open space. So those are important to remember. Also, in a way, the earlier zoning case is a failed zoning. It was over-proffered and it's a lesson, a case study, in how not to develop a property or how not to commit a property because it cannot be developed at this point in time. It has too many financial constraints against it and those are not in the interest of even the public because of the extensive impacts on the right-of-way. So, going down the list, we've gotten through transportation more or less. We took the fire code and building code items and we're addressing those together. One of the public comments, or the comments that we heard from the

neighbors, and those are the people that we've been most concerned with -- we've spent a lot of time with them -- were about the views from Park Ridge. So, when we talk about buffer and landscaping and tree preservation and solid board fences and berms, and the heights of buildings, you're talking about the view from Park Ridge or from some adjoining property. So we've grouped all of those together because it seemed to make the most sense to address them in that way. We also had some comments about the views from Garrisonville Road and we have addressed that through restrictions on uses that have outdoor activities associated with them. And, particularly, we were told that auto-related uses were something that people did not want to see along Garrisonville Road, and so we had that setback requirement that auto-related uses can't be within 200 feet. And that might involve a quick service food store that has motor vehicle fuel with it. But, we're not allowing motor vehicle repair anywhere on the site. So, that's the distinction. The distinction also is the car wash. We consider those to be auto-related uses. There were potential sound impacts that were mentioned by the neighbors and that went specifically to the location of the car wash. The concern about the noise from the car wash was addressed through the movement of the car wash to another part of the property. It was also addressed through the hours of operation, and the restrictions on deliveries and on trash pick-up on the property. There were some comments about pedestrian access; those were addressed. And the buffer that's adjacent to the high school and the fence adjacent to the high school... the buffering's been addressed. Now, I'm going to skip over transportation for a minute because I suspect that's going to be where we spend most of our time. So, going right to Fire and Rescue, there was a proffer in the earlier case that said the recreational enterprise building, which was over 60 feet in height, would have a standpipe. And the standpipe was necessary because in the Fire Protection Code it says that if you have automatic fire suppression system you have to have a standpipe, which is just a vertical pipe that is connected to your sprinkler system. And in the event that there's a fire, the fire department can connect into that standpipe and pump water to the top elevations of the building. That's not required above 40 feet in height. We had taken it out because we weren't planning to do any buildings of that height and we said we'd comply only with NFPA-13, which is what we're required to do anyway. But there was concern about that. So we put NFPA-14 back in and it's back in as it was before, for recreational enterprise and specifically for buildings that would have the height requirement or some kind of use requirement. But these are really minimum building code requirements. Those are going to be enforced by the building official as they review the plans and they're going to be enforced by the Fire Marshal. So, we're not really sure how much we should be getting involved in that in a land use case. If we proffer something and then it creates a problem in the building code side of things as we start to construct buildings or there are modifications to the building code, we've told you that this site will build out over a number of years, then we've done ourselves a disservice. So we really trust the building official and the Fire Marshal to enforce their regulations and to make sure that the buildings are safe and secure. There was a request for an access to Kimberly Drive, and this is an item that was in conflict with what the neighbors wanted. The neighbors stood up and specifically requested that there not be an emergency access connection to Kimberly Drive. They did not want that because they wanted a uniform and consistent buffer entirely between this development and their neighborhood, and I understand that. We had to make a choice. We decided that the risk could be addressed through something that was suggested by one of the Planning Commissioners, you know, a connection to Wolverine Way. And so that gap, or window, that was created by the Kimberly Drive opening for emergency access is now closed and will be thoroughly buffered so that neighbor, who said that he'd be looking right at building number 9 because there was a gap in the buffer, will now have a screen to avoid that issue. The community was also concerned about a parking problem that they're having on Kimberly Drive, and I'm not sure the scope of that. I think they felt that our emergency connection was going to exacerbate that in some way and so we've solved that problem by not including it in the submission. We have provided the emergency connection to Wolverine Way and that's proffered. And I'll go into this more in the transportation side when we get to that slide, but we've also proffered a connection to Wolverine Way if the School Board is willing to allow it. At this point in time they've said no. But we proffered that we'll do it and that is not



very different from the existing proffer. There's no proffer that anyone can put on someone else's property and enforce it without their permission. So the prior applicant, having proffered this, does not mean that they had an agreement, and it doesn't appear that they had a solid agreement, at least not one that the School Board is continuing to be interested in, in forwarding with us now because as was noted a few minutes ago, this is a very different type of use than what was previously proposed on the property. Previous on the property you had a use that was targeted at school students. It was a recreation center; they wanted you to bring your elementary school kids there, they wanted their high school kids there, and they were... the doors were wide open. They didn't provide any buffer on the back of the property. They had a pedestrian trail on the back of their property and so there was clear views from the elementary school all the way to the recreation center. We don't have that situation any more. Okay, with respect to the views from Park Ridge, to give you a little more specificity, we've increased the buffer to 50 feet in width; the landscaping proffers provide that they will be 40% evergreens in that area where landscaping is being provided; one neighbor said that he wanted tree preservation and in some places that is the best solution and the best screening, and we've allowed for that; another neighbor had earlier told us they wanted a solid board fence. We had already proffered that but we left it in there in case somebody still preferred the solid board fence because of the unique topography around their property. And someone else had said that they wanted a berm. The difficulty with a berm is you don't preserve trees when you build a berm. The building of the berm necessitates knocking down the trees. So there's going to have to be some value decisions made, and we've allowed that... we'll talk with the community and make those decisions as the property develops. And we want to do it in that way because we don't know what the final grades are going to be on that property yet. The property has varied topography and so we need to, after we've done the engineering, we know the final grades, and we can do site lines across the property line to our neighbors, then we can decide whether it's best to have an 8-foot solid fence, a berm, or existing vegetation or replant it with 40% evergreens. But I think the consultation with the residents is a very significant and real concession to the community to try to address their concerns and be a good neighbor. There's also a commitment that two buildings that were previously were going to be 2 stories in height are now going to be 4 stories in height; those are buildings 4 and 6. That is giving up leasable building area. That is money that'll never be made from the property. So that is a significant concession. And then any building that's taller than those two will be setback 75 feet. The views from Garrisonville Road I already touched on a little bit. There's an HCOD buffer that's required and provided on the GDP; it's 25 feet in width. It'll be 40% evergreen landscaping in that HCOD buffer. We've put the use restrictions that I already went into a little bit and the explanation of why auto-related uses are required to be setback 200 feet, and then auto repair uses are prohibited throughout the site. There are also prohibitions on outside storage and businesses like flea markets and antique stores and salvage operations where people tend to bring in a lot of things and then display them in the front yard or in the parking lot or on the sidewalks. Those prohibitions are all about the views of the property from Garrisonville Road. With respect to the potential sound impacts, we moved the car wash, we limited the hours of operation, we heard that there's some concern this evening about the fast food restaurant. It has to have a conditional use permit and so that conditional use permit can address all of those concerns, whatever they might be. I'm sure it's not going to be a large problem. But there's going to be a very significant buffer between this property and the adjoining properties. The buffer is 50 feet and the building that we're talking about, the restaurant, is probably another 50 feet away from there. So we're talking about a very good separation away from the neighborhood. And then, that's only part of our neighbor. When you get to that part of the property... and I don't have... maybe I can do it on this GDP... if you look at building number 3, the red 3, you see the buffer and the parking lot and building location, the property to the front of that is already a commercial office use. Okay, traffic impact analysis review. I mentioned that we modeled 13 different scenarios; I don't know how many more we can do. I can tell you that the first scenario that we proposed, the slotted left-turn lane with a single right-of-way entrance into the property, has the fewest or has the least impact on Garrisonville Road. And the thing that solves any issues on, or

that best addresses the issues on Garrisonville Road is the 6-laning of Garrisonville Road, and we have that scenario done too. And the issues that we have with some of these connections that were previously proffered is that they have physical constraints associated with them and expenses, and they have their own problems already is what I'm trying to say. So, with respect to the traffic impact analysis, the difficulty that we always face is that the... all of the assumptions that go into the model. The model is a computerized model, it's very sophisticated, but human beings are putting assumptions into it. They assume which way traffic is going to go when people come out. They assume which way... when people are going to arrive at work and when they're going to depart. They assume how many people are going to consolidate their trips; how many people are going to drive down, you know, how many people are going to come to that as a destination versus how many people are already driving by and they're going to stop into the site on their way, because we do have some commercial retail.

Mr. Rhodes: Do you have a slide associated with traffic impact?

Mr. Patrick: Yes, I'm sorry; thank you. So, there are a lot of things that go into these traffic impact models that you need to understand. Another one that is fairly significant is they always assume the same design speed on the road. We know that when roads become congested everyone slows down. But we're still held to the same site distances and separations and turn lane links as if the road is still operating at its design speed when, in fact, things have slowed down and, in fact, things are a little bit safer because they have slowed down. Now it's not an ideal situation but the truth is Garrisonville Road just carries a tremendous amount of volume. We're not creating that volume and that volume's going to be there even if our little site doesn't develop. So, what we do is we try to design the sites so that our clients and customers can get in and out of the property reasonably and we can have a successful business or two on the property. And that's our goal. The Wolverine Way connection has some problems with it. One is, it's a driveway to a high school. And the connection that was... that has been urged by VDOT to us and was an earlier zoning case, and we proffered to again, is behind the security fence for the high school. Again, it's a driveway; it doesn't meet width requirements; it doesn't have curb and gutter on it. In addition to that, that road does not align properly with Joyce Street. That road is not a public right-of-way; Joyce Street is a public right-of-way. And... I don't have the GDP to show you right now, but Joyce Street and Wolverine Way don't align, and what that means is if you do improvements to Wolverine Way, you have to fix that alignment and you have to move the traffic signals and you have to start from scratch and rebuild the whole thing. And this is part of the concern and what I said has caused a failed rezoning in this case. And a case study and bad development commitments is that a project can only support so much capital costs. And in this instance, the Joyce/Wolverine/Garrisonville Road have to be rebuilt to such an extent in order for it to meet minimum VDOT requirements that it's a trap for us to be asked to proffer to connect to that road, because we're going to be asked, if we connect to it, we're going to be asked to fix all the problems that already exist and it's just not affordable. And it's just not practical. We didn't cause those problems and we can't afford to fix them. The development that's being proposed here just won't bear it. Similarly, the connection to Parkway Boulevard does not meet VDOT standards. If we were to connect to the parking lot for the real estate office that's next door to us, we believe that we will be asked to make improvements to Parkway Boulevard. The two entrances to that real estate office do not meet access management separation requirements from Garrisonville Road. The first entrance is simply too close, but for a small site it works okay. But if you put a lot of traffic on it, it starts to fail. The second entrance is further away but there's no turn lane; it's in the transitional area of the lanes and so it doesn't meet any sort of turn lane requirement. And it's at transition to the turn lane that's at the intersection with Garrisonville Road. So that doesn't work. And then the design that the previous applicant had proffered is a kind of a bypass that went further away and moved the intersection further from Garrisonville Road, but yet it still didn't have a turn lane and so there'd be major reconstruction necessary to Parkway in order to make that work. Now, what my client has proffered to do is he'll make

all of those connections so long as he's not being asked to fix the road improvements that are already there that are already broken. And as long as there are commitments from those adjoining property owners to let him do that. On the case of Wolverine Way, it says very clearly that we'll build the road all the way up to the property line and, if the School Board will give the authority to do it for the easements, we'll build all the way out to Wolverine Way and make that connection. And on the Parkway side, we say that we'll design the site and be prepared to make the connection to the real estate office property, but we've already talked to him. He's already said he doesn't want it. So, the way that we proffered is we'll design it so that we can make the connection but we don't see any reason why we should build a road to nowhere. And so, what we've said is, if he will grant easements, if the County can persuade him to do it, if he will grant the easements and commit to do the construction to connect to our property line, then we will build up to the property line. So, I don't know what more we can do. We've said we'll do the inter-parcel connections that VDOT and transportation has said that they want. We prepared a TIA that shows that those connections probably cause failures at Wolverine Way and Garrisonville, and they probably cause failures at Parkway. And that the proposal that we have on the table that we prefer is the slotted left-turn lane and the single... or the single entrance which is a right-in/right-out on Garrisonville Road. But we proffered it. And the final issue is the phasing for traffic volumes. And this is a little more complicated because you're right, a variety of uses can go on B-2 zoned property. The B-2 property, or the B-2 development that we envision is one that will have retail along the frontage where it's visible from Garrisonville Road. We think those sites are attractive to retail uses. We think that the back part of the property is going to be office. We think that's a good destination for office development; it makes sense to us. The difficulty that we have is that we don't know that someone won't want to have some retail on the ground floor of some of these office buildings what we think are office buildings. The other difficulty is, is that we were asked to move the car wash from what we thought was the retail area and where you would expect this retail area service. We've moved it back into the office area. So, we have a problem defining... knowing... we don't have a very good crystal ball. We don't know who's going to go on those lots. We think we have a pretty good indication. We think common sense tells us that we're not going to have very much retail in the back. We know that we've proffered out automobile repair, so we think that we're pretty much going to have an office park back there. But there may be someone who has a storefront that's associated with their office. Or there might be... I know the Board of Realtors has a retail area in the ground floor of their facility; most of it's office, most of it's conference room, but they have a reception area and they have an area where you can buy signs and buy, you know, different realtor kinds of things that you might need in the practice of your business. So, we don't want to put ourselves in a position where we're foreclosing the ability to capture those types of businesses. We also have the concern... and this is kind of an interesting concern... we have a concern that some defense contractor might come in tomorrow and say that they want to put offices on the property. We think that would be good economic development for Stafford County. We think it'd be good news for the people in Stafford who would like to work here instead of getting on 95 everyday, but we don't want to be in a position that if they come to us and say, okay, we're looking for a site, you're close to the back gate and this is where we want to be, and we have to say to them, oh, sorry, can't do it, we've got to take 6 to 9 months out and do a proffer amendment before we can let you lease this space. So, that's our difficulty with phasing of the traffic volumes. I know it seems like a simple thing but, when you're in business and you're trying to make sure that you have a profitable and successful development, you have to be weary of making too many commitments because you can put yourself right out of business. With respect to...

Mr. Apicella: I just want to ask you something on that, because it's not just about phasing, it's about the overall limitation, which again, there's two separate pieces here. I don't see anything... I haven't seen you address the issue of overall limitation of the maximum daily traffic count. And not knowing what's going to go on this site, if all of the 10 buildings... if all of them reach their... if all of them... ultimately, you could have the best laid plans, just like with item number 1, but at the end of the day if they all maxed

out to what could be there, you'd have a lot of traffic volume going in and out of that parcel. And you've already mentioned that Garrisonville Road, for better or worse, is at a failing grade already. So, we're trying to find a way to, as Mr. Rhodes indicated, come up with some predictability and I don't see that here. So, I understand that you need some flexibility; I'm not resistant to flexibility, but I'm also concerned about predictability.

Mr. Patrick: I do see your point. I just want to say one thing. Garrisonville Road is not failing today, it just has a tremendous amount of volume on it.

Mr. Apicella: Well, you ask a lot of people who drive on Garrisonville Road; they'll tell you it's failing.

Mr. Patrick: Well, yes. I mean, we had different expectations, but using the grading system that VDOT uses, it's not failing... every movement isn't failing right now. But that's a small point. I understand what you're saying, and that's helpful to get you to clarify what it is you would like us or need us to do. And if there's just more specificity that you have with respect to that, if you... you understand the fact now that we have to make sure that we don't shoot ourselves in the foot and prevent being able to achieve development opportunity of the site. At the same time, I think that there is a site plan process and an entrance permit process that would probably regulate what you're talking about. But I'm not 100% on that. I think that we should possibly talk about that some more.

Mr. Apicella: Okay.

Mr. Patrick: If you have any... oh, I was about to mention the trail between the high school and the elementary school. Mr. Rhodes answered what we had explained to him. That seems like a tremendously bad idea. That is wooded back there. We don't know when we're going to have an office building back there. We would be sending kids on a trail back through the woods between the elementary school and the high school, and that's a liability that we're not going to accept. The school does have... the elementary property does touch on the high school property and perhaps they could do that, but even then I think it's not the greatest idea. I know my kids wouldn't be allowed to walk on it. So, if you have any questions, I'd be happy to try to answer them.

Mr. Apicella: Questions? Mr. Rhodes?

Mr. Rhodes: And I could have asked of staff, I just forgot earlier. I think there's still some information being provided to VDOT, or has it all gone to them and we're just waiting for their analysis? I'm not sure where that one stands.

Mr. Patrick: It has all gone to VDOT. We're waiting for them to review it. We had a miscommunication and a misunderstanding with VDOT. We were asked very early on to provide some traffic analysis. And we provided traffic analysis with our application; with the first submittal we were asked to provide additional traffic analysis and we thought that we did that and we gave that to them. It was comparing the existing B-2 zoning to the present B-2 zoning primarily, and then we (inaudible) and they said oh no, start from the very beginning. We don't care about the existing B-2 zoning, we want you to start from the very beginning as if the property has never been rezoned. By the way, we liked those inter-parcel connections. So, we went back, we prepared the whole report, we submitted it, they said oh no, you need this form in order to submit it. We filled out the form, sent it back, they said no, you need to give us that form and you need to give us a check for a thousand dollars. So, unfortunately, that's the back and forth that we had with VDOT. And we have that information to them now. We understand they have 30 to 45 days to review it. Part of the miscommunication is probably our fault but, frankly, we did not expect this sort of

scrutiny where the property is already zoned B-2, had more square footage on it before than what we're proposing, and the transportation impacts are very similar. So, that's the transportation...

Mr. Rhodes: Have they given you or Mr. Zuraf, have they given you any indication as to when they think they'll be complete or when does 30 days or so come up?

Mr. Zuraf: I believe that they might actually be pretty close to getting us (inaudible) from some discussions I've had with other staff, but I have to check with them to confirm that.

Mr. Rhodes: Okay, thank you. Thank you Mr. Chairman.

Mr. Apicella: Thank you Mr. Rhodes. Any other questions? Mr. Coen?

Mr. Coen: Yes, and I apologize, I was out of the state when this first came; just a couple questions and/or concerns that I have as we wait for more information. I know... I gathered from your slides that there was a great deal of communication by the neighbors in Park Ridge about it. Has there been any outreach to them with the idea of putting the drive-through up there and moving the car wash?

Mr. Patrick: There's been a great deal of communication with them. We met with them twice before we ever filed the application, and we've talked with them since. They came to the meeting last time. They only had a few comments. I really left the meeting thinking, wow, we pretty much nailed it with the Homeowner's Association. We just need to address... we need to tweak a couple of things, like that Kimberly Drive opening.

Mr. Coen: But I mean, have you gone back with the change? That's what I'm sort of asking is now that you've switched it...

Mr. Patrick: I kind of thought that was going to happen here. I was surprised that they weren't here this evening. I think it probably says something about their level of concern that they aren't here.

Mrs. Vanuch: We think because it's not a public hearing; they didn't get notified.

Mr. Coen: Yeah, and it's July. But you might want to check with them just to find out... I'm sure staff can let you know the names and the addresses.

Mr. Patrick: I think they have a lot less concern with this case than staff does.

Mr. Coen: Secondly, and with the car wash -- which I'm putting the 'r' in the wrong word --

Mr. Rhodes: It's a warsh, car warsh.

Mr. Coen: ... I mean, I'm sort of... question, there's two standalone entities of that and two that are tied with gas stations in that area. So I'm just curious the need for a third. And since I'm harping on transportation tonight, in the winter when everybody's car is dirty, the stacking up is likely to be on your one road coming in, of people backing up to do it. So I'm just leery of that aspect. And I'm not... as again, this is just things that popped into me, so I'm not expecting you to like come up with a brilliant answer on the cuff.

Mr. Patrick: I do have a comment.

Mr. Coen: Sure. But then lastly, would you be willing to stick into the prohibited juices for generally microbreweries, because I'm a little leery of putting a microbrewery next to a high school.

Mrs. Vanuch: Do you think they'll be there during the (inaudible)?

Mr. Coen: Yeah, I mean, I got it that in theory if you put a nice really fancy restaurant up on...

Mr. Rhodes: Don't you ever limit a microbrewery... oh, I'm sorry.

Mrs. Vanuch: This is close to my house now.

Mr. Coen: Right, and to me it's a world of difference between the purpose of a restaurant and the purpose of a microbrewery, and I just think being that close to a high school I'm a little leery of it. So those are... I think those are the only things. Oh, I just want to make sure I understand correctly. There's the one road in and out and the likelihood of a stub going to the property line to Wolverine Drive should the School Board acquiesce and allow you -- if not, it's just sort of a stub -- and the possibility of a stub over to the real estate office if they let you, but they've already indicated they don't want it. So it's really just the one main in and out. Thank you.

Mr. Rhodes: But...

Mr. Apicella: Mr. Rhodes?

Mr. Rhodes: ... I would just... I'm trying to remember from the earlier discussion, the one current interest you already have was the car wash, that's why you were really designing around that I think?

Mr. Patrick: That's correct.

Mr. Rhodes: Okay.

Mr. Apicella: Any other questions? Mrs. Vanuch?

Mrs. Vanuch: I have a couple questions. I know I sent Jeff an inquiry earlier this week about comparable proffers for a development like this. Were we able to compile anything?

Mr. Zuraf: I started looking. I looked at the North Stafford Office Complex up at Furnace Road as one similar project where they have retail in the front and then all the office buildings in the back, and they did not have any specific proffered kind of requirements. I guess they basically... I think they knew all along that they were going to have to building their spine road to the intersection with Furnace Road so they did a lot of improvements to that Furnace Road intersection without it necessarily being proffered.

Mrs. Vanuch: Okay.

Mr. Zuraf: That was the one I identified and I've not gone into exploring other sites yet, but can continue looking.

Mrs. Vanuch: Okay, great. And then, I think it would just be helpful for me to understand, what was the cost that you guys were associating with the rec center? If you were to have built that out, you were



saying it was just going to be a heavy economic burden for the development. So, if you were to have built that out, what's the cost you're associating with that versus what you're offering to proffer with the changes you brought to us?

Mr. Patrick: The... let me be clear, this applicant is not the applicant that proposed the recreation center. The recreation center was proposed several years ago and prior to the County building a recreation facility. The competition between the County recreation facility and this facility was such that there wasn't sufficient market to sustain that rec center. And so, that developer, that applicant has sold the property.

Mrs. Vanuch: So, but, if you're saying that there isn't economic benefit to the current approved development plan, what were you associating with the cost of the rec facility to say that it wasn't economically sustainable?

Mr. Patrick: The fact that they left, they left the site. I am not privy to their market analysis. I cannot imagine any recreation center that was able to make sufficient funds to make the improvements to Parkway Boulevard that would be necessary to make that bypass connection work. I don't think they understood what they were getting into with respect to connecting to Wolverine Way and the discrepancy between the alignment of Joyce Street... Joyce Avenue and Wolverine Way. I don't think they crunched their numbers. I think they proffered a lot of things, then they got to the end of the game and they looked at the numbers and abandoned the project.

Mrs. Vanuch: Okay. And I think... I have an underlying concern of just these... a lot of office buildings. I know, I think it was Steven or Darrell mentioned in the last meeting that down by Furnace Road, where the new Sheetz is, all these office buildings are empty. There are several other locations that are empty. And in the Comprehensive Plan we are targeting, you know, a Central Stafford Business Center. We have the Quantico Corporate Center where we're trying to target contractors, like you mentioned before, like the DOD coming in and occupying business centers. I just have an overarching concern with building even more that they're just going to remain empty, and I understand that you're saying they can be phased, but I don't know that that is the best use for the land in my opinion.

Mr. Patrick: Mr. Chairman, may I respond to a couple of things?

Mr. Apicella: Sure.

Mr. Patrick: With respect to Mr. Coen's comment about the car wash, the car wash is over 600 feet from Garrisonville Road. So we feel like if there's a traffic backup there, we're going to have to deal with it, we're going to have to figure it out. It is not going to affect the public right-of-way; it's going to be an onsite issue. And the final design of this car wash might not be as we put it here, because we're in a preliminary stage and we just wanted to show that we had a spot that was well removed and would put it in a spot that was well removed from the neighborhood so that we could provide that assurance to them. I'm sorry, I've forgotten your other comment. With respect to the offices... excuse me?

Mr. Coen: Microbrewery.

Mr. Patrick: Oh, microbrewery. That was suggested to us and two weeks ago I called up Mr. Hart and I said, we really should put microbrewery in there; everyone seems to be excited about it. So, you know, I was at a economic...

Mr. Apicella: And how old were they?

(Laughter)

Mrs. Vanuch: Yeah, they were seniors.

Mr. Patrick: I was at the County's ribbon cutting for the recreation center over at Embrey Mill and they were all my age, who were talking about microbreweries. It just seems to be the up and coming thing, but I understand what you're saying about proximity to the high school. And we'll look at that. Then, with respect to office and office demand, the County's goal of creating I think you're talking about the star facility over toward Quantico Center... is that what you meant when you said the County is trying to focus office?

Mrs. Vanuch: Well, no, there's the Quantico Corporate Center and then there is the Comprehensive Plan where we're trying to create an area in Central Stafford to drive businesses close to the airport.

Mr. Patrick: Hmm, okay. Well, we think that there is room in the market for a lot of good ideas on where businesses and offices can locate. It is a problematic situation when the County wants to create incentives to go to a certain area and, at the same time, they have to be careful not to create disincentives to go elsewhere because, in a free market, you can't do that. But there are all kinds of offices. These are smaller offices we think that are going to be located out in this area; they're closer to residential. If you go to the Council of Government meetings up in Washington, D.C., they talk about concentrating everything around Dulles Airport, around the south side of Dulles Airport. Well, where does that leave the other counties if you're anointing Loudoun County and pushing all the businesses toward Dulles Airport, then you know what does that do to Stafford and Prince William? That means they're not employment areas and that means that their residents have to commute to that destination. So, this is kind of the same thing, but only in a microcosm. This is, you know, if we put all of our offices in the center of Stafford County, then they're going to have to drive to that destination instead of being able to drive to locations that may be a shorter commute for them and may reduce traffic.

Mr. Rhodes: Mr. Chairman?

Mr. Apicella: Mr. Rhodes?

Mr. Rhodes: Yes, I just wanted to... I don't know that we addressed it last time... is the business concept or business plan or model that you're following one that's going to build the office space and then look for tenants? Or are you going to only build it as you have tenants? Or what are you looking at with these?

Mr. Patrick: It will be as close to having the tenant as possible. The adage in the real estate business is, is that offices don't want to lease until they see the paint drying on the wall. So you have to build them... in order to market them, you often have to build them first to get them to come in, because usually when someone's looking for an office, they need it next month or need it in 3 months. They don't need it in the two years that it takes you to build it. So that's the uncomfortable gap for the builder. Of course, he would love to have sold the units the way you sometimes can sell houses before you ever start digging the footings; they would love to do that but it rarely works that way.

Mr. Rhodes: Okay, thank you.

Mr. Apicella: Any other questions? Okay, thank you Mr. Patrick.

Mr. Patrick: Thank you.

Mr. Apicella: I'll bring it back. Mr. Rhodes, it's in your district.

Mr. Rhodes: Yes, Mr. Chairman, given the feedback from Mr. Zuraf that he thinks they're getting closer, I didn't know how far out, but if we could defer this to the session in August which is about 5 or 5 ½ weeks away... about 5 weeks away I think it is. I think... well, that would be my motion, to defer it to the session in August.

Mr. Apicella: Okay, there's a motion to defer this item to the August 24 meeting; is there a second?

Mrs. Bailey: Second.

Mr. Apicella: Okay. Anything else Mr. Rhodes?

Mr. Rhodes: Yes, Mr. Chairman, I would like to thank the applicant. I do think that they did go reasonably through the items there. What I did hear this evening was the comment on microbrewery and consideration of it as being excluded -- though I hate that idea -- but no, I understand the logic behind there. The comment on looking at what do we think the maximum vehicle count's going to be on this site so we have a sense of that, based on the concept that they've got going there. And I think they've got a better understanding of that idea in the process. And I know Mr. Coen mentioned possibly taking advantage of this intervening time to ensure to reach out maybe to the... I know they've reached out several times to the neighbors, but reach out one more time to just make sure there's no hanging chads if you will on the items there. But I'm appreciative of the efforts to go through... deliberately through the list that we had from the last time, so I would like to thank them for that. Thank you Mr. Chairman.

Mr. Apicella: Thank you Mr. Rhodes. Mrs. Bailey? Anyone else? Okay, all those in favor of the motion to defer to the August meeting signify by saying aye.

Mr. Rhodes: Aye.

Mrs. Bailey: Aye.

Mr. Coen: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mrs. Vanuch: Aye.

Mr. Apicella: Aye. All opposed? The motion carries 7-0.

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7. RC15151046; Reclassification – Patriots Crossing Proffer Amendment (formerly known as Stafford Sports Center) - A proposal to amend proffered conditions on Tax Map Parcel No. 20-12, zoned B-2, Urban Commercial Zoning District, to replace a planned recreational facility with other uses and modify transportation and other site development requirements. The site consists of 23.79 acres and is located on the south side of Garrisonville Road, approximately 220 feet west of Parkway Boulevard, within the Garrisonville Election District. **(Time Limit: September 16, 2016) (History: Deferred on June 8, 2016 to June 22, 2016) (Deferred on June 22, 2016 to July 13, 2016) (Deferred on July 13, 2016 to August 24, 2016)**

Mr. Harvey: Thank you Mr. Chairman. The next item on the agenda is the discussion about Patriot's Crossing rezoning application and Mike Zuraf will be making the presentation for staff.

Mr. Zuraf: Good evening again Mr. Chairman, members of the Planning Commission. This item is a continuation of the Patriot's Crossing proposed amendment to proffered conditions to replace a planned recreational facility with other uses on the site. The property is zoned B-2, Urban Commercial, and located on the south side of Garrisonville Road, approximately 220 west of Parkway Boulevard, highlighted on this zoning map in blue. The public hearing for this project was conducted on June 8<sup>th</sup> and deferred to June 22<sup>nd</sup>, July 13<sup>th</sup>, and then again to this meeting to provide additional information and respond to comments that were made by the Commission and citizens. My summary will review the issues raised by the Commission at the last meeting and how these issues are being addressed. Traffic impacts were identified as an outstanding issue. Before I address the traffic impact assessment which was discussed previously, Commissioner Apicella asked for a comparison of the traffic generation between the current plan and proposed plan on this site. You'll note what we've provided is a comparison, including weekday vehicle trips per day, the AM morning peak hour and afternoon PM peak hour trips for both plan options. You'll note that the daily traffic generated is practically identical between the two versions. Under the proposed plan, you can see the AM peak, morning peak hour traffic is much greater and the PM peak hour traffic is slightly greater. The variation in peak hour rates is attributable to the new plan including much more office development than the current plan. This has a greater impact on peak hours, specifically in the morning which are at the start and end of a workday. In comparison, traffic for the recreational use, the big part of the current plan, has traffic that generally would peak maybe more so in the evening or on weekend hours. So, now looking at the traffic impact analysis, we did receive some initial comments from VDOT on the traffic impact analysis. The comments are primarily dealing with the assumptions and findings in the analysis. And to kind of fully address those comments, they'd likely require an additional amendment of modifications of the TIA. So, I'll provide a few comments though about the TIA as staff sees them. The TIA looks at multiple alternatives, including the conditions with and without a dedicated westbound left-turn lane into the site; with and without inter-parcel connection off of Wolverine Way into the site; and before and after the future 6-lane widening of Garrisonville Road. And so, just to point out on this image where we are, this is Garrisonville Road, this is the location of the site, for the access points into the site the primary access point is basically in the middle of the property in this location. What is proposed is to have a westbound dedicated left-turn lane into the property. And then also the proffered potential inter-parcel connection off of Wolverine Way is in this location; Wolverine Way is here. Otherwise, access for westbound traffic could also go to Wolverine Way, do a U-turn and go back to the entrance in this location. Staff has identified some key findings of the effect of the site at full build-out without the widening of Garrisonville Road to 6 lanes since there's no current funding for that project. And so some of the key points is the new westbound left-turn lane into the site would operate at a failing Level of Service F in the current 4-lane configuration of Garrisonville Road, but improve to a Level of Service D after the road is widened to 6 lanes. Despite the result, the new dedicated westbound left-turn lane into the site would disburse traffic resulting in the least impact to the existing intersection subject to review of the spacing exception, particularly Wolverine Way. And the biggest

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impact to the overall traffic conditions is the westbound traffic because people heading westbound to get to the site have to make left-turn movements either at this primary proposed entrance or at Wolverine Way they would have to do a left or U-turn to access the property. And so that's where a lot of your impacts are. And the impacts also are bad in the morning peak hour, more so than any other time. A few more points -- the new dedicated left-turn lane will need a spacing exception from VDOT due to the proximity to both the Wolverine Way and Parkway Boulevard intersections with Garrisonville Road. Without the new left-turn lane, more stress would be placed on the existing Wolverine Way intersection, particularly in the morning. Adding an inter-parcel connection from Wolverine Way into the site was shown in the study to increase the delay at that Wolverine Way left-turn lane, and the study does show that the impacts are minimal at the Parkway Boulevard intersection. Based on some of these key issues, staff made a few recommendations for consideration. Regarding the phasing proffer, consider limiting the amount of development under the current 4-lane condition with the remainder of the development permitted following the widening of Garrisonville Road to 6 lanes; limiting the inter-parcel connection from Wolverine Way to an emergency access only; and consider an additional proffer stating that should the break in the median not be approved, the applicant would be required to extend westbound left-turn lane stacking... the stacking lane at Wolverine Way with signal timing modifications. And the applicant may have some more information on that last suggestion. There are some other issues that were raised as well. There's a request that the development be phased based on the projected vehicles per day. The applicant has submitted a revised proffer statement which you should have received a paper copy of this evening. Proffer 4.b. was added; it identified two phases, with the first phase generally within 200 feet of Garrisonville Road on the site and would include 50,000 square feet of commercial... of retail uses, but the proffer does also allow for non-retail uses to occur. And then a phase two would consist of the remainder of the site and non-retail uses in those areas. At the same time, the proffer does permit development in either phase to occur at the same time and the proffer would allow build-out of the property within the first 3 years if widening of Garrisonville Road is completed or a revised traffic study is provided. Staff notes that the widening is realistically not going to happen within 3 years, so the build-out could occur after that point. Otherwise, staff notes that the proffer does not link phasing or build-out to anticipated vehicle trips per day or the eventual widening of Garrisonville Road. Regarding the second point on the screen, there's a request to add microbrewery to the list of prohibited uses. The applicant amended proffer 4.a., sub-paragraph 3; it previously excluded... it stated exclusion would be bar unless part of a microbrewery. The applicant deleted microbrewery from the language. Staff notes that a stand-alone bar, as a use, is not permitted in Virginia and it's not defined in the County Zoning Ordinance. Microbrewery is a defined use and would require a special exception approval from the Board of Zoning Appeals. And despite the bar being a prohibited use, a microbrewery could still occur unless specifically added to the list and stated. Regarding the third point in the issues, the Commission asked the applicant to solicit input from the adjacent residents at the Gates of Park Ridge community regarding the potential drive-through restaurant. The staff report did include recent email correspondence and written correspondence that the applicant delivered to the adjacent residents describing some of the latest changes to the site, specifically highlighting the potential drive-through restaurant use. And according to the applicant, they've not received any feedback yet from the adjacent residents on the issue. Staff would also note that that drive-through use in that location shown on the General Development Plan would require a separate and follow-up conditional use permit approval, which would require separate additional public hearings so the residents would have a say in that use if it was to eventually be proposed in that location. And on the last point, staff was asked to identify what other proffers may have been provided for other comparable office business parks that were as close in size and purpose. We just identified two older projects, both along Garrisonville Road corridor. They represent 10 to 20 year old projects and the proffers were minimal to those. They happen to be in locations where they were right at an intersection, where they could do the intersection improvements or they were far enough in between where they were in a position to provide a new signalized intersection. So not necessarily the best comparable example,

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but that's what we could find. Also, Commissioner Apicella did request a comparison slide to kind of show the changes and differences between the current and proposed General Development Plans. You received an 11x17 that shows both of these plans; the top image is the current General Development Plan and the bottom image is the proposed GDP. And so there were kind of suggestions or questions to identify access differences and road network differences. So just to kind of highlight the comparison, on the current plan and the new plan your primary access point is generally in the same location at midpoint of the property. The difference is, under the current plan, this would be a right in/right out. Under the proposed plan the proposal would be for the inclusion of the slotted left-turn lane subject to VDOT approval. Under the current plan, you do have the inter-parcel connections towards Parkway Boulevard and Wolverine Way which have been discussed previously. And also what that does provide in this plan was kind of a parallel road. In the current plan your Wolverine Way potential connection is a little farther back and the reason for this is more recently, in re-evaluating the stream in this location it was identified that this stream has Resource Protection Area characteristics, so you have a 100-foot buffer which would kind of prohibit that parallel road as you have currently shown. So, that's an effect there. And then as far as your access into the site, similar... on the current plan you have one kind of road that kind of heads to the back of the property. This one actually has two crossings. On the current plan with the RPA you'd have one primary road that kind of heads to the back of the property. As far as uses, the current plan identifies several restaurant uses in these locations, and then kind of commercial retail use here. There's a mix of retail office buildings as well in this location with office. And then the big difference, in the current plan you have the large recreational facility that was proposed in the back of the site. In the current plan, you have kind of similar restaurant uses proposed. You do have a commercial retail strip location which is generally similar. And then in the back, the difference here is the uses are in multiple buildings with a mix of office retail and multi-tenant buildings identified on the plan. And then also the car wash was relocated to the back of the site.

Mr. Apicella: What's the difference in square footage?

Mr. Zuraf: With the square footage overall, with the original plan had a total of 256,000 square feet; the new plan has a total of 194,500 square feet.

Mr. Apicella: And how much of the 256 was the rec building?

Mr. Zuraf: I will... when the applicant comes up I can look at...

Mr. Apicella: That's okay. It seems to be a good amount of the 256 would appear to be the rec center.

Mr. Zuraf: It is.

Mr. Apicella: And the other thing is, I know that is a simple way of looking at it, but the rec center has been replaced by 5 office/multi-tenant buildings.

Mr. Zuraf: Right.

Mr. Apicella: Do you have something you wanted to say Mrs. Vanuch?

Mrs. Vanuch: (Inaudible - microphone not on).



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Mr. Zuraf: There are multiple changes throughout the whole series of proffers and, unfortunately, we didn't have time to kind of prepare a full side by side, but we could do that if this was deferred to another meeting.

Mr. Apicella: I apologize for cutting you off there Mike.

Mr. Zuraf: That's alright. That was a quick summary of the comparison of the two. And at this point, I will note we do have the new 100 day deadline which extends the case out to September 16<sup>th</sup> for the Commission to make a decision. And I'll hand it over for any questions.

Mr. Apicella: So in theory we have at least one more meeting we could contemplate this.

Mr. Zuraf: The applicant has found that; it was 196,000 square feet for the rec center.

Mrs. Vanuch: (Inaudible - microphone not on).

Mr. Zuraf: Yes. Right now, well, yeah, 196 out of the total 256,000 under the current plan. The new plan would be 194,500 square feet total. And I'll turn it back to you.

Mr. Apicella: Okay. Any questions for staff? None? Okay, applicant.

Ms. McClendon: Mr. Chairman, before the applicant starts, if the Commission so desires they may want to take a vote to extend the meeting past 10 o'clock to continue to conduct business.

Mr. Apicella: Is there a motion to...?

Mr. Rhodes: I make a motion to continue.

Mr. Apicella: Okay.

Mr. Coen: So moved... second.

Mr. Apicella: Cast your vote.

Mr. Rhodes: How did he vote already?

Mr. Coen: Really. I've got a fast finger, what can I say.

Mrs. Vanuch: Mine is so slow.

Mr. Apicella: He's got a special little receiver there. Okay, the motion carries 6-0 (*Mr. Boswell absent*).  
Mr. Sherman?

Mr. Patrick: Thank you sir. Sherman Patrick with Compton and Duling here this evening representing the applicant in this case. We were contacted by Mike today and heard that... understood that he wanted us to consider an additional amendment to the proffered conditions. And I have those here that I would like to pass out. The applicant is in agreement with those. I've given Mike a copy ahead of time; I think that Jeff may have a copy.

Mr. Apicella: Is it not something that we already have Mike?

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Mr. Patrick: I'll explain a little bit more detail what we're handing out right now. But first let me say that on August 19, we submitted some proffered conditions that were very close in their wording to proffered conditions that you received on phasing in the earlier case. So, you have those; I was disappointed to hear that you may have just received those tonight and I apologize for that. I'd hoped that you'd be able to get them sooner. We weren't able to get them all together in time to get them to you. But what you'll find in those conditions that you received on the proffers that were dated August 19 is that we are in fact addressing phasing. We're addressing it in a manner that is similar to the previous application, but it's very different in some very significant ways too. And the most significant way is the square footage that you all have asked about and just discussed. The recreation center building is 196,600 square feet. That is more square footage than our GDP shows for the entire site. If you look closely at the phasing in the existing proffered conditions, you'll see that the applicant is allowing themselves in that earlier case to build the entire recreation center, without saying how many square feet it is, and then saying that they're going to also build 124,500 square feet of retail uses. So, they're building over 200,000 square feet of square footage in their first phase. And what you'll see in our application is that we're proposing that we do 50,000 square feet in the earlier phase of retail development, which is what we expect. Mike is correct that we're allowing ourselves to do some office as well in the event an economic development employment center type use does land on the property. Frankly, we don't expect that to happen; but if it happens, we don't want to go through another 6 to 9 month process to try to get them in the building. We want to be able to take advantage of that opportunity and provide jobs in Stafford County. So that is the reason that we're allowing ourselves that exclusion. And we think it's a significant one. The case that we're dealing with tonight is a tax base enhancing zoning action. What you have right now on this property is a property that is currently distressed because of proffered obligations on that property that cannot be fulfilled. I have talked to you before about the cost of some of those transportation improvements that frankly do not improve the Level of Service very much. They certainly dollar for dollar are not worth the limited improvement that they provide to those intersections. But more important than that is that the application that's already been approved for this site as you all just discussed in your questioning with Mike is much more intense than what is being proposed in this application now. The Jeff Rouse Swim and Sports Center is 76,000 square feet. What was approved on this site was two and half times larger, with no phasing. Well, I'll call it some phasing -- if you looked at the plan, you could do all the retail that was on the front of the property; you could 196,000 square feet of recreation center and then there was a little bit of leftover... a couple of leftover buildings right in the middle of the property that were being delayed in terms of their delivery to the market. In the type of product that we are proposing in this case, you don't bring a bunch of traffic to the County. This is not Potomac Mills, it's not Central Park, it's not Williamsburg. We are building uses here that will be used by people who already live in Stafford County. And if they don't go to the use on this property, they're going to drive further to the east toward I-95 where the road is truly even more congested than it is here. So, we think that there are a lot of mitigating circumstances here that you should take into consideration, notwithstanding VDOT is still saying we want more this and more that. And I mentioned before the scoping sessions. When you scope a plan, what that really means is that VDOT is telling you which assumptions that you need to put into your study. And one of the assumptions that they've insisted that we provide in this study, just to use an example that's already been discussed and staff has recommended against, is a connection to Wolverine Way because it diminishes the Level of Service of Wolverine Way. You put a lot of traffic into Wolverine Way, you slow down the traffic that's trying to go to the high school. So you're having a direct impact on a public use and we don't think that that's the right thing to do. And the only benefit of that connection is to provide more access to the recreation center that was previously approved there. So, we're trying to avoid things in a scoping letter that... we tried to avoid things in a scoping letter that was only going to lead us to trouble. If someone gives you a map and they say, we want you to show us how to get to Stafford courthouse from Garrisonville, and then they tell you,

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no, no, no, no, you can't turn left here, you can only turn right, and they tell you that you have to go a mile past it and then come back, those are scoping parameters that sometimes frustrate the process and has caused a lot of concern and discussion in this particular case. So, what we're recommending this evening, or requesting of you this evening, is a recommendation of approval. We think that we are doing something that's less intense on the property than what is already approved. We think it's going to have less impact on Garrisonville Road. We are offering proffered condition amendments, the first one dated August 19, and that would be an amendment to Proffer 4.b., that appears on page 5; that's the phrasing that I first talked about. And then we're offering another change that I've given out to you as a separate sheet that was requested of us today, that is a change to proffered condition 2.a. that simply says that if VDOT doesn't approve the slotted left turn lane, which are quantifiable data in the TIA shows is the best solution, but if VDOT doesn't approve it for some reason, then we will lengthen the left-hand turn lane on westbound Garrisonville Road to provide more stacking to allow for the additional traffic that would be forced toward the high school in that event. We don't think that in the end VDOT would deny it; we think that we have a good basis and good justification for that entrance and we think it's the best solution for Stafford County. If you have any questions, I'd be happy to try to answer them.

Mr. Apicella: Questions for the applicant? Mr. Coen?

Mr. Coen: Just one quick one. Under buffers, on page 3 of 9, it's number 3, letter a, it's the highlighted section which I'm gathering is new, a landscape berm shall be considered in those areas of anywhere the topography requires the removal of existing mature trees. Just sort of understanding of why it's in there. I'm gathering it wasn't in there before, so why is it in there now and/or where to we envision or what... I guess my concern... and I won't bother Mr. Harvey about this again, I've already bothered him a couple times on this one... I'm concerned about along by the homes it's decided that well, gosh darn it, the topography requires we move all the trees so we're just going to put a berm in. And that's in there so it's okay. So, I'm just curious about that.

Mr. Patrick: Yes sir. We added that language because when the citizens came and spoke at the June 8<sup>th</sup> hearing, they said that they wanted to have a buffer. They also said they wanted to have a solid board fence and that they wanted to preserve the existing mature trees that are in the buffer. You can't construct all of those things in the buffer. If you have a 5-foot buffer as is represented on the recreation center plan, then you have to have about a 30-foot base, because your maximum slope on either side of that 5-foot buffer has to be 3 to 1, so you have 15 feet on both sides. In reality, you're going to have about 40 feet because you're going to have a rounding off on the top to make it stable. So, what we were trying to do is to address the fact that in some instances a berm might be a very good solution because of topography. The topography might be lower or higher in a certain area. So we wanted to acknowledge that you might want to fill that area to create the 5-foot berm and then plant landscaping on top of it. But you would only want to do that if you didn't already have a 30-foot tall tree in that place. If you already had a 30-foot tall tree in that place, you'd want to leave the 30-foot tree because that's going to provide the community with the best screening. So, by making this provision in the draft of the proffer that came one public hearing before that, July 17<sup>th</sup>, we said that we would preserve the existing trees to the maximum extent possible. And in talking with staff, they said, well, we don't have the topography in hand, and we said, okay... in that July 17<sup>th</sup> proffer, we said okay, we will meet with the neighborhood when we do have the final site plan, when we're actually doing construction and we actually know which buildings are being built there, and we will talk with them and we'll give them all of these options so that they can help us decide which ones work best. So, that's a long answer but the answer is, we're trying to give the neighbors the opportunity to participate in deciding whether they want to save an existing tree or build a berm and put new trees on top of it.

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Mr. Coen: Thank you.

Mr. Apicella: Staff provided a couple of additional... I see that you've addressed one of their issues with what was handed out just a few minutes ago and I, quite frankly, haven't had a chance to read it. They mentioned two other items, one of which I'm sure Mr. Zuraf said tonight, which is staff would recommend more certainty in proffer 4.b. regarding the phasing, to limit the amount of development under the current 4-lane condition, with the remainder permitted following the widening of 610. And I think the point is, we're not going to be 6-laning that portion of 610 anytime soon, and certainly not in 3 years.

Mr. Patrick: Yes sir, and I have to request that you all indulge us a little bit and think of this from a different perspective for a moment. If you're a property owner who has a commercially owned property and you're paying commercial tax rate on that property, how many years can you wait for a decision that may be made in Richmond about whether a road is going to be widened or not? The applicant in this case is purchasing the property. He's paying the interest carry costs. He's going to pay all the development costs. He's building road improvements that are mandated by VDOT already and by the County. And he has to market the property. And at some point the financial risk just becomes too great and, honestly, this is just all that can be done in that regard.

Mr. Rhodes: Was there any consideration of breaking down the phasing for phase 2 any further for a portion of it? Because that's about 140,000 square feet in phase 2, correct? I think it's 50,000 in phase 1; 194 altogether, so about 144 on the back half?

Mr. Patrick: Phase 2 cannot be built out for 3 years.

Mr. Rhodes: Right.

Mr. Patrick: And we thought that that was a fair amount of time given all the costs that I've just tried to share with you.

Mr. Rhodes: It won't have a lot of difference between zero and 3 years because it'll be outside the 5 or 6 year plan before we get that portion of 610 done. It's going to be at the tail-end of that. So I just didn't know if there was any consideration. I mean, is there really a belief that you'll develop all that office or other miscellaneous space in that 6-year window given all that is around you?

Mr. Patrick: Probably not.

Mr. Rhodes: Yeah. See, my assumption would have been, and you can never predict, but my assumption would have been there's no way you're going to develop all of that, but you don't want to handcuff all of phase 2 for 6 years out. I would have submitted there's a 2-A that's about half of that... I'm not trying to say half... and then a 2-B that might be at the 6-year window, 5 or 6 year window, which gets us closer in the CIP to be where we can have something that's going to be projectable in there. So, I didn't know if that was any consideration in it versus all at 3.

Mr. Patrick: We felt that we got as close as we could.

Mr. Rhodes: Gotcha; okay.

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Mr. Apicella: Okay, the other point that staff made was limiting the inter-parcel connection from Wolverine for emergency access only. Has that been accommodated?

Mr. Patrick: That has not been accommodated yet. We were uncertain if that was the Planning Commission's preference. If it is, I think that can be accommodated.

Mr. Apicella: Well, I personally would defer it to staff, but other members may have a different view.

Mr. Patrick: Already it's really in staff's hands. VDOT has to approve it; the School Board has to approve it. The School Board has already said they're not going to approve it, so we didn't think that it would be happening.

Mr. Apicella: You've heard me for a couple of meetings express some reservations about what I still consider to be some uncertainty about what's going to ultimately happen on this parcel if this were approved. I know you've made some attempts to put some use restrictions. I'm personally not there yet and I thought one of the other ways to get there was a maximum vehicles per day. I found it interesting that even with the change, eliminating the rec center and substituting the office buildings, there's not much difference in the maximum amount of vehicles per day between the current plan and the proposed plan. And, in fact, for I think the a.m. period the traffic count actually goes up. So, I still have concerns about the through-put into the site with one access point. So, I think Mr. Rhodes was suggesting maybe considering again the phasing... I'm putting words in your mouth and I apologize Mr. Rhodes... but the phasing beyond the 50,000 square feet. And I'm again going to ask that you consider a maximum vehicle per day limitation. That would certainly give me a little bit more comfort about what might happen here or the maximum amount of through-put that might happen here on a road that is already heavily travelled and, as we've talked about in the last couple minutes, is not going to be 6-laned for a long time. I understand what you're trying to achieve and I think we're also trying to achieve the right balance by not creating even more of a traffic mess in that area of the County.

Mr. Patrick: My response to that would be is we don't believe that the traffic impact is going to be what is shown in the TIA because of the way it's scoped.

Mr. Apicella: How would you know when you don't have finality on what's going to happen there?

Mr. Patrick: Right, that is true. There's a lot of uncertainty in this area of business. You know, this involves a lot of different investors and uncertainty and risks are a factor. We've given this a great deal of discussion and thought. We have great respect for the Planning Commission and your concern about the traffic volumes on the road themselves, and we don't want to cause difficulties in the community. We don't think that this application ultimately will. And we've given it a lot of thought and this is the best phasing that we can do.

Mr. Apicella: Any other questions? Mr. Coen?

Mr. Coen: Just real quickly. Do I understand correctly that the car wash is moved into phase 2, or is it because it has a tiny little dotted line, phase 1 is the front and the car wash? Because the reason why I'm asking is last time when you were here, Mr. Rhodes pointed out that the whole enchilada or the whole rinsing was because of the car wash. And that was one of the driving impetuses behind this. And so I'm just trying to wrap my head around whether if that was one of the whole major driving forces behind changing this, is it in phase 1 or phase 2?

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Mr. Patrick: It is physically located in phase 2. I think that it would be a use that would develop on the property earlier, because we do have a prospect who is interested in locating on the site.

Mrs. Vanuch: Do you have to complete phase 1 before you can start phase 2?

Mr. Patrick: No.

Mr. Rhodes: Yeah, that was the comment before on the proffers that if there is an economic (inaudible), I think that was the term, yeah, one that would drive in interest, you could go with the portion and I think that was all geared towards the car wash was my guess when I was hearing it.

Mr. Coen: Right. Without specificity (inaudible - microphone not on).

Mr. Rhodes: I would just, and I know we're at questions, but I would just... I'd just share a couple reflections. I was hoping we'd get more in phasing, we didn't. I do... as a step forward I like the proffer modifications that are there and I would be inclined here, when we get to that point, to make a motion to accept the proffer modifications. I also think we've had a great dialogue and they've got a strong position and feeling on some things, and I think everyone does here. I'm kind of at a sensing that we're probably about as far as we go. There's not a lot more to really be pushing on it, and so I would just share for comment and reaction my inclination to move forward on it on an up or down either way, and just get it moving forward. Because I think we have had a good dialogue, we've all made our positions, but I'm getting a sensing we're kind of where we're at. I don't know what the position the applicant is but I kind of sense they've gone about as far as they're going to go and I think we're about where we're at. I'm developing an opinion that we just kind of press it forward.

Mr. Apicella: Anyone else? Mrs. Vanuch?

Mrs. Vanuch: Well, I had a question regarding the office space in the back of the property. Do you have to create that as office space? Or would there be an opportunity if someone came in to put a retail facility in there?

Mr. Patrick: We discussed this at the last meeting some too, and I commented that we did not want to preclude a type of retail use because we thought that there might be some office uses that would have an activity that would be retail-oriented. And we didn't want to create that conflict. And the example I used was like the Board of Realtors. Usually, the Board of Realtors have conference rooms and offices and things, and then they also have within that area maybe 600 to a thousand square feet where they actually retail signs and lock boxes and different materials and supplies that realtors use. So, yes, you could have retail in the back part of the property. We don't anticipate that there would be a lot of it. It's hard to guess how much it would be, but that's an example of the type of retail that we would expect on the back portion of the property.

Mrs. Vanuch: So that real estate brokers or firms are having their offices and then they're selling signs from that location and lock boxes?

Mr. Patrick: No ma'am. The Board of Realtors. So, the association usually has an office somewhere and that's where they meet and have conferences and keep up their training regimen. And usually in the same location they'll have a supply area... an area where they sell supplies to brokers.



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Mrs. Vanuch: Okay. And what about if a big box store came in and said that they wanted to move into that back of that location? Would you then be coming back and asking to remove the office space and put in a big retail, like a Walmart or like a Costco?

Mr. Patrick: The property doesn't meet the dimensional requirements of a big box store. The property's only 700 feet in the front, in the very front, and it only gets more narrow from that area back. So, it's just not big enough for that type of use. And they do want to be... they want to be up on the road, they want to be where they're visible.

Mrs. Vanuch: Okay, that's it.

Mr. Apicella: Okay, thank you. Mr. Rhodes, this is in your district.

Mr. Rhodes: I'd first like to make a motion to accept the new proffers that were presented, or that we are seeing tonight. I know one is dated 19 April for the 4.b. and the other... or excuse me, 19 August for the 4.b. and the other is what was handed tonight for the site access sub-paragraph a.

Mr. Apicella: Is there a second?

Mrs. Bailey: Second.

Mr. Apicella: Okay. Any further comment Mr. Rhodes?

Mr. Rhodes: None other than we've already made in the question and answer, no sir.

Mr. Apicella: Mrs. Bailey?

Mrs. Bailey: No further comment.

Mr. Apicella: Anyone else? All those in favor... push your buttons. Okay, motion to accept the revised proffers approved 6-0. Mr. Rhodes?

Mr. Rhodes: Yes, Mr. Chairman, I make a motion to move forward to the Board with a recommendation to deny the reclassification 15151046.

Mr. Apicella: Is there a second?

Mr. Coen: Second.

Mr. Rhodes: Mr. Chairman, I appreciate the dialogue. It's been good but I just got a sense that we are where we are and there's not a lot more to move forward. I like a lot of aspects of this but... and if we could have found a little better phasing, it's just that it's too heavy a section of 610. The infrastructure just won't support it all. I don't think they'll develop it all out in that early a time that would make a difference to have not had a third tier to the phasing. I just don't see the demands there in the 3-year window that it would have been an issue. But, without that, I don't feel like I can in good conscious it's really something we recommend forward. But our role is to make a recommendation. It's the Board's to look at a broader picture and perspective, and I just think we're at a point in the dialogue where kicking it two more weeks wouldn't really make much of a difference. So I believe it's time to move forward now.

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Mr. Apicella: Mr. Coen?

Mr. Coen: To deny.

Mr. Rhodes: To deny, yep.

Mr. Coen: Really, I'm speechless. Mark your calendar. I just really have concerns about this on this location. I appreciate the effort at the proffers. I won't mention difference things I have a problem with; I've talked to Mr. Harvey ad nauseam about these buffers issues. So I just agree that this is just the wrong place for this.

Mr. Apicella: Anyone else? I would just like to add that while I agree that the rec center probably doesn't make sense here, I think there's a great deal of uncertainty. I realize with any business enterprise there's risk on the developer and whoever ultimately buys the parcel or portions of the parcel. But there's also risk to the County, especially as it relates to transportation. I realize you've made some accommodations; we've asked for some additional accommodations to help mitigate the impacts. And I think, you know, what I'm hearing is you're going as far as you're going to go and, in my view, that doesn't materially satisfy the concerns that have been raised. Again, I would note that the total vehicle count per day does not change dramatically from the old... the current version to the new version. And, in fact, as I said earlier, as Mr. Zuraf provided in this presentation, the count actually goes up in the a.m. which is one of the worst times to be driving out on 610. So, for the reasons that my colleagues have already expressed, and the additional ones that I've mentioned, I'm going to support the motion to deny. Please cast your vote. Okay, the motion to deny passes 6-0 (*Mr. Boswell absent*). Thank you.

Mr. Rhodes: Thank you.

## BOARD OF SUPERVISORS

### Agenda Item



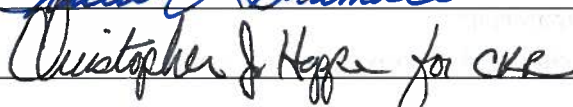
<b>Meeting Date:</b>	December 13, 2016
<b>Title:</b>	Consider Zoning Ordinance Text Amendments for Comprehensive Revision of Sign Regulations
<b>Department:</b>	Planning and Zoning
<b>Staff Contact:</b>	Jeffrey A. Harvey, Director
<b>Board Committee/ Other BACC:</b>	Community and Economic Development Committee, Planning Commission
<b>Staff Recommendation:</b>	Approval
<b>Fiscal Impact:</b>	N/A
<b>Time Sensitivity:</b>	N/A

**ATTACHMENTS:**

1.	Background Report	4.	PC Minutes dtd 10/12/16 and 10/26/16
2.	Proposed Ordinance O16-21	5.	Letter dtd/11/1/16
3.	Resolution R16-277	6.	Memo dtd 11/2/16

<b>Consent Agenda</b>		<b>Other Business</b>	<b>Unfinished Business</b>
<b>Discussion</b>		<b>Presentation</b>	<b>Work Session</b>
<b>New Business</b>	X	<b>Public Hearing</b>	<b>Add-On</b>

**REVIEW:**

X	Interim County Administrator	
X	County Attorney (legal review only)	
X	Public Works	

<b>DISTRICT:</b>	N/A
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## **BACKGROUND REPORT**

The Board of Supervisors is asked to consider proposed amendments to Article VIII, SIGNS, Sec. 28-121 to Sec. 28-140 of the Zoning Ordinance, regarding the type of signs designated for a certain use such as, but not limited to, subdivisions, shopping centers, commercial businesses, industrial businesses, churches, Critical Resource Protection Areas (CRPA), schools, and political signs.

Staff was made aware of a United States Supreme Court ruling in the case *Reed v. Town of Gilbert Arizona* which states signs cannot be regulated due to their message content. This decision creates the need for substantial revisions to the County's sign regulations found in Chapter 28 of the Stafford County Code (Zoning Ordinance).

The current regulations have a number of sign types that are problematic due to being regulated by content. They include home occupation signs, subdivision signs, model home signs, temporary sale signs, temporary event signs, CRPA signs, school signs, directional signs, cemetery identification signs, historic site entrance signs, and political signs. All of these sign types are content-based and have different standards for different zoning districts.

The Virginia Local Government Attorney's Association (VLGA) developed a model sign ordinance to assist localities in complying with the Supreme Court's ruling. In doing so, they also looked at other state and federal cases in support of the draft model legislation. Staff blended the model ordinance with current County regulations in an effort to come into compliance, but also take into account the Community and Economic Development Committee's (CEDC) previous direction regarding signs in shopping centers, colors on electronic signs, wall signs, and political signs. The draft, to date, would:

- add more definitions;
- eliminate content-based sign regulation;
- provide specific requirements for permits, and improve enforceability;
- specify which signs do not require permits;
- allow deviations from sign size and height regulations through approval of a conditional use permit (CUP) for a comprehensive sign plan rather than a variance;
- set rules for temporary signs; and
- consolidate signs into four types of zoning use categories rather than specific individual zoning districts - agricultural and residential; commercial; office; industrial; and planned/urban development districts displayed in a table format.

Staff presented an initial draft of the proposed ordinance to the CEDC at its meeting February 2, 2016. The CEDC further discussed potential changes at its May and June meetings. At the June meeting, Supervisors Milde and Sellers were tasked with working on the ordinance. They met June 29 and August 18, 2016. The result of these meetings is reflected in the latest draft of proposed Ordinance O16-21 (Attachment 1), which would:

- set a uniform standard for temporary signs at 32 square-feet for maximum size and 8 feet for maximum height, allowing up to three signs per parcel at any one time for a maximum of 60 days, twice a year;
- prohibit signs from being painted on walls, prohibit feather signs, balloons as signs, banners, and other signs made of flimsy materials;
- restrict the use of changeable copy and electronic message center (EMC) signs in agricultural and residential districts;
- limit the size of window signs such that the opaque portion of the sign cannot cover more than 25% of the window;

- require permits for window signs;
- allow up to four signs or one sign per tenant on the front of a building, and up to two signs on each of the other walls;
- allow for wall signs on the fronts of buildings to encompass up to 70% of the total allowable sign area, with the other sides of the building being permitted to display the remaining 30%; and
- create the rules for calculating sign area that are easier to understand.

At the October 12, 2016 meeting of the Planning Commission, the Commission discussed the proposed changes to the sign regulations and had several concerns. They voiced concerns regarding the lack of involvement by the business community, how the proposed and current ordinances differed for size of signs, permits required, and which regulations were generated by the court case *Reed v. Town of Gilbert* and which were not. Staff was instructed to provide a chart showing the comparison of the ordinances and how the changes in the new regulations were generated. This information was provided to the Commission members prior to this meeting for their review (Attachment 3). The Commission continued the public hearing at the October 26, 2016 meeting and voiced concerns over the real estate signs and how they were regulated. Currently, a sign that is 2 square feet in size or smaller does not require a permit. This has been the size of the conventional “for sale” real estate signs placed on property and consequently permits have not been required. The proposed ordinance would regulate these signs either as a temporary sign that does not require a permit but is only permitted to be on the property for two 60 day periods or a permanent sign that requires a permit. The concern is that the time limit for temporary signs is not long enough to accommodate the sale of a property and if such signs were to require permits, the impact on staff of reviewing and issuing a large number of permits.

In addition to the temporary sign discussion, representatives from the George Washington Ferry Farm Foundation (GWFF) spoke and requested that provisions be included in the ordinance to restrict the height of signs in the proximity of historic properties such as Ferry Farm. The Commission agreed and recommended such a provision be included in the proposed ordinance, but voted to recommend denial of the existing proposed Ordinance 016-21 for they felt it needed further vetting.

Since the public hearing, staff has received suggestions from the Fredericksburg Area Association of Realtors (FAAR) concerning the “for sale” real estate signs (see attachment 5). They propose allowing a certain amount of square footage for temporary signs on property while the property is marketed. Staff has also received a letter from Silver Companies concerning the proposed ordinance (see attachment 6). Their comments centered on such things as the definition of Electronic Message Signs, calculation of square footage of allowable sign area, the number of free standing signs permitted, and the amount of allowed square footage for signs permitted in the Recreational Business Campus and Planned Development Zoning districts.

#### RECOMMENDATION:

Staff recommends approval of proposed Ordinance 016-21 which amends Article VIII, SIGNS, Sec. 28-121 to Sec. 28-140, of the Zoning Ordinance to remove content-based provisions pertaining to the regulation of signs; clarify the method of measuring the area of a sign; allow deviations from sign size and height regulations through approval of a CUP; consolidate sign regulations into four types of zoning categories; provide rules for temporary signs; and provide specific requirements for permits and enforceability of the regulations. Staff notes that many of the changes that were suggested by GWFF, FAAR, and Silver Companies could be accommodated with revisions to the draft text.

PROPOSED

BOARD OF SUPERVISORS  
COUNTY OF STAFFORD  
STAFFORD, VIRGINIA

ORDINANCE

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, George L. Gordon, Jr., Government Center, Stafford, Virginia, on the 13<sup>th</sup> day of December, 2016:

MEMBERS:

Robert "Bob" Thomas, Jr., Chairman  
Laura A. Sellers, Vice Chairman  
Meg Bohmke  
Jack R. Cavalier  
Wendy E. Maurer  
Paul V. Milde, III  
Gary F. Snellings

VOTE:

On motion of , seconded by , which carried by a vote of , the following was adopted:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE SEC. 28-24, "MEASUREMENTS;" SEC. 28-25, "DEFINITIONS OF SPECIFIC TERMS;" SEC. 28-121, "PURPOSE AND INTENT;" SEC. 28-122, "CERTAIN TYPES PROHIBITED IN ALL DISTRICTS;" SEC. 28-123, "TYPES PERMITTED IN A-1 DISTRICTS;" SEC. 28-124, "TYPES PERMITTED IN A-2 DISTRICTS;" SEC. 28-124.1, "TYPES PERMITTED IN R-1 DISTRICTS;" SEC. 28-125, "TYPES PERMITTED IN R-2, R-3, AND R-4 DISTRICTS;" SEC. 28-126, "TYPES PERMITTED IN B-1, B-2, M-1, AND M-2 DISTRICTS;" SEC. 28-127, "TYPES PERMITTED IN RC, SC, B-3, AND LC DISTRICTS;" SEC. 28-128, "TYPES PERMITTED IN PD-1 DISTRICTS;" SEC. 28-129, "TYPES PERMITTED IN PD-2 DISTRICTS;" SEC. 28-130, "TYPES PERMITTED IN HI DISTRICTS;" SEC. 28-131, "PERMIT TO ERECT;" SEC. 28-132, "APPROVAL OF INTERNAL ILLUMINATION;" SEC. 28-133, "EXCEPTION FROM SETBACK REQUIREMENTS;" SEC. 28-134, "TRAFFIC HAZARD;" SEC. 28-135, "CLEARANCE FOR PROJECTING SIGNS;" SEC. 28-136, "REPAIR AND REMOVAL OF SIGNS;" SEC. 28-137, "TYPES OF SIGNS PERMITTED IN P-TND DISTRICTS;" SEC. 28-138, "TYPES PERMITTED IN THE RBC DISTRICTS;" SEC. 28-273, "NONCONFORMING STRUCTURES;" SEC. 28-277 "ABANDONED NONCONFORMING SIGNS;" AND FURTHER ORDAIN STAFFORD COUNTY CODE SEC. 28-124, "PERMIT NOT REQUIRED;" SEC. 28-128, "TYPES PERMITTED IN AGRICULTURAL AND RESIDENTIAL DISTRICTS (A-1, A-2, R-1, R-2, R-3, R-4);"



SEC. 28-129, TYPES PERMITTED IN COMMERCIAL AND OFFICE DISTRICTS (B-1, B-2, B-3, RC, SC, HI);” SEC. 28-130, “TYPES PERMITTED IN INDUSTRIAL DISTRICTS (M-1, M-2); AND SEC. 28-131, “TYPES PERMITTED IN PLANNED DEVELOPMENT AND URBAN DEVELOPMENT DISTRICTS (LC, PD-1, PD-2, P-TND, RBC, RDA-1, UD)

WHEREAS, in 2015, the United States Supreme Court Case ruling in *Reed v. Town of Gilbert Arizona* established new standards for sign regulations; and

WHEREAS, staff reviewed the County sign regulations and determined that changes were necessary due to the Supreme Court ruling; and

WHEREAS, the Board desires to amend the Stafford County Code to remove content-based provisions pertaining to the regulation of signs; and

WHEREAS, the Board considered the recommendation of the Planning Commission and staff, and the public testimony, if any, received at the public hearing; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, and good zoning practices require adoption of this ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 13<sup>th</sup> day of December, 2016, that it be and hereby does amend and reordain Stafford County Code Sec. 28-24, “Measurements;” Sec. 28-25, “Definitions of specific terms;” Sec. 28-121, “Purpose and intent;” Sec. 28-122, “Certain types prohibited in all districts;” Sec. 28-123, “Types permitted in A-1 districts;” Sec. 28-124, “Types permitted in A-2 districts;” Sec. 28-124.1, “Types permitted in R-1 districts;” Sec. 28-125, “Types permitted in R-2, R-3, and R-4 districts;” Sec. 28-126, “Types permitted in B-1, B-2, M-1, and M-2 districts;” Sec. 28-127, “Types permitted in RC, SC, B-3, and LC districts;” Sec. 28-128, “Types permitted in PD-1 districts;” Sec. 28-129, “Types permitted in PD-2 districts;” Sec. 28-130, “Types permitted in HI districts;” Sec. 28-131, “Permit to erect;” Sec. 28-132, “Approval of internal illumination;” Sec. 28-133, “Exception from setback requirements;” Sec. 28-134, “Traffic hazard;” Sec. 28-135, “Clearance for projecting signs;” Sec. 28-136, “Repair and removal of signs;” Sec. 28-137, “Types of signs permitted in P-TND districts;” Sec. 28-138, “Types permitted in the RBC districts;” Sec. 28-273, “Nonconforming structures;” and Sec. 28-277 “Abandoned nonconforming signs;” and further ordains Stafford County Code Sec. 28-124, “Permit not required;” Sec. 28-128, “Types permitted in agricultural and residential districts (A-1, A-2, R-1, R-2, R-3, R-4);” Sec. 28-129, Types permitted in commercial and office districts (B-1, B-2, B-3, RC, SC, HI);” Sec. 28-130, “Types permitted in industrial districts (M-1, M-2); and Sec. 28-131, “Types permitted in planned development and urban development districts (LC, PD-1, PD-2, P-TND, RBC, RDA-1, UD); all other provisions remaining unchanged;

## Sec. 28-24. - Measurements.

Measurements required under this chapter shall be made following these principles:

- (6) *Sign, area of.* ~~The area of a sign shall be determined from its outside measurements, including any wall work incidental to its decoration, but excluding supports, unless such supports are used to attract attention. In the case of a sign where lettering appears back to back, that is on the opposite side of the sign, the area shall be considered to be that of only one face. In the case of an open sign made up of individual letters, figures or designs, the area shall be determined as if such display were made on a sign with straight lines or circular sides. That area within lines forming a parallelogram measured from the outer extremities of all letters, figures, characters and delineations, or within a line including the background of the sign, whichever lines includes the larger area. The area shall be calculated by multiplying the length by the width of the parallelogram. In the case of a triangle shaped sign, the area shall be computed by forming a parallelogram by multiplying the length and width of the two longest sides of the triangle and dividing by two. The support for the sign background, whether it be columns, a pylon, or a building or part thereof and structural embellishments or trim, shall not be included in the sign area. Only one side of a double-faced sign shall be included in the computation of sign area; for triangular signs comprised of three sign faces, two faces shall be included in a computation of sign area. The area of a cylindrical sign shall be computed by multiplying one-half of the circumference by the height of the sign.~~
- (7) *Sign, height of.* ~~The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (1) existing grade prior to construction or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. The maximum vertical distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of:~~
- a. Existing grade prior to construction; or
  - b. The newly established grade after construction, exclusive of any filling, berming, mounding or excavating primarily for the purpose of mounting or elevating the sign.

## Sec. 28-25. - Definitions of specific terms.

Advertising. Any words, symbol, color, design or graphic used to call attention to a commercial product, service, or activity.

Comprehensive sign plan. A plan for all of the permanent signage of a property that includes multiple tenants or owners with shared parking or other facilities.

Flag. A piece of cloth or similar material, typically oblong or square, attachable by one edge to a pole or rope and used as a symbol or decoration; this includes pennants.

Frontage, building. The width of a front building facade applicable to an individual building or unit within a building that is clearly visible from a public street or private travel lane, which provides primary access to the building. The length of the main wall or longest wall of a building which physically encloses usable interior space, and which is an architecturally designed wall that contains the main entrance into the building for use by the general public.

Holiday Displays. Displays erected on a seasonal basis in observance of religious, national, or state holidays which are not intended to be permanent in nature, of less than ninety (90) days in duration and which contain no advertising material

Marquee. A permanent structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against the weather and used for signage.

Public area. Any public place, public right-of-way, any parking area or right-of-way open to use by the general public, or any navigable body of water.

Public Art. Items expressing creative skill or imagination in a visual form, such as painting or sculpture, which are intended to beautify or provide aesthetic influences to public areas.

Sign. Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public. Any such device, fixture, placard or structure less than two (2) square feet in size is excluded from this definition.

Sign. Any object, device, display, or structure, or part thereof, visible from a public place, a public right-of-way, any parking area or right-of-way open to use by the general public, or any navigable body of water which is designed and used to attract attention to an institution, organization, business, product, service, event, or location by any means involving words, letters, figures, designs, symbols, fixtures, logos, colors, illumination, or projected images. The term does not include public art, architectural elements incorporated into the style or function of a building, or flags of any nation, state, or other geopolitical entity not related to a commercial business, product, or service. The term "sign" also does not include the display of merchandise for sale on the site of the display

Sign, A-Frame. A two-faced sign with supports that are connected at the top and separated at the base, forming an "A" shape not more than four feet high. These are also referred to as "sandwich board" signs. They are included in the term "portable sign."

*Sign, Animated.* A sign or part of a sign that is designed to rotate, move or appear to rotate or move. Such a sign is sometimes referred to as a “moving sign.”

*Sign area.* See ~~this section~~, “Measurements.”

*Sign, banner.* A temporary sign of flexible material affixed to a framework, between poles or flat surface.

*Sign, business.* A sign, ~~either freestanding or projecting on a wall~~, which directs attention to a product, commodity or service available on the premises.

~~*Sign, cemetery identification.* A sign no smaller than one foot by one foot constructed of bronze or of another material similar in appearance that depicts the historic name associated with a particular cemetery, as recorded in the Stafford County Cultural Resource Database or as deemed appropriate by the county agent.~~

*Sign, canopy.* A sign attached or as an integral part of a canopy.

*Sign, chalk-board.* A single-faced, framed slate or chalk-board that can be written on with chalk or similar markers.

*Sign, Changeable copy.* A sign or part of a sign that is designed so that characters, letters or illustrations can be manually changed or rearranged without altering the face or surface of the sign.

~~*Sign copy.* The letters, numbers, symbols, characters, pictures, lights, or other information or device included on a sign to inform or attract the attention of persons.~~

*Sign dimensions (height, area).* See ~~this section~~, “Measurements.”

~~*Sign, directional.* An on-premises sign designed to direct customers to an entrance, drive-through facility, or parking area, except for a development in the P-TND district. The directional sign shall not exceed two and one-half (2½) feet in height.~~

*Sign, electronic message center (EMC).* A sign that displays images, scrolling images or moving images, including video, through the use of a series of grid lights, such as: cathode ray; light emitting diode display; plasma screen; liquid crystal display; fiber optics; or other similar electronic technology with the image changing no less than every five (5) seconds. This definition includes each of the following:

- (1) Signs which present images and/or messages that are similar to those which are ordinarily displayed on color television screens or computer monitors, where the image and/or message is in motion or appears as if it is motion;
- (2) Signs for which the images and/or messages are capable of being changed through any remote means; and
- (3) Signs presenting two (2) or more separate displays of images and/or messages by means of any scrolling cylinder or other scrolling device.

~~Sign face.~~ The area of a single side of a sign, excluding supports for such sign so long as said supports are not used for placement of any sign copy. The portion of a sign structure bearing the message.

~~Sign, feather.~~ A lightweight, portable sign mounted along one edge on a single, vertical, flexible pole the physical structure of which at may resemble a sail, bow, or teardrop.

~~Sign, flashing.~~ A sign that includes lights that flash, blink, or turn on and off intermittently.

~~Sign, freestanding.~~ Any sign located upon a lot or parcel of ground supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure. Any non-portable sign supported by a fence, retaining wall, or by a solid structural base not attached to a building.

~~Sign, general advertising.~~ A sign that identifies or communicates an image and/or message for any activity, product, service, or commodity not available for sale or lease on the premises at which the sign is located.

~~Sign, historic site entrance.~~ Any freestanding, nonilluminated sign located at the entrance of a historic site that contains the site name and does not exceed four (4) feet in height.

~~Sign, home occupation.~~ An unlighted, wall-mounted sign not exceeding four (4) square feet in area directing attention to a product, commodity or service available on the premises, but which product, commodity or service is clearly a secondary use of the dwelling.

~~Sign, illegal.~~ Any sign erected without a required permit or which otherwise does not comply with any provisions of this article.

~~Sign, illuminated.~~ A sign, or any part of a sign, which is externally or internally illuminated or otherwise lighted from a source specifically intended for the purpose of such illumination or lighting. A sign that is backlit, internally lighted, or indirectly lighted, but does not include a neon sign.

~~Sign, minor.~~ A wall or freestanding sign not exceeding four (4) square feet in area, not exceeding five (5) feet in height, and not illuminated.

~~Sign, model homes.~~ A sign that identifies a dwelling unit as a model home.

~~Sign, monument.~~ A freestanding, on-premises sign designed with a solid base and with a sign face attached such that there are no gaps for air or light between the sign face and the base. A freestanding sign affixed to a structure built on grade in which the sign and the structure are an integral part of one another; not a pole sign or a portable sign.

~~Sign, neon.~~ A sign containing exposed tubes filled with light-emitting gas.

*Sign, nonconforming.* Any sign which was lawfully erected in compliance with applicable regulations of the County and maintained prior to the effective date of this chapter of the zoning ordinance and which fails to conform to current standards and restrictions of the zoning ordinance.

~~*Sign, off-premises directional.* An off-premises sign not over three (3) square feet in area, indicating the location of places of worship, schools, hospitals, parks, scenic or historic places, or other places of general public interest. The signs and mountings shall not exceed five (5) feet in total height and not more than one sign pertaining to a single place shall be displayed along any one street. A sign that directs attention to a business, product, service or activity conducted, sold or offered at a location other than the premises on which the sign is erected.~~

~~*Sign, place of worship.* An on-site, freestanding monument style sign that does not exceed fifty (50) square feet in area, nor six (6) feet in height.~~

~~*Sign, political.* A temporary sign announcing or supporting political candidates or issues.~~

*Sign, pole.* A sign that is mounted on one (1) or more freestanding poles.

*Sign, portable.* Any temporary sign not permanently affixed to a building, structure, vehicle or the ground. It does not include a flag or banner.

~~*Sign, projecting.* Any sign affixed to a building or wall in such a manner that its leading edge extends more than six (6) inches beyond the surface of such building or wall. Any sign, other than a wall, awning or marquee sign, affixed to a building and supported only by the wall on which it is mounted perpendicular to the building or wall and its leading edge extends more than six (6) inches beyond the building or wall.~~

~~*Sign, subdivision.* A sign sixty (60) square feet or less in aggregate area identifying a subdivision by the name found on the recorded plat for such subdivision and located on the subdivision site at one or more of the entrances to such subdivision. Said sign shall be no greater in height than six (6) feet above ground level and shall be set back from any right of way to allow for an unobstructed motorist view.~~

~~*Sign, temporary event.* A sign describing a seasonal, brief or particular event or activity to be or being conducted upon the lot or premises upon which it is located. Such sign may be erected not more than one month before the event or activity described, shall be removed within one week of its conclusion, and in no event shall such sign be displayed for a period longer than six (6) months in any one calendar year. Signs advertising construction activity may remain in place until such construction is completed. The maximum height of such sign shall be ten (10) feet. Balloons used as such signs shall be exempt from the maximum height requirement.~~

~~*Sign, temporary sale.* An on premises sign used to advertise merchandise or the sale of goods or merchandise, on a temporary basis not to exceed a period of seven (7) continuous days. No freestanding temporary sale sign shall exceed four (4) square feet~~



~~in sign area. No wall-mounted temporary sale sign shall exceed twenty (20) square feet in sign area.~~

~~*Sign, tenant.* A wall sign to identify more than one tenant or business located within a building in which the tenant or business does not have a direct/independent entrance to a street and its primary entrance is through the principal entrance to the building. The sign shall be located near the principal entrance to the building. This term shall not include a business sign.~~

*Sign, temporary.* Any sign intended to be displayed for a limited period, not to exceed sixty (60) days in duration for no more than two (2) sixty (60) day periods in a calendar year, is neither permanently installed in the ground nor permanently affixed to a building or structure which is permanently installed in the ground.

*Sign, vehicle or trailer.* Any sign attached to or displayed on a vehicle, if the vehicle or trailer is used for the primary purpose of advertising a business establishment, product, service, or activity. Any such vehicle or trailer shall, without limitation, be considered to be used for the primary purpose of advertising if it fails to display current license plates, inspection sticker, or municipal decal, if the vehicle is inoperable, if evidence of paid-to-date local taxes cannot be made available, or if the sign alters the standard design of such vehicle or trailer.

~~*Sign, wall.* Any sign erected or painted on a building, visible from the exterior, no part of which is more than six (6) inches from the surface of the building on which it is erected and which is confined within the limits of an outside wall. Such sign may be illuminated flat vertical surface of a structure.~~

~~*Sign, window.* Any sign used to advertise the sale of goods and merchandise, services or a business located on premises. Window signs shall be affixed to the interior side of a window. Any sign visible outside the window and attached to, or in front of, or behind the surface of a window or door.~~

## ARTICLE VIII. - SIGNS

### Sec. 28-121. - Purpose and intent.

~~The purpose and intent of this article is to promote the public health, safety, convenience, and general welfare through the establishment of standards for the placement, erection, use and maintenance of signs in Stafford County in order to minimize the adverse secondary effects that accompany the unregulated display of signs; preserve the character of residential neighborhoods; avoid the appearance of clutter; protect property values; reduce traffic hazards caused by visual distractions to motorists and/or the impairment of motorists sight lines; enhance the appearance and aesthetic environment of the county and ensure that the county remains an attractive place to live and work.~~

- (1) Signs obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation. The purpose of this article is to regulate the size, color, illumination, movement, materials, location, height and

condition of all signs placed on private property for exterior observation, thus ensuring the protection of property values, the character of the various neighborhoods, the creation of a convenient, attractive and harmonious community, protection against destruction of or encroachment upon historic areas, and the safety and welfare of pedestrians and wheeled traffic, while providing convenience to citizens and encouraging economic development. This article allows adequate communication through signage while encouraging aesthetic quality in the design, location, size and purpose of all signs. This article shall be interpreted in a manner consistent with the First Amendment guarantee of free speech. If any provision of this article is found by a court of competent jurisdiction to be invalid, such finding shall not affect the validity of other provisions of this article which can be given effect without the invalid provision.

- (2) Signs not expressly permitted as being allowed by right or by conditional use permit under this article, by specific requirements in another portion of this chapter, or otherwise expressly allowed by the Board of Supervisors are forbidden.
- (3) A sign placed on land or on a building for the purpose of identification, protection or directing persons to a use conducted therein shall be deemed to be an integral but accessory and subordinate part of the principal use of land or building. Therefore, the intent of this article is to establish limitations on signs in order to ensure they are appropriate to the land, building, or use to which they are appurtenant and are adequate for their intended purpose while balancing the individual and community interests identified in subsection (a) of this section.
- (4) These regulations are intended to promote signs that are compatible with the use of the property to which they are appurtenant, landscape and architecture of surrounding buildings, are legible and appropriate to the activity to which they pertain, are not distracting to motorists, and are constructed and maintained in a structurally sound and attractive condition.
- (5) These regulations distinguish between portions of the County designed for primarily vehicular access and portions of the County designed for primarily pedestrian access.
- (6) These regulations do not regulate every form and instance of visual speech that may be displayed anywhere within the jurisdictional limits of the County. Rather, they are intended to regulate those forms and instances that are most likely to meaningfully affect one or more of the purposes set forth above.
- (7) These regulations do not entirely eliminate all of the harms that may be created by the installation and display of signs. Rather, they strike an appropriate balance that preserves ample channels of communication by means of visual display while still reducing and mitigating the extent of the harms caused by signs.

#### **Sec. 28-122. - Certain types prohibited in all districts.**

~~The following types of signs are prohibited in all zoning districts:~~

- ~~(1) Any sign which illuminates its image(s) and/or message(s) with lights that:
  - a. Are separate from, i.e., not included within or as part of, the image(s) and/or message(s) displayed; and~~

- ~~b. Continually, intermittently or regularly flash, blink, flicker, flutter or rotate (clockwise and/or counter clockwise) on an alternating cycle lasting fewer than five (5) seconds.~~
- ~~(2) Any lighting, either by exposed tubing or string of lights, either outlining any part of a building or affixed to any ornamental part thereof.~~
- ~~(3) Any sign that obscures or interferes with any sign displayed by public authority for the purpose of giving traffic instructions or direction or other public information.~~
- ~~(4) Any sign that uses the word "stop" or "danger" or otherwise presents or implies the need or requirement of stopping or caution of the existence of danger or which is a copy or imitation of, or which, for any reason, is likely to be confused with, any sign displayed by public authority.~~
- ~~(5) Any sign that obstructs any window, door, fire escape, stairway, ladder or opening intended to provide light, air, ingress or egress for any building, as required by law.~~
- ~~(6) Any sign that causes illumination, as measured from the nearest edge of the nearest street, highway or public road:~~
  - ~~a. Greater than 0.8 footcandles for signs located in commercial, office, business, industrial or planned development zoning districts; or~~
  - ~~b. Greater than 0.3 footcandles for signs located in residential or agricultural zoning districts.~~
  - ~~c. The illumination measurements contemplated herein shall be taken no sooner than two (2) hours after sunset and no later than two (2) hours before sunrise and from a height of not less than four (4) feet, nor more than five (5) feet above ground level and, as nearly as is practicable.~~
    - ~~1. At a forty five degree angle to each sign image and/or message, when such image and/or message is perpendicular to the nearest roadway edge, i.e., facing oncoming traffic; and~~
    - ~~2. At a ninety degree angle to each sign image and/or message, when such image and/or message is parallel to the nearest roadway edge, i.e., facing the roadway edge.~~
- ~~(7) Any sign that violates any provision of any law of the commonwealth or the United States Government relative to outdoor advertising.~~
- ~~(8) An EMC, as defined in section 28-25, having any image(s) and/or message(s) which continually, intermittently or regularly change, flash, blink, flicker, flutter or rotate (clockwise and/or counter clockwise) on any cycle lasting fewer than five (5) seconds.~~

- ~~(9) An EMC, as defined in section 28-25, which is located within five hundred (500) feet of any property having a historic designation.~~
- ~~(10) An EMC, as defined in section 28-25, having any image(s) and/or message(s) which contain(s) four (4) or more visible colors, including the background, within each image and/or message displayed, i.e., within each of the changeable copies, except when such sign's image and/or message is less than six (6) square feet in area.~~

~~Signs erected, authorized, owned and/or operated by local, state or federal governmental authorities for the purpose of providing emergency, traffic, safety or other information for the convenience of the public are excepted from the prohibitions contained in this section.~~

In addition to signs prohibited elsewhere in this Code or by applicable state or federal law, the following signs are prohibited:

(1) General prohibitions.

- a. Signs that violate any law of the Commonwealth relating to outdoor advertising.
- b. Signs attached to natural vegetation or rock land forms.
- c. Signs simulating, or which are likely to be confused with, a traffic control sign or any other sign displayed by a public authority. Any such sign is subject to immediate removal and disposal by an authorized county official as a nuisance.
- d. Vehicle or trailer signs.
- e. Freestanding signs more than thirty (30) feet in height unless otherwise permitted by this chapter.
- f. Signs hanging from supports, except where the supports are anchored to a part of a building.
- g. Any sign displayed without complying with all applicable regulations of this chapter.
- h. Any feather sign.
- i. Any sign comprised of a balloon or other inflatable devices including devices that use forced air to stimulate movement of fabric or other materials.
- j. Any sign other than a public sign located within a public right-of-way without permission of the Board of Supervisors or the Virginia Department of Transportation.

(2) Prohibitions based on materials.

- a. Signs painted directly on a building, except where expressly permitted by this chapter.
- b. Electronic message center signs. This subsection does not apply to flags expressly permitted under this article or the changing of the message content no more often than once every five (5) seconds.
- c. Flashing signs or other signs displaying flashing, scrolling or intermittent lights or lights of changing degrees of intensity, except where such signs are expressly permitted within this article.
- d. Signs consisting of illuminated tubing, neon tubing or strings of lights outlining property lines or open sales areas, rooflines, doors, windows or wall edges of any building, except for temporary decorations not to exceed three months per year.
- e. Signs that emit smoke, flame, scent, mist, aerosol, liquid, or gas.
- f. Signs that emit sound.
- g. Strings of flags.
- h. Pole signs.
- i. Any sign, other than a temporary sign, constructed of cloth, canvas, vinyl, paper, cardboard, plywood, fabric, other lightweight material not well suited to provide a durable substrate or, if made of some other material, is neither permanently installed in the ground nor permanently affixed to a building or structure which is permanently installed in the ground.
- j. Any temporary sign constructed of cloth, canvas, vinyl, paper, cardboard, fabric, other lightweight material not well suited to provide a durable substrate.

(3) Prohibitions based on location.

- a. Off-premises signs, unless specifically permitted by this chapter.
- b. Signs erected on public land other than those approved by an authorized County official in writing, required by law without such approval, or permitted under Virginia Code § 24.2-310 E. Any sign not so authorized is subject to immediate removal and disposal by any authorized official. Removal of the sign under this provision does not preclude prosecution of the person responsible for the sign.
- c. Signs on the roof surface or extending above the wall of a building or its parapet wall.
- d. Neon signs, except interior to windows.

- e. A sign that obstructs free or clear vision, or otherwise causes a safety hazard for vehicular, bicycle, or pedestrian traffic due to its location.
- f. Any wall sign that exceeds two hundred (200) square feet in area.
- g. Any window sign with an opaque area of more than twenty-five (25) percent of the window area.

**~~Sec. 28-123. Types permitted in A-1 districts.~~**

~~The following types of signs are permitted in A-1 districts:~~

- (1) ~~Business signs; provided that:~~
  - a. ~~No portion of a freestanding sign shall be greater than twenty (20) feet above ground level.~~
  - b. ~~No wall sign shall be greater in height than the roof line of the main building located on the premises.~~
  - c. ~~The aggregate area of freestanding, or projecting, or wall signs shall not exceed fifty (50) square feet.~~
  - d. ~~No more than one freestanding sign shall be located on any one road frontage of any lot or premises.~~
- (2) ~~Home occupation signs, provided that, the area of the sign shall not exceed four (4) square feet.~~
- (3) ~~Public signs.~~
- (4) ~~Subdivision signs.~~
- (5) ~~Temporary event signs, provided that the area of each sign shall not exceed sixty-four (64) square feet and, provided further, that no more than two (2) such signs shall be located on any lot or parcel of land.~~
- (6) ~~Model home signs, provided that:~~
  - a. ~~The maximum area of the sign shall not exceed thirty-two (32) square feet.~~
  - b. ~~No such sign shall extend more than six (6) feet in height above ground level.~~
  - c. ~~The sign shall only be located on the lot or parcel of land on which the model home, that is the subject of the image and/or message, is located.~~
  - d. ~~No more than one such sign shall be located on the lot or parcel of land.~~
  - e. ~~The sign shall be removed when use of the advertised home as a model home is discontinued.~~
- (7) ~~Temporary sale signs.~~
- (8) ~~Critical resource protection area (CRPA) signs.~~

- (9) ~~Sign, directional.~~
- (10) ~~Sign, off premises directional.~~
- (11) ~~Sign, place of worship.~~
- (12) ~~School signs, provided that:~~
  - a. ~~No portion of a freestanding monument sign shall be greater than eight (8) feet above ground level.~~
  - b. ~~No wall sign shall be greater in height than the roof line of the main building located on the premises.~~
  - c. ~~The aggregate area of freestanding, or projecting, or wall signs shall not exceed forty (40) square feet.~~
  - d. ~~No more than one freestanding sign shall be located on any one road frontage of any lot or premises.~~
  - e. ~~The school shall have a regular enrollment of at least fifty (50) students grades K-8 and shall be accredited by a Virginia Council for Private Education approved state recognized accrediting member.~~

**~~Sec. 28-124. Types permitted in A-2 districts.~~**

~~The following types of signs are permitted in A-2 districts:~~

- (1) ~~School signs; provided that:~~
  - a. ~~No portion of a freestanding monument sign shall be greater than eight (8) feet above ground level.~~
  - b. ~~No wall sign shall be greater in height than the roof line of the main building located on the premises.~~
  - c. ~~The aggregate area of freestanding, or projecting, or wall signs shall not exceed forty (40) square feet.~~
  - d. ~~No more than one freestanding sign shall be located on any one road frontage of any lot or premises.~~
  - e. ~~The school shall have a regular enrollment of at least fifty (50) students grades K-8 and shall be accredited by a Virginia Council for Private Education approved state recognized accrediting member.~~
- (2) ~~Home occupation signs; provided that, the maximum size shall be four (4) square feet.~~
- (3) ~~Public signs.~~
- (4) ~~Subdivision signs.~~



- ~~(5) — Temporary event signs, provided that the area of the sign shall not exceed four (4) square feet and, provided further, that no more than one such sign shall be located on any lot or parcel of land.~~
- ~~(6) — Model home signs, provided that:~~
  - ~~a. The area of the sign shall not exceed thirty two (32) square feet.~~
  - ~~b. No such sign shall extend more than six (6) feet in height above ground level.~~
  - ~~c. The sign shall only be located on the lot or parcel of land on which the model home, that is the subject of the image and/or message, is located.~~
  - ~~d. No more than one such sign shall be located on the lot or parcel of land.~~
  - ~~e. The sign shall be removed when use of the advertised home as a model home is discontinued.~~
- ~~(7) — Critical resource protection area (CRPA) signs.~~
- ~~(8) — Sign, directional.~~
- ~~(9) — Sign, off premises directional.~~
- ~~(10) — Business signs, provided that:~~
  - ~~a. No portion of a freestanding sign shall be greater than six (6) feet above ground level.~~
  - ~~b. No wall sign shall be greater in height than the roof line of the main building located on the premises.~~
  - ~~c. The aggregate area of freestanding, or projecting, or wall signs shall not exceed fifty (50) square feet.~~
  - ~~d. No more than one freestanding sign shall be located on any one road frontage of any lot or premises.~~
- ~~(11) — Sign, place of worship.~~
- ~~(12) — School signs, provided that:~~
  - ~~a. No portion of a freestanding monument sign shall be greater than eight (8) feet above ground level.~~
  - ~~b. No wall sign shall be greater in height than the roof line of the main building located on the premises.~~
  - ~~c. The aggregate area of freestanding, or projecting, or wall signs shall not exceed forty (40) square feet.~~
  - ~~d. No more than one freestanding sign shall be located on any one road frontage of any lot or premises.~~

- e. ~~The school shall have a regular enrollment of at least fifty (50) students grades K-8 and shall be accredited by a Virginia Council for Private Education approved state recognized accrediting member.~~

**Sec. 28-124.1. -- Types permitted in R-1 districts.**

The following types of signs are permitted in R-1 districts:

- (1) ~~Home occupation signs; provided that, the maximum size shall be four (4) square feet.~~
- (2) ~~Public signs.~~
- (3) ~~Subdivision signs.~~
- (4) ~~Temporary event signs, provided that the area of the sign shall not exceed four (4) square feet and, provided further, that no more than one such sign shall be located on any lot or parcel of land.~~
- (5) ~~Model home signs, provided that:~~
  - a. ~~The area of the sign shall not exceed thirty-two (32) square feet.~~
  - b. ~~No such sign shall extend more than six (6) feet in height above ground level.~~
  - c. ~~The sign shall only be located on the lot or parcel of land on which the model home, that is the subject of the image and/or message, is located.~~
  - d. ~~No more than one such sign shall be located on the lot or parcel of land.~~
  - e. ~~The sign shall be removed when use of the advertised home as a model home is discontinued.~~
- (6) ~~Critical resource protection area (CRPA) signs.~~
- (7) ~~Sign, place of worship.~~
- (8) ~~Business signs, provided that:~~
  - a. ~~No portion of a freestanding sign shall be greater than six (6) feet above ground level.~~
  - b. ~~No wall sign shall be greater in height than the roof line of the main building located on the premises.~~
  - c. ~~The aggregate area of freestanding, or projecting, or wall signs shall not exceed fifty (50) square feet.~~
  - d. ~~No more than one freestanding sign shall be located on any one road frontage of any lot or premises.~~
- (9) ~~Sign, directional.~~
- (10) ~~Sign, off premises directional~~

~~(11) — School signs, provided that:~~

- ~~a. No portion of a freestanding monument sign shall be greater than eight (8) feet above ground level.~~
- ~~b. No wall sign shall be greater in height than the roof line of the main building located on the premises.~~
- ~~c. The aggregate area of freestanding, or projecting, or wall signs shall not exceed forty (40) square feet.~~
- ~~d. No more than one freestanding sign shall be located on any one road frontage of any lot or premises.~~
- ~~e. The school shall have a regular enrollment of at least fifty (50) students grades K-8 and shall be accredited by a Virginia Council for Private Education approved state recognized accrediting member.~~

**~~Sec. 28-125. — Types permitted in R-2, R-3, and R-4 districts.~~**

~~The following types of signs are permitted in R-2, R-3 and R-4 districts:~~

~~(1) — Public signs.~~

~~(2) — Subdivision signs.~~

~~(3) — Temporary event signs, provided that the area of the sign shall not exceed four (4) square feet and, provided further, that no more than one such sign shall be located on any lot or parcel of land.~~

~~(4) — Model home signs, provided that:~~

- ~~a. The area of the sign shall not exceed thirty-two (32) square feet.~~
- ~~b. No such sign shall extend more than six (6) feet in height above ground level.~~
- ~~c. The sign shall only be located on the lot or parcel of land on which the model home, that is the subject of the image and/or message, is located.~~
- ~~d. No more than one such sign shall be located on the lot or parcel of land.~~
- ~~e. The sign shall be removed when use of the advertised home as a model home is discontinued.~~

~~(5) — Critical resource protection area (CRPA) sign.~~

~~(6) — Sign, place of worship.~~

~~(7) — Business signs, provided that:~~

- ~~a. No portion of a freestanding sign shall be greater than six (6) feet above ground level.~~

- ~~b. No wall sign shall be greater in height than the roof line of the main building located on the premises.~~
- ~~c. The aggregate area of freestanding, or projecting, or wall signs shall not exceed fifty (50) square feet.~~
- ~~d. No more than one freestanding sign shall be located on any one road frontage of any lot or premises.~~

~~(8) — Sign, directional.~~

~~(9) — Sign, off premises directional.~~

~~(10) — School signs, provided that:~~

- ~~a. No portion of a freestanding monument sign shall be greater than eight (8) feet above ground level.~~
- ~~b. No wall sign shall be greater in height than the roof line of the main building located on the premises.~~
- ~~c. The aggregate area of freestanding, or projecting, or wall signs shall not exceed forty (40) square feet.~~
- ~~d. No more than one freestanding sign shall be located on any one road frontage of any lot or premises.~~
- ~~e. The school shall have a regular enrollment of at least fifty (50) students grades K—8 and shall be accredited by a Virginia Council for Private Education approved state recognized accrediting member.~~

**~~Sec. 28-126. — Types permitted in B-1, B-2, M-1 and M-2 districts.~~**

~~The following types of signs are permitted in B-1, B-2, M-1, and M-2 districts:~~

~~(1) — Public signs.~~

~~(2) — Temporary event signs, provided that the area of the sign shall not exceed sixty-four (64) square feet and, provided further, that no more than two (2) such signs shall be located on any lot or parcel of land.~~

~~(3) — General advertising signs, provided that:~~

- ~~a. The area of the sign shall not exceed forty (40) square feet.~~
- ~~b. No such sign shall extend more than twenty (20) feet in height above ground level.~~
- ~~c. No such sign shall be located less than two hundred (200) feet from any other such sign on the same side of the same street, highway or public road.~~
- ~~d. No such sign shall be located in any front, rear or side yard.~~

~~(4) — Business signs:~~

~~a. Located within existing and proposed shopping centers, industrial parks and office parks, provided that:~~

~~1. The sign shall be a freestanding monument sign of the kind ordinarily used to identify the center or park, and:~~

~~i. The area of the sign shall not exceed one-quarter square foot for each linear foot of combined building frontage or street frontage, whichever is greater.~~

~~ii. No such sign shall extend more than thirty (30) feet in height above ground level.~~

~~iii. Only one freestanding sign shall be permitted unless the center or park fronts two (2) or more streets, highways or public roads, in which case one sign for each such frontage shall be permitted and; provided further, that the aggregate area of all signs shall not exceed the permissible area for one sign.~~

~~2. Each building may have wall signs on its front and side exterior walls, provided that:~~

~~i. The height of each such sign shall not extend more than five (5) feet above the wall to which it is attached.~~

~~ii. The aggregate area of all wall signs shall not exceed two (2) square feet for each linear foot of building frontage.~~

~~3. Each building may also have one wall sign on its rear exterior wall, provided that:~~

~~i. The height of the sign shall not extend more than five (5) feet above the wall to which it is attached.~~

~~ii. The area of the sign shall not exceed ten (10) square feet.~~

~~4. Each building may also have one under canopy sign, located at the front of the building; not to exceed six (6) square feet in sign area.~~

~~5. Signs for identifying proposed shopping centers, industrial parks and office parks shall be removed upon completion of the construction of the shopping center, industrial park and/or office park.~~

~~6. Each pad site, having street, highway or public road frontage, may have one freestanding monument sign, provided that:~~

~~i. The height of such sign shall not extend more than eight (8) feet above ground level.~~

- ~~ii. The area of such sign shall not exceed one square foot for each linear foot of building frontage.~~
  - ~~7. Each pad site, not having street, highway or public road frontage, may have one freestanding monument sign, provided that:~~
    - ~~i. The height of such sign shall not extend more than six (6) feet above ground level.~~
    - ~~ii. The area of such sign shall not exceed one half square foot for each linear foot of building frontage.~~
  - ~~b. Not located within existing and proposed shopping centers, industrial parks and office parks, provided that:~~
    - ~~1. The sign shall be a freestanding monument sign, and:~~
      - ~~i. The area of the sign shall not exceed one square foot for each linear foot of building frontage.~~
      - ~~ii. No such sign shall extend more than twelve (12) feet in height above ground level.~~
      - ~~iii. Only one freestanding sign shall be permitted unless the business fronts two (2) or more streets, highways or public roads, in which case one sign for each such frontage shall be permitted and; provided further, that the aggregate area of all signs shall not exceed the permissible area for one such sign.~~
    - ~~2. Each building may have wall signs on its front and side exterior walls, provided that:~~
      - ~~i. The height of each such sign shall not extend more than five (5) feet above the wall to which it is attached.~~
      - ~~ii. The aggregate area of all such signs shall not exceed two (2) square feet of sign area for each linear foot of building frontage.~~
- ~~(5) — Temporary sale signs.~~
- ~~(6) — Directional signs.~~
- ~~(7) — Window signs.~~
- ~~(8) — Critical resource protection area (CRPA) sign.~~
- Sec. 28-127. Types permitted in RC, SC, B-3 and LC districts.**
- ~~The following types of signs are permitted in RC, SC, B-3, and LC districts:~~
  - ~~(1) — Public signs.~~

~~(2) Temporary event signs, provided that the area of such signs shall not exceed sixty four (64) square feet and, provided further that no more than two (2) such signs shall be located on any lot or parcel of land.~~

~~(3) Business signs:~~

~~a. Located within existing and proposed convenience centers, shopping centers, and office parks, provided that:~~

~~1. The sign shall be a freestanding monument sign of the kind ordinarily used to identify the center or park, and:~~

~~i. The area of the sign shall not exceed one square foot for each linear foot of combined building frontage or street frontage, whichever is greater.~~

~~ii. No such sign shall extend more than twenty (20) feet in height above ground level.~~

~~iii. Only one freestanding sign shall be permitted unless the center or park fronts two (2) or more streets, highways or public roads, in which case one sign for each such frontage shall be permitted and, provided further, that the aggregate area of all signs shall not exceed the permissible area for one sign.~~

~~2. Each building may have wall signs on its front and side exterior walls, provided that:~~

~~i. The height of each such sign shall not extend more than five (5) feet above the wall to which it is attached.~~

~~ii. The aggregate area of all wall signs shall not exceed one square foot for each linear foot of building frontage.~~

~~3. Each building may also have one wall sign on its rear exterior wall, provided that:~~

~~i. The height of the sign shall not extend more than five (5) feet above the wall to which it is attached.~~

~~ii. The area of the sign shall not exceed ten (10) square feet.~~

~~4. Signs identifying proposed convenience centers, shopping centers and office parks shall be removed upon completion of the construction of the convenience center, shopping center, and/or office park.~~

~~5. Each pad site, having street, highway or public road frontage, may have one freestanding monument sign, provided that:~~

~~i. The height of such sign shall not extend more than eight (8) feet above ground level.~~



- ~~ii. The area of such sign shall not exceed one square foot for each linear foot of building frontage.~~
  - ~~6. Each pad site, not having street, highway or public road frontage, may have one freestanding monument sign, provided that:~~
    - ~~i. The height of such sign shall not extend more than six (6) feet above ground level.~~
    - ~~ii. The area of such sign shall not exceed one half square foot for each linear foot of building frontage.~~
  - ~~b. Not located within existing and proposed convenience centers, shopping centers and office parks, provided that:~~
    - ~~1. The sign shall be a freestanding monument sign, and:~~
      - ~~i. The area of the sign shall not exceed one square foot for each linear foot of building frontage.~~
      - ~~ii. No such sign shall extend more than twelve (12) feet in height above ground level.~~
      - ~~iii. Only one freestanding sign shall be permitted unless the business fronts two (2) or more streets, highways or public roads, in which case one sign for each such frontage shall be permitted and, provided further, that the aggregate area of all signs shall not exceed the permissible area for one such sign.~~
    - ~~2. Each building may have wall signs on its front and side exterior walls, provided that:~~
      - ~~i. The height of each such sign shall not extend more than five (5) feet above the wall to which it is attached.~~
      - ~~ii. The aggregate area of all wall signs shall not exceed one and one half square feet for each linear foot of building frontage.~~
- ~~(4) — Temporary sale sign.~~
- ~~(5) — Directional sign.~~
- ~~(6) — Window sign.~~
- ~~(7) — Subdivision sign.~~
- ~~(8) — Critical resource protection area (CRPA) sign.~~

**~~Sec. 28-128. -- Types permitted in PD-1 districts.~~**

~~Signs permitted in PD-1 districts shall be the same as those specified in section 28-125; provided, however, that business signs greater than thirty (30) square feet, may be permitted, with a special exception.~~

**~~Sec. 28-129. --Types permitted in PD-2 districts.~~**

- (a) The following types of signs are permitted in residential areas of a PD-2 district:
- ~~(1) Public signs.~~
  - ~~(2) Subdivision signs.~~
  - ~~(3) Temporary event signs, provided that the area of the sign shall not exceed four (4) square feet and, provided further, that no more than one such sign shall be located on any lot or parcel of land.~~
  - ~~(4) Model home signs, provided that:~~
    - ~~a. The area of the sign shall not exceed thirty two (32) square feet.~~
    - ~~b. No such sign shall extend more than six (6) feet in height above ground level.~~
    - ~~c. The sign shall only be located on the lot or parcel of land on which the model home that is the subject of the image and/or message is located.~~
    - ~~d. No more than one such sign shall be located on the lot or parcel of land.~~
    - ~~e. The sign shall be removed when use of the advertised home as a model home is discontinued.~~
  - ~~(5) Critical resource protection area (CRPA) sign.~~
- (b) ~~The following types of signs are permitted in commercial areas of a PD-2 district:~~
- ~~(1) Temporary event sign, provided that the area of the sign shall not exceed four (4) square feet and, provided further, that no more than one such sign shall be located on any lot or parcel of land.~~
  - ~~(2) Business signs.~~
    - ~~a. Located within existing and proposed shopping centers and office parks, provided that:~~
      - ~~1. The sign shall be a freestanding monument sign of the kind ordinarily used to identify the center or park, and:~~
        - ~~i. The area of the sign shall not exceed one quarter square foot for each linear foot of combined building frontage or street frontage, whichever is greater.~~
        - ~~ii. No such sign shall extend more than twenty (20) feet in height above ground level.~~
        - ~~iii. Only one freestanding sign shall be permitted unless the center or park fronts two (2) or more streets, highways or public roads, in which case one sign for each such frontage shall be~~

~~permitted and, provided further that the aggregate area of all signs shall not exceed the permissible area for one sign.~~

- ~~2. Each building may have wall signs on its front and side exterior walls, provided that:~~
  - ~~i. The height of each such sign shall not extend more than five (5) feet above the wall to which it is attached.~~
  - ~~ii. The aggregate area of all wall signs shall not exceed two (2) square feet for each linear foot of building frontage.~~
  - ~~iii. The area of each such wall sign shall not exceed one hundred (100) square feet.~~
- ~~3. Each building may also have one wall sign on its rear exterior wall, provided that:~~
  - ~~i. The height of the sign shall not extend more than five (5) feet above the wall to which it is attached.~~
  - ~~ii. The area of the sign shall not exceed ten (10) square feet.~~
- ~~4. Signs identifying proposed shopping centers and office parks shall be removed upon completion of the construction of the shopping center and/or office park.~~
- ~~5. Each pad site, having street, highway or public road frontage, may have one freestanding monument sign, provided that:~~
  - ~~i. The height of such sign shall not extend more than eight (8) feet above ground level.~~
  - ~~ii. The area of such sign shall not exceed one square foot for each linear foot of building frontage.~~
- ~~6. Each pad site not having street, highway or public road frontage may have one freestanding monument sign, provided that:~~
  - ~~i. The height of such sign shall not extend more than six (6) feet above ground level.~~
  - ~~ii. The area of such sign shall not exceed one half square foot for each linear foot of building frontage.~~
  - ~~b. Not located within existing and proposed shopping centers and office parks, provided that:~~
    - ~~1. The sign shall be a freestanding monument sign, and:~~
      - ~~i. The area of the sign shall not exceed one square foot for each linear foot of building frontage.~~

~~ii. No such sign shall extend more than twenty (20) feet in height above ground level.~~

~~iii. Only one freestanding sign shall be permitted unless the business fronts two (2) or more streets, highways or public roads, in which case one sign for each such frontage shall be permitted and, provided further that the aggregate area of all signs shall not exceed the permissible area for one such sign.~~

~~2. Each building may have wall signs on its front and side exterior walls, provided that:~~

~~i. The height of each such sign shall not extend more than five (5) feet above the wall to which it is attached.~~

~~ii. The aggregate area of all wall signs shall not exceed two (2) square feet for each linear foot of building frontage.~~

~~iii. The area of each such wall sign shall not exceed one hundred (100) square feet.~~

~~(3) — Critical resource protection area (CRPA) sign.~~

**Sec. 28-130. — Types permitted in HI districts.**

The following types of signs are permitted in HI districts:

~~(1) — Historic entrance sign.~~

~~(2) — Public sign.~~

~~(3) — Temporary event sign, including banners; provided that, the maximum height shall not exceed four (4) feet.~~

~~(4) — Directional sign.~~

**Sec. 28-131 28-123 - Permit to erect.**

~~No permanent or temporary event sign shall be erected without first obtaining a sign permit. Every application for a sign permit shall be accompanied by a set of plans showing the area of the sign, the size, the structure, character and design proposed, the method of illumination if any, the exact location of the sign, building frontage, road frontage and clear sight triangles. A fee as determined by the board of supervisors shall be paid for each sign permit. The largest face of a multiple face sign shall be computed to determine the square footage.~~

(1) In general. A sign permit is required prior to the display and erection of any sign except as provided in section 28-124 of this Article.

(2) Application for permit.

- a. An application for a sign permit shall be filed with the Department of Public Works on forms furnished by that department. The applicant shall provide sufficient information to determine if the proposed sign is permitted under the zoning ordinance and other applicable laws, regulations, and ordinances. An application for a temporary sign shall state the dates intended for the erection and removal of the sign.
  - b. The Building Official or designee with concurrence of the Zoning Administrator shall promptly process the sign permit application and approve the application, reject the application, or notify the applicant of deficiencies in the application within twenty (20) business days after receipt. Any application that complies with all provisions of this zoning ordinance, the building code, and other applicable laws, regulations, and ordinances shall be approved.
- (3) Rejection. If the application is rejected, the County shall provide a list of the reasons for the rejection in writing. An application shall be rejected for non-compliance with the terms of the zoning ordinance, building code, or other applicable law, regulation, or ordinance.
- (4) Permit fee. A nonrefundable fee as set forth in the uncodified fee schedule adopted by the Board of Supervisors shall accompany all sign permit applications.
- (5) Duration and revocation of permit. If a sign is not installed within six (6) months following the issuance of a sign permit (or within thirty (30) days in the case of a temporary sign permit), the permit shall be void. The permit for a temporary sign shall state its duration, not to exceed sixty (60) days unless another time is provided in the zoning ordinance. The County may revoke a sign permit under any of the following circumstances:
- a. The County determines that information in the application was materially false or misleading;
  - b. The sign as installed does not conform to the sign permit application; or
  - c. The sign violates the zoning ordinance, building code, or other applicable law, regulation, or ordinance.
- (6) Overlay district regulations. All signs in the Historic Overlay Districts (HOD) require approval of the Architectural Review Board (ARB) except when a sign permit is not required as provided in Section 28-124.
- (7) Conditional Use Permits. Comprehensive sign plans may be approved by conditional use permit. The comprehensive sign plan shall establish the time, manner, and placement of signs, frequency of message changes, the materials, the hours of lighting, the height of signs, the total number of square feet of sign surface, and the number of signs to be placed on a site.

**Sec. 28-132. -- Approval of internal illumination.**

~~Any internally illuminated sign must have a U.L. label or meet the minimum standards of the Uniform Statewide Building Code.~~

**Sec. 28-124. Permit not required.**

A sign permit is not required for:

- (1) Signs erected by a governmental body or those required by law.
- (2) The changing of messages on marquees, changeable copy signs, electronic message center signs, or an existing permitted sign.
- (3) Temporary signs as follows:
  - a Official notices or advertisements posted or displayed by or under the direction of any public or court officer in the performance of his official or directed duties; provided, that all such signs shall be removed no more than ten (10) days after their purpose has been accomplished.
  - b. Three (3) or fewer signs at any given time per lot, no more than thirty-two (32) square-feet in area per sign.
- (4) Pavement markings. Any sign applied directly and entirely to and flush with an asphalt, concrete, or similar paved surface.

**Sec. ~~28-133.~~ 28-125. - Exception from setback requirements.**

Except where specified elsewhere in this article, signs ~~Signs~~ shall be exempt from setback requirements in all districts; provided, however, that no sign shall be so located as to interfere with vehicular clear sight triangle distance at intersections or to create a safety hazard.

**Sec. ~~28-134.~~ - Traffic hazard.**

~~No sign shall be located or illuminated in such a manner as, in the opinion of the zoning administrator or his designee, to cause a traffic hazard. Where a permit is required, the permit shall not be issued until the location and illumination, if any, of the sign are approved by the Zoning Administrator or his designee, who may consult with the resident engineer of the Virginia Department of Transportation to assist in determining whether the sign would constitute a traffic hazard.~~

**Sec. ~~28-135~~ 28-126. - Clearance for projecting signs.**

No part of any sign projecting more than twelve (12) inches from any wall ~~or from any other support~~ shall be less than ten (10) feet above the level of the ground at that point. Signs projecting over vehicle traffic shall be not less than fourteen (14) feet above ground level.

**Sec. ~~28-136~~ 28-127. - Repair and removal of signs.**

Whenever the zoning administrator in concurrence with the Building Official, or his designee determines that a sign is structurally unsafe or endangers the safety of a structure, premises, or the public, or is erected or maintained in violation of the provisions of this chapter, the Zoning Administrator or his designee shall order the sign to be made safe or in compliance with this chapter, as the case may be, or to be removed. Such order shall be sent by registered mail, return receipt requested, and shall be complied with.

**~~Sec. 28-137. Types of signs permitted in P-TND Districts.~~**

~~(a) Monuments.~~

- ~~(1) Project or community identification signs may only be monument signs no larger than thirty (30) feet above finished grade.~~
- ~~(2) The signage area of the monument sign shall not exceed one quarter square foot for each linear foot of combined building frontage or street frontage, whichever is greater.~~
- ~~(3) Only one freestanding sign shall be permitted unless the center, park or project fronts on two (2) or more streets, highways or public roads, in which case one sign for each such frontage shall be permitted, but the aggregate area of all signs shall not exceed the permissible area for one sign.~~
- ~~(4) The lettering style for the monument sign shall be legible, simple and straightforward, with the size of letters scaled to pedestrian and vehicular sight lines from the street.~~
- ~~(5) Any illumination of monument signs must not exceed 1.0 f.c. (footcandle) at the property/right of way line. External lights fixtures for monument signs should be concealed or screened by landscaping and directed so that no glare impacts motorists.~~
- ~~(6) High pressure sodium vapor (yellow-orange) lighting is prohibited.~~

~~(b) Building signs Nonresidential.~~

- ~~(1) Within a project or community, each pad site having street, highway or public road frontage may have one freestanding, monument sign, provided that:~~
  - ~~a. The height of such sign shall not extend more than eight (8) feet above ground level;~~
  - ~~b. For a principal building, the height of such sign shall not extend more than thirty (30) feet above ground level; and~~
  - ~~c. The area of such sign shall not exceed one square foot for each linear foot of building frontage.~~
- ~~(2) Within a project or community, each pad site not having street, highway or public road frontage may have one freestanding monument sign, provided that:~~
  - ~~a. The height of such sign shall not extend more than six (6) feet above ground level;~~
  - ~~b. For a principal building, the height of such sign shall not extend more than thirty (30) feet above ground level; and~~



~~e. The area of such sign shall not exceed one-half square foot for each linear foot of building frontage.~~

~~(c) Tenant signs.~~

~~(1) The aggregate area of all wall signs shall not exceed two (2) square feet for each linear foot of building frontage.~~

~~(2) The height of each such sign shall not extend more than five (5) feet above the wall to which it is attached.~~

~~(3) One blade sign for each business not to exceed five (5) square feet, may be attached perpendicular to the facade and must have at least eight (8) feet of clearance between the bottom of the blade sign and the sidewalk and shall not project more than forty two (42) inches from the wall.~~

~~(4) One blade sign for each business not to exceed five (5) square feet, may be attached perpendicular to the facade and must have at least eight (8) feet of clearance between the bottom of the blade sign and the sidewalk and shall not project more than forty two (42) inches from the wall.~~

~~(d) Address signs. One address number no less than six (6) inches measured vertically shall be attached to the building in proximity to the principal entrance. Per section 28-145 of the zoning ordinance, the number shall be Arabic numerals only. Roman numerals or the spelling out of an address is prohibited.~~

~~(e) Directional signs.~~

~~(1) Directional signs shall be no higher than eight (8) feet measured from the base of the sign.~~

~~(2) Directional signs shall be clearly visible to vehicular traffic and located far enough from the nearest curb of an intersection to prevent visual interference of any street signs or traffic.~~

~~(f) Critical resource protection area (CRPA) sign.~~

~~(Ord. No. O07-39, 7-17-07; Ord. No. O08-02, 5-6-08; Ord. No. O08-56, 9-16-08; Ord. No. O11-14, 6-21-11; Ord. No. O15-24, 9-1-15)~~

~~Editor's note—See editor's note following § 28-130.~~

**~~Sec. 28-138. Types permitted in the RBC District.~~**

~~The following types of signs are permitted in the RBC District:~~

~~(1) Public signs.~~

~~(2) Temporary event signs, provided that the area of such signs shall not exceed sixty four (64) square feet and, provided further, that no more than two (2) such signs shall be located on any lot or parcel of land.~~

~~(3) Business signs:~~

~~a. Located within existing and proposed convenience centers, shopping centers and office parks, provided that:~~

~~1. The sign shall be a freestanding monument sign of the kind ordinarily used to identify the center or park, and:~~

~~i. The area of the sign shall not exceed one square foot for each linear foot of combined building frontage or street frontage, whichever is greater.~~

~~ii. No such sign shall extend more than twenty (20) feet in height above ground level.~~

~~iii. Only one freestanding sign shall be permitted unless the center or park fronts two (2) or more streets, highways or public roads, in which case one sign for each such frontage shall be permitted and, provided further, that the aggregate area of all signs shall not exceed the permissible area for one sign.~~

~~2. Each building may have wall signs on its front and side exterior walls, provided that:~~

~~i. The height of each such sign shall not extend more than five (5) feet above the wall to which it is attached.~~

~~ii. The aggregate area of all wall signs shall not exceed one square foot for each linear foot of building frontage.~~

~~3. Each building may also have one wall sign on its rear exterior wall, provided that:~~

~~i. The height of the sign shall not extend more than five (5) feet above the wall to which it is attached.~~

~~ii. The area of the sign shall not exceed ten (10) square feet.~~

~~4. Signs identifying proposed convenience centers, shopping centers and office parks shall be removed upon completion of the construction of the convenience center, shopping center, and/or office park.~~

~~5. Each pad site, having street, highway or public road frontage, may have one freestanding monument sign, provided that:~~

~~i. The height of such sign shall not extend more than eight (8) feet above ground level.~~

- ~~ii. The area of such sign shall not exceed one square foot for each linear foot of building frontage.~~
- ~~6. Each pad site not having street, highway or public road frontage may have one freestanding monument sign, provided that:~~
  - ~~i. The height of such sign shall not extend more than six (6) feet above ground level.~~
  - ~~ii. The area of such sign shall not exceed one half square foot for each linear foot of building frontage.~~
  - ~~b. Not located within existing and proposed convenience centers, shopping centers and office parks, provided that:~~
    - ~~1. The sign shall be a freestanding monument sign, and:~~
      - ~~i. The area of the sign shall not exceed one square foot for each linear foot of building frontage.~~
      - ~~ii. No such sign shall extend more than twelve (12) feet in height above ground level.~~
      - ~~iii. Only one freestanding sign shall be permitted unless the business fronts two (2) or more streets, highways or public roads, in which case one sign for each such frontage shall be permitted; and provided further, that the aggregate area of all signs shall not exceed the permissible area for one such sign.~~
    - ~~2. Each building may have wall signs on its front and side exterior walls, provided that~~
      - ~~i. The height of each such sign shall not extend more than five (5) feet above the wall to which it is attached.~~
      - ~~ii. The aggregate area of all wall signs shall not exceed one and one half (1½) square feet for each linear foot of building frontage.~~
- ~~(4) — Temporary sale signs.~~
- ~~(5) — Directional signs.~~
- ~~(6) — Window signs.~~
- ~~(7) — Subdivision signs.~~
- ~~(8) — Critical resource protection area (CRPA) signs.~~
- ~~(9) — Model home signs, provided that:~~
  - ~~a. The area of the sign shall not exceed thirty-two (32) square feet.~~
  - ~~b. No such sign shall extend more than six (6) feet in height above ground level.~~

- ~~e. The sign shall only be located on the lot or premises on which the model home that is the subject of the image and/or message is located.~~
- ~~d. No more than one such sign shall be located on any lot or parcel of land.~~
- ~~e. The sign shall be removed when use of the advertised home as a model home is discontinued.~~

**Sec. 28-128. – Types permitted in agricultural and residential districts (A-1, A-2, R-1, R-2, R-3, and R-4).**

- (a) Except as otherwise prohibited in this Article, the following signs are permitted as accessory to residential uses in residential districts. Changeable copy signs, electronic message signs and signs with moving parts are prohibited on residential properties in all agricultural and residential districts.

<b><u>TYPE</u></b>	<b><u>Temporary</u></b>	<b><u>Permanent</u></b>	<b><u>Off-premises</u></b>
<b><u>Maximum Size (each/total)</u></b>	<u>32 sf/96 sf</u>	<u>4 sf/4 sf</u>	<u>32 sf/64 sf</u>
<b><u>Illumination</u></b>	<u>None</u>	<u>0.3 foot candles</u>	<u>None</u>
<b><u>Setback</u></b>	<u>None</u>	<u>None</u>	<u>None</u>
<b><u>Maximum Height</u></b>	<u>8 ft.</u>	<u>4 ft.</u>	<u>6 ft.</u>
<b><u>Location</u></b>	<u>Freestanding, portable, wall, or window</u>	<u>Freestanding</u>	<u>Freestanding</u>
<b><u>Maximum Number</u></b>	<u>3</u>	<u>2</u>	<u>2</u>

- (b) Except as provided otherwise in this Article, the following signs are permitted as accessory to principal non-residential uses in agricultural and residential districts. Changeable copy signs, electronic message signs and signs with moving parts are prohibited as accessory uses for non-residential uses in all residential districts.

<b><u>TYPE</u></b>	<b><u>Freestanding</u></b>	<b><u>Wall signs</u></b>	<b><u>Temporary signs</u></b>
<b><u>Maximum Size (each / total)</u></b>	<u>25 sf/25 sf</u>	<u>25 sf/25 sf</u>	<u>32 sf/ 96 sf</u>
<b><u>Illumination</u></b>	<u>0.8 foot candles</u>	<u>0.8 foot candles</u>	<u>None</u>
<b><u>Setback</u></b>	<u>None</u>	<u>None</u>	<u>None</u>
<b><u>Maximum Height</u></b>	<u>20 ft.</u>	<u>20 ft.</u>	<u>8 ft.</u>

**Sec. 28-129. – Types permitted in commercial and office districts (B-1, B-2, B-3, RC, SC, and HI).**

- (a) Generally. Except as provided otherwise in this Article, the following signs are permitted as accessory uses in commercial and office districts.

<b><u>TYPE</u></b>	<b><u>Freestanding</u></b>	<b><u>Wall</u></b>	<b><u>Off-Premises</u></b>	<b><u>Temporary signs</u></b>
<b><u>Maximum Size (each/total)</u></b>	1 sf per 1 lf of building frontage/1 sf per 1 lf of building frontage	2 sf per 1 lf of building frontage not to exceed 200 sf/2sf per 1 lf of building frontage 70% allocation for front wall 30% allocation for remaining walls	40 sf/40 sf	32 sf/96 sf
<b><u>Maximum Number</u></b>	1 per parcel and 1 per public street frontage	4 on front wall or 1 per tenant 2 per remaining walls	1 per lot	3 per lot
<b><u>Illumination</u></b>	0.8 foot candles	0.8 foot candles	As permitted by law	None
<b><u>Setback</u></b>	None	None	None	None
<b><u>Maximum Height</u></b>	30 ft.	Top of the wall or parapet wall	20 ft.	8 ft.

**Sec. 28-130. – Types permitted in industrial districts (M-1 and M-2).**

Except as provided otherwise in this Article, the following signs are permitted as accessory uses in industrial districts. In addition, up to one minor sign per business is permitted as a wall sign.

<b><u>TYPE</u></b>	<b><u>Freestanding</u></b>	<b><u>Wall</u></b>	<b><u>Off-Premises</u></b>	<b><u>Temporary signs</u></b>
<b><u>Maximum Size (each/total)</u></b>	1 sf per 1 lf of building frontage/1 sf per 1 lf of building frontage	2 sf per 1 lf of building frontage not to exceed 200 sf/2 sf per 1 lf of building frontage 70% allocation for front wall 30% allocation for remaining walls	40 sf/40 sf	32 sf/96 sf
<b><u>Maximum Number</u></b>	1 per lot and 1 per public street frontage	4 on front wall or 1 per tenant 2 per remaining walls	1 per lot	3 per lot
<b><u>Illumination</u></b>	0.8 foot candles	0.8 foot candles	As permitted by law	None
<b><u>Setback</u></b>	None	None	None	None
<b><u>Maximum Height</u></b>	12 ft.	Top of the wall or parapet wall	20 ft.	8 ft.

**Sec. 28-131. – Types permitted in planned development and urban development districts (LC, PD-1, PD-2, PTND, RBC, RDA-1, and UD).**

- (a) Except as provided otherwise in this Article, the following signs are permitted as accessory uses associated with primary commercial and multi-family uses in planned development and urban development districts.

<b><u>TYPE</u></b>	<b><u>Freestanding</u></b>	<b><u>Wall</u></b>	<b><u>Temporary signs</u></b>
<b><u>Maximum Size (each/total)</u></b>	0.25 sf per 1 lf of building frontage/0.25 sf per 1 lf of building frontage	2 sf per 1 lf of building frontage not to exceed 100 sf./ 2 sf per 1 lf of building frontage 70% allocation for front wall 30% allocation for remaining walls	32 sf/96 sf
<b><u>Maximum Number</u></b>	1 per lot and 1 per public street frontage	4 on front wall or 1 per tenant 2 per remaining walls	3 per lot
<b><u>Illumination</u></b>	0.8 foot candles	0.8 foot candles	None
<b><u>Setback</u></b>	None	None	None
<b><u>Maximum Height</u></b>	20 ft.	Top of the wall or parapet wall	8 ft.

- (b) Except as otherwise prohibited in this Article, the following signs are permitted as accessory to residential uses in planned development and urban development districts. Changeable copy signs, electronic message signs, and signs with moving parts are prohibited on residential properties in all residential transect zones or districts.

<b><u>TYPE</u></b>	<b><u>Temporary</u></b>	<b><u>Freestanding and Wall</u></b>	<b><u>Off-premises</u></b>
<b><u>Maximum Size (each/total)</u></b>	32 sf/96 sf	4 sf/4 sf	32 sf/64 sf
<b><u>Illumination</u></b>	None	None	None
<b><u>Setback</u></b>	None	None	None
<b><u>Maximum Height</u></b>	8 ft.	4 ft.	6 ft.
<b><u>Location</u></b>	Freestanding, portable, wall, or window		Freestanding

**Sec. 28-273. - Nonconforming structures.**

- (a) A nonconforming building or structure, except for ~~general advertising off-premises~~ signs which are subject to Code of Virginia, § 33.2-1219, as amended, shall conform to current zoning regulations whenever the square footage of a building or structure is enlarged, or the building or structure is structurally

altered as provided in the Virginia Uniform Statewide Building Code. The owner of a single-family residential structure may enlarge or alter the structure including any proposed increase in square footage, provided that structure shall not further encroach into the nonconforming area except as provided in this section. Under all other situations, an applicant will be required to apply to the BZA for a variance; however, any building or structure may be altered to decrease its nonconformity without the requirement for a special exception or variance.

- (b) The owner of any building or structure, except for ~~general advertising off-premises~~ signs which are subject to Code of Virginia, § 33.2-1219, as amended, damaged or destroyed by a natural disaster or other act of God may repair, rebuild, or replace such building or structure to eliminate or reduce the nonconforming features to the extent possible, without the need to obtain a variance from the BZA. If such building or structure is damaged greater than fifty (50) percent and cannot be repaired, rebuilt or replaced to eliminate or reduce the nonconforming features, the owner may restore it to its original nonconforming condition as long as the building or structure is not repaired, rebuilt, or replaced in a manner which increases its nonconforming characteristic. The owner shall apply for a building permit and any work done to repair, rebuild or replace such building or structure shall be in compliance with the provisions of the Virginia Uniform Statewide Building Code, and any work done to repair, rebuild or replace such building or structure shall be in compliance with the provisions of the Flood Overlay district. Unless such building or structure is repaired, rebuilt or replaced within two (2) years of the date of the natural disaster or other act of God, such building shall only be repaired, rebuilt or replaced in accordance with the provisions of the zoning district in which it is located. However, if the nonconforming building or structure is in an area under a federal disaster declaration and the building has been damaged or destroyed as a direct result of conditions that gave rise to the declaration, then the owner shall have an additional two (2) years for the building to be repaired, rebuilt or replaced as otherwise provided in this subsection. For purposes of this section, "act of God" shall include any natural disaster or phenomena including a hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake or fire caused by lightning or wildfire. For purposes of this section, owners of property damaged by an accidental fire have the same rights to rebuild such property as if it were damaged by an act of God. Nothing herein shall be construed to enable the property owner to commit an arson under Code of Virginia, §§ 18.2-77 or 18.2-80, as amended, and obtain vested rights under this section. "Accidental means" shall not include any intentional act by the property owner to damage or destroy the building or structure.
- (c) If a nonconforming structure is moved for any reason, and for any distance, it shall thereafter, upon relocation, conform to the current regulations for the zoning district in which it is relocated.



- (d) Such buildings or structures, except for ~~general advertising off-premises~~ signs which are subject to Code of Virginia, § 33.2-1219, as amended, shall conform to such regulations whenever they are enlarged, extended, reconstructed or structurally altered.

**Sec. 28-277. - Abandoned Nonconforming signs.**

- (a) ~~A nonconforming sign shall be considered abandoned if the business for which the sign was erected has not been in operation for a period of more than two (2) years.~~
  - (b) ~~Upon notification by the county, an abandoned, nonconforming sign shall be removed by the owner of the property on which the sign is located within sixty (60) days of the date of the notification.~~
  - (c) ~~If the county, despite reasonable attempts, is unable to locate and/or notify the owner; or if the owner fails to remove an abandoned nonconforming sign within sixty (60) days of being notified, the county, through its agents or employees, may enter the property upon which the sign is located and remove said sign.~~
  - (d) ~~If the county removes an abandoned nonconforming sign pursuant to paragraph (c) above, the cost of such removal shall be chargeable to the owner of the property.~~
- 
- (a) Signs lawfully existing on the effective date of this chapter or prior ordinances, which do not conform to the provisions of this chapter, and signs which are accessory to a nonconforming use shall be deemed to be nonconforming signs and may remain except as qualified below. The burden of establishing nonconforming status of signs and of the physical characteristics/location of such signs shall be that of the owner of the property. Upon notice from the zoning administrator, a property owner shall submit verification that sign(s) were lawfully existing at time of erection. Failure to provide such verification shall be cause for order to remove sign(s) or bring sign(s) into compliance with the current ordinance.
  - (b) No nonconforming sign shall be enlarged nor shall any feature of a nonconforming sign, such as illumination, be increased.
  - (c) Nothing in this section shall be deemed to prevent keeping in good repair a nonconforming sign. Nonconforming signs shall not be extended or structurally reconstructed or altered in any manner, except a sign face may be changed so long as the new face is equal to or reduced in height and/or sign area.
  - (d) No nonconforming sign shall be moved for any distance on the same lot or to any other lot unless such change in location will make the sign conform in all respects to the provisions of this article.
  - (e) A nonconforming sign that is destroyed or damaged by any casualty to an extent not exceeding fifty (50) percent of its area may be restored within two (2) years after such destruction or damage but shall not be enlarged in any manner. If such sign is so destroyed or damaged to an extent exceeding fifty (50) percent, it shall not be reconstructed but may be replaced with a sign that is in full accordance with the provisions of this article.

- (f) A nonconforming sign which is changed to becoming conforming or is replaced by a conforming sign shall no longer be deemed nonconforming, and thereafter such sign shall be in accordance with the provisions of this article.
- (g) A nonconforming sign structure shall be subject to the removal provisions of section 28-127. In addition, a nonconforming sign structure shall be removed if the use to which it is accessory has not been in operation for a period of two years or more. Such structure sign shall be removed by the owner or lessee of the property. If the owner or lessee fails to remove the sign structure, the Zoning Administrator or designee shall give the owner fifteen (15) days' written notice to remove it. Upon failure to comply with this notice, the Zoning Administrator or designee may enter the property upon which the sign is located and remove any such sign or may initiate such action as may be necessary to gain compliance with this provision. The cost of such removal shall be chargeable to the owner of the property.

R16-277

BOARD OF SUPERVISORS  
COUNTY OF STAFFORD  
STAFFORD, VIRGINIA

RESOLUTION

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, George L. Gordon, Jr., Government Center, Stafford, Virginia, on the 7<sup>th</sup> day of September, 2016:

<u>MEMBERS:</u>	<u>VOTE:</u>
Robert "Bob" Thomas, Jr., Chairman	Yes
Laura A. Sellers, Vice Chairman	Yes
Meg Bohmke	Yes
Jack R. Cavalier	Yes
Wendy E. Maurer	Yes
Paul V. Milde, III	Yes
Gary F. Snellings	Yes

On motion of Mr. Milde, seconded by Ms. Sellers, which carried by a vote of 7 to 0, the following was adopted:

A RESOLUTION TO REFER TO THE PLANNING COMMISSION  
SUBSTANTIAL AMENDMENTS TO THE SIGN REGULATIONS  
CONTAINED IN STAFFORD COUNTY CODE CHAPTER 28

WHEREAS, in 2015 the United States Supreme Court ruling in *Reed v. Town of Gilbert Arizona* established new standards for sign regulations; and

WHEREAS, staff reviewed the county sign regulations and determined that changes were necessary in response to that Supreme Court ruling; and

WHEREAS, the Board desires to consider amending the sign regulations in the Stafford County Code to remove any content-based provisions pertaining to the regulation of signs; and


WHEREAS, the Board desires to send the proposed amendments, pursuant to Ordinance O16-21 to the Planning Commission for its review, recommendations, and a public hearing;

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NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 7<sup>th</sup> day of September, 2016, that proposed amendments to Stafford County Code Sec. 28-24, "Measurements;" Sec. 28-25, "Definitions of specific terms;" Sec. 28-121, "Purpose and intent;" Sec. 28-122, "Certain types prohibited in all districts;" Sec. 28-123, "Types permitted in A-1 districts;" Sec. 28-124, "Types permitted in A-2 districts;" Sec. 28-124.1, "Types permitted in R-1 districts;" Sec. 28-125, "Types permitted in R-2, R-3, and R-4 districts;" Sec. 28-126, "Types permitted in B-1, B-2, M-1, and M-2 districts;" Sec. 28-127, "Types permitted in RC, SC, B-3, and LC districts;" Sec. 28-128, "Types permitted in PD-1 districts;" Sec. 28-129, "Types permitted in PD-2 districts;" Sec. 28-130, "Types permitted in HI districts;" Sec. 28-131, "Permit to erect;" Sec. 28-132, "Approval of internal illumination;" Sec. 28-133, "Exception from setback requirements;" Sec. 28-134, "Traffic hazard;" Sec. 28-135, "Clearance for projecting signs;" Sec. 28-136, "Repair and removal of signs;" Sec. 28-137, "Types of signs permitted in P-TND districts;" Sec. 28-138, "Types permitted in the RBC districts;" Sec. 28-273, "Nonconforming structures;" and Sec. 28-277 "Abandoned nonconforming signs;" and proposed additions to Stafford County Code Sec. 28-124, "Permit not required;" Sec. 28-128, "Types permitted in agricultural and residential districts (A-1, A-2, R-1, R-2, R-3, R-4);" Sec. 28-129, Types permitted in commercial and office districts (B-1, B-2, B-3, RC, SC, HI);" Sec. 28-130, "Types permitted in industrial districts (M-1, M-2); and Sec. 28-131, "Types permitted in planned development and urban development districts (LC, PD-1, PD-2, P-TND, RBC, RDA-1, UD); all other provisions remaining unchanged; pursuant to proposed Ordinance O16-21, be and they hereby are referred to the Planning Commission for public hearing and its review and recommendations; and

BE IT FURTHER RESOLVED, that the Planning Commission shall make its recommendations within 60 days of adoption of this resolution.

A Copy, teste:

  
C. Douglas Barnes  
Interim County Administrator

CDB:JAH:swb

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2. Amendment to the Zoning Ordinance - Proposed Ordinance O16-21 would amend the Zoning Ordinance to remove content-based provisions pertaining to the regulations of signs and establish new County-wide comprehensive sign regulations. The new regulations would prescribe the area and height of signs and the material from which signs are made, define which signs are permanent or temporary, establish display time limits for temporary signs, and establish when a sign display permit is required. **(Time Limit: November 6, 2016)**

Mr. Harvey: Thank you Mr. Chairman. The next item will be presented by Susan Blackburn.

Mrs. Blackburn: Mr. Chairman, Planning Commissioners, the item on the agenda is to consider proposed amendments to the County Code, Article VIII, Signs, which is Section 28-121 through Section 28-140. And it is regarding the type of signs designated for certain use such as, but not limited to, subdivisions, shopping centers, churches, Critical Resource Protection Areas, schools, and political signs. Staff had been working on amendments to the sign ordinance by various requests from FABA and citizens who just thought it needed some tweaking and needed some changes. And during that time, the Supreme Court Case, *Reed v. Town of Gilbert Arizona* was heard and decided. And the decision was that signs cannot be regulated due to content. And that was such an eye opener, to say the least, that the Virginia Local Government Attorney's Association assisted the localities by drafting an ordinance that was to be in compliance with the Supreme Court decision. And the proposed ordinance before you is a version of... it was current County regulations taken from the attorney's draft ordinance and recommendations by the subcommittee which was Ms. Sellers and Mr. Milde. And the big changes from the Supreme Court decision was that a sign ordinance cannot regulate signs by the content. And this includes shopping center signs, place of worship signs, school, subdivision, home occupation, model home, Critical Resource Protection Area, anywhere that we had by this particular use, this was how the sign was going to be regulated was no longer permitted. And we had changes in the ordinance that... what you have before you... we've not designated them by a specific zoning district. We have lumped them residential districts, commercial districts, office, industrial, and planned development. And they are also designated as permanent or temporary. And we further define types of signs by adding more definitions so people knew what they were dealing with, and that was some of the recommendations from the attorney's ordinance. And we also prohibited material for permanent signs like cloth and canvas. Vinyl, paper, cardboard, and plywood is also included in the ordinance that you cannot use that for a permanent sign. And the potential process changes we have included are permits are not needed for temporary signs, permits are required for window signs, we are allowing electronic message signs in residential and agricultural districts only for non-residential uses, i.e., schools and churches, because they use them quite often. So, but they are non-residential use that ends up in our residential districts. So that was one way how we were able to address that. And we also are allowing deviation in size and height of signs if you permit a comprehensive sign package, and that needs to be approved by a conditional use permit.

Mr. English: Can I ask you one question?

Mrs. Blackburn: Yes sir.

Mr. English: You said permits required for window signs. Would that be if somebody had an open and closed sign and it's lighted, they have to have a permit for that? Or is that going in further?

Mrs. Blackburn: Well, we get into some other things. Flashing signs are not permitted. So, if it says open, it's not permitted. We were more thinking of the... mm-hmm; if it doesn't flash, that's a different story. Yes?

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Mr. English: What if it's LED and it's bright, and well there's a sign over here, I know right here at the cleaners, they've got electric sign that's LED and then it changes constantly in the window. So that wouldn't be permitted or they would be grandfathered?

Mrs. Blackburn: We would have to look at that and see exactly how it fits into all of this when this is finally adopted. It's going to be a learning experience for all of us. We have been very used to dealing with the conventional way sign ordinance have been permitted.

Mr. Apicella: I'm going to ask sort of the same question, which is, again, if somebody has an existing sign that's outside the new parameters, are they effectively grandfathered in as a non-conforming use? And to what extent would they have to go or could they make changes?

Mrs. Blackburn: I think legal can answer that.

Mr. Wisniewski: Mr. Chairman, if we wanted to get into the details of the non-conforming uses that relates to signs, I suggest that we go into closed session as it involves some fairly sensitive attorney-client privileged information.

Mr. English: I make a motion then.

Mr. Apicella: Okay, well we have some specific language. Do we have a copy of...? I'll tell you what, before we do that, can we allow... can we just finish the presentation?

Mr. Wisniewski: I have basic language for when she's done with her presentation.

Mrs. Blackburn: Okay. The subcommittee suggestions, as I said was Ms. Sellers and Mr. Milde, they wanted to set a uniform standard for temporary signs. And we have put that in the ordinance at a maximum of 32 square feet and 8 feet in height. And they also wanted to allow certain numbers of signs; and it would be up to 3 temporary signs per parcel at any one time for a maximum of 60 days twice a year. They are prohibiting... we are prohibiting signs painted on walls.

Mr. Boswell: Question.

Mrs. Blackburn: Yes sir?

Mr. Boswell: A commercial building can no longer paint anything on the side of the building, is that what you're... or on the front or wherever they might?

Mrs. Blackburn: If it is considered a sign. The new definition of a sign: any object, device, display, or structure, or part thereof, visible from a public place, a public right-of-way, any parking area, or right-of-way open to use by the general public, or any navigable body of water which is designed and used to attract attention to an institution, organization, business, product, service event, or location by any means involving words, letters, figures, designs, symbols, fixtures, logos, colors, illumination, or projected images. The term does not include public art, architectural elements incorporated into the style or function of a building, or flags of any nation, state, or other geo-political entity not related to a commercial business, product, or service. The term sign also does not include the display of merchandise for sale on the site of the display.

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Mr. Boswell: Okay. So, when you say public art, say for instance the Mexican restaurant on 610 that has a lot of artwork on the outside of it, they can paint as they wish as long as they don't... I guess my question would be can they put their name on there is what I'm asking.

Mrs. Blackburn: Well, the public art definition, items expressing creative skill or imagination in a visual form, such as painting or sculpture, which are intended to beautify or provide aesthetic influences to public areas. That would end up, again, we would have to look at it. We would have to run it through all these new regulations just to find out exactly how it fit in and what parameters we would use in things like that.

Mr. Apicella: So, just to be clear, when you say we have to look at it, the Zoning office would be looking at these?

Mrs. Blackburn: I'm sorry, yes, in conjunction with legal.

Mr. Apicella: Do we have enough staff to be able to police this?

Mr. Boswell: There's a lot of unknowns in this it seems like. I mean, you're saying it could be a case-by-case basis on a lot of things.

Mrs. Blackburn: Well, I think the unknown is more of our familiarity with the ordinance. I don't think that it's so unknown that the ordinance is weak. I think it's just making sure that we understand what the new rules are and being more familiar with them. Let's see, we were doing electronic message signs. We're going to limit the size of window signs such that the opaque portion of the sign cannot cover more than 25% of the window, and they will require permits. And allow up to 4 signs on the front of a building, and it will be up to 70% of allowable signage. Or, one sign on the front of a tenant space of a building, and up to 2 signs on each of the other walls, 30% of the remaining allowable signage. So, a building would be allowed to have 4 signs on the front for 70% of the signage allowed, and then up to 2 signs on each side of the building which would be the remaining 30%. And we have changed the method of calculating sign area and hopefully have made it easier. And staff does recommend approval. We have removed content based provisions, we've clarified the method of calculating sign area, we allow for deviations from sign size and heights in a comprehensive sign package approved by conditional use permit, we've consolidated sign regulations into four types -- but I think it's five types -- of zoning categories, we have rules for temporary signs, and we have specific requirements for permits and enforcement of regulations. And do we have any more questions?

Mr. Apicella: Questions for staff?

Mrs. Vanuch: (Inaudible - microphone not on).

Mrs. Blackburn: Mr. Harvey is more familiar with that.

Mr. Harvey: Commissioner Vanuch, other localities in Virginia have modified their ordinance. They're not necessarily the same as what we've come up with here.

Mr. Apicella: Mr. Coen?



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Mr. Coen: Just one quick question, back to where you said electrical signs are allowed for non-residential uses in agricultural district. But, so does that... well it says non-residential uses and you said schools and churches. But couldn't that be businesses as well?

Mrs. Blackburn: Yes. Any non-residential use that is in an agricultural or residential district would be allowed to have an electronic message sign.

Mrs. Vanuch: So... could I ask one more question?

Mr. Apicella: Mrs. Vanuch?

Mrs. Vanuch: So, what about like a horse farm who has like a sign that says boarding available, horse lessons, training? Even if it's A-1 and it's a business, could they then keep those signs and advertise in front?

Mrs. Blackburn: Potentially yes.

Mrs. Vanuch: Potentially.

Mr. Apicella: Other questions? Mr. Coen?

Mr. Coen: Yes, if...

Mr. Apicella: I've got some questions before we go into closed session.

Mr. Coen: I will be quiet.

Mr. Apicella: So, a couple of questions. This appears to go beyond just issues of content.

Mrs. Blackburn: Yes, yes.

Mr. Apicella: Okay. And so how are these specific changes that go beyond content established or proposed?

Mrs. Blackburn: They were primarily recommended by the subcommittee and also from recommendations from the attorney's draft document in just, you know, what really needs to be done with the sign ordinance. So, it was a combination really of all three of those. The condition from the Supreme Court and then...

Mr. Apicella: Oh, I can understand the Supreme Court. But from what I gather, the Supreme Court's decision affects content and this goes, again, beyond the scope of content. It's regulating where signs can be placed or not placed, and the size of those signs. So, that's what I'm trying to get at. So, when something is beyond just the scope of the Supreme Court's ruling, you've indicated that the attorney's group had some input. Did the attorney's group speak to those kinds of issues, beyond content sort of issues? I'm just trying to figure out where... I appreciate the work of the subcommittee; I'm just trying to get at, okay, so for example, the 70% (inaudible).

Mrs. Blackburn: The 70%... the percentages came from the subcommittee.

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Mr. Apicella: Okay.

Mrs. Blackburn: Okay. Part of what was presented in the attorney's document was to add more definitions, to eliminate the content base sign... content base sign regulation, to make sure you provide specific requirements for permits, specify which signs do not require permits, and one of theirs was to allow the deviations through a CUP process as opposed to a variance.

Mr. Apicella: So do we... so, for those changes in the proposed ordinance that go beyond content, and they even go beyond the specific things that you mentioned, what did the subcommittee use to inform the specific size, locations, and other non-content related provisions in the revised ordinance?

Mrs. Blackburn: Mr. Harvey handled most of these committee meetings.

Mr. Harvey: Mr. Chairman, for the most part when the ordinance was drafted, we looked at our current zoning classifications and the size. In other words, square footage allowance that the districts have. We tried to mirror that and roll it into this new draft. However, the issue about the percentage of sign area that can be on the front of the building and the remaining sides was, again, something that the committee discussed and felt... in their mind they felt that it was important. They wanted to make sure that the scale of the sign was in proportion to the size of the building. And they felt by having a 70/30 split so to speak that that spoke more towards the sizes of the signs being in scale with the building. They also wanted to ensure that the front of the building where the people enter had higher prominence and more importance for signage.

Mr. Apicella: Thank you Mr. Harvey. Now, as I recall, we just approved a sign-related change. How were those changes incorporated into this draft?

Mrs. Blackburn: Well, we are allowing a larger percentage of signage on the rear of buildings with the, you know, the number of percentages. As far as the comparison between the two, I really don't know. I will have to get that information back to you.

Mr. Apicella: So, two more points of information that you can verify. The first thing is, there's a time limit here.

Mrs. Blackburn: Yes.

Mr. Apicella: And we would have to, based on the November 6 deadline, really makes this an issue we have to decide by the next meeting on October 26, is that correct?

Mrs. Blackburn: Yes sir.

Mr. Apicella: And the second thing is, the referral from the Board of Supervisors did not allow us to make any changes; so it's just an up or down vote on what's in front of us.

Mrs. Blackburn: Yes sir, you can make recommendations.

Mr. Apicella: Okay. Mr. Coen?

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Mr. Coen: Real quickly, before we go to... you go to public, did I read this correctly that you've all included political signs in this as well?

Mrs. Blackburn: Yes.

Mr. Coen: And they'll be classified as temporary.

Mrs. Blackburn: Yes sir.

Mr. Coen: And, correct me if I'm wrong... you can just say you're wrong... but basically signs for any political campaign can be up 60 days, either prior to the day or one or two days after the, say the primary or the general election. But then after that they have to be taken down or else there'll be a fine assessed.

Mrs. Blackburn: I violation can be noticed, yes.

Mr. Coen: Okay. And so, if you or, you know, Mr. Harvey was having a sign in his yard for Kanye West for President in 2020, he would not be allowed to put that in his yard because that would be in violation of the general election in 2020 because it's up 4 years early.

Mrs. Blackburn: He would be allowed to have a temporary sign.

Mr. Coen: Right, for 60 days then he has to take it down.

Mrs. Blackburn: Yes, for 60 days, yes.

Mr. Coen: Well, but is the wording 60 days before the election or just 60 days?

Mr. Harvey: No Mr. Coen, it does not reference election. It's 60 days and that pertains to all temporary signs, whether it's a coming soon sign or a sale, 30-day sale or something like that.

Mr. Coen: Right. But as far as politically, you're allowed to have it up 60 days and, in Virginia, since primaries are either in March for Presidential elections or June for, you know, local or whatever, and the November election, you would have to take down the signs between a primary and a general election for fear of having somebody issue some type of restriction there upon you.

Mrs. Blackburn: Yes sir.

Mr. Coen: Okay, thank you.

Mr. Apicella: Mr. English?

Mr. English: One question. Does that also include the signs that builders... up and down the road when there's an open house?

Mrs. Blackburn: Those would be considered temporary signs.

Mr. English: Temporary signs. Okay, thank you.

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Mr. Boswell: I want to ask another, too; it's probably already in there.

Mr. Apicella: Mr. Boswell?

Mr. Boswell: But what about the for sale signs for real estate? Was that addressed in there? You're going to put a sign in front of your house that it's for sale.

Mrs. Blackburn: It's a temporary sign.

Mr. Boswell: So, you can only have it up for 60 days?

Mrs. Blackburn: Oh, let's see.

Mrs. Vanuch: (Inaudible - microphone not on).

Mr. Boswell: That's what I'm saying.

Mr. Apicella: Sixty-one days it's out of there.

Mr. Boswell: Right.

Mr. Coen: Well then you take it down a day and you put it back up the next day.

Mr. Boswell: I thought that was addressed in there that you can only do it, what, twice a year or something?

Mr. Harvey: Two 60-day periods for a year.

Mr. Boswell: Right, right. And I can tell you some houses have been on the market for a long time. Alright.

Mr. Apicella: So, it seems to me, Mrs. Blackburn, that the biggest constituency, aside from a homeowner who might want to put a for sale sign, is the business community. I'm curious what kind of outreach there was with the business community and what, if any, input was derived from those outreach sessions.

Mr. Harvey: Mr. Chairman, there was no specific invitation to business community members. It's all been discussed in open public meetings to this point.

Mr. Apicella: So, the only way that the business community or anybody who is a potential stakeholder impacted by these changes is just by the advertisement in the paper that the sign ordinance was up for...?

Mr. Harvey: That and meeting agendas that are posted online.

Mr. Apicella: Okay, any further questions for staff? Mr. Coen? Oh, sorry. We're going to go ahead and move to open the public hearing on this matter. Thank you Mrs. Blackburn. This is an opportunity for the public to comment. Please direct your comments to the Planning Commission as a whole, not to any specific member. You have up to 3 minutes to speak. Please state your name and address when the green

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light comes on. The yellow light indicates you have 1 minute left, and the red light means you need to quickly wrap up your comments. If anyone's interested in coming forward, please do so now.

Mr. Miller: Good evening, my name is Bruce Miller. I'm representing Stafford American Legion Post 290 tonight at this meeting. I'm a little nervous so I'll try to slow down and get my points in. We are building a new building on Mountain View Road, most of you know, many of you know. And part of our building plans is to incorporate signage into our new building. One of the suggestions is that we want to do a changeable LED type sign and I don't know what the new ordinance proposes as far as limitations and sign are height, display intensity, and that is a concern for us. Also, we would like to have a sign on the building and we don't know what the regulations are going to allow for that. So I'd like to see that. The devils are always in the details and I just haven't seen any details. So that's all I have.

Mr. Apicella: Thank you sir.

Mr. Miller: Thank you.

Mr. Apicella: Anyone else? Okay, is there any interest in keeping the public hearing open on this item?

Mr. English: Yeah, I would.

Mr. Apicella: Yes, okay. So, I won't close the public hearing, but is there anything that you want to offer up Mr. Coen?

Mr. Coen: Yes sir. I would like to make a motion for a closed meeting to consult with counsel to discuss legal advice regarding issues related to item number 2, the sign ordinance, pursuant to Virginia Code 2.2-3711(a)(7) as such discussions may occur in close meeting.

Mrs. Vanuch: I'll second.

Mr. Apicella: Thank you Mr. Coen. It's been seconded by Mrs. Vanuch. Any further comments Mr. Coen?

Mr. Coen: No sir.

Mr. Apicella: Mrs. Vanuch? Anyone else? Okay, there's a motion to go into closed session. Cast your vote. You obviously have a special clicker. Okay, motion to go into closed session passes 7-0. We'll return as soon as we're done with our closed session. Thank you.

*CLOSED SESSION: 7:17 - 7:44*

Mr. Apicella: I call this meeting back into session. Mr. Coen?

Mr. Coen: Yes sir. I make a motion to certify that discussions held in closed meeting only pertained to legal advice pursuant to Virginia Code Section 2.2-3711(a)(7).

Mr. Apicella: Is there a second?

Mr. English: Second.

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Mr. Apicella: Okay. Any further comments Mr. Coen?

Mr. Coen: No sir.

Mr. Apicella: Mr. English?

Mr. English: No sir.

Mr. Apicella: Anyone else? Okay, please cast your vote. Okay, motion approved. I'll just point out that for the moment, the public hearing is still open so I'm going to ask the Commission its will.

Mr. English: On the public hearing?

Mr. Apicella: Well, first we have to decide what we're doing about the public hearing.

Mr. English: Okay, I make a motion that we keep the public hearing open on the proposed Ordinance O16-21.

Mr. Boswell: Second.

Mr. Apicella: Okay. I'm not sure that we need to take a motion... do we need to take a motion?

Mr. Wisniewski: To close the public hearing.

Mr. English: To keep it open.

Mr. Wisniewski: Oh, to keep it open?

Mr. Apicella: Right.

Mr. Wisniewski: If you're deferring...

Mr. Apicella: We haven't gotten there yet. For the moment, we're just keeping the public hearing open.

Mr. Wisniewski: I don't think it's necessary to make a motion, as long as it hasn't been closed.

Mr. Apicella: Okay. So, just to clarify, we're going to keep the public hearing open. What action would the Board like to take... the Commission like to take on this matter?

Mr. English: I make a motion that we defer to our next meeting on proposed Ordinance O16-21.

Mr. Boswell: Second.

Mr. Apicella: To October 26?

Mr. English: October 26.

Mr. Apicella: Okay, thanks for the clarification Mr. English. Did you second that Mr. Boswell?

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Mr. Boswell: Yes.

Mr. Apicella: Any further comment Mr. English?

Mr. English: No sir.

Mr. Apicella: Any further comment Mr. Boswell?

Mr. Boswell: No.

Mr. Apicella: Anyone else? I would just say that there are potentially some issues here that the Commission is concerned about. And I think it would be helpful if the Commission got a side-by-side comparison of the current ordinance as it exists today and immediately on the right-hand side the same language that is commensurate with the language on the left-hand side. I don't know if I'm making sense. So we can see what's truly being changed and what's staying the same. Any other thoughts about what we might ask staff to provide to help us make a decision at the next meeting?

Mr. Coen: It might be helpful, Mr. Chairman, if we had sort of delineation of what elements were specifically related to the Supreme Court case and what really aren't related specifically to the Supreme Court case.

Mr. Apicella: So, you're saying content versus... I'm not sure what the other word would be but...

Mr. Coen: Right. Everything else.

Mr. Apicella: Everything else. Okay, any other suggestions for staff? Okay, so there's a motion to defer until the October 26 meeting. Please cast your vote. Okay, the motion to defer carries 7-0. Thank you Mrs. Blackburn.



2. Amendment to the Zoning Ordinance - Proposed Ordinance O16-21 would amend the Zoning Ordinance to remove content-based provisions pertaining to the regulations of signs and establish new County-wide comprehensive sign regulations. The new regulations would prescribe the area and height of signs and the material from which signs are made, define which signs are permanent or temporary, establish display time limits for temporary signs, and establish when a sign display permit is required. **(Time Limit: November 6, 2016) (History: October 12, 2016 Public Hearing Continued to October 26, 2016)**

Mr. Harvey: Thank you Mr. Chairman. The next item will be a discussion about amending our Zoning Ordinance specifically for signs. And Susan Blackburn will give the presentation.

Mrs. Blackburn: Mr. Chairman, members of the Commission, this is still a public hearing left over from October 12<sup>th</sup>, the last meeting. And to do a quick rundown just of kind of where we started, the sign ordinance had been in the process of being reworked. But there was a Supreme Court decision, Reed v. the Town of Gilbert Arizona, and the final outcome of that case was that signs cannot be regulated due to content. And the Virginia Local Government Attorney's Association developed an ordinance to help the localities try to maneuver through these new regulations. And the proposed Ordinance that we had presented to you all is a blended version of both that document and the current County regulations. And one of the issues was the sign ordinance cannot regulate signs by content. And we listed several of them, as they show here; shopping centers, schools, subdivisions, model homes. And the changes in the ordinance were not to be designated... signs were not to be designated by specific zoning districts, but by residential, commercial, office, industrial, or planned development. Signs were designated as permanent or temporary. And we further defined types of signs by adding more definitions and we discussed in the ordinance prohibitive material for permanent signs and gave a distinct list. Now, one of the items that you all had requested at the October 12<sup>th</sup> meeting after your discussion on the proposed changes, and you did have several concerns, and they were regarding the involvement of the business community in this process, how the two ordinances differed from size of signs, permits required; you also wanted to know regulations that were generated by the Court case and which regulations were not; and you instructed staff to provide a chart showing the comparison of the ordinances and also list the changes in the new regulations that were generated not by the Supreme Court case. This information was provided to you prior to the meeting so that you had a chance to read it and digest it and hopefully have comments and questions. And the items that were not determined by the Court case that we have in the ordinance are temporary sign regulations, no permit, there is a time limit, there is a number of signs, size... and the size of signs. Window signs, a permit is needed; no more than 25% of the window to be covered. Off premise signs, or what is also called general advertising signs, there is no setback, there is no distance between signs in the new ordinance, and they are expanded where they are allowed to be located. We clarified types of signs and materials that are prohibited, and restricted the use of changeable copy and EMC signs in agricultural and residential districts to be for non-residential uses. And any sign 2 square feet in area is no longer exempt from permit process unless temporary.

Mr. English: Mrs. Blackburn, I have a question for you. In reference to the temporary sign regulations, you say there's no time... I mean, there's a time limit; what's the time limit?

Mrs. Blackburn: The time limit is 60 days.

Mr. English: Sixty days, and who sets that time limit? Would you go out and say okay, you've got your signs up, and who keeps track of the time limit?

Mrs. Blackburn: The staff would have to keep track of the time limit.

Mr. English: So, if I... if you've got, hypothetically, you've got a hundred businesses in Stafford County that want to put a temporary sign up, I can't see where staff's going to have a hundred people to go around and checking that time limit. And you say that they would be cited, is that correct?

Mrs. Blackburn: We would develop a process for to validate when the signs were going up and how long they would be allowed to be there, and then when the signs would need to be taken down.

Mr. English: Okay, thank you.

Mrs. Blackburn: Yes.

Mr. Apicella: So, I kind of have a question about the sign temporary; I'm looking at the definition that's on page 8 of 37 of Attachment 1. It says, Sign, temporary; any sign intended to be displayed for a limited period, not to exceed 60 days in duration, for no more than two 60-day periods in a calendar year. It's neither permanently installed in the ground or permanently affixed to a building or structure which is permanently installed in the ground. My question is about any sign intended. Who makes the determination about whether a sign is intended to be displayed for a limited period or not?

Mrs. Blackburn: Well, if it were a permanent sign, it could not be... it would have a different type of construction because it goes... when you talk about the other types of signs in the ordinance; they have to be a monument type sign if they are a freestanding sign.

Mr. Apicella: I apologize; I'm not trying to be petty here. So, is anything that's not permanently installed therefore a temporary sign under this definition?

Mrs. Blackburn: Yes sir.

Mr. Apicella: Yes?

Mrs. Blackburn: Yes. Without getting into it in great detail, yes, that would be my first response.

Mr. Apicella: Okay.

Mr. Boswell: I have one.

Mr. Apicella: Mr. Boswell?

Mr. Boswell: On page 12, i. and j. talking about a temporary sign and the construction materials, it looks like... I'm confused. Can you put up a temporary sign constructed... it looks like you're saying you cannot use cloth, canvas, vinyl, paper, cardboard, fabric or other lightweight material under j. So, my question is, on these I call them vinyl signs -- I see a lot of the churches use them when they're having an event. Are they going to be allowed to continue to purchase one of those and put it up as a temporary sign?

Mrs. Blackburn: Yes. The sentence says any sign other than a temporary sign, and then it goes on to list constructed of cloth, canvas, and all of that fun stuff.

Mr. Boswell: But then j. seems to contradict...

Mrs. Blackburn: And then any temporary sign constructed of cloth, canvas, vinyl, paper, not well suited to provide a durable substrate.

Mr. Boswell: It seems to contradict itself, to me, is what I'm asking.

Mrs. Blackburn: Mr. Harvey, do you have any insight into that?

Mr. Harvey: Yes, and as we're discussing this and part of the code recommends is, in other words, something that's not temporary is going to have to be essentially made of wood or steel or durable plastic or something that's intended to last for a duration of time if it's going to be considered permanent. Whereas, any sign that's temporary, these things don't necessarily apply to it.

Mr. Boswell: So it's saying you can use that as a temporary sign?

Mrs. Blackburn: Yes.

Mr. Harvey: Yes.

Mr. Boswell: Okay. Alright, just making sure.

Mr. Apicella: I'm sorry, I need a follow-up in my logic trail here. So, again, if a sign is not permanently affixed to a building or structure, which is permanently installed in the ground, it is therefore a temporary sign and therefore those temporary signs that are not permanently meeting the definition of a permanent sign, they can only be displayed for 60 days up to a maximum of two 60-day periods.

Mrs. Blackburn: Yes sir.

Mr. Apicella: Okay, just wanted for clarification. Thank you.

Mr. Boswell: The section... I've got to go back again real quick. The section that I'm reading it under, it says prohibitions based on materials and then it's saying, I read that j. to read that it's prohibited if you use those materials, is the way that I read it in the section that it's in.

Mr. Harvey: Mr. Boswell, I see... I was looking at subsection i. versus subsection j.

Mr. Boswell: Right.

Mr. Harvey: So the temporary signs that would be prohibited are the ones of cloth, vinyl, paper, cardboard, fabric.

Mr. Boswell: So I'm reading it right, they are prohibited to use that material to put up a temporary sign?

Mr. Harvey: They are not; that would be prohibited.

Mr. Boswell: Say what?

Mr. Harvey: Those materials would be prohibited.

Mr. Boswell: Yeah, you can't use that stuff, that's what I'm saying.

Mr. Harvey: Correct. So, you could use plywood, other lightweight materials that are durable.

Mr. Boswell: So these, I call them vinyl banner signs. We see them up and down... I bet there's a hundred of them between here and the County line on both sides of the road if you want to go through and count them up. Several churches, they put two (inaudible); the winery, I know the Economic Development Department certainly supports the winery. I let the Potomac Point Winery put one up for 30 days every year on my property to promote an event that they have. So, if we do this, those types of signs aren't going to be allowed is the way I'm understanding it. I just want to make sure.

Mr. Harvey: That's correct.

Mr. Boswell: Okay.

Mr. Apicella: So, again, going along the same path, all the political signs that are currently sitting out throughout Stafford County are made of either... are they accepted? No. So, they're made out of cardboard or paper or vinyl or plastic; they would not be allowed.

Mr. Rhodes: (Inaudible - microphone not on).

Mr. Apicella: I just want to clarify that's the case.

Mrs. Vanuch: You just have to get the real flimsy plastic ones.

Mr. English: I've got a question.

Mr. Apicella: So, the only political signs that would therefore be allowed are going to have to be made out of what's under i.?

Mr. Harvey: It could be wood, it could be metal, it could be a hard plastic, it could be anything that's durable.

Mr. Apicella: Wow, Stafford's really raising the cost of having a political sign. Sorry, just to kind of work our way through it here.

Mr. English: My question is, the temporary sign regulation again, what about for sale signs that the realtors put? They've got to sell in 60 days and then they've got to pull those signs up too?

Mrs. Blackburn: The sign needs to be removed in 60 days.

Mr. English: After 60 days when you're selling your house.

Mrs. Vanuch: So then you'd have to take it away for what, a day, and then put it back for another 60 days? And if you don't sell within that period, sorry for your luck.

Mrs. Blackburn: You're allowed a temporary sign for two 60-day periods, yes.

Mrs. Vanuch: Okay.

Mr. Boswell: Some of these signs on property have been up for 8 to 10 years that haven't sold yet. I mean, it's just...

Mrs. Vanuch: The one on Shelton Shop by the mulch place.

Mr. Boswell: I mean, it's really... we're really getting into something here folks.

Mr. Apicella: Okay. Sorry Mrs. Blackburn, please proceed.

Mrs. Blackburn: And I have provided the comparison charts just listing what the existing sign standards are, what the new sign standards would be, for permanent signs and then for temporary signs. And if you have any questions about any of this, I (inaudible).

Mr. Apicella: So I do have a question, just as folks are looking at this, the two people who are watching this on TV, the X in the new sign standards. What does that mean?

Mrs. Blackburn: It was to state that that is going to be the same sign regulations all the way down. I put it as an X as yes, this is what it's going to be. And I probably did not clarify that very well.

Mr. Apicella: So, I'm looking at, for example, residential, I'm looking at subdivision where it's 60 square feet in area and 6 feet tall...

Mrs. Blackburn: The new requirements would be 25 square feet for a detached and 20 feet in height.

Mr. Apicella: So less than half of what's currently allowed.

Mrs. Blackburn: Right, and taller.

Mr. Apicella: Okay. Sorry, just again for clarification.

Mrs. Blackburn: Okay, yes.

Mrs. Vanuch: I have one question, can I ask?

Mr. Apicella: Mrs. Vanuch?

Mrs. Vanuch: I think I asked this last time; I just wanted to clarify for all the folks listening at home and in the audience today. So, for all the horse farms out there that have the vinyl signs hanging up on fencing that say lessons here or board your horse here, those would now not be allowed?

Mrs. Blackburn: They would be temporary signs.

Mrs. Vanuch: Temporary. But if they were made of the materials that Mr. Harvey said, they would be prohibited and that Mr. Boswell pointed out?

Mrs. Blackburn: Yes.

Mrs. Vanuch: They'd have to be hard plastic and cardboard or wood, right?

Mrs. Blackburn: Yes.

Mr. Harvey: Yes, the cardboard would not be permitted but it'd be hard plastic, wood, metal.

Mrs. Vanuch: Got it. And so, for example, right now let's say I had a farm and I wanted to advertise my farm name on my property. Would I be able to do that, put a sign up, a permanent sign even, in my yard to advertise my farm?

Mrs. Blackburn: To state the name of your farm?

Mrs. Vanuch: Yes.

Mrs. Blackburn: Yes.

Mrs. Vanuch: And now, if we change the sign ordinance, would I still be allowed to do that without restriction?

Mrs. Blackburn: You mean without restriction?

Mrs. Vanuch: Without restriction... like with this new... so I can do that now, but if this ordinance passes, would I still be able to do that the same way I can do it now?

Mrs. Blackburn: You would be allowed 25 square feet in area and 20 feet in height.

Mrs. Vanuch: And would I have to get a permit?

Mrs. Blackburn: Yes.

Mrs. Vanuch: Okay. And what's the permit fee?

Mrs. Blackburn: That I don't know. That varies with square footage.

Mrs. Vanuch: Okay.

Mr. Apicella: So, I apologize. So, going under the notion that these X's just mean that these provisions carry forward under each one of these categories, so I'm looking at... I'm looking at home occupation for example. Currently, the existing standard is 4 square feet... I'm trying to understand what the last part of this means; 3 signs, 32 square feet each...

Mrs. Blackburn: That would be if you did a temporary.

Mr. Apicella: So, in a home occupation, somebody could have a sign that's 32... so I'm looking at the contrary here, where I think you hear us kind of questioning some of these parameters that seem restrictive, on the other hand this seems very generous for someone who has a home business and folks driving by to see a sign 32 square feet in size. That's what we're allowing.

Mrs. Blackburn: For a temporary sign, yes sir.

Mr. Apicella: For 60 days.

Mrs. Blackburn: Yes.

Mr. Apicella: Is that... can you help me understand the logic there?

Mrs. Blackburn: In working on this sign ordinance and staff worked on it, the... making the transition in our thought process for signs that we have always designated basically per use. And historically, sign ordinance have done that on all jurisdictions. And now that this court case has stated we really can't do that, we can't do it by content. Then it is to try and make sure that a temporary sign that we are used to, as you have spoken, are real estate signs which are usually small, two square feet to 3 square feet. Maybe four, that is put out in front of a person's house. That is a temporary sign. And we also have a political signs that some people put up as 4 x 8s, and those are temporary signs. We can no longer make a distinction on the one used for real estate and the one used for political signs, particularly when it is on a residential piece of property. So that is where any recommendations that you have, we can take forward to the Board. As you know the decision does have to be made tonight. On... a decision on what you want to do with this... you know how you want to recommend or not recommend this ordinance, and then any recommendations that you want to make can go forward to the Board. But these were the kind of situations that we have run into.

Mr. Apicella: I get that.

Ms. Blackburn: Yes.

Mr. Apicella: And we talked about this at the last meeting...

Ms. Blackburn: Yes.

Mr. Apicella: ... and I certainly understand. I think we all understand and appreciate the content issue. I think we are looking at the size of the signs and so, on the one hand while you cannot have a real estate sign sitting out for more than 120 days, two 60 day periods.

Ms. Blackburn: Yes.

Mr. Apicella: You can have one that is 2 foot, 10 foot, 32 feet, that is huge. It seems crazy to me. So... I am just trying to look for the balance here and I guess I am having a hard time trying to grasp why it would make sense to have a 32 foot size sign for a home occupation or a real estate situation.

Ms. Blackburn: Can you add any insight into that Mr. Harvey?

Mr. Harvey: I will say that was a lot of the discussion debate with the staff as well as the Board Committee in how do you strike the right balance, since you have to categorize these all as similar signs. Because intuitively we know that in a residential setting a real estate sign is relatively small and is customary and usual and acceptable. But something that would be five times that size may not be. But for an election sign or a political sign, we are fairly accustomed to those large signs too. So where do you strike the middle ground?

Mr. Boswell: If you go down Route 1, there is a comparable. I believe, to that size on top of the hill at the subdivision in between the car dealer and the Catholic Church. Drees Homes has an Augustine sign that is... I have not stopped to measure it but it is definitely over 15 feet. It is an A sign at the entrance to that subdivision that is being built out. I imagine it will come down once all the houses are sold.

Mr. Apicella: But in theory, your neighbor could have a 32 foot sign sitting in their front yard...

Mr. Rhodes: No, 32 square feet.



Mr. Apicella: ... saying for sale for 120 days.

Mr. Boswell: Thirty-two square feet.

Mr. Apicella: Thirty-two square feet.

Mr. Rhodes: Mr. Chairman.

Mr. Apicella: Mr. Rhodes.

Mr. Rhodes: Just so I can make sure I understand. So, what I... if I could characterize what you said in the development of this recommendation, you looked at the various types of signs that you could not differentiate by the use, location or content and you found that probably more likely the largest you would find out of all those temporary signs is about a 4x8.

Ms. Blackburn: Yes sir.

Mr. Rhodes: Not that they all have to be 4x8...

Ms. Blackburn: Exactly.

Mr. Rhodes: ... but up to a 4x8.

Ms. Blackburn: Yes sir.

Mr. Rhodes: And so you defaulted to what would accommodate most of the types of signs that typically would have different sizes associated with and just aligned that in there.

Ms. Blackburn: Yes sir.

Mr. Rhodes: Yes, okay.

Mr. Harvey: Another option that we have talked about with staff, it was part of the draft that came from the Local Government Attorneys Association was we have a definition for a minor sign, it's 4 square feet or less. Currently in our definitions for signs in our current ordinance, anything less than 2 square feet is not a sign.

Ms. Blackburn: Exactly.

Mr. Harvey: We could say that minor signs are exempt from permits, if that was something that the Commission felt was important. But I am not sure that will capture all the real estate signs. It may capture the bulk of them, but that mean that people could put as many of those 4 square foot signs on their property that they would want to.

Mr. Apicella: The Supreme Court decision, I don't remember what the date was, affects all localities across the country, there are thousands of localities. Did we gather some good model sign ordinances from various counties, cities, even just neighboring counties and cities to see how they are addressing these issues?

Mr. Harvey: No sir, we went with the Virginia Local Government Attorneys Association model ordinance.

Mr. Apicella: Well there you go.

Ms. Bailey: I was just going to ask, did we check with other localities, such as the City of Fredericksburg and Alexandria? Because I believe that they have adopted their new sign ordinances and they do have a lot of exceptions by use that they retained. Did we look at that?

Ms. Blackburn: We did receive a copy of the Alexandria sign ordinance but got that today and I have not had a chance to go through it. As far as dealing with the one from the attorneys, it was... we knew that that would stand the test, as opposed to maybe not quite standing the test or anything like that. And I know Mr. Harvey went through all of that and tried to blend, along with staff's help, how we would hope that it would at least be a start for an ordinance for us.

Ms. Bailey: Right and I appreciate that, but it just doesn't come across as very feasible, unfortunately.

Mr. Apicella: Mr. Coen.

Mr. Coen: Yes, and I appreciate all the hard work staff had to do with trying to do this. But I am going to ask questions anyways. You mentioned an A sign, so if there's an A sign, is each one of those considered a separate sign? Or do you measure from one part of the sign to another part of the sign?

Ms. Blackburn: You would... oh let's see. It's a two face sign and you would be allowed to measure one side and they are included in the term portable signs.

Mr. Coen: Okay, thank you.

Ms. Blackburn: And that's in our definition.

Mr. Coen: Secondly, I guess we will go back to the political signs because that is more where I have a hot problem. But if your 8 foot tall or whatever, that doesn't include the post, that is just the actual sign? So I could put...

Ms. Blackburn: No that is from the ground.

Mr. Coen: From the ground, so if its hanging up from the ground by a foot or two so people actually can see it, that sign may have to be shorter than the normal sign. So I would have to order signs per... Okay. And then if I am reading this chart accurately, I think if I go straight across from political it says three signs, 32 square feet, each 8 foot tall etcetera.

Ms. Blackburn: Yes.

Mr. Coen: So if in my front yard I wanted to put 4 Jeff Harvey for President signs, I am not allowed to or I would have to get a permit? How does that sort of work?

Ms. Blackburn: This would allow you to have three temporary signs and the fourth one would be a permanent sign that either would have to be permitted or it would have to be removed.

Mr. Coen: Okay, thank you. Sorry Jeff. Oh, lastly, so if I am Harry Hockinsmock and I want to start a business, a haberdashery, and I am going to have to contact the county and figure out which signs are accepted and what aren't accepted and go through this chart and go through all that. It's sort of a softball question, but doesn't this put a larger burden on businesses? Because now I have got to go through this where before the sign ordinance was a little bit easier but now if I put it on this side of the building it's X and if I put it on this side of the building it's Y and if I put it in the ground... isn't it a little bit more odious on business than status quo?

Ms. Blackburn: For me, looking at this and having to reiterate that information to people, from compared to what we have now in the ordinance, I actually found it easier.

Mr. Coen: Okay.

Ms. Blackburn: There was no differentiation between a pad site in a shopping center, a free standing building, a pad site that has street frontage, a pad site that does not have street frontage, so in some ways it ended up being a little simpler.

Mr. Coen: Okay, thank you.

Ms. Bailey: Mr. Chairman, I have one more question.

Mr. Apicella: Ms. Bailey.

Ms. Bailey: With the ordinance, when it is implemented how will we go about letting all the business owners and home owners know about the new requirements? And then how will we go about making the existing signs that would reflect the new ordinance? What's the process for that? So if you have an existing sign that doesn't currently meet or it doesn't have... or a permit is not required, now possibly a permit may be required. There may even be a... they may even have to restructure their sign. What is the process for that?

Ms. Blackburn: As far as any existing structure or sign, anything like that, if an ordinance is changed the first thought is that it is just considered non-conforming. And in some instances that ends up getting to be somewhat complicated at sometimes, depending what the situation is. But that would be the first thought, would be that it just considered non-conforming. And then as within the non-conforming rules any changes to anything that is considered that does need to comply to the current regulations, whatever they are.

Mr. Apicella: Again, I apologize to cut you off. I think you probably have more to present.

Ms. Blackburn: As I stated a decision from the Commission needs to be made this evening. We will be more than happy to carry on any recommendations that you may have and we do recommend approval of proposed Ordinance O16-21. It does remove the content base provisions, it clarifies the methods of calculating sign area, it does allow for deviations from sign area in height in a comprehensive sign package and that can be approved by a conditional use permit. It consolidates sign regulation into four types of zoning categories. There are rules for temporary signs and specific requirements for permits and enforcement regulations. And any other questions? Or any...

Mr. Apicella: Any further questions for staff?

Ms. Blackburn: ... recommendations?

Mr. Apicella: Okay, thank you. I am now going to open the public hearing on this matter. This is an opportunity for the public to comment on this item, please direct your comments to the Planning Commission as a whole, not to any specific member. You have up to three minutes to speak. Please state your name and address when the green light comes on, the yellow light indicates you have one minute left. The red light means you need to quickly wrap up your comments, if anyone would like to come forward, please do so now.

Ms. Howell: My name is Cessie Howell and I have been involved in the Ferry Farm project for a long time. And I am just thrilled and I think the community will be thrilled when the boyhood home is completed and it's almost completed and this has been a lot of hard work on the foundation and the community is just really thrilled to have this. I feel that Ferry Farm is one of the key historic area in Stafford County, if not the key area. And it will be drawing a lot of visitors. It already has drawn a lot of visitors. I am looking at your sign ordinance and I ask you to consider an amendment to your ordinance and that is the 7-Eleven sign and the McDonalds sign. Those signs will be taken down because of the widening of the road which is needed on Ferry Road. And they will have to, as she said, reapply for their sign. And you have in Section 28-129, you have that the maximum height that they can go now, with this new ordinance, is 30 feet. And I wanted to ask if you would limit those two signs to 12 feet. And the reason is when the project is finished those people... what we are trying to do is make this an 18<sup>th</sup> Century look. When you enter that Ferry Farm area and you are at the house, and to look back and see a 30 foot sign or a 20 foot sign, it takes... it destroys the ambiance of what we are trying to do for a historic project. We are about just making those people that come, get the feeling that they are back in that area. We know we have Route 3, we know we have a lot of cars. We know we have a lot of noise, but the thought of those two 30 foot signs coming, I think destroys. Because that is exactly where the eye will go to the... when they look at Route 3. And so I am just asking you as a history lover and also Ferry Farm lover, if you would possibly consider limiting those two signs when they reapply to 12 feet. Thank you very much.

Mr. Apicella: Thank you. Anyone else?

Mr. Garner: Good evening Mr. Chair and members of the Planning Commission. I am Bill Garner, President of the George Washington Foundation. We are delighted to bring you a quick report, as you know the house is underway and we want to thank Cessie Howell for her leadership and the leadership of our trustees and our regents and your county government and the people of this community and our county staff. I wanted to report as well that not only is the Washington house underway, but we will have within the next two months, two more buildings underway on the site. This will be a maintenance and operations building and a utility building that will serve the main house at Ferry Farm. The mention of the project at the intersection is an important one. It's a partnership between the Commonwealth of Virginia, Stafford County and the George Washington Foundation. And many people are aware, but not all, that the good news is that intersection will have dedicated turn lanes on Route 3 east and west into Ferry Farm. Also, the County has worked very hard to design and certainly re-signaling an intersection is a lot more complicated than I realized. But one of the things that will happen as well in that intersection is sort of a decorative signal arm which will be in keeping with the historic spirit in nature of the entrance of that site. So as part of the VDOT project, as Mrs. Howell mentioned, signs and trees and other things will come down at the intersection as required for the work that will be implemented. But what we are asking for as she noted, is really a different standard with the height requirement adjacent to that HI. So that is the only Historic Interpretation zoning district in the county. And so we are asking for that special standard to be applied here. We are hopeful that will make some sense to you. A good many people have gone to a lot of trouble and have given their heads and their hearts to this project and a good many as well have donated from their own wallets and purses to support something that we know will be a world class

destination, right here in Stafford County. So the principal effort really is to transport our guest, friends and neighbors to the time of the Washington's as quickly as possible when they have come on the landscape. And as you know the McDonalds sign is across the street was designed to be sympatric to the Ferry Farm landscape. And so really we are asking that it go no taller than the 12 feet it presently is and then for consideration for the amendment, it would keep the 7-Eleven sign on opposite corner, about the same height. And those are two local businesses mostly known to local residents and not on the interstate. I think that we can find a good solution that will be workable and good for the business owners and good for the historic nature of the site. So that's the request that there be a different standard applied just to the two sign adjacent to that HI. We thank you very much for your consideration and your hard work.

Mr. Apicella: Thank you. Would anyone else like to come forward?

Ms. Callandar: Good evening, Alane Callandar. Unfortunately I am just now tuning in to this topic of the sign ordinance. And I suspect most people in the county, including the business community, is not aware of this ordinance being discussed tonight and voted on tonight. Hast makes waste and I think it is really sad if you have to vote on this tonight. I think it is premature to do so. And if you have to vote, I think you have to vote no. Just at getting a general concept of what's going on here, it seems the ordinance is way too cumbersome. It seems that someone like myself and obviously the Ferry Farm folks are interested in approving the aesthetics of the county and sign ordinance, if properly done, can improve the aesthetics. This, I think, what we have before us is sort of a hodge-podge. You really don't know what is going to happen to the county if this is passed. And I think there are various issues, such as freedom of speech issues. The differences between temporary signs and permanent signs are confusing. The topic of political signs, I think, needs a special consideration. My understanding is they are governed differently than regular business signs and so forth. In fact I was told that when Home Owners Associations say that you can't put up a political sign, that they really don't have the ground to stand on, on that topic, that at least during a certain time frame anyone can put a political sign in their yard. So these are all very complicated topics from what I have heard tonight and a little bit that I have read through of the ordinance, I don't think you should pass this. I think you need to almost handle this like a comp plan, where you have several sessions with citizens, businesses, organizations. Get input, do a real close look at every aspect. It's just premature tonight. I am sorry, I am sure there is something good in the ordinance, but I certainly could not support it this evening. Thank you.

Mr. Apicella: Thank you very much. Anyone else? Okay, seeing no one else I am going to close the public hearing and bring it back to the Commission. I do have a couple of additional questions.

Ms. Blackburn: Yes sir.

Mr. Apicella: Since the last meeting, what if any, outreach has been done to contact stake holders to kind of get a sense of what they think of the ordinance changes?

Ms. Blackburn: Mr. Harvey, have you had some conversations?

Mr. Harvey: Mr. Chairman, there's not been any outreach specific outreach on the part of staff. We have received commentary from a number of individuals, some of which are here tonight.

Mr. Apicella: Okay. Has there been any estimate conducted on the amount of staff time it will take to administer these new requirements?

Ms. Blackburn: No, I have not done that.

Mr. Apicella: But you would say it's going to take some additional staff?

Ms. Blackburn: Yes.

Mr. Apicella: Okay. Last question for you, why not a special exception verses a CUP for deviations? That's expensive and time consuming process, CUPs are verses a special exception.

Ms. Blackburn: Yes, well I think it was more or less a process that both the Planning Commission and the Board are very familiar with. It is to be a comprehensive sign package, and it was what we chose.

Mr. Apicella: And there's no graduated cost for CUPs, it's one price, right. What is that?

Ms. Blackburn: Yes, except if you were going to amend one. But your initial application yes, is one fee.

Mr. Apicella: And how much is that?

Ms. Blackburn: For businesses it's Ten thousand dollars plus.

Mr. Apicella: Okay, and what's the smallest deviation that would necessitate a CUP?

Mr. Harvey: Mr. Chairman under this proposal if there was anything that they wanted to deviate from the maximum size, maximum height, they could do that through a conditional use permit. It would require a comprehensive sign plan, so we would have to get diagrams and proposals for all the signage on that entire building or that entire site.

Mr. Apicella: So again, a rather costly undertaking...

Ms. Blackburn: Yes, yes.

Mr. Apicella: ... for a business for what could be a slight modification to...

Ms. Blackburn: Yes.

Mr. Apicella: ... the requirements. Any other questions for staff?

Ms. Vanuch: I had one question.

Mr. Apicella: Ms. Vanuch.

Ms. Vanuch: I just wanted to address Ms. Cessie Howell's point around the historic areas.

Ms. Blackburn: Yes ma'am.

Ms. Vanuch: I don't know if this is possible, but I just wanted to ask it. Is there a way, I know we can't do it in this particular ordinance because the Board did not give us the discretion to edit it. However, can we do some type of a recommendation or is it possible to add a historic section in here saying if you are X amount of feet or yards away from a historic area or if you located within a historic zone, you can't... then there is like a whole other restriction of height levels, to kind of go along with the scope of the land in the area.

Mr. Harvey: Yes Commissioner Vanuch, that could certainly be a recommendation from the Commission.

Ms. Vanuch: Okay.

Mr. Harvey: I have had some discussions with some of the folks in the County Attorney's office to that effect. If that recommendation is made to the Board and the Board's inclined to do that we would have to determine how to actually get there...

Ms. Vanuch: Yes.

Mr. Harvey: ... in the wording and then whether that requires a separate public hearing or could be rolled into this amendment.

Ms. Vanuch: Okay. And I just had one more comment, not necessarily a question. These particular ordinances, when they come to the Planning Commission, I agree, need to be broken out in maybe a sub-committee. I know there's lots of sub-committees that we have broken out on for much lesser changes than this massive sign ordinance. I realize that the Board broke out into a sub-committee but, when it comes to the Planning Commission, I certainly would like to have a little more time be able to divulge into these very specific details and solicit feedback from the residents and the business owners around the county so that they don't feel like we hastily did this and all of a sudden all of their signs are non-conforming and we are charging residents ten thousand dollars to put up a sign at their farm, which the sign won't even cost ten thousand dollars. So that is just the comment that I wanted to make.

Mr. Apicella: Anyone else for staff? Thank you. Okay, what's the will of the Commission.

Ms. Bailey: Mr. Chairman.

Mr. Apicella: Ms. Bailey.

Ms. Bailey: Yes, I would like to make a motion to deny the proposed ordinance for the zoning text amendment for the sign regulations.

Mr. Coen: Second.

Mr. Apicella: Okay, there is a motion to deny and it's been seconded. Any further comment Ms. Bailey?

Ms. Bailey: Yes Mr. Chairman. I appreciate the task at hand in revising the sign ordinance and I understand there is a lot of hard work that's been put into this thus far. But in its present form there is no way that I could support this for many, many reasons, but I think in particular it's just not business friendly and we are a business friendly county. In particular I just want to address the temporary signs of more than 60 days requiring a permit. And since this... a lot of the commentary has been in regards to real estate, I feel like I can address that pretty adequately. But the additional requirement for a property owner to get a permit to place a for sale sign on their property adds another twenty days to the process, not to mention the cost of their permit. Marketing properties, there are all different types of properties that need to be marketed, whether they are for sale, for rent, they could be commercial, they could be land, they could be farms. Depending on certain market conditions at the time, 60 days is hardly enough in even a really good market. Not to mention by the time you get a property under contract then you have to wait for it to get to settlement. The advertisement of signs in any business is still a very good market



trend for all of us to follow. It's not feasible to undertake this, I mean I can take a look at any given time, just in Stafford County where we could have anywhere from 300 to 800 properties on the market at a time. I can't even imagine how we would be able to manage the permit process for all of those properties. I mean it's just... you would have so many people out there in violation it just doesn't even make sense. So I don't even understand why it would be a part of this process. I do believe that we can take a look at the sign ordinance and I do suggest that we look at a way to be able to have exemptions based on use rather than content. The historic district too is very important. We've got several districts as well as historic properties that we need to take into consideration. We could add additional verbiage such as when we are talking about marketing of properties that it would be exempt so long as the property owner has given written consent and the authorization for a sign to be placed in their yard. There could be additional verbiage to work with that. The timeline of 60 days just does not work, even if you were to say a maximum of 120 days with the opportunity for an automatic extension for commercial properties, that is just not going to work. We've talked about on many different occasions about the many businesses that we have in the area that are vacant. A lot of commercial properties and office space tends to have, in some instances, a pretty high turn around or you may have a building that sits there that is only partially filled. I don't think we can restrict that property owner from trying to fill up their building. So those are just a few things that I wanted to make a comment on and I just think this is a step in the wrong direction rather than the right direction. Thank you.

Mr. Apicella: Thank you Ms. Bailey. Mr. Coen.

Mr. Coen: Yes to add to what Ms. Bailey very eloquently put, definitely this is not business friendly. It was brought up about the non-conforming, that would make existing businesses go through a hardship. The idea of a ten thousand dollar fee being charged to people because they need a CUP is alarming and costly to business. And if we are supposed to be a business friendly community, one would think you would not be adding an onerous burden to the business. It is going to be difficult to enforce, it either is going to take staff away from existing duties or we will have to hire additional staff, which will increase the budget. So I have concerns about that. I believe last meeting it was raised that there would be allowed to be electronic signs in the A-1 district and I just find that rather disconcerting because these are roads that are winding and narrow and you are going to put signs that flicker and people going to have their eyes taken away from the road. And I don't see the logic in that. The greatest element to this that I have a problem, and I agree with what was raised about trying... it doesn't take into account that we have historic districts and not just the wonderful Ferry Farm, which I agree with because that is my area, but also the beautiful... the latest I hear from the beautiful downtown Falmouth or up by Aquia by the Church. There's certain things that logic would say that we come up with zones and you would sort of want to have a policy that would take that into account. To me the greatest element of this is I firmly believe it's unconstitutional. That the biggest problem with this is putting up a sign is freedom of speech. The Supreme Court has ruled repeatedly, and maybe it's because that's my bailiwick and I have too many degrees in this, but that including in *Citizens United*, but other Supreme Court rulings that in action, so putting a yard sign in and if I wanted to put four for Mr. Harvey, that is freedom of speech. And this limits that and I am just going to quote from the concurring decision. The decision of Reed, which was unanimous, which is rather ironic for the Supreme Court, it's not a norm. But Justice Alito in his concurring opinion wrote "*While the ruling does not preclude Towns from regulating but it does stop them from restricting them in an unconstitutional manner*". And my greatest concern on this is that by limiting the signs for political purposes, if I wanted to put up a sign in my yard for Mr. Harvey for President in 2020 and I have it up for the primary I am going to have to take it down and then throw it back up. And if it's one of those big ones, somebody has to come out, dig up those big poles and then come back and do it. That is just problematic, it pits neighbor against neighbor if somebody really did not want Mr. Harvey to be President in 2020, that would purposely be calling up and then staff has to come out and ask him when did you put that sign in somebody's yard. And if I understood from staff, and I

have great empathy for staff on this, I really do. I feel for you. But you would have to say, okay when did not put it up? And then it's sort of your word verses the person and then the fine would go to the landowner. So put the sign up because I love Mr. Harvey, I get a fine because he has not come and taken his sign down. And to me it's just unworkable, it unconstitutional and it just is really a bad idea.

Mr. Apicella: Ms. Vanuch.

Ms. Vanuch: I was going to say before we vote I just wanted to offer up one suggestion that we amend the motion on the floor to also provide feedback to the Board that we would like to see a historic zone implementation in the new ordinance. You can wordsmith that Steven or Sherry.

Ms. Bailey: I don't have a problem with that.

Ms. Vanuch: Okay.

Mr. Apicella: Other Commissioners?

Mr. Rhodes: Yes Mr. Chairman.

Mr. Apicella: Mr. Rhodes.

Mr. Rhodes: If I could preface a quick question to Mr. Harvey. When this gets acted on, however it is acted on, when would the Board be advertising a hearing?

Mr. Harvey: Mr. Rhodes, it is not certain right now when the Board hearing would be.

Mr. Rhodes: I am sorry, that is a good point. What would the earliest be? I am just trying to figure out the calendar.

Mr. Harvey: The earliest would be, I believe, December 13<sup>th</sup>.

Mr. Rhodes: Okay, December 13<sup>th</sup>. Mr. Chairman, my comment would be that the last couple sub-committees have done some amazingly quick and thorough work. I would think that even while we act on this, however it goes forward, we might get a sub-committee or a group together to lock ourselves away for several hours and start prioritizing a list of issues to take before the them. Who knows how the Board will decide to act on this, but I think it would be good to have a very definitive input. We are still trying to wrap our heads around what this is and we don't have... we have a few thoughts that have come out, but I think it would be good to get a very deliberate listing and prioritization of the actions and issues that they ought to be considering if they hopefully defer or rework it, then they have got that in hand, if they choose to do a sub-committee in their route verses handing it down, however they might go. I think it would be good to have that on the record verses waiting to see if it might get referred back. That is it Mr. Chairman.

Mr. Apicella: Other Commissioners? First of all let me say Mr. Harvey, you have my vote if you run in 2020. We got, what I would say, a great letter from Kim McClellan yesterday afternoon. And I am going to ask my fellow Commissions indulgence because I think it is spot on. And while she is speaking for the Realtors Association, I think she is speaking for the business community in general, so please bear with me here. I am not going to read the whole letter; I am just going to paraphrase some of the points. So I am sure the letter was sent to all of us and it basically says the Fredericksburg Area Association of Realtors strongly opposes the proposed sign ordinance. I appreciate the county is considering the

Supreme Court ruling in *Reed v. Town of Gilbert* and needs to strike any content based regulation from the sign ordinance, but this ordinance in its current form is extremely onerous for the real estate industry and property owners. It would require a permit for any sign with an installed duration of longer than 60 days. In the real estate market, it is impossible to determine how long a property will take to sell. It will almost certainly take longer than 60 days. The permitting burden for the county could quickly become an overwhelming task requiring significantly more resources. Stafford prides itself on being a very business friendly locality and this ordinance goes against the business friendly nature of the county. Realtors must now track how long their sign has been up in Stafford County, and I would say anybody would have to track how long their sign has been up. Advise their client that they may have to pay for a sign permit and navigate the permitting process well before the 60 days expires so they can guarantee continuity in their advertising. Stafford is the only jurisdiction that I can find that is looking to require a permit for a temporary signs. The City of Fredericksburg will retain the vast majority of their exceptions based on use not content. The City of Alexandria has done the same thing. As long as a property is actively listed for sale or for rent it is considered an allowable sign in certain zoning districts. FAR strongly encourages Stafford to look at other use based sign ordinances that will eliminate the need for this onerous sign permit regulations. There is more to her letter but I am going to speak for myself now. I agree that this proposed ordinance is onerous. It is not business friendly; it's very restrictive and prescriptive especially as it relates to temporary signs. I think we really need to take our time, consult with stake holders and look at the sign ordinances from the many jurisdictions who are affected by this Supreme Court decision before acting on this. And unfortunately we are in a situation where time has run out, the referral was made on September 7<sup>th</sup>, we were given only 60 days from that date to make a decision on this sign ordinance. They gave us no ability to make any recommended changes. We do need to fix our sign ordinance, I think there is definitely some proliferation of signs in Stafford County and I in some ways call it sign litter. But I don't think we should be in the business of hurting our business community. I think we may be solving one problem or series of problems by creating other problems for ourselves. So with all due respect to the Board, I don't believe this is the right and best measure that we can come up with. We need to take our time; we need to get it right. I agree that we need to form a sub-committee, I am not sure that we are ready to do that at this point. I think that we need to ask the Board to allow us the time to set up a sub-committee because I think this is going to take a long time. And even if we had two months between now and the time this gets before the Board, I don't think we can get there from here. And part of that again is reaching out to other jurisdictions and seeing what they have put together in terms of their sign ordinance. I am not an expert here, but I certainly like to look at other ordinance before I decide what's best for Stafford County. So I think it's unobtainium at this point in time, between now and when the Board is probably going to act. So for the reasons that my colleagues have stated and the ones that I have stated as well as Ms. McClellan has artfully said in her letter, I am also going to support this motion to deny. Okay, the motion has been made. All those, cast your vote. Ms. Vanuch, Ms. Bailey. The motion to deny carries 7-0.

Mr. Rhodes: Mr. Chairman.

Mr. Apicella: Mr. Rhodes.

Mr. Rhodes: If I might just... if I could just follow on just a second. My suggestion was not to set up a sub-committee to write a new ordinance, my suggestion was to provide distinct feedback to the Board verses just the recommendation of denial going forward. I think if we, again I think if we lock down for about three hours we could write down a very thoughtful distinct feedback to them which would be impactful as they consider this forward verses just going forward with a few anecdotal comments in the process. That would have been the thought. Certainly if they had referred something forward then we could go forward with a deliberate effort and a full blown sub-committee to develop up a more thoughtful

draft ordinance and get public input and a broad cross section. But the thought there just to clarify was just to get some distinct feedback back for the Board.

Mr. Apicella: Thanks Mr. Rhodes.

DRAFT



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November 1, 2016

The Honorable Paul Milde  
Stafford County Board of Supervisors  
10 Potomac View Lane  
Stafford, VA 22554

Dear Supervisor Milde:

On behalf of the 1,500 members of the Fredericksburg Area Association of REALTORS® (FAAR), I am writing to express our strong opposition to the proposed sign ordinance that is being considered by Stafford County. The proposed ordinance is extremely onerous for the real estate industry and property owners.

In its current form, the ordinance would require a permit for any sign with an installed duration of longer than 60 days. In the real estate market, it is impossible to determine how long a property will take to sell and this short timeframe would virtually guarantee that hundreds of properties would require permitted signs for marketing purposes. In 2015, there were 2,189 sales in Stafford County and the average number of days on market, the time it takes from when a property enters the market until there is a ratified contract, was 71 days. Of those 2,189 properties that sold, 857 spent longer than 60 days on the market. Even if a ratified contract is received within 60 days, it takes weeks to secure financing and actually settle on the property, and that doesn't factor in any potential issues with the transaction. During the time when the property is under contract and a sale is pending, property owners need to continue marketing that property in the event that the sale falls through.

If the proposed sign ordinance were enacted as is, hundreds of property owners would have to navigate the County's permitting process and pay a fee to sell their personal property to remain compliant with the law. In September alone, there were 239 new listings on the market. The permitting burden for the County could quickly become overwhelming and the already lengthy wait of 20 days detailed in the proposed ordinance would most certainly increase dramatically.

For commercial properties, vacant land, and unique properties, the time required for marketing is substantially longer than 60 days. If a commercial sale involves entitlements, the time required to advertise will stretch out even further, essentially requiring every commercial property owner to secure a sign permit to remain compliant with the law.

Stafford prides itself on being a very business-friendly locality and this ordinance goes against the business-friendly nature of the County. Property owners who have always enjoyed the right to sell and advertise their property as they saw fit will now have to wait for approval from Stafford County before they can effectively market their properties. Realtors® throughout the region will have to track how long their sign has been up in Stafford County, advise their client that they may have to pay for a





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sign permit, and navigate the permitting process well before the 60 days expires so that they can guarantee continuity in their advertising.

FAAR has conducted extensive research on what other jurisdictions are doing to amend their sign ordinances and we believe there is a way for Stafford County to preserve its current exemption of real estate signs while also revising the sign ordinance to be content-neutral. FAAR recommends that Stafford County regulate signs based on the underlying use of the property instead of the words on the sign. The draft ordinance can be amended to allow an exemption for temporary signs on real property that is actively listed for sale or for lease.

This approach will allow Realtors® listing property for sale to operate as they normally have and preserve property owners' rights to effectively market their property. Specifically, FAAR recommends utilizing the following language with suggested edits in bold italics:

- In the definitions section, amend the definition of a temporary sign. The language would read as follows:
  - "Sign, temporary. Any sign intended to be displayed for a limited period, not to exceed (60) days in duration for no more than two (2) sixty (60) day periods in a calendar year, is neither permanently installed in the ground nor permanently affixed to a building or structure which is permanently installed in the ground, ***unless a different period is specified.***"
- In section 28-124-Permit not required, amend "(3) Temporary signs" as follows:
  - ***c. One sign or combination of signs with a total area of no more than ten (10) square feet in area on any property for sale or rent during the time the property is actively marketed and advertised for sale or actively marketed and advertised for rent.***

FAAR stands ready and willing to assist the County in reaching a workable solution that accomplishes the goals of the County while also addressing the concerns of the real estate community. Please direct any inquiries to FAAR Public Policy Director, Kim McClellan, at 540-373-7711 or [kmcclellan@faarmembers.com](mailto:kmcclellan@faarmembers.com). Thank you for your attention to this important matter.

Sincerely,

Christine Singhass  
President

CAS/km





# Memorandum

**To:** Jeff Harvey, Stafford County  
**CC:**  
**From:** Chris Hornung, P.E.  
**Date:** November 2, 2016  
**Re:** Draft Sign Regulations

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I have reviewed the Planning Commission memo of October 26, 2016 and have the following comments on the County's draft sign ordinance:

**28-24 (7)a.**

*Sign, height of.* The paragraph defines normal grade as the lower of "Existing grade prior to construction or the newly established grade after construction." In many cases, commercial sites in Stafford County require fill, as they are not at the same elevation as the adjacent roadway. Based on this definition, if a property is permitted to construct a 10' high sign, but the site required 5 feet of fill to bring it up to grade, then only a 5' high sign would be permitted. This makes no sense. The reference to existing grade should be eliminated. As a substitute, a paragraph could be added stating that any artificially berming or mounding for the sole purpose of elevating a sign shall be included in the sign height. I believe that is the intent of this paragraph.

**28-25. Definitions of specific terms.**

*Frontage, building.* In this definition, whether or not a wall is "an architecturally designed wall" is irrelevant and should be eliminated. I'm not even sure what that means.

*Frontage, building.* The building frontage definition is problematic from a commercial signage standpoint and will have the unintended consequence of altering site designs in order to maximize signage. For example, take a 25' wide x 100' deep commercial building with the 25' facing the primary roadway. If the entrance is on the narrow side of this building facing the primary roadway, the permissible signage is only 50 s.f. for the entire building (2 s.f. for every 1 s.f. of frontage). If the main entrance is along the side of the building, this side is considered the front and the use would be permitted 200 s.f. for the entire building. However, 70% of that signage must be on the front of the building, which in this example is actually the side that isn't facing the primary roadway. For starters, businesses should be permitted to put their signage on whatever side of the building is best for them to advertise their business, as long as it is within the maximum requirements. Second, the ordinance needs to be fair to businesses that may decide to put their main entrance on a narrower side of their building. This may be the safest and most logical option for all



involved, but if they get  $\frac{1}{4}$  the signage as a result, the sign ordinance will trump all other design considerations.

*Sign, electronic message center (EMC).* The phrase “with the image changing no less than every five (5) seconds.” Is misplaced in the first paragraph. Its location suggests that a sign that changes more frequently than every 5 seconds is therefore not an EMC. I suggest deleting this phrase in this location, and then modifying Paragraph **28-122 (2) Prohibitions based on materials** to state:

- b. Electronic message center signs with message content that changes more frequently than once every five (5) seconds.

**28-121. Purpose and intent.**

Candidly, I think the first sentence of this section should be deleted. It serves no purpose in the definition of intent, instead conveying the notion that the County first and foremost sees signs as a nuisance, not an important component of business activity. The balance of this section clearly states the intent of the signage provisions of the ordinance. The phrase “[Signs] displace alternative uses for land” makes little sense.

**28-123. Permit to erect**

(5). *Duration and revocation of permit.*

6 months is not enough time for a sign to be constructed in many instances. A retail building may submit its building plans and signage plans at the same time to make sure all are acceptable. The building could take 6-8 months to build, with the signage installed at the tail end of that period. Recommend a minimum of 12 months.

**Sec. 28-128. Types permitted in agricultural and residential districts.**

- (a) does this regulate residential entry signage? If so, 4 s.f. is insufficient.
- (b) Is the illumination foot candle requirement a minimum or a maximum?

**Sec. 28-129. Types permitted in commercial and office districts.**

- (a) See comment on building frontage above. The frontage definition combined with the wall sign requirements of 28-129 create significant challenges for development of commercial properties.

Is the 70% allocation for front wall a minimum or a maximum?

Need to clarify whether or not “1 sign per public street frontage” means a corner lot may have 2 freestanding signs. “1 per parcel” contradicts “1 per public street frontage.”

**Sec. 28-131. Types permitted in planned development and urban development districts.**

- (a) These districts all permit commercial development. Commercial development within RBC & PD districts should have the same permitted signage as commercial uses within commercial and office districts.
- (b) Residential uses within PD and RBC districts are only permitted 4 s.f. freestanding entry signs?

## BOARD OF SUPERVISORS

### Agenda Item



<b>Meeting Date:</b>	December 13, 2016
<b>Title:</b>	Consider Zoning Ordinance Text Amendments for Cemetery Regulations
<b>Department:</b>	Planning and Zoning
<b>Staff Contact:</b>	Jeffrey A. Harvey, Director
<b>Board Committee/ Other BACC:</b>	Community and Economic Development Committee, Planning Commission
<b>Staff Recommendation:</b>	Approval
<b>Fiscal Impact:</b>	N/A
<b>Time Sensitivity:</b>	N/A

**ATTACHMENTS:**

1.	Background Report	3.	Resolution R16-295
2.	Proposed Ordinance O16-39	4.	PC Minutes dtd 11/09/16

<b>Consent Agenda</b>		<b>Other Business</b>		<b>Unfinished Business</b>
<b>Discussion</b>		<b>Presentation</b>		<b>Work Session</b>
<b>New Business</b>	x	<b>Public Hearing</b>		<b>Add-On</b>

**REVIEW:**

X	Interim County Administrator	
X	County Attorney (legal review only)	

<b>DISTRICT:</b>	N/A
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## **BACKGROUND REPORT**

The Board of Supervisors is to consider amendments to the County Code by repealing Chapter 8, "Cemeteries," in its entirety, and amending Sec. 17-22, "Entering church or school property at night" and Sec. 28-39, "Special regulations," to move some cemetery provisions into more appropriate sections of the County Code, pursuant to Proposed Ordinance O16-39 (Attachment 2). The amendments would also provide additional standards and processes for the establishment of cemeteries, in accordance with Virginia Code Section 57-26.

### **BACKGROUND:**

The County Code addresses cemeteries in Chapters 8 (Cemeteries) and 28 (Zoning). Recently, questions have been raised about the process to establish a cemetery. Chapter 8 speaks to establishing perpetual care and endowment cemeteries. State Code provisions pertaining to those types of cemeteries were repealed. The local ordinances are out of compliance with the State Code. The State Code also specifies that establishment of cemeteries must comply with a locality's zoning ordinance. The Zoning Ordinance lacks necessary provisions specified by state law. Currently, the Zoning Ordinance only addresses the protection of existing cemeteries.

Additionally, concerns have been raised with regards to the location of cemeteries relative to drinking water wells. Health Department regulations require setbacks of 50 or 100 feet between any drinking water well and a cemetery. State Code also prohibits a cemetery from being established within 300 yards (900 feet) of any municipal water well. There is a desire to protect the surface water quality of County drinking water reservoirs from the potential negative effects of stormwater run-off and groundwater intrusion from cemeteries.

Proposed Ordinance O16-39 would repeal County Code Chapter 8 and move applicable regulations for cemeteries into Chapters 17 (Offenses—Miscellaneous) and 28 (Zoning). The bulk of the regulations would reside in the Zoning Ordinance. The amendment would specify that in order to establish a cemetery (a) there must be the consent of any property owner within 250 yards of the cemetery, unless separated by a public road; (b) the tract of land must be between 25 and 300 acres; (c) no burials are permitted within 900 feet of any private well used for drinking water; (d) no burials are located within 900 feet of property owned by the County that has a well, used as a public water supply; (e) no burials are located within 900 feet of a terminal reservoir or a perennial stream that drains to a terminal reservoir or within 900 feet of any private well used as a drinking water supply; (f) the Board shall approve the new cemetery pursuant to the adoption of an ordinance; and a site plan shall be required for establishment of a cemetery. Existing cemeteries and the burial of family members on private property are exempt from regulation under this Ordinance pursuant to state code. The nighttime criminal trespass provisions will move to County Code Chapter 17 and be incorporated with provisions pertaining to churches and schools.

The Board's Community and Economic Development committee considered the item at its meeting on September 7, 2016 and forwarded to the Board. At its meeting on September 20, 2016, the Board referred Proposed Ordinance O16-39 to the Planning Commission, pursuant to Resolution R16-295 (Attachment 3). The resolution allowed the Planning Commission to make modifications to the proposed Ordinance as it deemed appropriate or necessary. The Planning Commission reviewed the item at its meeting on September 28, 2016 and established a subcommittee to make modifications to the Ordinance. On November 9, 2016, the Planning Commission conducted a public hearing on the modified version of the Ordinance. The modifications from the original version referred by the Board include the following:

- Sec. 28-39 (o)(1)(a.)(3) – changed *300 yards* to *900 feet* for consistency
- Sec. 28-39 (o)(1)(b.) – changed reference of *burials* to *cemeteries*, and changed restriction of location of cemeteries from *100 feet* to *900 feet* from any private well
- Sec. 28-39 (o)(1)(d.) – added requirement for site plan submission
- Sec. 28-39 (o)(1)(e.) – added requirement for application process

RECOMMENDATION:

Staff recommends approval of Proposed Ordinance 016-39. At its meeting on November 9, 2016, the Planning Commission recommended approval 6-0 (Mr. English was absent).

O16-39

PROPOSED

BOARD OF SUPERVISORS  
COUNTY OF STAFFORD  
STAFFORD, VIRGINIA

ORDINANCE

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, George L. Gordon, Jr., Government Center, Stafford, Virginia, on the 13<sup>th</sup> day of December, 2016:

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MEMBERS:

Robert “Bob” Thomas, Jr., Chairman  
Laura A. Sellers, Vice Chairman  
Meg Bohmke  
Jack R. Cavalier  
Wendy E. Maurer  
Paul V. Milde, III  
Gary F. Snellings

VOTE:

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On motion of , seconded by , which carried by a vote of , the following was adopted:

AN ORDINANCE TO REPEAL COUNTY CODE CHAPTER 8, “CEMETERIES,” AND TO AMEND AND REORDAIN STAFFORD COUNTY CODE SEC. 17-22, “ENTERING CHURCH OR SCHOOL PROPERTY AT NIGHT,” AND SEC. 28-39, “SPECIAL REGULATIONS”

WHEREAS, Stafford County Code Chapter 8 has standards pertaining to the establishment of cemeteries; and

WHEREAS, Stafford County Code Chapter 8 is not consistent with Virginia Code § 57-26; and

WHEREAS, the Board desires to repeal Stafford County Code Chapter 8 in its entirety and applicable provisions be relocated to other appropriate Sections of the Stafford County Code; and

WHEREAS, the Board acknowledges that studies have found cemeteries can be a source of pollution affecting water quality from surface water run-off and groundwater intrusion that negatively affects drinking water supplies; and

WHEREAS, the Board considered the recommendations of the Planning Commission and staff, and the public testimony, if any, received at the public hearing; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, and good zoning practices require adoption of this Ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 13<sup>th</sup> day of December, 2016, that Stafford County Code Chapter 8, "Cemeteries," be and it hereby is repealed in its entirety, and Stafford County Code Sec. 17-22, "Entering church or school property at night" and Sec. 28-39, "Special regulations," be and they hereby are amended and reordained as follows, with all other portions remaining unchanged:

## **Chapter 8 — CEMETERIES REPEALED**

### **ARTICLE I. — IN GENERAL**

#### **Sec. 8-1. — Entering cemetery at night.**

~~No person shall, without the consent of the owner, proprietor or custodian, go or enter, in the nighttime, upon the premises, property, driveways or walks of any cemetery, either public or private, for any purpose other than to visit the burial lot or grave of some member of his family. Any person violating this section shall be guilty of a Class 4 misdemeanor.~~

### **ARTICLE II. — PERPETUAL CARE CEMETERIES**

#### **DIVISION 1. — GENERALLY**

#### **Sec. 8-16. — Violations of article**

~~Unless otherwise specifically provided, a violation of any provision of this article shall constitute a Class 1 misdemeanor.~~

#### **Sec. 8-17. — Authorization to establish required; location with respect to residences.**

~~No perpetual care or endowed cemetery shall be established within the county, unless authorized by ordinance of the board of supervisors, nor shall any such cemetery be established within two hundred fifty (250) yards of any residence without the consent of the owner of the legal and equitable title of the residence; provided that, subject to the foregoing, if the location for the proposed cemetery is separated from any residence by a state highway, it may be established upon such location without the consent of the owner of such residence, if it is not less than two hundred fifty (250) feet from the residence at its nearest point thereto.~~

**~~Sec. 8-18. -- Minimum size.~~**

~~The establishment of a perpetual care or endowed cemetery shall not be authorized by ordinance of the board of supervisors, unless the tract of land upon which it is to be situated is at least twenty-five (25) acres in size.~~

**~~Sec. 8-19. -- Application for authorization to establish.~~**

~~Any person desiring to establish a perpetual care or endowment cemetery shall file an application for authorization with the board of supervisors containing the following information:~~

- ~~(1) A survey of the tract of land proposed to be used as a cemetery showing its dimensions, size and location.~~
- ~~(2) Full plans showing the layout of the proposed cemetery, including lots, drives, buildings and planned landscaping.~~
- ~~(3) The names of adjoining land owners and distances to any residences thereon.~~
- ~~(4) The zoning of the property at the time the application is filed.~~
- ~~(5) The name and address of the owner of the property and of the applicant, if different.~~
- ~~(6) A statement of what provisions will be made for perpetual care of the cemetery.~~
- ~~(7) The name and address of the trustee of the endowment care fund to be appointed by the person owning, operating or developing the cemetery.~~
- ~~(8) The name and address of the bank in which the trust funds will be deposited, along with a copy of the irrevocable trust fund agreement required by this article.~~
- ~~(9) The written consent of the owner of any residence which will be closer to the boundary of the cemetery than the distance permitted in section 8-17.~~

~~Each such application shall be accompanied by a fee of twenty dollars (\$20.00) to cover the costs of advertising the public hearing provided for in section 8-20.~~

**~~Sec. 8-20. -- Notice of public hearing on application filed pursuant to section 8-19.~~**

~~After receipt of an application pursuant to section 8-19, an ordinance authorizing the establishment of the cemetery shall be introduced to the board. Notice shall than be given to the public, by publication in a newspaper of general circulation in the county, of the intention of the board to consider the application and to propose an ordinance to authorize the same for passage. The notice shall run once a week for two (2) successive weeks between the time it is introduced to the board and the time it is considered. The notice shall also advise the public of the time and place of the hearing thereon and shall~~



~~contain a description of the property which is reasonably calculated to give the public notice of its location.~~

**~~Sec. 8-21. -- Conditional use permit.~~**

~~Upon authorization of the establishment of a perpetual care or endowed cemetery by appropriate ordinance, a conditional use permit may be required by the board of supervisors, containing such limitations and restrictions as it may deem to be in the best interest of the county.~~

**~~DIVISION 2. -- ENDOWMENT CARE FUND~~**

~~Any person authorized by ordinance to establish a perpetual care or endowed cemetery shall comply with the following sections of this division in each and every respect.~~

**~~Sec. 8-31. -- Compliance with division~~**

~~Any person authorized by ordinance to establish a perpetual care or endowed cemetery shall comply with the following sections of this division in each and every respect.~~

**~~Sec. 8-32. -- Definitions.~~**

~~For the purposes of this division, the following words and terms shall have the meanings ascribed to them in this section:~~

~~*Cemetery* means any land or structure used or intended to be used for the interment of human remains. The sprinkling of ashes on church grounds shall not constitute the creation of a cemetery.~~

~~*Endowment care fund* or *care fund* means a fund created to provide a sufficient income to a cemetery which will enable such cemetery to provide care, maintenance, administration and embellishment of such cemetery adequate to the circumstances. It includes the term "perpetual care fund."~~

~~*Interment* means all forms of final disposition of human remains including, but not limited to, earth burial, mausoleum entombment and niche or columbarian inurnment. The sprinkling of ashes on church grounds shall not constitute interment.~~

**~~Sec. 8-33. -- Initial requirements.~~**

~~No person owning, operating or developing any cemetery shall sell or offer to sell, either as principal or otherwise, any lot, parcel of land or burial or entombment right in such cemetery, and in connection therewith represent to the public in any manner,~~

~~express or implied, that the entire cemetery, a single lot therein or burial or entombment right therein will be perpetually cared for, unless adequate provision has been made for the endowment care of the cemetery and all lots and burial or entombment rights therein as to which such representation is made. Each person who shall undertake to develop any such cemetery shall deposit in a bank or savings and loan association in this state, in an irrevocable endowment trust fund, a minimum of twenty five thousand dollars (\$25,000.00) before the first lot, parcel of land or burial or entombment right has been sold.~~

**~~Sec. 8-34. -- Deposits following sales of lots, burial rights, etc.~~**

- ~~(a) Each person owning, operating or developing any perpetual care or endowed cemetery shall deposit in a bank or savings and loan association in this state a minimum of ten (10) percent of the receipts from the sale of lots, interment rights and above ground crypts and niches, excluding below ground burial vaults, which amount shall be paid in cash and deposited with the trustee of the endowment care fund not later than thirty (30) days after the close of the month in which such receipts are paid to such owner.~~
- ~~(b) In the event ten (10) percent of the sales price of the items mentioned in subsection (a) above has been deposited in the endowment care fund, no fund deposit shall again be required on subsequent sales of the same lot, crypt or niche.~~

**~~Sec. 8-35. -- Recovery of amount of original deposit.~~**

~~Whenever a person owning, operating or developing a cemetery has deposited in the endowment care fund a sum equal to twice the amount of the original deposit as provided for in section 8-33, exclusive of such original deposit, the trustee shall then allow such person owning, operating or developing such cemetery to recover the original deposit by withholding up to twenty five thousand dollars (\$25,000.00) of the amount thereafter due the care fund or until the amount of the original deposit in the care fund has been recovered.~~

**~~Sec. 8-36. -- Use of fund income.~~**

~~The income from the endowment care fund provided for in this division shall be used solely and exclusively for the general care, maintenance, administration and embellishment of the cemetery and shall be applied in such manner as the person~~

~~owning, operating or developing such cemetery may from time to time determine to be for the best interest thereof.~~

**~~Sec. 8-37. -- Appointment and bond of trustee; applicability of Code of Virginia, title 26.~~**

- ~~(a) The trustee of the endowment care fund provided for in this division shall be appointed by the person owning, operating or developing the cemetery and shall be removed only as provided in section 57-35 of the Code of Virginia. The trustee, other than a banking institution operating under the laws of this state or a national bank operating within the state, maintaining a trust department, or a state or federally chartered savings and loan association located in the state with federal insurance of accounts and authorized to do business in the state, shall furnish a fidelity bond with a corporate surety thereon, payable to the trust established, which shall be designated "Endowment Care Fund (or Perpetual Care Fund) for (name of cemetery)," in a penal sum equal to not less than fifty (50) percent of the value of the principal of the trust estate at the beginning of each calendar year, which bond shall be deposited with the commissioner of accounts of the county.~~
- ~~(b) Trustees appointed pursuant to this section shall be governed in their conduct by the provisions contained generally in title 26 of the Code of Virginia, except as provided otherwise in this division.~~

**~~Sec. 8-38. -- Reports of trustee generally; owner's affidavit.~~**

~~A trustee appointed pursuant to section 8-37 shall report, within four (4) months after the close of each fiscal year, to the commissioner of accounts of the county the following information:~~

- ~~(1) The total amount of the principal of the endowment care fund held by the trustee.~~
- ~~(2) The securities in which the endowment care fund is invested and the amount of cash on hand at the close of the fiscal period.~~
- ~~(3) The income received from the endowment care fund during the preceding fiscal year.~~

~~The trustee shall further submit an affidavit by the person owning, operating or developing the cemetery stating that all provisions of this article and article 3.1 of chapter 3 of title 57 (§ 57-35.1 et seq.) of the Code of Virginia have been complied with.~~

~~Sec. 8-39. Owner's records and reports of receipts and expenditures generally.~~

~~Each person owning, operating or developing any cemetery subject to this article shall record and keep, in a book maintained for that purpose, detailed accounts of all transactions, receipts and accounts receivable subject to section 8-34, and of all expenditures under section 8-36. Each such owner, operator or developer shall report annually to the commissioner of accounts the totals of all receipts subject to section 8-34, and of all expenditures under section 8-36.~~

~~(Code 1979, § 8-17)~~

~~**State Law reference**—Similar provisions, Code of Virginia, § 57-35.8:1.~~

~~Sec. 8-40. Audit of trustee's reports and inspection of owner's records.~~

~~The commissioner of accounts shall audit reports tendered by a trustee pursuant to section 8-38, as well as any sources thereof which he deems necessary, at least annually and shall have full power, including power of subpoena, to inspect the records of the cemetery owners or operators. Failure to comply with a subpoena of the commissioner shall constitute a misdemeanor.~~

**Sec. 17-22. - Entering cemetery, church, or school property at night.**

(a) No person shall, without the consent of the owner, proprietor or custodian, go or enter, in the nighttime, upon the premises, property, driveways, or walks of any cemetery, either public or private, for any purpose other than to visit the burial lot or grave of some member of their family. Any person violating this section shall be guilty of a Class 4 misdemeanor.

(b) It shall be unlawful for any person, without the consent of some person authorized to give such consent, to go or enter upon, in the nighttime, the premises or property of any church or upon any school property for any purpose other than to attend a meeting or service held or conducted in such church or school property. Any person violating this section shall be guilty of a Class 4 misdemeanor.

**Sec. 28-39. - Special regulations.****(o) Cemeteries**

(1) *Establishment of cemeteries.* The following requirements shall apply to the establishment of any cemetery:

a. Restrictions as to location of cemeteries.

(1) No cemetery shall be established within the County unless authorized by an ordinance duly adopted by the Board; provided that authorization by ordinance shall not be required for interment of the dead in any churchyard or for interment of members of a family on private property.

(2) No cemetery shall be established within 250 yards of any residence without the consent of the owner of the legal and equitable title of the residence. However, consent shall not be required if the location for the proposed cemetery is separated from any residence by a state highway, the proposed cemetery is not less than 250 feet from the residence at its nearest point thereto. Such prohibition and restriction shall not apply where the tract of land intended for use as a cemetery is separated from any residence by a state highway and now contains a public or private burial ground.

(3) No cemetery shall be hereafter established, and no burial made in any part of any cemetery, other than a municipal cemetery, located within 900 feet of any property owned by the Board or the County, upon which or a portion of which are now located driven wells from which water is pumped or drawn from the ground in connection with the public water supply.

(4) No cemetery shall be established within 900 feet of any terminal reservoir or any perennial stream that drains into a terminal reservoir. No cemetery shall be located within 900 feet of any private well used as a drinking water supply.

b. Size of cemeteries. No cemetery, other than for the interment of the dead in any churchyard or for the interment of members of a family on private property, shall be established on any tract of land less than 25 acres in size or greater than 300 acres in size.

c. Site plan required. No cemetery shall be established without receiving approval of a site plan pursuant to Article XIV of this Chapter. In addition to the standards set forth in Article XIV, an application for approval of a site plan shall demonstrate compliance with owner consent, setback and distance requirements as described in paragraph a above.

d. Application to establish a cemetery.

- (1) Any application petitioning the Board for adoption of an ordinance to establish a cemetery shall be filed on forms provided by the Department of Planning and Zoning for a zoning reclassification. Such applications shall be processed similar to an amendment to the zoning map as described in Article XII of this Chapter.
  - (2) In addition to the applicable requirements described in Article XII and Article XIII of this Chapter, the application shall demonstrate compliance with owner consent, setback and distance requirements as described in paragraphs a and b above. Notice of any public hearings shall be sent to owners of any property located within 900 feet of the proposed cemetery.
  - (3) In approving an application for establishment of a cemetery, the Board may set conditions of approval to mitigate impacts of the cemetery and its accessory uses and activities.
- (2) *Preservation of existing cemeteries.* The following requirements shall apply to cemeteries within all development plans:
- a. ~~(1)~~ Parcels containing cemeteries that are not on its own separately platted lot, not established by an easement within the boundaries of such parcels, or otherwise clearly marked with places of burials delineated, shall be required at the time of site or subdivision plan review to have a professionally prepared archaeological delineation of the limits of burials within the cemetery. The delineation shall be conducted in accordance with the Virginia Department of Historic Resources and their standard archaeological practices, such as, but not limited to, the removal of topsoil around the perimeter of the visible areas of the cemetery to allow a view of any grave shaft soil discolorations beyond the apparent burials, or systematic probing with rods that detect differences in soil compaction. The archaeological delineation shall determine the limits of burials and it shall be used to establish the perimeter of the cemetery on the site plan or subdivision plat and plan. Soil removed during the delineation process shall be replaced within one month of its removal and in a manner that will not disturb the identified burials. Any associated vegetation shall be replaced in a manner that will not disturb the identified burials.
  - b. ~~(2)~~ The perimeter of a cemetery shall be indicated on a site development plan, subdivision plan and subdivision plat.
  - c. ~~(3)~~ Pedestrian access to the cemetery shall be provided on a site development plan, subdivision plan and subdivision plat either with a minimum of fifteen (15) feet of frontage on a street or as an easement

that shall be a minimum of fifteen (15) feet wide from a street or other point of public ingress.

- d. ~~(4)~~ A minimum thirty-five-foot wide buffer area shall be established around the perimeter of the cemetery as delineated per subsections (2)(a) and (b) ~~(e)(1) and (2)~~ directly above and indicated on a site development plan, subdivision plan and subdivision plat.
- e. ~~(5)~~ The cemetery and associated buffer area shall be indicated as an easement or as a separate cemetery parcel on the development plan, subdivision plan and subdivision plat.
- f. ~~(6)~~ Temporary fencing shall be installed around the perimeter of the cemetery and buffer area as indicated on the plan or plat, prior to receiving construction or grading plan approval. The fence shall be located outside the exterior edge of the buffer area and not within the buffer area.
- g. ~~(7)~~ Permanent fencing between three (3) and four (4) feet tall shall be placed around the boundary of the cemetery including the buffer, after any surrounding site work is completed. The fence shall be located outside the exterior edge of the buffer area and not within the buffer area. The type of fence shall be determined on a case-by-case basis, as approved by the county agent, and shall include a gate for public access.
- h. ~~(8)~~ Signage identifying the cemetery by its family association, as recorded in the Stafford County Cultural Resource Database, or by another name as deemed appropriate by the county agent, shall be placed on a freestanding sign located adjacent to the cemetery entrance or affixed to the fencing. The sign shall be a brass plaque or a comparable equivalent. The signage and its content shall be approved by the county agent prior to erection.
- i. ~~(9)~~ The cemetery grounds, fence and buffer area shall be maintained and the responsibility for maintenance shall be established either on the site plan, subdivision plan, or subdivision plat, or by a separate recordable document submitted to the county agent along with the plan and plat. The cemetery and associated buffer area shall be conveyed to an appropriate entity that would be responsible for perpetual maintenance of the cemetery as well as the associated buffer and fence.

The party responsible for maintenance shall be indicated as one of the following:

- (1) ~~1.~~ Owner of the property on which the cemetery is delineated;



- (2) ~~2.~~ Homeowners' association, in the case where a homeowners' association is established and the cemetery is created as a separate out-lot, easement, or part of the common open space within a subdivision; or
- (3) ~~3.~~ Other applicable association or entity, such as a business association, trust or foundation, with appropriate documentation demonstrating the entity's assent to the maintenance responsibilities and ability to carry out the maintenance responsibilities.
- j.~~(10)~~ Preservation of grave markers, including repair or cleaning, shall comply with the Virginia Department of Historic Resources standards.
- k.~~(11)~~ No grading shall occur inside the buffer and cemetery area. Grading shall not be sloped at a ratio more than three (3) to one from the existing grade of the cemetery for a distance of fifty (50) feet beyond the perimeter of the buffer area.
- l.~~(12)~~ All cemeteries shall be recorded at the county and state level. Along with the development plan, subdivision plan and subdivision plat, a completed Stafford County Cemetery Survey Form, and a completed Virginia Department of Historic Resources Cemetery Form shall be submitted to the county agent.
- m.~~(13)~~ Cemetery removals and/or disinterment shall be conducted in accordance with the Virginia Code, Virginia Administrative Code and the Virginia Department of Historic Resources standards and requirements, including but not limited to, obtaining the required permit to conduct such removal and disinterment. Every effort shall be made to contact any living relatives of the proposed body to be disinterred for permission to remove the remains. Reasonable reinterment wishes of the relatives shall be complied with. Removal of cemeteries and/or disinterment shall not occur until a reinterment location has been determined and all reinterment information, including location and contact information for the new burial location, has been provided to the county agent.
- n.~~(14)~~ Nothing in this section shall preclude removal and reinterment of burials in accordance with the Code of Virginia, Virginia Administrative Code, County Code and any other applicable legislation.

R16-295

BOARD OF SUPERVISORS  
COUNTY OF STAFFORD  
STAFFORD, VIRGINIA

RESOLUTION

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, George L. Gordon, Jr., Government Center, Stafford, Virginia, on the 20<sup>th</sup> day of September, 2016:

<u>MEMBERS:</u>	<u>VOTE:</u>
Robert "Bob" Thomas, Jr., Chairman	No
Laura A. Sellers, Vice Chairman	Absent
Meg Bohmke	Yes
Jack R. Cavalier	Yes
Wendy E. Maurer	Yes
Paul V. Milde, III	Yes
Gary F. Snellings	Yes

On motion of Mrs. Maurer, seconded by Ms. Bohmke, which carried by a vote of 5 to 1, the following was adopted:

A RESOLUTION REFERRING TO THE PLANNING COMMISSION AN  
ORDINANCE TO REPEAL COUNTY CODE CHAPTER 8, "CEMETERIES,"  
AND TO AMEND AND REORDAIN COUNTY CODE SEC. 17-22,  
"ENTERING CHURCH OR SCHOOL PROPERTY AT NIGHT," AND SEC.  
28-39, "SPECIAL REGULATIONS"

WHEREAS, County Code Chapter 8 has standards pertaining to the establishment of cemeteries; and


WHEREAS, County Code Chapter 8 is not consistent with Virginia Code § 57-26; and

WHEREAS, the Board desires to send the proposed amendments, pursuant to Ordinance O16-39, to the Planning Commission for its review, recommendations, and a public hearing;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 20<sup>th</sup> day of September, 2016, that the repeal of Stafford County Code Chapter 8, Cemeteries and amendments to Sec. 17-22, "Entering church or school property at night" and Sec. 28-39, "Special regulations" be and they hereby are referred to the Planning Commission for a public hearing, its review, and recommendation; and

BE IT FURTHER RESOLVED that the Planning Commission may make modifications, as it deems appropriate, to proposed Ordinance O16-39.

A Copy, teste:

  
C. Douglas Barnes  
Interim County Administrator

***Planning Commission Minutes***  
***November 9, 2016***

4. Amendment to Zoning Ordinance - Proposed Ordinance O16-39 would repeal Stafford County Code Chapter 8, "Cemeteries," in its entirety, and amend and reordain Stafford County Code Sec. 17-22, "Entering church or school property at night" and Sec. 28-39, "Special regulations," to move some cemetery provisions into more appropriate sections of the County Code, and provide additional standards and processes for the establishment of cemeteries, in accordance with Virginia Code Section 57-26. The proposed amendments would move the violation and penalty for entering a cemetery at night into Chapter 17 of the County Code. **(Time Limit: February 17, 2017)**

Mr. Harvey: Thank you Mr. Chairman. Kathy Baker will be making the presentation for item 4.

Ms. Baker: Good evening Mr. Chairman and members of the Commission. Kathy Baker, the Department of Planning and Zoning. I will be... may I have the computer please. There we go, sorry. This is Ordinance O16-39, which is proposed amendments regarding cemeteries. This amendment will make changes to the County Code to bring out dated cemetery regulations in compliance with State Code. This entails repealing existing Chapter 8, entitled Cemeteries and moving certain regulations into more appropriate sections of the code. This includes Chapter 17, which deals with offenses and Chapter 28, which is the Zoning Ordinance. It will also add standards and processes in accordance with State Code. Just as a little bit of background Chapter 8, right now, pertains to perpetual care cemeteries and endowment care funds. That portion of the State Code was repealed, so we are making those changes here. There is another section from Chapter 8 that will be carried over and that is just dealing with entering a cemetery at night and what the... that it would be a class 4 misdemeanor, so that is just moving into Chapter 17. The proposed changes that we are looking at, in order to establish a new cemetery you would have to have consent from property owners within 250 yards unless separated by a state road. This is actually a carry-over from that previous endowment care section of the State Code. The new changes would also require a tract of land to be between 25 and 300 acres, it would also state that no burials would occur within 100 feet of any private drinking water well. It would also state no burials would occur within 900 feet of public water supply wells and no burials within 900 feet of public water reservoir or a perennial stream that drains to a drinking water reservoir. The changes would also include the process that new cemeteries would require Board of Supervisors approval and this would exempt existing cemeteries and burial of family members on private property as well as burials in church yards. And as I mentioned the night time criminal trespass provision is moving from Chapter 8 to Chapter 17. I will be happy to talk about any of these specifically, but staff is recommending approval of the ordinance. The Planning Commission did establish a sub-committee and revision that were discussed by the sub-committee were incorporated into the current draft. I will note that the Planning Commission may make modifications and the deadline for action is February 17<sup>th</sup>. I do want to note that since the version you received in your packet, there were just a couple minor modifications, we handed those out tonight. Those were mainly housekeeping items, there were a couple of places where interment was spelled incorrectly, on page 7 we noted Section b, only the letter B should have been underlined and not the entire provision. On page 8, that's where we actually added the word drinking for drinking water and that was it on the changes. If you have any question I will be happy to try and answer them.

Mr. Apicella: Thank you Ms. Baker. Any questions for staff? Okay, thank you Ms. Baker. I am going to open the public hearing on this matter. This is an opportunity for the public to comment. Please direct your comments to the Planning Commission as a whole, not to any specific member. You have three minutes to speak, up to three minutes. Please state your name and address when the green light comes on, when the yellow light comes on it indicates that you have one minute left and when the red light comes on, please wrap up your comments. So if anyone is interested, please come forward.

***Planning Commission Minutes***  
***November 9, 2016***

Mr. Silver: My name is David Silver. I am here in support of the Cemetery Ordinance and as part of the public meeting that was held for the Planning Commission, I believe the ordinance has the entire community's best interest in mind. We must protect the drinking water of the residents. We must offer the same setbacks for the private wells and water ways that feed our drinking water supply that the State offers and the public county on wells and supplies across the board for all the cemeteries wanting to be established. The message here that the older homes, like mine was built in 1979 no 76, and the older wells are protected for the homeowner's best interest that are in mind. Stafford County... Stafford's primary goal should be to protect the citizens and I believe the ordinance does that. You do not want to have contaminated water like Flint, Michigan and we have to do what we have to do to reserve any... it sometimes happens to our water supply. As a homeowner with a well I have no other choice if my well is contaminated, so I appreciate your time. Thank you.

Mr. Apicella: Thank you sir. Anyone else? Okay seeing no one else, I will close the public hearing on the item and bring it back to the Commission.

Ms. Vanuch: So, I just wanted to make a couple of comments before I make a motion, is that okay?

Mr. Apicella: Sure.

Ms. Vanuch: Okay. So just to catch everybody up that hasn't been following this closely as we created a sub-committee to kind of go through the changes to the proposed ordinance. We've put a lot of thought into this and I think anybody who has listened to me up here in any of the decision that I have made, it's important as Mr. Silver stated, as he was one of the constituents that participated in our public meetings as well, that we put our public safety first. And any item that has come before me I have analyzed the potential impacts to our overall public safety from allowing a development to hook up to sewer when they were too close to Aquia Creek or denying a rezoning for traffic issues that could increase traffic accidents. So this item to me is no different, this issue could potentially impact our county water supply. I listen to the Board meetings and I hear all of the residents coming in and speaking about how their wells are failing, they have drinking water issues and it's our responsibility to promote good policy as Planning Commissioners in this county to keep our residents safe. And I believe this ordinance is that good policy. It is also important as Mr. Silver said that we create setbacks for potential contaminants. The World Health Organization stated that 900 feet from waterways is a sufficient amount to create these setbacks and I believe we should afford the same setback to our individual residents who get their primary source of water from their drinking wells as well, and farmers who graze their livestock or grow crops. So the sub-committee, like I mentioned before, put a lot of research into this project. We utilized recommendations from state law as well as the World Health Organization, the Stafford County Water Quality Report as well as several other studies that talk about the potential contaminants for creating cemeteries. So while protecting religious liberties and ensuring that the setbacks are required across the board no matter what type of cemetery is being created, since no exception should be made for resident's safety in drinking water and that no religious rights were impacted on the way that bodies shall be placed in the ground by depth and enclosures. And that's what we created... we are allowed to create by allowing these setback requirements. So while we have done this we have also not required churches to not go through a conditional use process and do extensive and potentially costly and timely soil studies that may not really show the potential underground water table movements that could impact the spread of potential contaminants. So by adopting a universal setback requirement, it lowers the cost and burden to churches or new family cemeteries being created and we have created the minimal burden to those wishing to establish these cemeteries and allowing protection of the protected mussels in the waterway which are located in Aquia Creek and protecting the public and private drinking resident water supply.

***Planning Commission Minutes***  
***November 9, 2016***

So in closing we have done so much research to get this decision, I feel confident in passing this good policy tonight. So based on the Stafford Water Quality Report the high risk of our water that could be contaminated is very troubling, so that is why we have come to the determination of the 900 foot setback. So I really do want to thank my fellow sub-committee members. Mr. English is not here tonight and Mr. Coen and Mr. Boswell for coming to the meeting and sharing their insights and great information and their research. And I also want to thank the residents who came as well to show their support in protecting our drinking water in Stafford County. So with that I would like to move to accept the ordinance change of proposed Ordinance O16-39...

Mr. Boswell: Second.

Ms. Vanuch: ... is that the right number?

Mr. Apicella: Yes, so you mean the one that was provided to us tonight? Mr. Coen.

Mr. Coen: I will second it, but with the new language... I am sorry Mr. Boswell seconded. But wasn't there some new language added tonight?

Mr. Apicella: Right and that is why I said the version that provided to us tonight.

Mr. Coen: The one tonight.

Mr. Apicella: Okay there has been a motion and it has been seconded by Mr. Boswell. Any further comments: Ms. Vanuch? You are sure? Mr. Boswell? Anyone else? Mr. Coen?

Mr. Coen: I just want to praise Ms. Vanuch for her leadership on this issue. I know it has been very important to her. I praise staff, for Mr. Harvey throughout the Planning staff for helping with this. The nice thing is that this should be a first step for us to revisit other topics that have sort of changed over time since they were first implemented or thought up as to our world today.

Mr. Apicella: Okay, I just want to add my thanks to staff and to Ms. Vanuch and the sub-committee and for giving us a revised and it think very good policy that's more consistent with the State Code than the previous version. And I think that it's apt that we go ahead and proceed forward with it. So please cast your vote. Okay, motion carries 6-0. Mr. Harvey, next item. Item 5.

**BOARD OF SUPERVISORS****Agenda Item**



<b>Meeting Date:</b>	December 13, 2016
<b>Title:</b>	Consider a Request for a Conditional Use Permit to Allow a Telecommunications Facility in the A-1, Agricultural Zoning District, on Tax Map Parcel No. 58-35A (Portion) at Duff McDuff Green Memorial Park
<b>Department:</b>	Planning and Zoning
<b>Staff Contact:</b>	Jeffrey A. Harvey, Director
<b>Board Committee/ Other BACC:</b>	Planning Commission
<b>Staff Recommendation:</b>	Approval
<b>Budget Impact:</b>	N/A
<b>Time Sensitivity:</b>	January 28, 2017

**ATTACHMENTS:**

1.	Background Report	6.	Location Map
2.	Proposed Resolution R16-338 (CUP approval)	7.	Technical Review by Atlantic Technology Consultants, Inc. dtd 10/14/16
3.	Proposed Resolution R16-352 (CUP denial)	8.	Application and Related Materials
4.	Land Use Action Request	9.	PC Resolution PCR16-11
5.	Generalized Development Plan dtd 6/17/15	10.	PC Minutes dtd 11/9/16

<b>Consent Agenda</b>		<b>Other Business</b>		<b>Unfinished Business</b>
<b>Discussion</b>		<b>Presentation</b>		<b>Work Session</b>
<b>New Business</b>	X	<b>Public Hearing</b>		<b>Add-On</b>

**REVIEW:**

X	County Administrator	
X	County Attorney (legal review only)	

<b>DISTRICT:</b>	George Washington
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## **BACKGROUND REPORT**

The Board is asked to consider a conditional use permit (CUP) to construct a telecommunication facility in the A-1, Agricultural Zoning District on a portion of Tax Map Parcel No. 58-35A, owned by Stafford County, at the Duff McDuff Green Memorial Park (Park). Milestone Communications, represented by Donohue and Stearns PLC, is proposing to construct a telecommunications facility, consisting of a 150-foot monopole tower and associated ancillary equipment within a 2,500 square-foot compound. The first service provider anticipated to locate on the tower, Verizon Wireless, determined that the wireless network in this area has deficient coverage. The proposed facility would help enhance the coverage within the Verizon Wireless network near Kings Highway, the Park, and surrounding residences.



*Zoning*



*Future Land Use*

### **Existing Conditions**

The proposed site is located on the south side of James Ashby Parkway within the Park. It is designated as the Rappahannock Recreation Planning Area with a resource protection area (RPA) to the west, bordered by the Rappahannock River. The surrounding properties north and east of Kings Highway are primarily agricultural and residential uses but designated within the Suburban Area of the Comprehensive Plan (Plan).

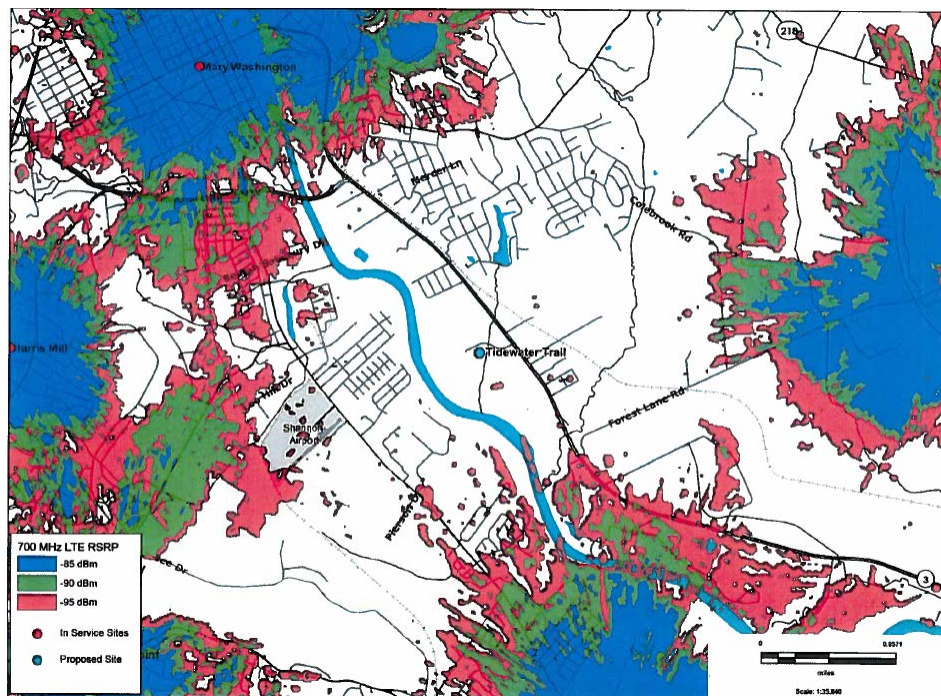
The property is currently in use as a public park with athletic fields, playground, trails, parking and restroom facilities. The Rappahannock River is located to the west but will not be impacted by the monopole tower proposal. Verizon is regulated by the FCC, and, as such, the tower construction would be in accordance with the National Environmental Policy Act, which requires consideration of environmental and historical resource impacts. The proposal would result in the clearing of a 2,500 square-foot compound with an access drive within a 50-foot wide ingress/egress easement.



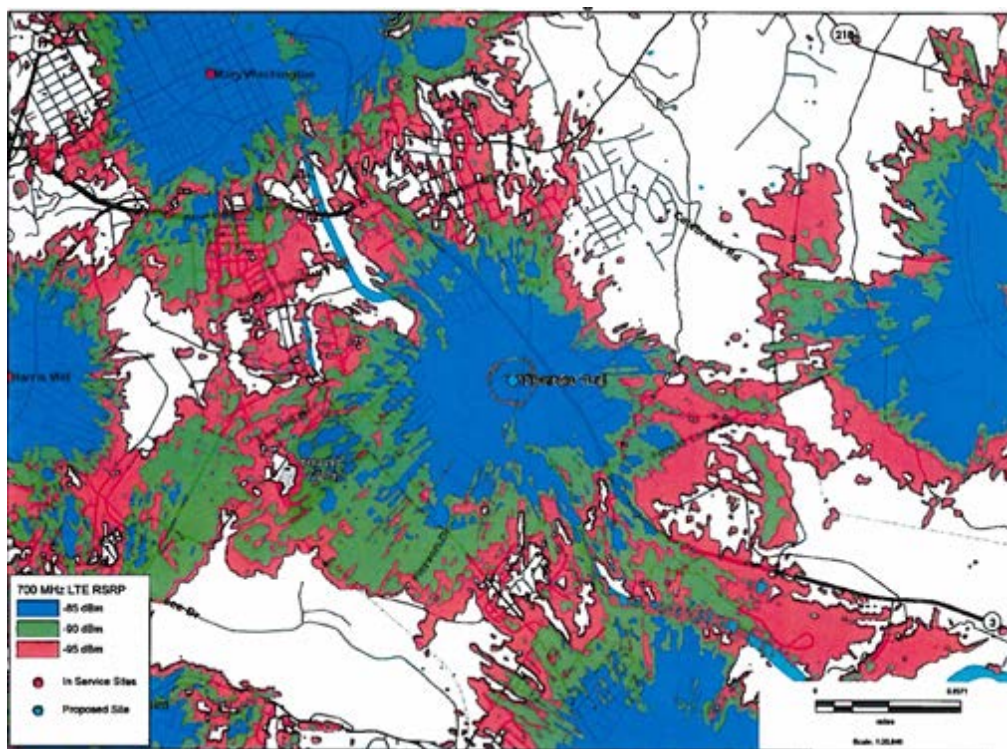


*Aerial View*

The following two maps depict Verizon's existing and proposed network coverage, with blue illustrating the strongest signal, and green and red illustrating a decrease in signal strength.



*Existing Conditions - Deficient Coverage*



*Proposed Conditions - Enhanced Coverage*

### Generalized Development Plan

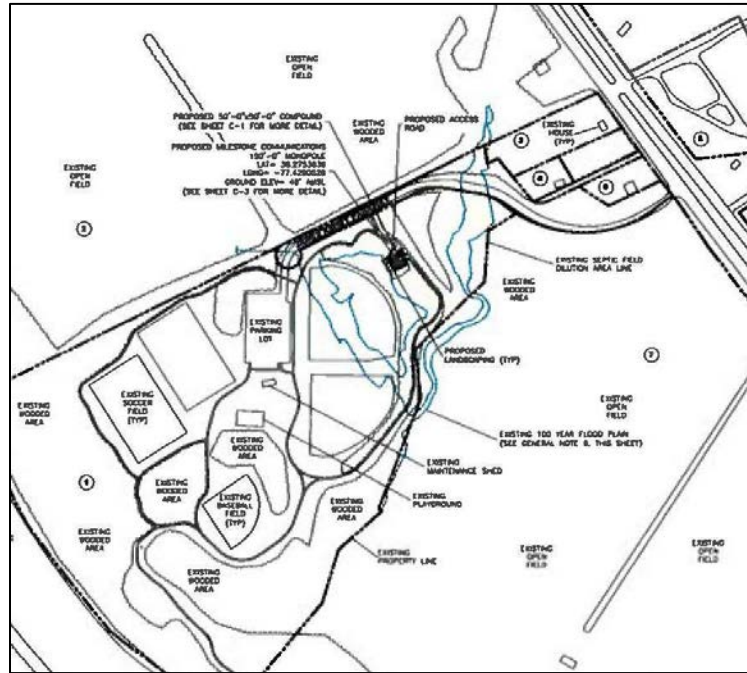
The Generalized Development Plan (GDP) (Attachment 5), dated June 17, 2015, depicts the proposed design of the site. The 2,500 square foot compound would be located approximately 1,200 feet from James Ashby Drive via a gravel access road. The tower will be located in the northwest quadrant of the Park in a wooded area north of an existing ball field. The compound area will be screened by an 8-foot tall chain link fence with privacy slats and landscape plantings. The addition of the monopole will not cause any changes to the existing park facility, nor will it interfere with the existing uses and operation of the park site.

The closest dwelling is located approximately 850 feet to the north. The nearest property boundary is 700 feet away from the site. Typically, the collapse zone for the tower is measured at a 1/3 break point, resulting in approximately 50 feet in elevation from the base of the tower. A condition of the conditional use permit is to have a minimum 80 feet fall zone. The tower is designed to break with the top 100 feet folding upon the bottom base. This is known as the 'Break-Point Technology,' which is the design for all monopole towers. This is also a requirement of the current building standards. The Telecommunications Plan recommends that towers be set back from adjoining residential properties at a minimum distance equal to the tower height. This requirement meets the intent of the recommendation as the tower is proposed to be 150 feet tall.

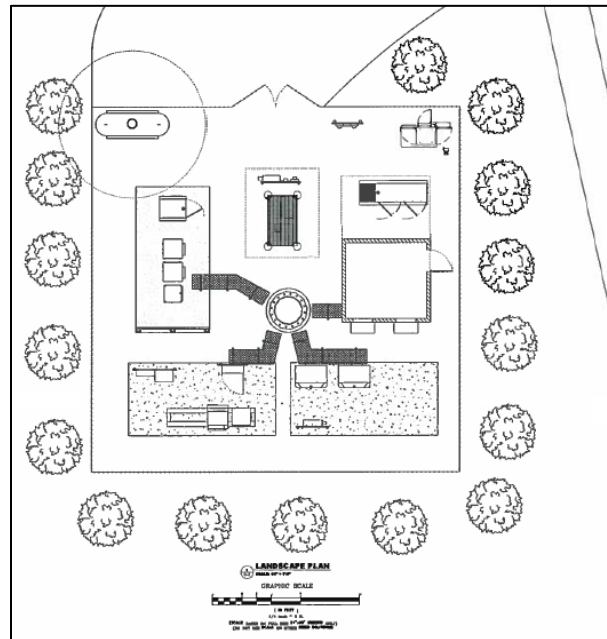
Another requirement for proposed tower location is that the telecommunications facilities be generally sited toward the interior of the property. The siting of the tower meets this requirement by locating within the heavily wooded area prior to entering the park property. The tower will be limited in view to adjacent residential properties but it will extend approximately 40 to 50 feet above the existing tree line.



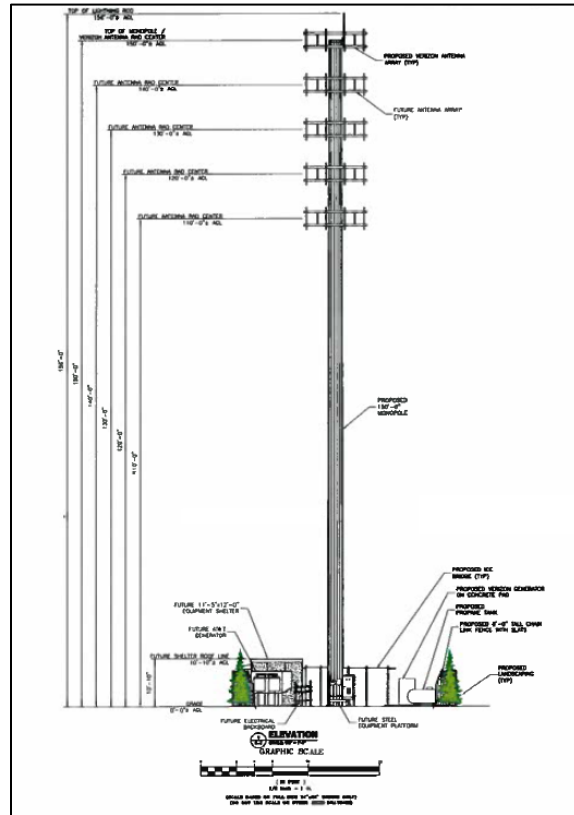
The tower elevation identifies the overall height at 150 feet. The location of the Verizon antennas will be at top, with provisions for four additional carriers. The tower is not proposed to be lighted since the FAA study does not require lighting for this height. The ancillary equipment is contained within the 2,500 square-foot compound, which is enclosed by security fencing and landscaping as detailed below.



*GDP- Overall*



*Landscape Plan around Tower Compound*



### *Tower Elevation*

## Technical Review

The County has a contract with Atlantic Technology Consultants, Inc. (ATC) to assist in evaluation of telecommunication facility proposals due to the technical nature of these facilities. The application was evaluated by ATC for siting, site design, structural and other technical details of the proposal (Attachment 8). The report concludes that the proposal conforms to accepted design and construction practices for the construction of telecommunication support structures.

## Comprehensive Plan

The Plan identifies this site as being within the Rappahannock Recreation Planning Area and RPA/future land use, which identifies the site as Parkland. The proposal is generally consistent with the recommended development standards for the designation as described in the Plan. Approval of this CUP application is predicated on a finding of substantial accordance with the Plan, specifically the Telecommunications Plan, which is an element of the Plan. The compliance with the Plan (COM16151420) was approved by the Planning Commission November 9, 2016 prior to considering the CUP.

### Proposed Conditions

Staff is proposing several conditions to help offset any potential impacts:

1. This CUP is to allow one telecommunications facility in the A-1, Agricultural Zoning District located on Tax Map Parcel No. 58-35A (portion).
2. There shall be one tower permitted on the property. The tower shall be a monopole type construction. The maximum height of the tower shall be 150 feet with a six foot lightning rod.
3. The location of the telecommunications facility on the site shall be in conformance with the GDP entitled "McDuff Green Park," last revised June 17, 2015.
4. Clearing associated with the compound shall be limited to the area designated on the GDP.
5. There shall be no lights on the telecommunications tower unless required by the Federal Aviation Administration (FAA).
6. There shall be no signs on the telecommunications tower other than an identification sign required by the Federal Communications Commission (FCC) or other Federal or State agency.
7. Once the tower is no longer in use, written notice shall be sent to the County Administrator specifying discontinuance of use of the facility. The original applicant or its successor shall be responsible for the removal of all facilities and structures within six months of cessation of commercial public telecommunications use or the expiration of the lease, whichever comes first. This obligation shall be secured by a letter of credit, surety bond, or other security acceptable to the County. The site must then be restored by the applicant or its successor to its original condition.
8. Prior to building permit approval, the applicant shall submit and obtain approval of an engineer's cost estimate, post a Letter of Credit or other security acceptable to Stafford County for 110% of the cost of removal of the tower and facility.
9. The tower shall be designed to accommodate five telecommunication providers.
10. The tower shall be designed with a break point and maximum fall radius of 80 feet.
11. Prior to issuance of a final zoning permit for the facility, the applicant shall provide to the County copies of a certified as-built survey for the tower. The as-built survey shall identify the mean surface elevation for the base of the tower as well as the top of the tower, to include any lightning rods or similar appurtenances.
12. Any frequencies or signals emitted by equipment at the facility shall not interfere with or be incompatible with communications frequencies associated with the County's Emergency 911 system or the Stafford Regional Airport. The applicant and any future lessees must provide an intermodulation study showing the proposed telecommunications equipment will not interfere with the County's Emergency 911 system or the Stafford Regional Airport prior to obtaining a building and/or zoning permit.

13. In the event that a County department, County agency, and/or the County Sheriff's Office desires to locate its telecommunications equipment on the facility, the applicant shall provide adequate space on the tower and on the ground lease area for a period of thirty (30) years at no cost to the County. The parties shall mutually agree to the location of the antenna and equipment. Any installation shall comply with the terms of the executed lease agreement with the County, specifically Section 1E.
14. Construction of the tower shall utilize a gradient paint scheme in order to blend with the landscape.
15. This CUP may be revoked or conditions amended by the Board for violation of these conditions or any applicable County, Federal, or State codes.

#### EVALUATION CRITERIA

Sec. 28-185 of the Zoning Ordinance lists six criteria to be considered at each public hearing for a CUP. A summary of each criteria are as follows:

1. The use shall not change the character and established pattern of development in the vicinity of the proposed use - *The proposal is consistent with the use of the site, which is a public park with athletic field lights. Existing trees will be maintained around the tower compound to limit visual impacts from surrounding residential uses.*
2. The use shall be in harmony with uses permitted by-right under a zoning permit in the land use district and shall not adversely affect the use of adjacent properties - *The proposed use will improve wireless communication services to the surrounding areas provided by placement in a wooded area that will utilize existing vegetation for buffering and screening. The proposed use will be distant from surrounding residential properties buffered by the dense woods. The use will not adversely affect the use of adjacent properties since it will be within a fenced compound surrounded by existing vegetation.*
3. The location and height of buildings, the location, nature, and height of walls and fences, and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings, or impair the value thereof - *The proposed use will be sited in a central location of a large parcel surrounded by wooded areas which will be retained between the tower compound and surrounding park facilities, thereby limiting the visibility of the tower. The tower facility will be unmanned and generate a very small amount of traffic of less than two vehicle trips per month. It would be completed in such a manner not to interfere with the park activities.*
4. The use shall not adversely affect the health or safety of persons residing or working in the vicinity of the proposed use - *The proposed use will meet all federal standards for such uses and will not adversely affect health or safety of residents or workers in the area. The use may improve health and safety with enhanced emergency communication. The tower will be designed to reduce the fall zone area within the subject parcel. The use will improve all communication services, especially in times of need or dangerous situations.*
5. The use shall not be detrimental to the public welfare or injurious to property or improvements in the neighborhood - *Minimal land disturbance is required for the facility and the use will not create or generate any adverse side effects.*
6. The use shall be in accord with the purposes and intent of this chapter and the Plan of the County - *The applicant submitted an application to find the request in accordance with the Plan, specifically the Telecommunications Plan. Staff recommended the proposal is in accordance with the Plan after review of the application.*

SUMMARY OF POSITIVE AND NEGATIVE FEATURES

POSITIVE:

1. The proposed facility meets the standards of issuance for review of a CUP.
2. Approval of the request will result in enhanced coverage to the Verizon network and help correct existing deficiencies.
3. Conditions would off-set any negative impacts.

NEGATIVE:

1. No apparent negative aspects.

RECOMMENDATION:

Staff recommends approval of the CUP, with the conditions included within proposed Resolution R16-338. The proposed lease agreement, pursuant to Resolution R16-372, is being submitted as a separate package.

At its November 9, 2016 meeting, the Planning Commission recommended approval of the application (6-0 Mr. English was absent).



R16-338

PROPOSED

BOARD OF SUPERVISORS  
COUNTY OF STAFFORD  
STAFFORD, VIRGINIA

RESOLUTION

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, George L. Gordon, Jr., Government Center, Stafford, Virginia, on the 13<sup>th</sup> day of December, 2016:

MEMBERS:

Robert "Bob" Thomas, Jr., Chairman  
Laura A. Sellers, Vice Chairman  
Meg Bohmke  
Jack R. Cavalier  
Wendy E. Maurer  
Paul V. Milde, III  
Gary F. Snellings

VOTE:

On motion of , seconded by , which carried by a vote of , the following was adopted:

A RESOLUTION TO APPROVE A CONDITIONAL USE PERMIT PURSUANT TO APPLICATION CUP16151421 TO ALLOW A TELECOMMUNICATIONS FACILITY IN THE A-1, AGRICULTURAL ZONING DISTRICT, ON TAX MAP PARCEL NO. 58-35A, LOCATED WITHIN THE GEORGE WASHINGTON ELECTION DISTRICT

WHEREAS, Milestone Tower Limited Partnership, III, submitted Application CUP16151421 requesting a conditional use permit (CUP) to allow a telecommunications facility in the A-1, Agricultural Zoning District on Tax Map Parcel No. 58-35A, located within the George Washington Election District; and

WHEREAS, the application was submitted pursuant to Stafford County Code, Sec. 28-35, Table 3.1, which permits this use in the A-1, Agricultural Zoning District, after a CUP is issued by the Board; and

WHEREAS, the Board carefully considered the recommendations of the Planning Commission and staff, and the public testimony, if any, received at the public hearing; and

WHEREAS, the Board has considered the criteria in Stafford County Code Sec. 28-185 and finds that the request meets the standards of the Zoning Ordinance for issuance of a CUP;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 13<sup>th</sup> day of December, 2016, that a conditional use permit (CUP) pursuant to application CUP16151421 be and it hereby is approved with the following conditions:

1. This CUP is to allow one telecommunications facility in the A-1, Agricultural Zoning District located on Tax Map Parcel No. 58-35A.
2. One tower is permitted on the property. The tower shall be a monopole type construction no more than 150 feet in height with a six foot lightning rod.
3. The location of the telecommunications facility on the site shall be in conformance with the Generalized Development Plan (GDP) entitled "McDuff Green Park," last revised June 17, 2015.
4. Clearing associated with the facility shall be limited to the area designated on the GDP.
5. There shall be no lights on the telecommunications tower unless required by the Federal Aviation Administration.
6. There shall be no signs on the telecommunications tower other than an identification sign required by the Federal Communications Commission or other federal or state agency.
7. Once the tower is no longer in use, written notice shall be sent to the County Administrator specifying the discontinuance of use of the facility. The applicant or its successor shall be responsible for removal of all facilities and structures within six months of cessation of commercial public telecommunications use or the expiration of the lease, whichever comes first. This obligation shall be secured by a letter of credit, surety bond, or other security acceptable to the County. The site must then be restored by the applicant or its successor to its original condition.
8. Prior to building permit approval, the applicant shall submit and obtain approval of an engineer's cost estimate, post a Letter of Credit or other security acceptable to the County for 110% percent of the cost of removal of the tower and facility.
9. The tower shall be designed to accommodate five telecommunications providers.
10. The tower shall be designed with a break point and maximum fall radius of 80 feet.

11. Prior to issuance of a final zoning permit for the facility, the applicant shall provide to the County copies of a certified as-built survey for the tower. The as-built survey shall identify the mean surface elevation for the base of the tower as well as the top of the tower, to include any lightning rods or similar appurtenances.
12. Any frequencies or signals emitted by equipment at the facility shall not interfere with or be incompatible with communications frequencies associated with the County's Emergency 911 system or the Stafford Regional Airport. The applicant and any future lessees must provide an intermodulation study showing the proposed telecommunications equipment will not interfere with the County's Emergency 911 system or the Stafford Regional Airport prior to obtaining a building and/or zoning permit.
13. In the event that a County department, County agency, and/or the County Sheriff's Office desires to locate its telecommunications equipment on the facility, the applicant shall provide adequate space on the tower and on the ground lease area for a period of 30 years at no cost to the County. The parties shall mutually agree to the location of the antenna and equipment. Any installation shall comply with the terms of the executed lease agreement with the County, specifically Section 1(e).
14. Construction of the tower shall utilize a gradient paint scheme in order to blend with the landscape.
15. This CUP may be revoked or conditions amended by the Board for violation of these conditions or any applicable County, federal, or state codes.

R16-352

PROPOSED

BOARD OF SUPERVISORS  
COUNTY OF STAFFORD  
STAFFORD, VIRGINIA

RESOLUTION

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, George L. Gordon, Jr., Government Center, Stafford, Virginia, on the 13<sup>th</sup> day of December, 2016:

MEMBERS:

Robert "Bob" Thomas, Jr., Chairman  
Laura A. Sellers, Vice Chairman  
Meg Bohmke  
Jack R. Cavalier  
Wendy E. Maurer  
Paul V. Milde, III  
Gary F. Snellings

VOTE:

On motion of , seconded by , which carried by a vote of , the following was adopted:

A RESOLUTION TO DENY A CONDITIONAL USE PERMIT  
PURSUANT TO APPLICATION CUP16151421 TO ALLOW A  
TELECOMMUNICATIONS FACILITY IN THE A-1,  
AGRICULTURAL ZONING DISTRICT, ON TAX MAP  
PARCEL 58-35A, LOCATED WITHIN THE GEORGE  
WASHINGTON ELECTION DISTRICT

WHEREAS, Milestone Tower Limited Partnership, III, submitted Application CUP16151421 requesting a conditional use permit (CUP) to allow a telecommunications facility in the A-1, Agricultural Zoning District on Tax Map Parcel 58-35A, located within the George Washington Election District; and

WHEREAS, the application was submitted pursuant to Stafford County Code, Sec. 28-35, Table 3.1, which permits this use in the A-1, Agricultural Zoning District, after a CUP is issued by the Board; and

WHEREAS, the Board carefully considered the recommendations of the Planning Commission and staff, and the public testimony, if any, received at the public hearing; and

WHEREAS, the Board has considered the criteria in Stafford County Code Sec. 28-185 and finds that the request does not meet the standards of the Zoning Ordinance for issuance of a CUP;

R16-352

Page 2

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 13<sup>th</sup> day of December, 2016, that a conditional use permit (CUP) pursuant to application CUP16151421 be and it hereby is denied.

CDB:JAH:akh

**LAND USE ACTION REQUEST**

**BOARD OF SUPERVISORS**

Date: December 13, 2016

☒ New

☐ Revised

☐ Unfinished

**REQUEST:** A Conditional Use Permit to allow a telecommunications facility at Duff McDuff Green Memorial Park in the A-1, Agricultural Zoning District, on Tax Map No. 58-35A (Portion)

Conforms with Comprehensive Plan? ☒ Yes ☐ No ☐ N/A

**CONDITIONS:** See proposed Resolution R16-338

**APPLICANT:**

Name: Edward Donohue and Frank Stearns for Milestone Communications III, Inc.

Address: 117 Oronoco Street, Alexandria, VA 22314

Agent: Tracy Themak, Esq.

**TAX STATUS:**

**PLANNING COMMISSION RECOMMENDATION:** Approve ☒ Deny ☐

At a meeting on November 9, 2016, the Planning Commission voted 6-0 (Mr. English was absent) to recommend approval of this application, CUP16151421, with the revision to Condition #14, as specified in proposed Resolution R16-338.

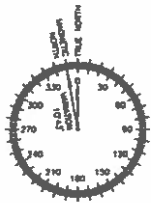
**TIMING:**

Application Date August 18, 2016

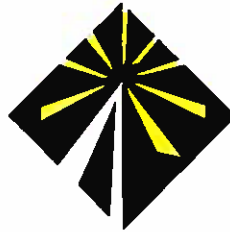
Advertisement Date/s November 29, 2016 and December 6, 2016

Plan. Comm. Action Date November 9, 2016 (Required) November 9, 2016

Proposed Board Action Date December 13, 2016 (Required) January 28, 2017



MAGNETIC DECLINATION  
CALCULATED ON:  
08-19-19



**Milestone**  
COMMUNICATIONS

SITE NAME:

# MCDUFF GREEN PARK

**NEW 50'-0"x50'-0" FENCED COMPOUND  
AND NEW 150'-0" MONOPOLE**

SITE INFORMATION	
SITE NAME	MCDUFF GREEN PARK
SITE ADDRESS	75 JAMES ARMY PARKWAY FALMOUTH, VIRGINIA 23405
JURISDICTION	STAFFORD COUNTY, VIRGINIA
ZONING	A1
TAX ACCOUNT ID	58-354
MAP / PARCEL	8056 / 8056
PARCEL SIZE / COMPOUND SIZE	54.81 AC. / 2059 S.F.
SITE COORDINATES	N 29° 10' 34.31" (RAD) E3 94.17' (S) 4.83' (RAD) E3
GROUND ELEVATION	40' (PMVD 88)
STRUCTURE TYPE	MONOPOLE
STRUCTURE HEIGHT	150' AGL (TOP OF MONOPOLE)
GROUND LANDLORD NAME	STAFFORD COUNTY BOARD OF SUPERVISORS
GROUND LANDLORD ADDRESS	PO BOX 329 STAFFORD, VIRGINIA 22459
APPLICANT	MILESTONE COMMUNICATIONS 12119 BUNNETT HILLS ROAD, SUITE 100 RESTON, VIRGINIA 20190
APPLICANT PHONE	(703) 629-2296
APPLICANT FAX	(703) 629-8888

CODE ANALYSIS	
BUILDING CODE	2012 VIRGINIA CONSTRUCTION CODE
ELECTRICAL CODE	NEC 2011
FASE SAFETY CODE	2013 VIRGINIA BPC
USE GROUP	U (UTILITY)
CONSTRUCTION TYPE	00

PROJECT DESCRIPTION	
1.	INSTALL NEW 50'x50' FENCED COMPOUND AND NEW 150'-0" MONOPOLE TO BE INSTALLED.
2.	NEW ELECTRICAL SERVICE TO BE INSTALLED.
3.	NEW TELEPHONE SERVICE TO BE INSTALLED.



## AREA MAP

FALMOUTH, VIRGINIA  
SCALE: 1" = 500'-0"

### DIRECTIONS:

DRIVING FROM 12119 BUNNETT HILLS ROAD/VA-275 WEST / BUNNETT HILLS ROAD, TAKE RAMP RIGHT, THEN RIGHT ONTO VA-275 SOUTH / FAIRFAX COUNTY PARKWAY / JAMES ARMY PARKWAY, TAKE RAMP RIGHT AND FOLLOW SIGN FOR VA-150, THEN LEFT ONTO VA-150 SOUTH / 800 ROAD, TAKE RAMP RIGHT FOR 800 SOUTH, AT 100+100, TAKE RAMP RIGHT FOR VA-1 EAST, THEN RIGHT ONTO VA-1 EAST / EDWIN ROADWAY, THEN RIGHT ONTO JAMES ARMY PARKWAY, ARRIVE AT SITE.

### NOTE TO GENERAL CONTRACTOR

NO WORK IS TO BE PERFORMED ON THIS SITE WITHOUT REVIEW OF THE APPROVED STRUCTURAL ANALYSIS. IF ANY DISCREPANCIES ARE FOUND THE GENERAL CONTRACTOR SHALL NOTIFY ENGINEER IN WRITING. AT NO TIME WILL ANY ADDITIONAL ANTENNAS BE INSTALLED WITHOUT WRITTEN CONSENT FROM TOWER ENGINEER.

### STRUCTURAL NOTE

ADVANTAGE ENGINEERS IS NOT RESPONSIBLE FOR DESIGN OR STRUCTURAL CERTIFICATION OF NEW ANTENNA MOUNTS REQUIRED FOR THE INSTALLATION OF THE PROPOSED EQUIPMENT ASSOCIATED WITH THIS PROJECT. PLEASE REFER TO THE STRUCTURAL ANALYSIS COMPLETED BY OTHERS FOR ALL STRUCTURAL INFORMATION RELATED TO THE ANTENNA MOUNTS.



**Milestone**  
COMMUNICATIONS  
12119 BUNNETT HILLS ROAD, SUITE 100  
RESTON, VIRGINIA 20190  
TEL: (703) 629-2255  
FAX: (703) 629-8888



**advantage engineers**

1000 BRIDGE LANE, SUITE 100  
COLUMBIA, MISSISSIPPI 39208  
PHONE: (601) 897-0000  
WWW.ADVANTAGEENGINEERS.COM

### SCHEDULE OF DELIVERABLES

NO.	DATE	DELIVERABLE
1		
2		
3		
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5		
6	08-15-19	ISSUED FOR PERMITS
7	08-15-19	ISSUED FOR 50% REVIEW (20%)
8	08-19	COMPLETION OF PERMITS

DRAWN BY:	TA
CHECKED BY:	
SCALE:	NOTED
JOB NO:	REC000460

DRAWING TITLE:	<b>TITLE SHEET</b>
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DRAWING SHEET:	<b>T-1</b>
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SHEET NUMBER:	<b>1 OF 8</b>
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SITE INFORMATION:	<b>SITE NAME: MCDUFF GREEN PARK</b>
	<b>SITE ADDRESS: 75 JAMES ARMY PARKWAY FALMOUTH, VIRGINIA 23405</b>
	<b>JURISDICTION: STAFFORD COUNTY</b>

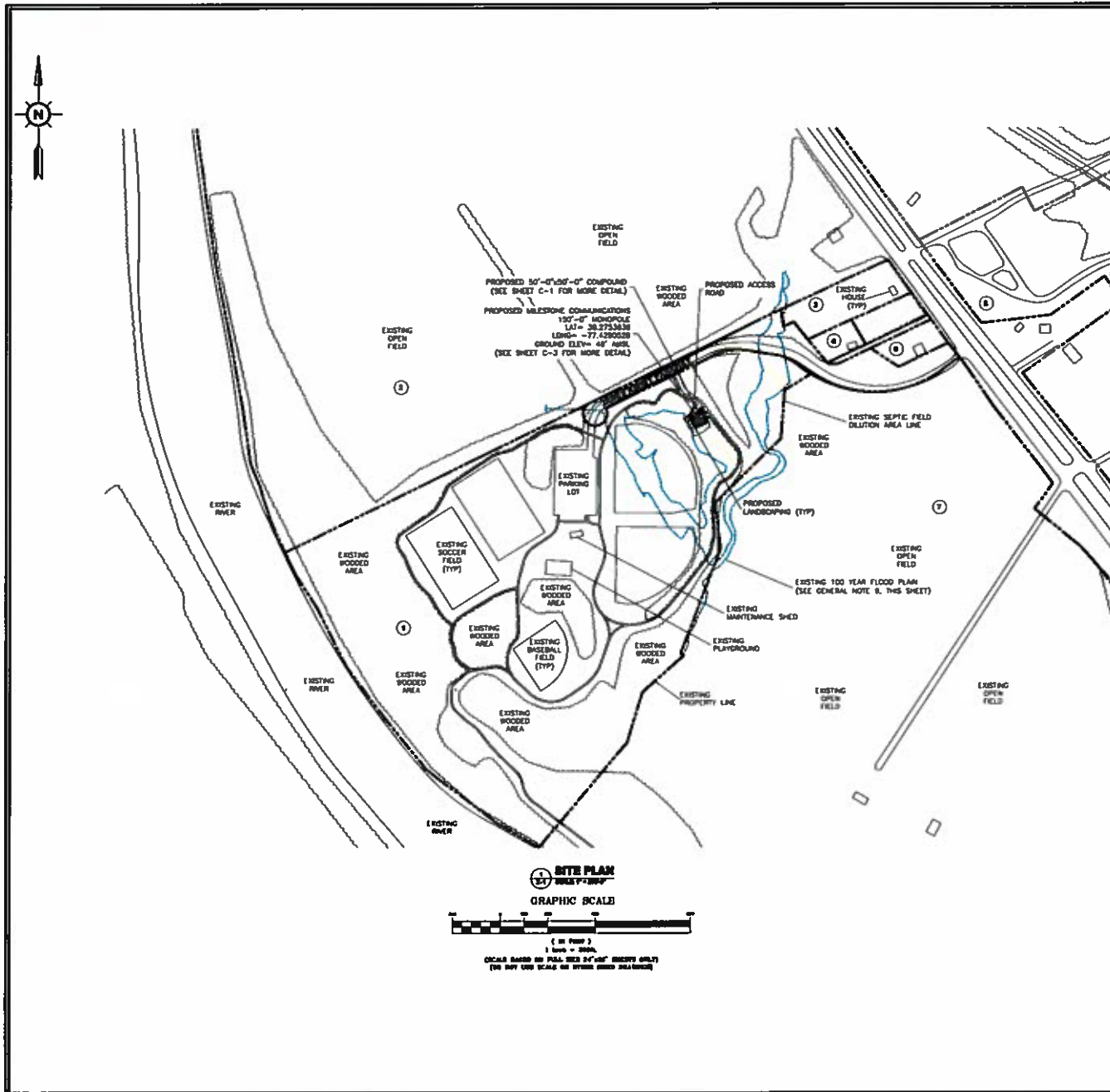


ANDREW R. MILLER, P.E.  
VIRGINIA PROFESSIONAL ENGINEER  
LICENSED IN DESIGN

SHEET INDEX	
DRAWING SHEET	DRAWING TITLE
T-1	TITLE SHEET
Z-1	SITE PLAN
C-1	COMPOUND PLAN
C-2	LANDSCAPE PLAN
C-3	ELEVATION
C-4	CONSTRUCTION DETAILS (CORE)
A-1	ANTENNA LAYOUT & SCHEDULE

MILESTONE COMMUNICATIONS REVIEW	
THE FOLLOWING PARTIES HEREBY APPROVE AND ACCEPT THESE DOCUMENTS AND AUTHORIZE THE CONTRACTOR TO PROCEED WITH THE CONSTRUCTION DESCRIBED HEREIN. ALL DOCUMENTS ARE SUBJECT TO REVIEW BY THE LOCAL BUILDING DEPARTMENT AND MAY BE SUBJECT TO CHANGES OR MODIFICATIONS.	
MILESTONE COMMUNICATIONS ZONING	DATE _____
MILESTONE COMMUNICATIONS S.A.	DATE _____
MILESTONE COMMUNICATIONS CONST.	DATE _____
MILESTONE COMMUNICATIONS A&E MGR.	DATE _____
PROPERTY OWNER	DATE _____





**GENERAL NOTES:**

1. THIS PLAN WAS PREPARED USING AN APPROVED PLAN OUTLINED SURVEY BY POINT TO POINT LAND SURVEYORS, DATED 06-13-2013 AND SHOULD NOT BE CONSIDERED AS AN ACCURATE SURVEY.
2. THE PROPOSED FACILITY WILL CAUSE THE LANDS' INCREASE IN STORMWATER RUNOFF POTENTIAL, HOWEVER, STORMWATER WILL BE MANAGED.
3. NO NOISE, SMOKE, DUST, OR ODOR WILL RESULT FROM THIS FACILITY.
4. THE FACILITY IS UNHARMED AND NOT FOR HUMAN HABITATION (THERE IS NO HAZARDOUS ACCESS REQUIRED).
5. THE FACILITY IS UNHARMED AND DOES NOT REQUIRE PORTABLE WATER OR SANITARY SERVICE.
6. ELEVATIONS REFER TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88).
7. THE PROPOSED DEVELOPMENT DOES NOT INCLUDE STREET SIGNS OF ANY TYPE.
8. THE PROPOSED DEVELOPMENT DOES NOT INCLUDE OUTDOOR STORAGE OR ANY SOLID WASTE RECEPTACLES.
9. ACCORDING TO THE F.U.R.M. COMMUNITY PANEL #0403000446, DATED 10-16-12, THE PROPOSED SITE IS NOT IN A FLOOD PLAIN.

**ADJOINER PROPERTY  
OWNER INFORMATION:**

- ① OWNER NAME: EDWARD D. BUFFINGTON OF STANTON  
MAILING ADDRESS: 75 JAMES ASHBY PARKWAY  
FREDERICKSBURG, VIRGINIA 22405  
ZONING: A-1  
TAX ACCOUNT: # 80-35A  
LAND AREA: 56.53 AC.
- ② OWNER NAME: KATHALIA LILLIAN C. TRUST  
MAILING ADDRESS: 554 GUNDS HOVSEY  
FREDERICKSBURG, VIRGINIA 22405  
ZONING: A-1  
TAX ACCOUNT: # 80-38  
LAND AREA: 118.02 AC.
- ③ OWNER NAME: NEOLA M. BUCHEN  
MAILING ADDRESS: 612 JAMES HOVSEY  
FREDERICKSBURG, VIRGINIA 22405  
ZONING: A-1  
TAX ACCOUNT: # 80-32  
LAND AREA: 180 AC.
- ④ OWNER NAME: WILLIAM & FRANCES H. WILLIAMS  
MAILING ADDRESS: 922 JAMES HOVSEY  
FREDERICKSBURG, VIRGINIA 22405  
ZONING: A-1  
TAX ACCOUNT: # 80-34  
LAND AREA: 187 AC.
- ⑤ OWNER NAME: JAMES T. ANTHOLMUS  
MAILING ADDRESS: 617 JAMES HOVSEY  
FREDERICKSBURG, VIRGINIA 22405  
ZONING: A-1  
TAX ACCOUNT: # 80C-1-2  
LAND AREA: 12.91 AC.
- ⑥ OWNER NAME: SCOTT T. & VICTORIA L. MICHAELS  
MAILING ADDRESS: 634 JAMES HOVSEY  
FREDERICKSBURG, VIRGINIA 22405  
ZONING: A-1  
TAX ACCOUNT: # 80C-2-8  
LAND AREA: 6.76 AC.
- ⑦ OWNER NAME: EDWARD H. STAFFORD  
MAILING ADDRESS: 636 JAMES HOVSEY  
FREDERICKSBURG, VIRGINIA 22405  
ZONING: A-1  
TAX ACCOUNT: # 80C-2-8  
LAND AREA: 11.51 AC.



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**Milestone**  
COMMUNICATIONS

22110 GUNSET BULES ROAD, SUITE 100  
LEXINGTON, VIRGINIA 24050  
TEL. (703) 420-2555  
FAX (703) 420-0009



advantage engineers

700 JAMES MONROE DRIVE, SUITE 100  
COLUMBIA, SOUTH CAROLINA 29204  
PHONE (803) 732-0000  
www.silverdalegroup.com

### LIST OF REFERENCES

9		
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SCALE: \_\_\_\_\_ METERS

JOE HEN 1963-04-01-20

## SITE PLAN

**DECLARATION OF INTEREST:**

**Z-1**

**PAGE NUMBER:**  
**2 OF 8**

**City Information:**

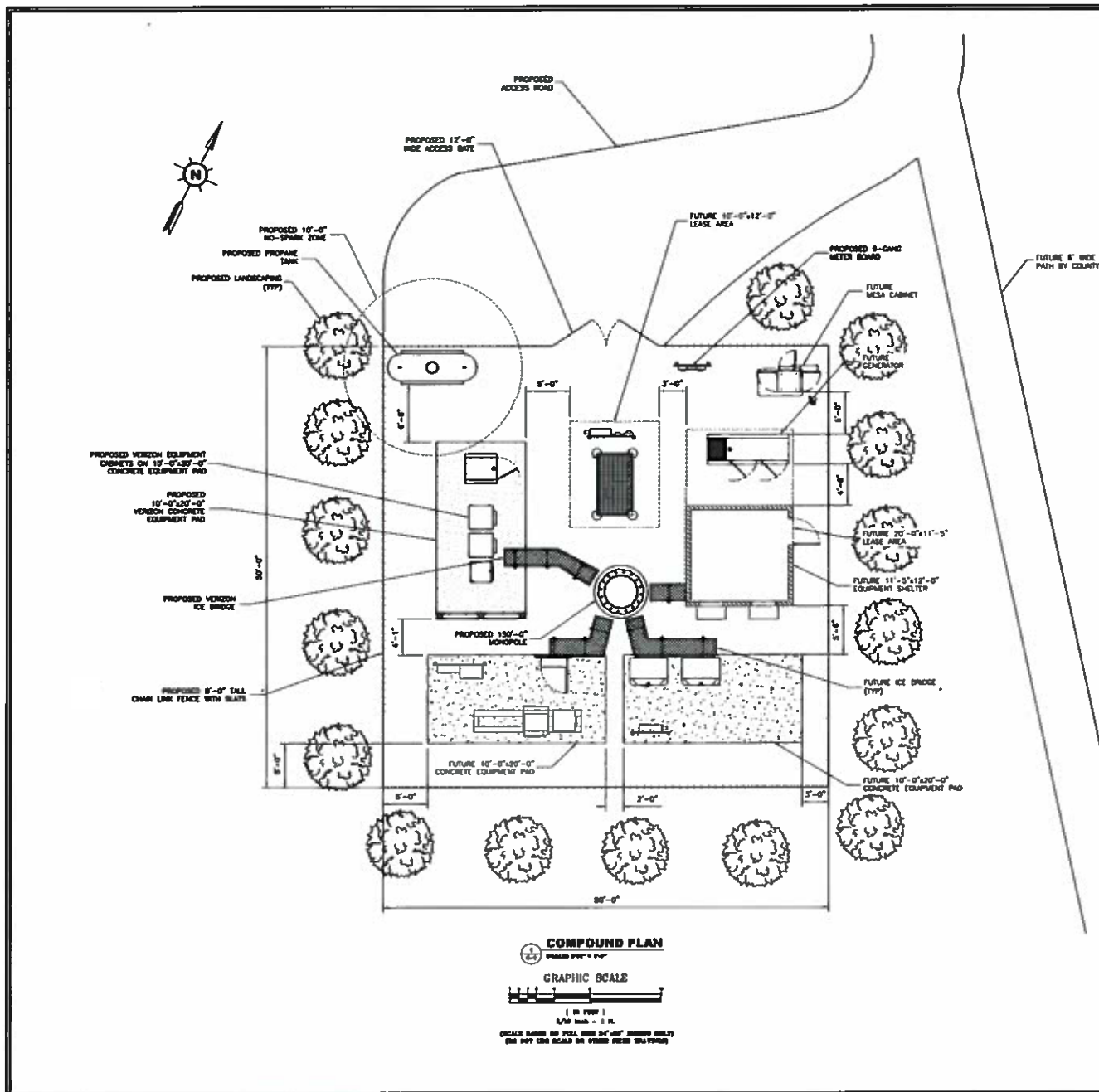
**SITE NAME:**  
**MCDUFF GREEN PARK**

**SITE ADDRESS:**  
**75 JAMES ASHEY PARKWAY**  
**FALMOUTH, VIRGINIA 22405**

**JURISDICTION:**  
**STAFFORD COUNTY**



**AMERICAN CO. MILLER, P.E.**  
**10000 100TH AVE. NORTH**  
**LYNDEN, MN 55341**



# GENERAL NOTES

1. THE CONTRACTOR SHALL COMPLY WITH ALL APPLICABLE CODES, ORDINANCES, LAWS AND REGULATIONS OF ALL MUNICIPALITIES, UTILITY COMPANIES OR OTHER PUBLIC AUTHORITIES.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL PERMITS AND INSPECTIONS THAT MAY BE REQUIRED BY ANY FEDERAL, STATE, COUNTY OR MUNICIPAL AUTHORITIES.
3. THE CONTRACTOR SHALL NOTIFY THE CONSTRUCTION MANAGER, IN WRITING, OF ANY CONFLICTS, ERRORS OR OMISSIONS PRIOR TO THE SUBMISSION OF BIDS OR PERFORMANCE OF WORK. MINOR CHANGES OR CORRECTIONS TO THE BID PROJECT IN ACCORDANCE WITH THE ORIGINAL INTENT OF THESE DRAWINGS.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING SITE IMPROVEMENTS PRIOR TO COMMENCING CONSTRUCTION. THE CONTRACTOR SHALL REPAIR ANY DAMAGE CAUSED AS A RESULT OF CONSTRUCTION OF THIS FACILITY.
5. THE SCOPE OF WORK FOR THIS PROJECT SHALL INCLUDE PROVIDING ALL MATERIALS, EQUIPMENT AND LABOR REQUIRED TO COMPLETE THIS PROJECT. ALL EQUIPMENT SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS.
6. THE CONTRACTOR SHALL VISIT THE PROJECT SITE PRIOR TO SUBMITTING A BID TO VERIFY THAT THE PROJECT CAN BE CONSTRUCTED IN ACCORDANCE WITH THE CONTRACT DOCUMENTS.
7. THIS PLAN WAS PREPARED USING AN APPROVED PLAN ENTITLED SURVEY BY POINT TO POINT LAND SURVEYORS, DATED 05-13-2015 AND SHOULD NOT BE CONSIDERED AS AN ACCURATE SURVEY.
8. THE PROPOSED FACILITY WILL CAUSE ONLY A "DE MINOR" INCREASE IN STORMWATER RUNOFF. THEREFORE, NO DRAINAGE STRUCTURES ARE PROPOSED.
9. NO NOISE, SMOKE, DUST, OR ODOR WILL RESULT FROM THIS FACILITY.
10. THE FACILITY IS UNINHABITED AND NOT FOR HUMAN HABITATION (THERE IS NO HANDICAP ACCESS REQUIRED).
11. THE FACILITY IS UNINHABITED AND DOES NOT REQUIRE POTABLE WATER OR SANITARY SERVICE.
12. POWER TO THE FACILITY WILL BE MONITORED BY A SEPARATE METER.
13. CONTRACTOR SHALL VERIFY ANTENNA ELEVATION AND AZIMUTH WITH RF ENGINEERING PRIOR TO INSTALLATION.
14. MOUNTS AND ANTENNAS ARE DESIGNED TO MEET ANSI/TIA-222-G AS PER 2012 VCC REQUIREMENTS.
15. ALL STRUCTURAL ELEMENTS SHALL BE HOT DIPPED GALVANIZED STEEL.
16. CONTRACTOR SHALL MAKE A UTILITY "ONE CALL" TO LOCATE ALL UTILITIES PRIOR TO EXCAVATING.
17. IF ANY PIPING EXISTS BENEATH THE SITE AREA, CONTRACTOR MUST LOCATE IT AND CONTACT OWNERS REPRESENTATIVE.
18. CONSTRUCTION TO COMMENCE UPON COMPLETION OF A PASSING STRUCTURAL ANALYSIS. STRUCTURAL ANALYSIS TO BE PERFORMED BY OTHERS.



**Milestone COMMUNICATIONS**  
13114 FOREST HILLS ROAD, SUITE 100  
DUSTY, VIRGINIA 22749  
TEL: (703) 438-2355  
FAX: (703) 438-8889



**advantage engineers**

1000 SHAW-WHITE ROAD, SUITE 100  
CELEBRATION, FLORIDA 34708  
TEL: (888) 337-0000  
WWW.ADVANTAGEENGINEERS.COM

## SCHEDULE OF REVISIONS

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SCALE:	NOTED
JOB NO.	202004020

## DRAWING TITLE:

**COMPOUND PLAN**

## DRAWING SHEET:

**C-1**

## SHEET NUMBER:

**3 OF 8**

## SITE INFORMATION:

**SITE NAME:**  
MCDUFF GREEN PARK  
  
**SITE ADDRESS:**  
75 JAMES ASHBY PARKWAY  
FALMOUTH, VIRGINIA 23406  
  
**JURISDICTION:**  
STAFFORD COUNTY

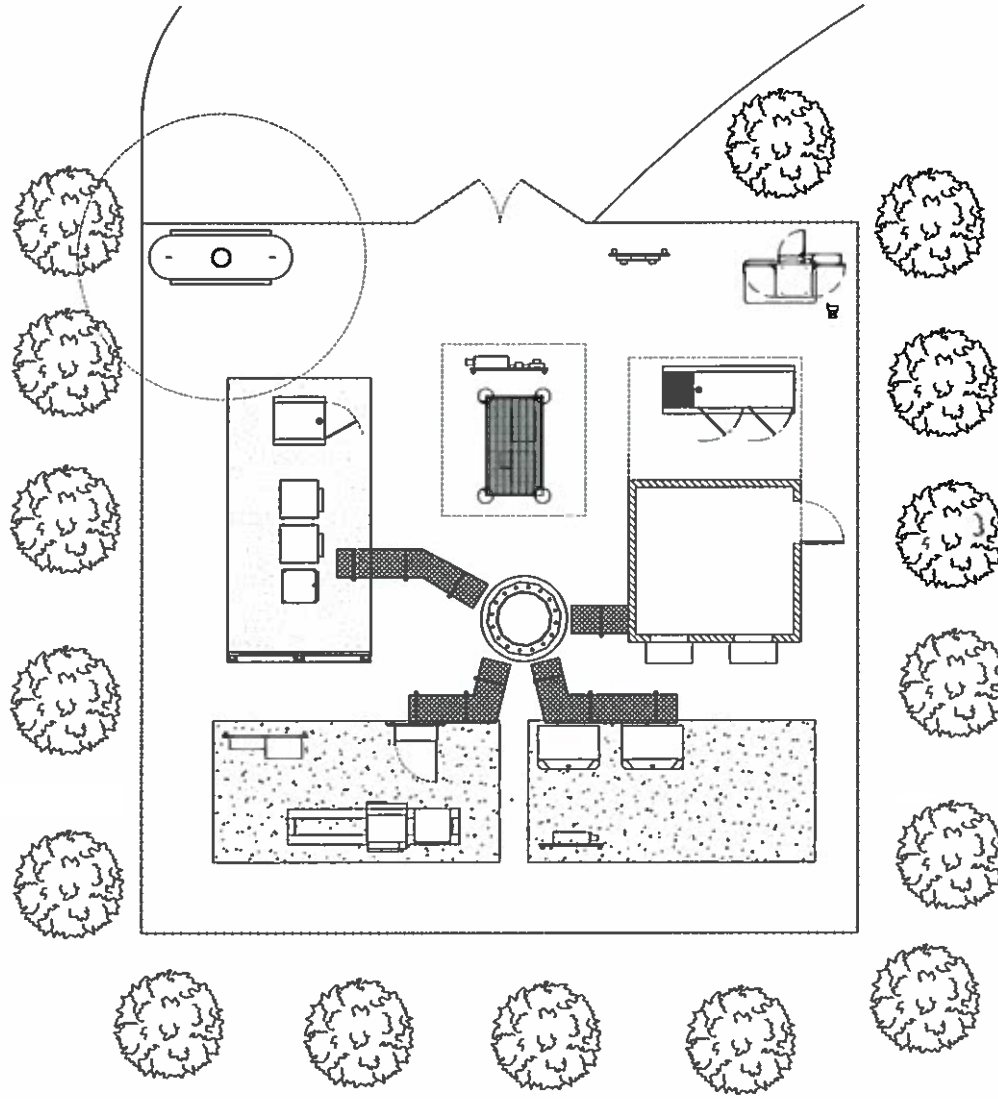


ANDREW H. MILLER, P.E.  
VERIFIED PROFESSIONAL ENGINEER  
LICENSED IN VIRGINIA



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FOR ALL UTILITIES  
IN THE COMMONWEALTH OF VIRGINIA



**PLANT PALETTE**

VERONA PINE 10' - 12'



Count: 16

**LANDSCAPE PLAN**

SCALE: 1/4" = 1'-0"

GRAPHIC SCALE



(1" = 10' 0")

1/4" scale = 1' 0"

(SCALE BASED ON FULL SIZE 24" x 36" SHEET ONLY)

DO NOT USE SCALE ON OTHER SHEET DIMENSIONS



**Milestone COMMUNICATIONS**  
12110 DOWNEY ROAD, SUITE 100  
DORTCH, VIRGINIA 22031  
TEL: (703) 640-5555  
FAX: (703) 640-0001



**advantage engineers**

1000 SHILOH ROAD, SUITE 100  
COLLIER, VIRGINIA 22031  
PHONE: (703) 640-5555  
WWW.ADVANTAGEENGINEERS.COM

**SCHEDULE OF DIVISIONS**

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DESIGNED BY:	TA
CHECKED BY:	
SCALE:	NOTED
JOB NO.	2020-04-02

DRAWING TITLE:

**LANDSCAPE PLAN**

DRAWING SHEET:

**C-2**

SHEET NUMBER:

**4 OF 8**

SITE INFORMATION:

**SITE NAME:**  
**MCDUFF GREEN PARK**  
  
**SITE ADDRESS:**  
**75 JAMES ASHLEY PARKWAY**  
**FALMOUTH, VIRGINIA 22406**  
  
**JURISDICTION:**  
**STAFFORD COUNTY**



ANDREW M. HELLER, P.E.  
VIRGINIA PROFESSIONAL ENGINEER  
LICENSE # 672715

THE BUREAU OF THE ARMY, NAVY AND  
AIRCRAFT, (ARMY) AND  
FEDERAL BUREAU OF INVESTIGATION  
www.armyandnavy.org

BRANCH ST:	TA
CHURCH ST:	
SCALE:	NOTED
JOB NO:	ME300-02.50

**DEADLINE CHART:**

**C-3**

**SITE INFORMATION:**

**SITE NAME:**  
**MCDUFF GREEN PARK**

**SITE ADDRESS:**  
**75 JAMES ASHBY PARKWAY**  
**FALMOUTH, VIRGINIA 22405**

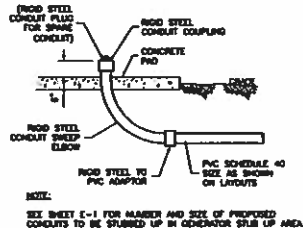
**JURISDICTION:**  
**STAFFORD COUNTY**



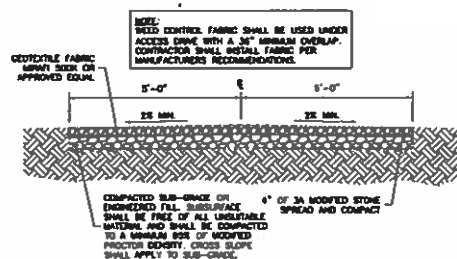
**ANDREW M. GILLON, P.E.**  
VIBRO-25 PROFESSIONAL CONSULTING  
ENGINEER & INC.



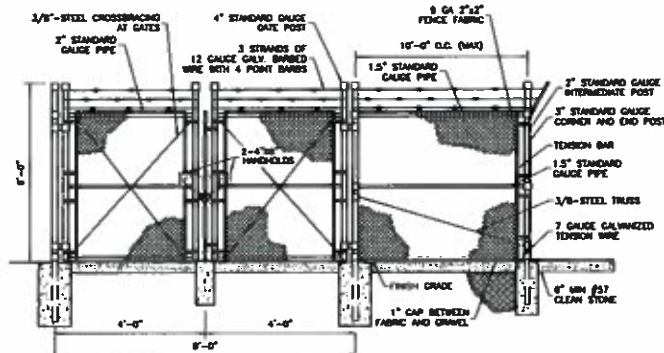
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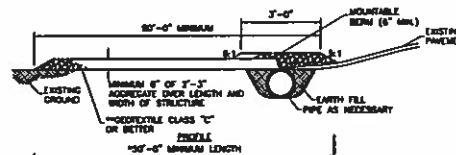
**CONDUIT STUB-UP DETAIL**  
SEE



**ACCESS DRIVE DETAIL**  
SEE



**TYPICAL FENCE AND GATE DETAIL**  
SEE



- CONSTRUCTION SPECIFICATIONS**
1. LENGTH - MINIMUM OF 80' (1.50' FOR SINGLE RESIDENCE LOT).
  2. WIDTH - 10' MINIMUM, SHOULD BE PLACED AT THE EXISTING ROAD TO PREVENT A TURNING MOVEMENT.
  3. GEOTEXTILE FABRIC (FILTER CLOTH) SHALL BE PLACED OVER EXISTING GROUND PRIOR TO PLACING STONE. THE PLAN APPROVAL AUTHORITY MAY NOT REQUIRE SINGLE FAMILY RESIDENCES TO USE GEOTEXTILE.
  4. STONE - CRUSHED AGGREGATE (3" TO 3") OR RECLAIMED OR RECYCLED CONCRETE EQUIVALENT SHALL BE PLACED AT LEAST 6" DEEP OVER THE LENGTH AND WIDTH OF THE ENTRANCE.
  5. SURFACE WATER - ALL SURFACE WATER FLOWING TO OR DRAINING TOWARD CONSTRUCTION ENTRANCES SHALL BE PIPED THROUGH THE ENTRANCE. UNPAVED EXISTING ENTRANCE PIPE INSTALLED THROUGH THE STABILIZED CONSTRUCTION ENTRANCE SHALL BE PROTECTED WITH A MOUNTABLE BERM WITH 3:1 SLOPE AND A MINIMUM OF 6" OF STONE OVER THE PIPE. PIPE HAS TO BE SIZED ACCORDING TO THE DRAINAGE. WHEN THE BERM IS LOCATED AT A HIGH SPOT AND HAS NO DRAINAGE TO CONVEY A PIPE WILL NOT BE NECESSARY. PIPE SHOULD BE SIZED ACCORDING TO THE AMOUNT OF RUN-OFF TO BE CONVEYED. A 6" MINIMUM WILL BE REQUIRED.
  6. LOCATION - A STABILIZED CONSTRUCTION ENTRANCE SHALL BE LOCATED AT EVERY POINT WHERE CONSTRUCTION TRAFFIC ENTERS OR LEAVES A CONSTRUCTION SITE. VEHICLES LEAVING THE SITE MUST TRAVEL OVER THE ENTIRE LENGTH OF THE STABILIZED CONSTRUCTION ENTRANCE.

**STABILIZED CONSTRUCTION ENTRANCE DETAIL**  
SEE



**Milestone COMMUNICATIONS**  
12116 WEST HILLS BLVD, SUITE 100  
ARLINGTON, VIRGINIA 22204  
TEL: (703) 400-1544  
FAX: (703) 400-6889



**advantage engineers**

100 BROADVIEW DRIVE, SUITE 100  
COLLINGS, VIRGINIA 22024  
PHONE (404) 807-0000  
WWW.ADVANTAGEENGINEERS.COM

**SCHEDULE OF REVISIONS**

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CHECKED BY: MTH  
SCALE: AS SHOWN  
JOB NO: 10300045.00

**CONSTRUCTION DETAILS**

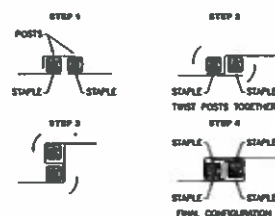
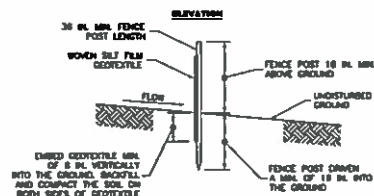
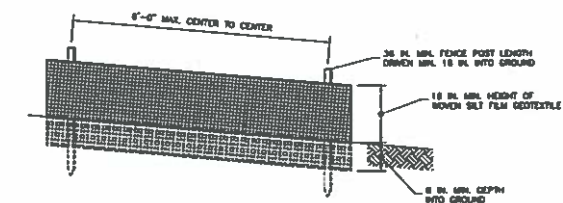
**C-4**

**6 OF 8**

**SITE NAME:**  
**MCDUFF GREEN PARK**  
**SITE ADDRESS:**  
**75 JAMES ARBURY PARKWAY**  
**FALMOUTH, VIRGINIA 22406**  
**JURISDICTION:**  
**STAFFORD COUNTY**



ANDREW G. MILLER, P.E.  
VIRGINIA PROFESSIONAL ENGINEER  
LICENSE # 100000



JOINING TWO ADJACENT SILT FENCE SECTIONS (TOP VIEW)

1 SILT FENCE DETAIL

# CONSTRUCTION SPECIFICATIONS:

1. USE WOOD POSTS 1-3/4"x1-3/4"x1/8 INCH (MINIMUM) SQUARE CUT OF SOUND QUALITY HARDWOOD. AS AN ALTERNATIVE TO ROUNDED POST USE STANDARD "T" OR "U" SECTION STEEL POSTS WEIGHING NOT LESS THAN 1 POUND PER LINEAR FOOT.
2. USE 3/8 INCH MINIMUM POSTS DRIVEN 18 INCH MINIMUM INTO GROUND NO MORE THAN 8 FEET APART.
3. USE WOVEN SILT FILM GEOTEXTILE AS SPECIFIED IN SECTION H-1 MATERIALS AND FASTEN GEOTEXTILE SECURELY TO UPSLOPE SIDE OF FENCE POSTS WITH WIRE NET OR STAPLES AT TOP AND TWO-SECTION.
4. PROVIDE MANUFACTURER CERTIFICATION TO THE AUTHORIZED REPRESENTATIVE OF THE INSPECTION/PERFORMANCE AUTHORITY SHOWING THAT THE GEOTEXTILE USED MEETS THE REQUIREMENTS IN SECTION H-1 MATERIALS.
5. [WED] GEOTEXTILE A MINIMUM OF 6 INCHES VERTICALLY INTO THE GROUND, BACKFILL AND COMPACT THE SOIL ON BOTH SIDES OF FABRIC.
6. WHERE TWO SECTIONS OF GEOTEXTILE ADJOIN: OVERLAP, TWIST, AND STAPLE TO POST IN ACCORDANCE WITH THIS DETAIL.
7. EXTEND BOTH ENDS OF THE SILT FENCE A MINIMUM OF FIVE HORIZONTAL FEET UPSLOPE AT 45 DEGREES TO THE MAIN FENCE ALIGNMENT TO PREVENT RUNOFF FROM GOING AROUND THE ENDS OF THE SILT FENCE.
8. REMOVE ACCUMULATED SEDIMENT AND DEBRIS WHEN BULGES DEVELOP IN SILT FENCE OR WHEN SEDIMENT REACHES 75% OF FENCE HEIGHT. REPLACE GEOTEXTILE IF TORN. IF UNDERMINING OCCURS, REINSTALL FENCE.



**Milestone  
COMMUNICATIONS**  
12119 DEWEY DR. SUITE 100  
RESTON, VIRGINIA 20190  
TEL: (703) 430-2555  
FAX: (703) 430-0809



**advantage engineers**

10000 WOODS DR. SUITE 100  
COLLIER, VIRGINIA 22620  
PHONE: (404) 807-0000  
WWW.ADVANTAGEENGINEERS.COM

## SCHEDULE OF DRAWINGS

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DATE: 6/1/15  
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CHECKED BY: MTB  
SCALE: 1"=10'  
JOB NO: 150000000

## CONSTRUCTION DETAILS (CONT.)

DRAWING SHEET:  
**C-5**

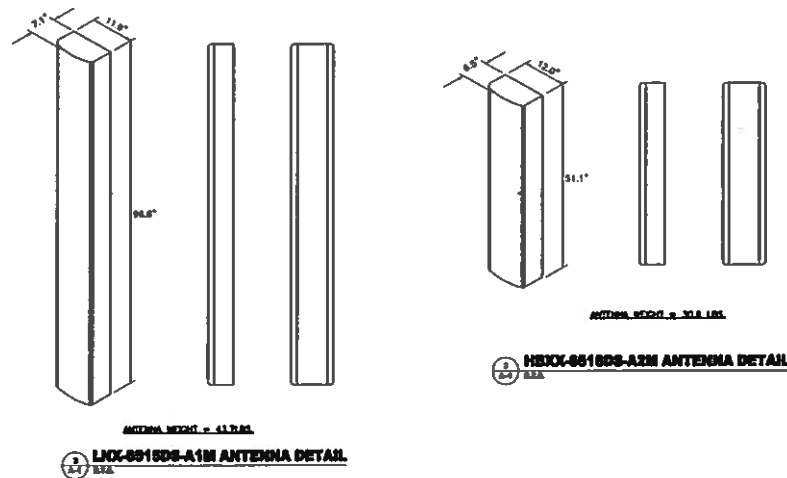
SHEET NUMBER:  
**7 OF 8**

SITE INFORMATION:  
**SITE NAME:**  
MCDUFF GREEN PARK  
**SITE ADDRESS:**  
78 JAMES ASHBY PARKWAY  
FALMOUTH, VIRGINIA 22406  
**JURISDICTION:**  
STAFFORD COUNTY



ANDREW M. KELLER, P.E.  
10000 WOODS DR. SUITE 100  
COLLIER, VIRGINIA 22620  
PHONE: (404) 807-0000  
WWW.ADVANTAGEENGINEERS.COM





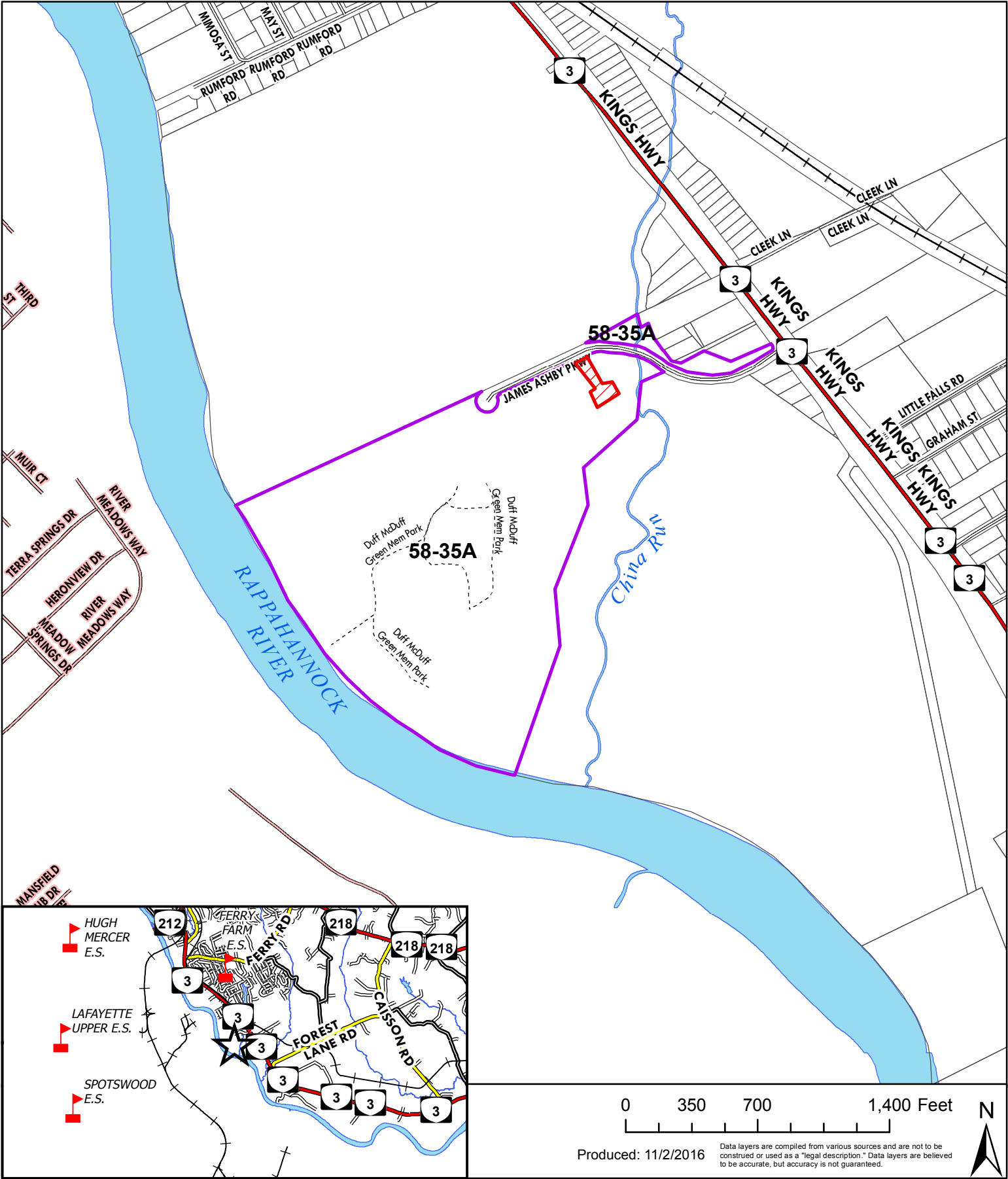




# CUP16151421; Conditional Use Permit

Telecom Tower Milestone Communications at Duff McDuff Green Memorial Park

Produced by the Stafford County Department of Planning and Zoning  
540-658-8668 | P.O. Box 339 Stafford, VA 22555



Produced: 11/2/2016

Data layers are compiled from various sources and are not to be construed or used as a "legal description." Data layers are believed to be accurate, but accuracy is not guaranteed.



**STAFFORD COUNTY, VA  
TECHNICAL REVIEW**

**Conditional Use Permit #16151420**

**NEW 150-ft SELF-SUPPORT MONOPOLE TOWER**

**MILESTONE COMMUNICATIONS**

**Site Name: McDuff Green Park**

**76 James Ashby Parkway  
Falmouth, VA 22405**

**Submitted by:**

**ATLANTIC TECHNOLOGY CONSULTANTS, INC.**

A Member of The Atlantic Group of Companies

**ATC PROJECT #: 1107-03**

**October 14, 2016**



## **EXECUTIVE SUMMARY**

Milestone Tower Limited Partnership III (Milestone) with Verizon Wireless (Verizon) has made application to the County for the issuance of a Conditional Use Permit to construct a 150-ft Self Supportive monopole tower (with a 6-ft lightning rod) for a total of 156-ft AGL on property owned by Stafford County Board of Supervisors.

Milestone is a wireless communications facility owner that works with various carriers and wireless providers to supply vertical real estate for antenna and ground equipment placement. Milestone is a leader in the field of partnering with counties and municipalities for the use of public property such as parks, schools, and landfills.

Verizon is an FCC licensed wireless telecommunications provider authorized to provide services in the Stafford County area and will be the first tenant of this wireless communications facility.

Milestone is proposing to construct a 150-ft self-supportive monopole type tower to enhance service delivery along the James Ashby Parkway corridor in the central Stafford County area and the surrounding underserved areas for wireless Broadband technology.

This report outlines the specific areas of evaluation with respect to this proposal. Supporting and clarifying evidence regarding the suitability of the proposed design in meeting the specified coverage goals is included.

It is the opinion of this consultant that the Applicant's plans conform to accepted design and construction practices for the construction of telecommunications support structures.

This Consultant recommends that the request for issuance of a Conditional Use Permit to allow construction as proposed be approved.



---

George N. Condyles, IV  
President and COO  
Atlantic Technology Consultants, Inc.

## Stafford Virginia Telecommunications Plan – June 2011

### *Stafford County*



Telecommunications has become a utility service, such as phone, gas, electric and water, for citizens, and not merely a convenience. People need telecommunications to organize family life, learn outside the classroom, or telecommute for their jobs. A community with a strong telecommunication infrastructure tells its citizens it cares about their safety, welfare and quality of life.

#### **Goal**

Stafford County recognizes the need to develop an effective and efficient telecommunications infrastructure, which will support and promote public safety and economic development, as well as the quality of life of its citizens.

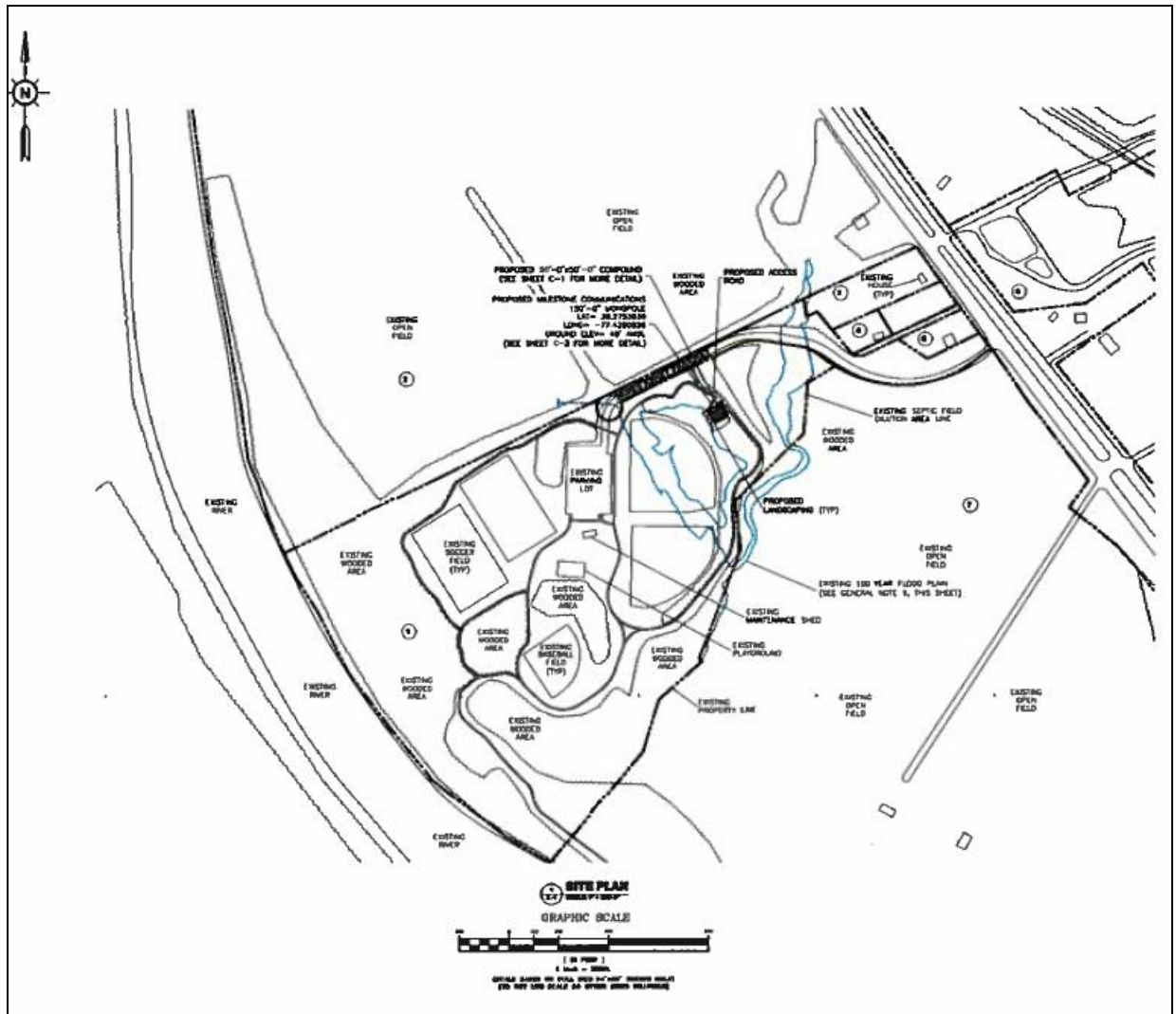
#### **Objectives:**

1. To identify those areas within the County where telecommunications facilities can be located.
2. To encourage the co-location of telecommunications facilities on existing structures and towers, in order to minimize the proliferation of towers and monopoles.
3. To seek to place telecommunications facilities in areas compatible with adjacent land uses.
4. To require appropriate siting, design and buffer criteria to minimize negative visual impacts.
5. To establish policies for the removal of telecommunications facilities and restoration of the site once the facilities have been removed.
6. To encourage the adaptive reuse or replacement of existing facilities.
7. To encourage the location of major telecommunications facilities within Virginia Department of Transportation (VDOT) right-of-way for interstate highway intersections.
8. To promote the public health, welfare, and safety through the enhancement of wireless 911 capabilities in the County.
9. To avoid impacts from telecommunications facilities on wetlands and other known bird habitat and/or migration corridors.
10. To provide broadband access to as many citizens as possible.

## 1.0 TECHNICAL

### 1.1 Siting

The proposed tower site is a 50' x 50' lease area or 2,500 square foot portion of a 58.65 acre parcel adjoined by a 125.21 acre parcel both known as McDuff Green Park with a total acreage of 183.86 acres. The adjacent property is zoned A-1 (Agricultural) and located on Tax Map 58-35A. The proposed site can be accessed from James Ashby Parkway and is physically located at 38° 16' 31.37" N and 77° 25' 44.59" W at a ground elevation of 65' ±.

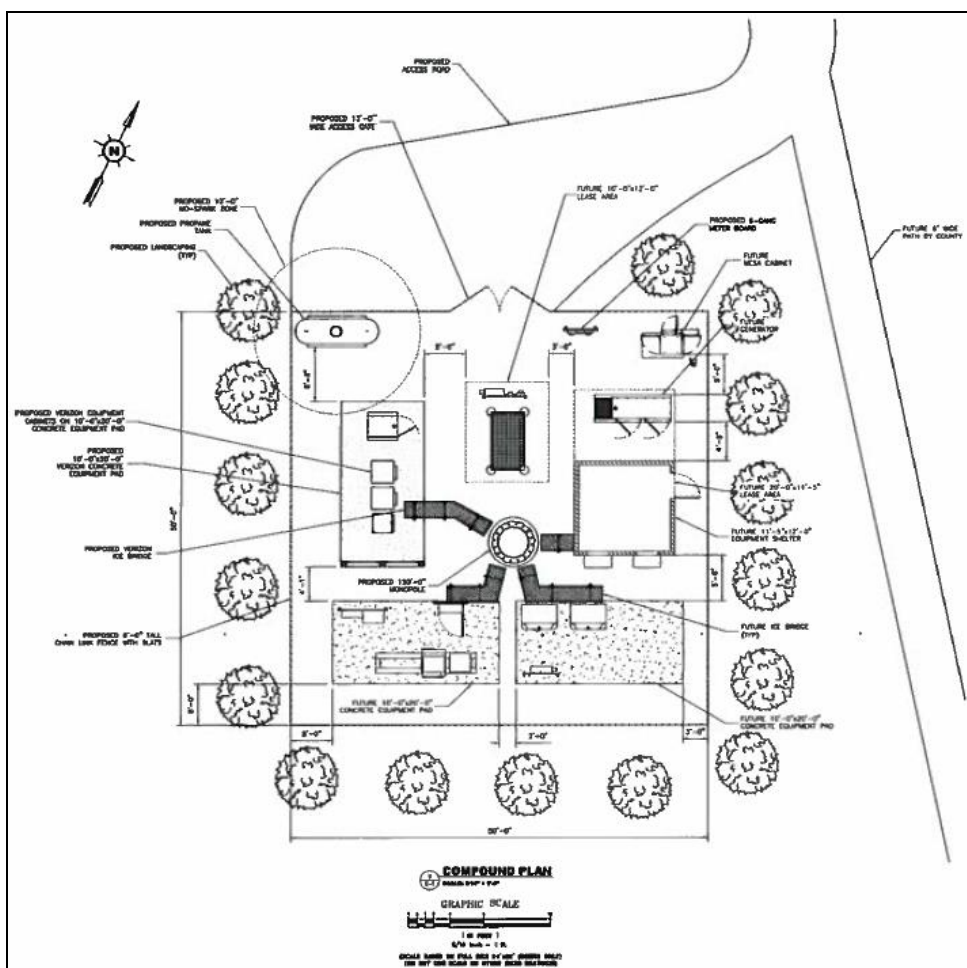


## Site Plan

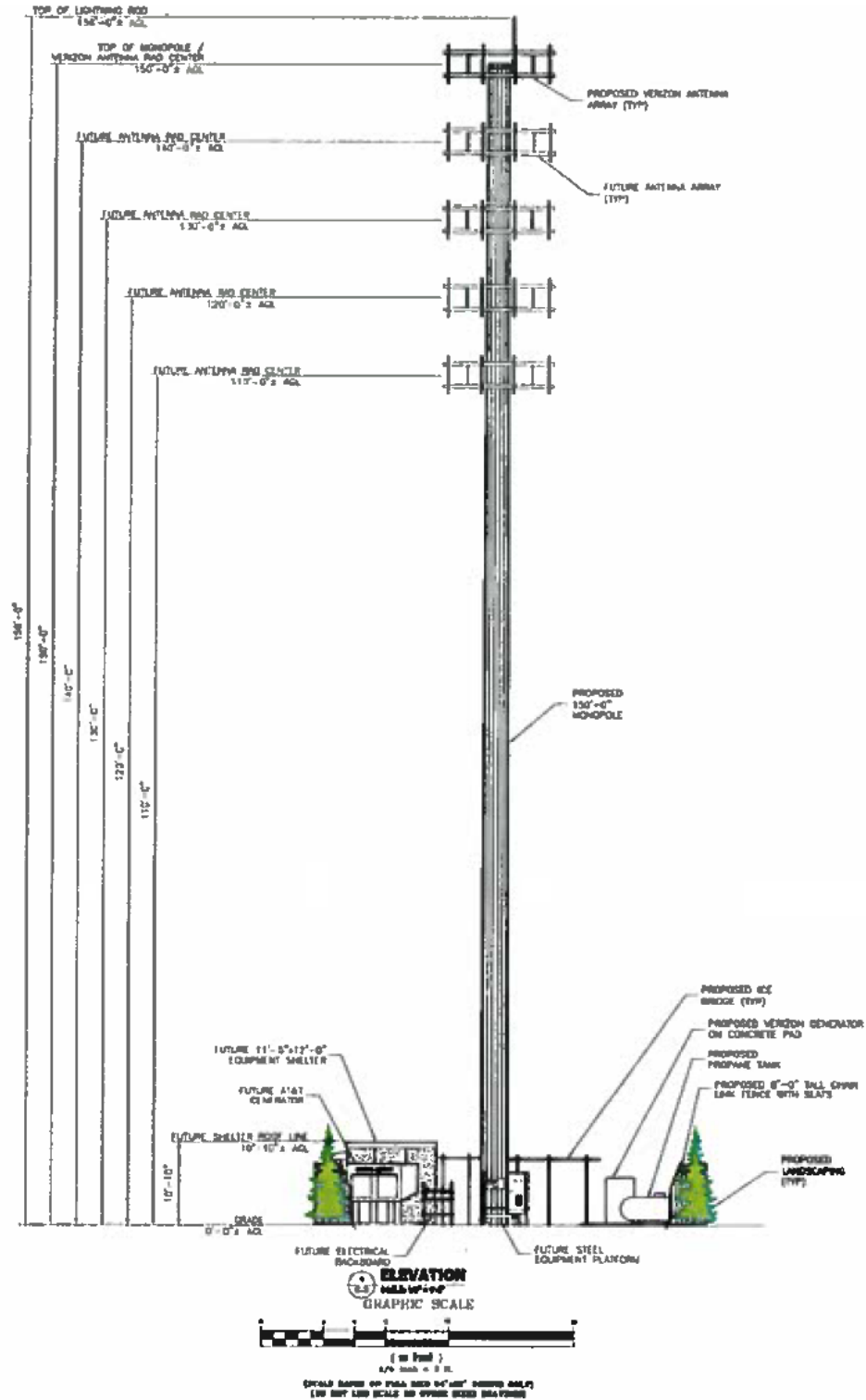
The Applicant proposes a 50' wide ingress/egress easement with a 12' wide gravel access road. The proposed easement will run approximately 1,200 ft. from James Ashby Parkway.

The Applicant proposes the tower to provide five (5) carrier “slots” for all licensed Cell/PCS carriers in the market. Verizon would be the first “tenant” of the facility. Verizon will place twelve (12) antennas and cables with an 11'-6" x 16'-4" equipment platform with various radio and power cabinets, Standby Generator, with an ice-bridge and utility service cabinets.

In addition, there will be a 4' x 10' concrete pad with a fuel tank for the Standby Generator. The Standby Generator is used in Emergency situations such as power outages caused by weather.



## Proposed Tower Elevation View (150' + 6' Lightning Rod = 156' AGL)





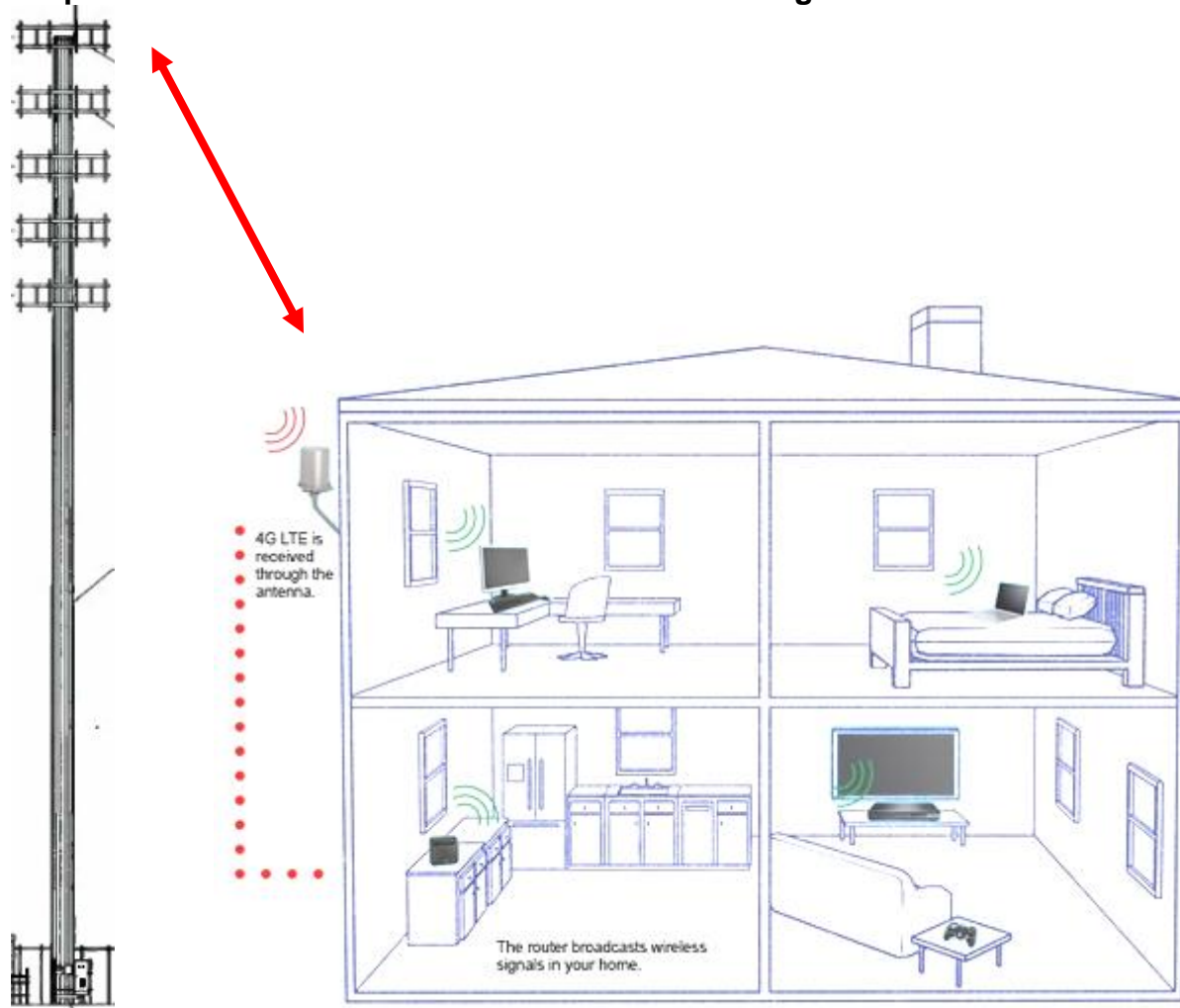
## Technology Background: Wireless Broadband

Enhanced Verizon Services that Verizon will provide from this site

“HomeFusion” – LTE and AWS Service

Proposed Tower

Existing Homes



### **Verizon Wireless HomeFusion Broadband**

A service that provides high-speed in-home Internet access leveraging the power and speed of the nation's largest 4G LTE network, will be available throughout the country.

HomeFusion Broadband offers customers a reliable alternative for residential broadband, especially in areas with limited broadband choices. It provides connectivity for a wide range of devices, including computers and gaming consoles, using the Verizon 4G LTE network, which is now available in 230 markets covering more than two-thirds of the population in the United States.

“HomeFusion Broadband is another example of Verizon Wireless’ commitment to providing their customers with the most innovative products and services,” said Tami Erwin, vice president and chief marketing officer, Verizon Wireless. “With HomeFusion Broadband, customers across the United States, in towns large and small, will have the chance to link devices to the Internet and take advantage of the speed, coverage and connectivity offered by the Verizon 4G LTE network.”

### **How it works**

HomeFusion Broadband uses a professionally installed, cylinder-shaped antenna attached to a customer’s home. The antenna’s innovative design includes multiple internal antennae, allowing the device to pick up the best Verizon 4G LTE signal available and transmit it to a broadband router inside the home. The router can connect up to four wired and at least 20 wireless devices inside the home using Wi-Fi.

In real-world, fully loaded network environments, Verizon 4G LTE customers, including HomeFusion Broadband customers, should experience average data rates of 5 to 12 megabits per second (Mbps) on the downlink and 2 to 5 Mbps on the uplink.

## **1.2 Setbacks**

Stafford County’s Zoning Ordinance, Chapter 28 and the *Stafford County Telecommunications Plan* dated June 2011 goals states the following:

The goals of this section are:

8. Setbacks from property lines in agricultural and residential districts should be equal to the height of the communications facility. Exceptions to the setback should be considered if proper screening is provided.
9. Setbacks from adjoining dwellings should be at a minimum equal to the height of the tower.
10. Communications facilities should generally be sited toward the interior of the property.

Applicant's Response:

**8. Setbacks from property lines in agricultural and residential districts should be equal to the height of the communications facility. Exceptions to the setback should be considered if proper screening is provided.**

*Applicant Response:* All property line setbacks exceed the height of the structure.

**9. Setbacks from adjoining dwellings should be at a minimum equal to the height of the tower.**

*Applicant Response:* All property line setbacks from adjoining dwellings exceed the height of the structure.

**10. Communications facilities should generally be sited toward the interior of the property.**

*Applicant Response:* The proposed facility will be interior to the park property and located in a wooded portion of the park site.

Consultant's Response:

The closest dwelling off-site is approximately 850' north. The closest property line is 700'. The Collapse Zone for this tower would be a 1/3 break, meaning approximately 50' in elevation from the base of the tower. The tower is designed to break and the top 110' would fold upon the bottom base.

This is known as "Break-Point Technology." All monopole towers are designed like this by current building standards.

**The Consultant concurs with this location placement.**

### **1.3 Co-location**

#### **Proposed Tower Capabilities**

##### **5 Wireless Carriers**

Slot #1....Verizon-Top  
Slot #2.....Vacant  
Slot #3.....Vacant  
Slot #4.....Vacant  
Slot #5.....Vacant

Verizon does have pre-approved written agreements with other carriers to allow for co-location. The tower and compound are being designed to accommodate a total of five (5) co-locations.

### **Existing Towers and Structures**

While co-location is preferable to construction of a new site with such co-location minimizing visual impact of telecommunications equipment in the surrounding area, no additional tower sites are available in the area which would meet the applicant's coverage objectives. (See Section 2.6 Below)

In addition, there are no communication towers or elevated structures (such as water tanks or power lines) with which this tower would create duplicity and thus not be in alignment of the county's policy of utilization of existing structures first.

**Verizon is co-located on all of the surrounding towers (North and South) of close proximity to the Applicant's proposed site.**

### **1.4 Landscape Buffer**

The proposed site is surrounded by a buffer of 70-ft to 80-ft soft and hardwood trees. The buffer is approximately 50 to 70 feet from the fence of the proposed compound. The residential properties to the West and North are approximately 1,000 to 2,500 feet away and will have a very limited view.

In the winter, the tower may be seen from James Ashby Parkway. The tower will protrude approximately 40 to 50 feet above the tree line.

The Applicant did submit photo simulations from various points of view.

The tower will be visible from the closest homes in the general vicinity.

Upon review of these photos, the Consultant concurs with the "estimated" view from various locations.

### **1.5 Structural**

The proposed 150-ft Self Supportive monopole tower is designed with the ability to support equipment operated by multiple carriers. The supplied site plans are signed and sealed by a professional engineer licensed in the Commonwealth of Virginia. A structural analysis was not included in the paperwork sent to ATC.

The design engineering firm Advantage Engineers, Inc. is the “Engineer of Record” for this tower site.

This tower was designed as a heavy load tower, thus able to meet the loading requirements for five (5) co-locators.

It is noteworthy that this model of tower is designed to support appurtenances for multiple carriers and remain within EIA/TIA-222-G structural guidelines (the accepted industry standard) for structures, which mandates the ability to withstand the structural loading of all appurtenances, plus additional wind and ice loading.

Furthermore, in conformance with County ordinance, work at this site will remain in compliance with ALL federal, state, and local building codes and regulations if work proceeds as outlined in the application.

## **1.6 RF Exposure**

FCC bulletin OET-65 provides guidance for a licensee proposing to construct a telecommunications support structure in calculation of RF exposure limitations, including analysis of the cumulative effect of all transmitters on the structure.

Documentation of a Radio Frequency exposure was not included with this application. It is not required by the County.

The Consultant does not see any RF Exposure issues concerning this Application.

Appropriate steps, including warning signage at the site, must be taken to protect both the general public and site workers from unsafe RF exposure in accordance with federal guidelines. RF site exposure warning signage shall be appropriately placed at this site, in conformance with FCC regulations and industry standards.

## **1.7 Grounding**

Grounding of all structures and equipment at an RF site is critically important to the safety of both personnel and equipment at the site. Even a single component not meeting this standard places all other site components at risk for substantial damage. All structures and equipment at the site should maintain a ground potential difference of less than 5 ohms.

**If this request is approved, the Applicant will enter into the Design Phase and Grounding should be addressed in the Electrical/Grounding Plans.**

## **1.8 General Safety**

The consultant concurs with the Applicant's proposed site security and safety plans. They are:

1. This site compound will be surrounded by a suitable 50' x 50' eight (8) foot tall chain-link security fence with privacy slats with three strands of barbed wire on top to prevent unauthorized access to the tower site.
2. Safety measures to be placed at this site include RF exposure warning signage, site identification information, and routine and emergency contact information.
3. Include the installation of an OSHA-approved style of fall prevention cable.
4. Maintain the access road gate to limit unauthorized traffic from ingress to the site.

## **1.9 Interference**

An interference study, taking into account all proximally located transmitters and receivers known to be active in the area, is advisable prior to any deployment of antennae.

A full interference study of potential adverse effects of the county's 700/800 MHz Public Safety Communications system has **not** been included with the Applicant's submission package. It is recommended that all wireless carriers broadcasting at the 700/800 MHz spectrum coordinate with the Emergency Services Department to ensure that no interference will occur with the Public Safety Radio System.

### **The consultant sees no evidence of interference.**

Should any interference issues be posed with respect to this site, mitigation would nevertheless remain the responsibility of the tower owner and affected carrier(s), and would be regulated by the Federal Communication Commission, having no effect or burden on the County.

## **2.0 PROCEDURAL**

### **2.1 FAA Study**

The tower, if approved, does not require lighting.

### **2.2 FCC Antenna Site Registration**

This site is not required to have an antenna site registration number.

## 2.3 Environmental Impacts

The National Environmental Policy Act of 1969 (NEPA), delineated in Title 47 of the Code of Federal Regulations, Part 1, Subpart I, sections 1.1301-1.1319, requires federal agencies to incorporate environmental considerations into their decision-making process when evaluating new construction proposals.

As a licensing agency, the Federal Communication Commission (FCC) requires all licensees to consider the potential environmental effects from their construction of antenna support structures, and to disclose those effects in an Environmental Assessment (EA) that must be filed with the FCC for review.

**A Phase I NEPA report was not submitted with this Application and is not required by Stafford County.**

Typically, a NEPA Phase I Report should include the following items:

- NEPA Checklist
- NEPA Summary Report
- Associated documentation
  - Figures, Drawings, Maps
  - Tribal Correspondence
  - Land Resources Map and FEMA Floodplain Map
  - SHPO Correspondence (See next Section 2.4 “Historic Impacts)
  - Department of Game and Inland Fisheries Response
  - Department of Conservation and Recreation Response

**The Consultant queried the Dept. of Interior Data base and sees no NEPA Problems. No issues were found with this Application.**

## 2.4 Historic Impacts

Section 106 of the National Historic Preservation Act of 1966 (NHPA) requires that State Historic Preservation Offices (SHPO) and the President’s Advisory Council on Historic Preservation be given a reasonable opportunity to comment on all undertakings with the potential to affect historic properties.

**The Applicant has not submitted the SHPO response.**

## 2.5 Results of NEPA Phase 1 and SHPO

**The consultant recognizes that Stafford County does not require these documents as part of the Application Review Process; however, the**



**consultant recommends that for future Communications Tower Applications that these documents should be reviewed prior to issuance of a Building Permit.**

## **2.6 Supporting Documentation**

### **Background: The Evolution to Technology**

In 2002, Verizon had technology that was designed for Mobile Cellular service. Meaning, traveling in your car, the system was set up as a true “mobile” system. The goals were to cover as much “to the curb” cellular service as possible in the “Commercial” areas. This was 2G or second generation service seeking to become 3G service using a Long Term Evolution of “LTE” strategy.

Today, Verizon with the 4G LTE service is providing not just “mobile” service but wireless Broadband. With the advent of the internet and Applications called “APPs”, Verizon is seeking a wider geographic area to cover. This area is the Residential Market. Hence, the location of the tower is in the “Residential” area.

The 2G/3G service requirements were rather low in scale. A system could effectively work up to -104 dBm Signal Strength. This could typically complete the “Uplink and Downlink” of a voice signal or a Text Message or Internet link for a small PDA like a Blackberry. In reviewing the Propagation Maps provided in this package, ATC concurs with Verizon’s results.

This tower facility will be used for:

1. Voice Communications
2. Light Data such as Text and PDA activity (APPs)
3. Broadband (Full motion video, deep and wide “pipe” for downloading and uploading data, etc.) Tele-commuters will benefit.

The proposed tower is to support 4-G LTE Service delivery.

The standard for 4-G Service is -74dBm signal strength.

This signal strength is greater than  $-74 + 104 = 30$  dBm stronger signal.

This represents a 16.85 % gain or higher signal strength for this system to operate.

## **RF Analysis**

An independent RF analysis has been performed by this Consultant, which indicates that the Applicant will be able to meet their stated coverage objectives by co-location at 150-ft RAD center as proposed. Additionally, and as indicated,

no proximal sites affording co-location potential and meeting the stated coverage goals are available.

A. Frequency Bands with 3 sets of antennas:

- a. 700 MHz : Voice
- b. 800 MHz : Light Data
- c. 1700 – 2100 MHz: Broadband

B. Strength Required for 4G:

- 74 dBm : Excellent
- 74 dBm to -82 dBm : Very good
- 82 dBm to -92 dBm : Good
- > -92 dBm : Poor and pixilation failure.

C. Signal Strength required for older 2/3G Service:

-104 dBm.

**4-G/LTE Service requires a higher Signal Strength.**

The Propagation maps are calculated at the following heights and “Penalties” associated with Coverage areas in relationship to the tower height:

<b>Tower/Antenna Center line Height - feet</b>	<b>Penalty or Reduction in Coverage- %</b>
<b>100’ AGL</b>	<b>25-30 %</b>
<b>110’ AGL</b>	<b>15-20 %</b>
<b>120’ AGL</b>	<b>10-15 %</b>
<b>130’ AGL</b>	<b>5- 10%</b>
<b>140’ AGL</b>	<b>5%</b>

**In summary, the new 4G LTE service (Digital Broadband) requires antenna/tower placement in a closer proximity to the receiving and transmitting device.**

**The proposed tower at 150’ AGL with the 6’ Lightning Rod meets the objectives for coverage and conforms to the Stafford County Telecommunications Plan of June 2011.**

### **3.0 RECOMMENDATIONS**

This request for approval to construct a 150-ft monopole tower (with a 6-ft lightning rod) as proposed represents an appreciable intent on the part of the Applicant to conform to all applicable federal, state, and local regulations, accepted industry practices, and specific County ordinances regarding telecommunications towers.

It is therefore the recommendation of this Consultant that the request for issuance of a Conditional Use Permit be approved.

In closing, this consultant remains available to address any comments or questions which may arise following review of this report. Any interested party with such comments or questions may feel free to contact this firm, which remains committed to delivering independent, objective, unbiased, and thorough consulting services.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "George N. Condyles, IV", followed by a stylized flourish or "X" mark.

George N. Condyles, IV, CPM  
President & COO



May 29, 2015

**Statement of Certified Engineer  
Site Selection and Performance Standards**

Site Name: Tide Water Trail  
Site Address: 75 James Ashby Parkway, Fredericksburg, VA 22405

The proposed site was selected by Verizon Wireless to provide and improve wireless coverage along Tidewater Trail and Kings Highway. It would also improve service for customers using nearby recreational areas and enhance in-building coverage for residents and business near the proposed site.

In addition to filling a gap in coverage, the site will have the added benefit of offloading some of the traffic on neighboring sites so that service such as throughput speeds do not degrade in the area they are intended to serve.

In summary, the proposed Tidewater Trail site will resolve the need for adequate coverage in the area surrounding the proposed site and also ensure adequate overlapping coverage between and among existing Verizon sites. Ultimately, it will also allow residents and commuters to experience better quality and diminished drop calls. The propagation maps attached to the application and prepared by an RF Engineer illustrate the improved coverage that will result with the addition of the new telecommunications site.

Sincerely,

A handwritten signature in black ink, appearing to read 'Shawn Boykins', is written over a horizontal line.

Shawn Boykins  
Radio Frequency Engineer  
9000 Junction Drive  
Annapolis Junction, MD 20701



June 2, 2015

Verizon Wireless  
9000 Junction Drive  
Annapolis Junction, MD 20701  
Shawn.Boykins@VerizonWireless.com

RE: Verizon Wireless  
Tidewater Trail  
75 James Ashby Parkway  
Fredericksburg, VA 22405

Latitude: 38°-16'-31.37" N, Longitude: 77°-25'-44.59" W, Datum Reference: NAD83  
Ground Elevation: 65 feet, Rad Center: 45 feet, Azimuths: 0°, 120°, 240°  
Transmit Frequencies: 880-894 MHz, 1945-1950 MHz, 1970-1975 MHz, 746-757 MHz, 2120-2140 MHz  
Maximum Effective Radiated Power: 500 watt ERP (850 MHz band carrier), 1640 watt EIRP (PCS band carrier), 1000 watt ERP/MHz (700 MHz LTE), 1640 watt EIRP/MHz (2100MHz AWS)

To whom it may concern,

Verizon Wireless operates a Personal Communication Service authorized by the Federal Communications Commission (FCC) to provide state of the art digital wireless communications in many parts of the nation, including Fredericksburg, VA. Verizon Wireless' operations and network are licensed and regulated by the FCC.

The antennas, as proposed and designed for the above noted site, are in compliance with all applicable FCC requirements. The proposed communications facility will not cause any disruptive interference with any transmitter or receiver that will co-exist at, on or near the same communications structure. It will not interfere with emergency services. In the unlikely event of any suspected interference related problems, Verizon Wireless will investigate performance related problems and take measures to see that their systems are operating in full compliance with FCC regulations. In addition, the proposed site meets all applicable ANSI/IEEE C95.1-1992 exposure levels, as adopted by the FCC requirements.

Verizon Wireless is committed to compliance with all government regulations and standards. Please contact Verizon Wireless if you have any questions regarding this matter.

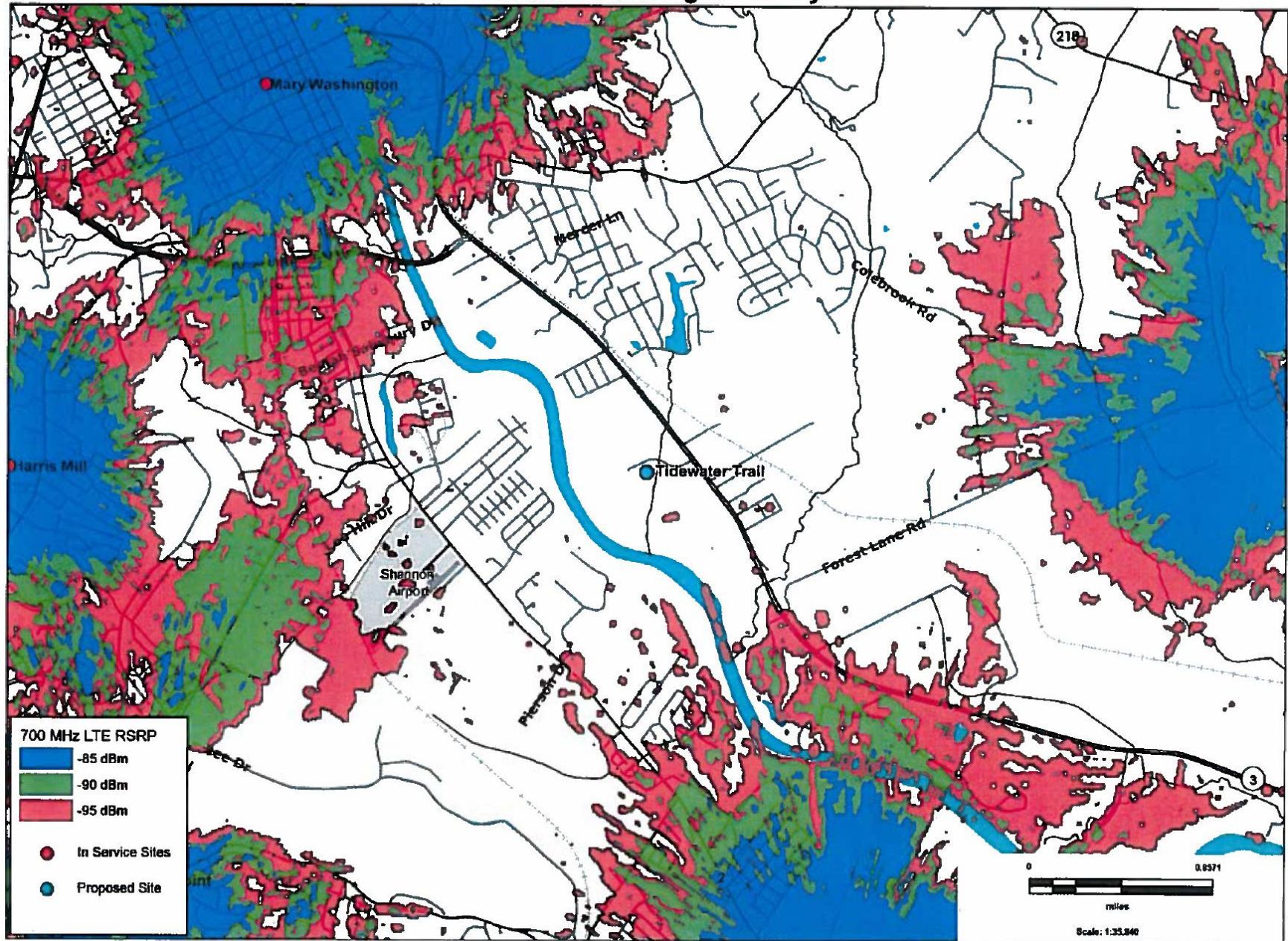
Sincerely,

A handwritten signature in black ink, appearing to read "Shawn Boykins", with a long horizontal line extending to the right.

Shawn Boykins  
RF Design Engineer, Verizon Wireless

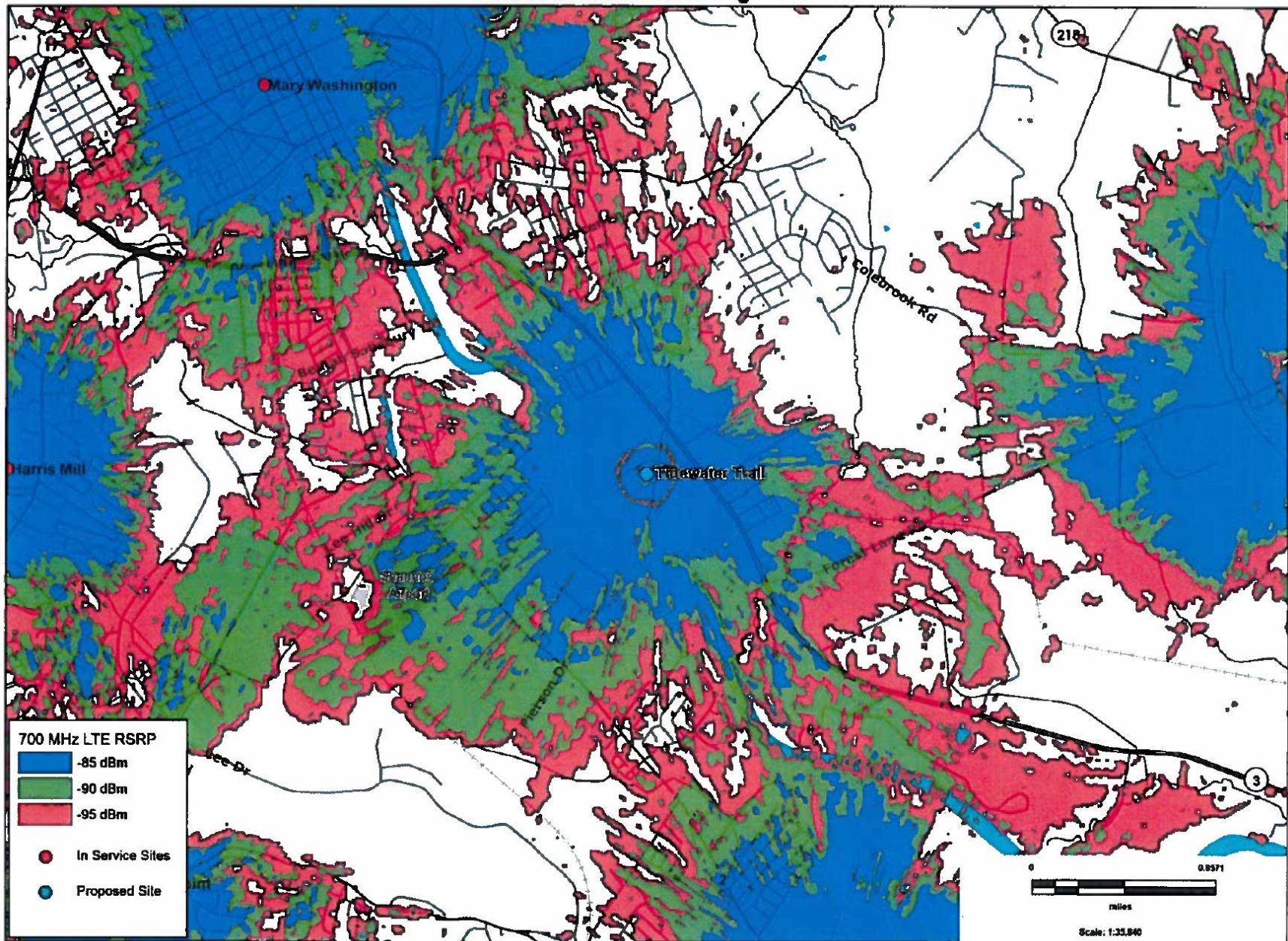


### Tidewater Trail Neighbors Only





### Tidewater Trail with Neighbors





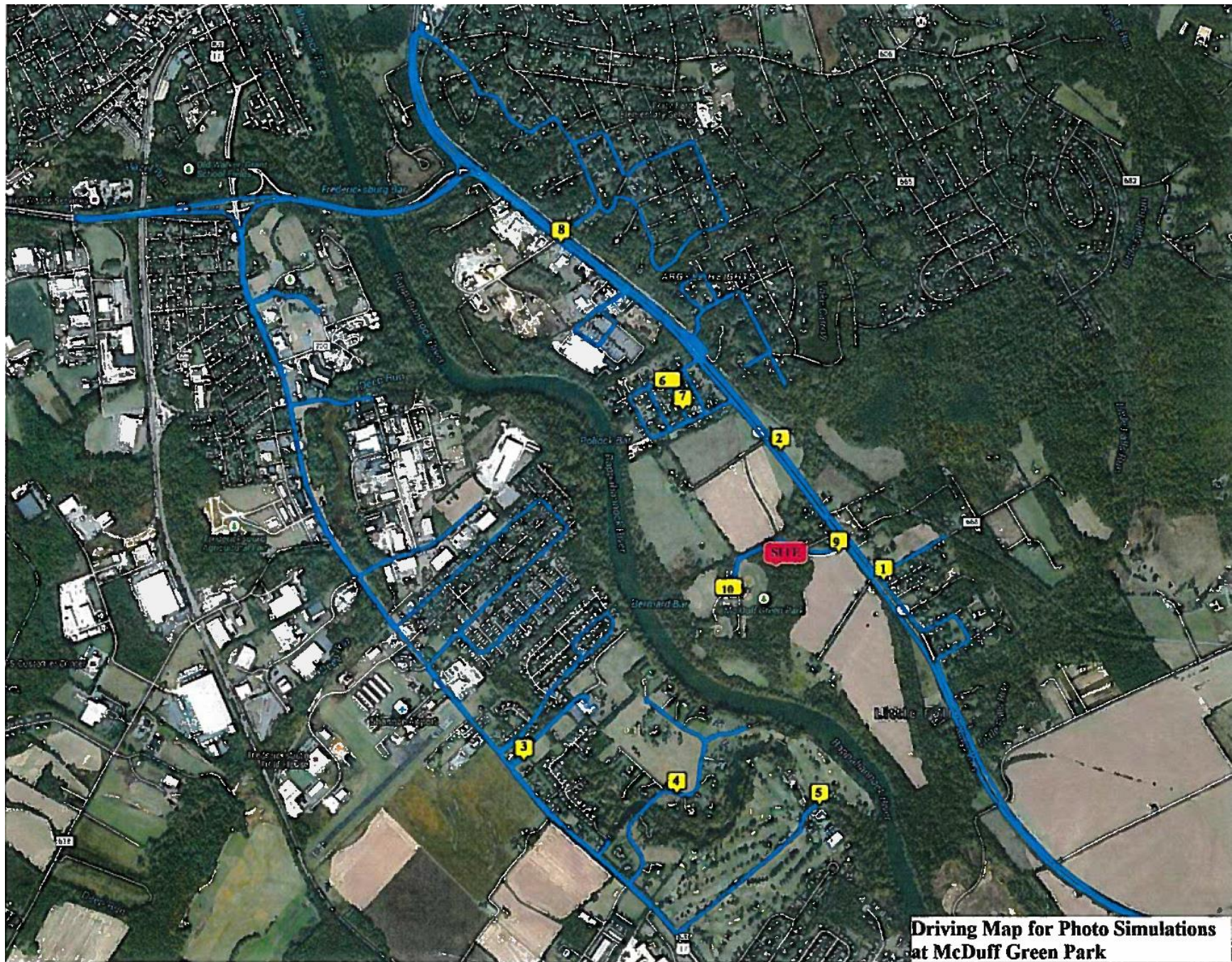






Photo 1:  
From Kings Highway and  
Little Falls Road

## McDUFF GREEN PARK PROPOSED MONOPOLE





Photo 2:  
From Kings Highway near  
James Asheby Pkwy

## McDUFF GREEN PARK PROPOSED MONOPOLE





Photo 3:  
From Tidewater Trail near  
River Meadows Way

## McDUFF GREEN PARK PROPOSED MONOPOLE





Photo 4:  
From North Club Drive and  
Smithfield Court

## McDUFF GREEN PARK PROPOSED MONOPOLE





Photo 5:  
From Fredericksburg  
Golf Course

## McDUFF GREEN PARK PROPOSED MONOPOLE



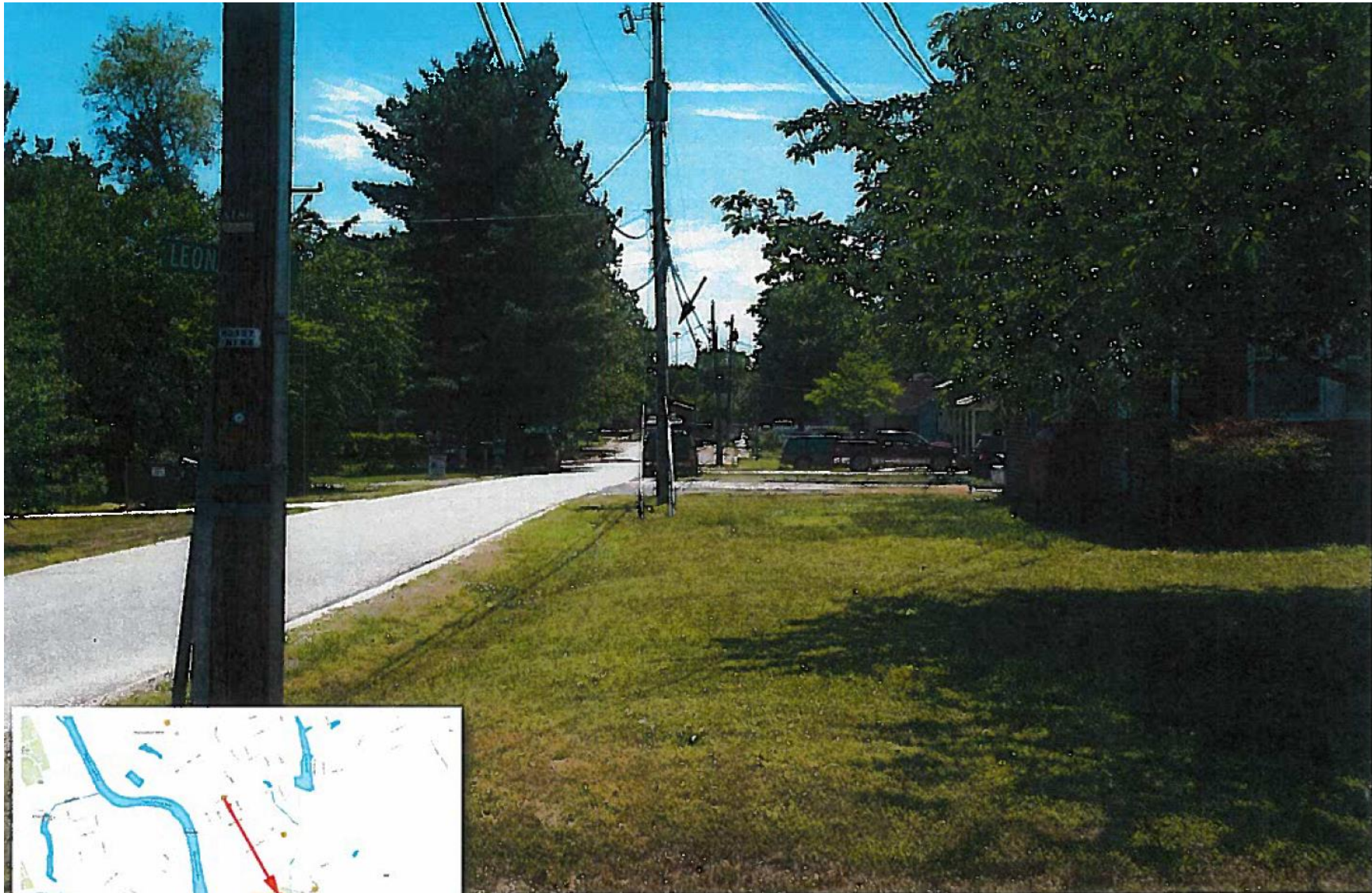


Photo 6:  
From Leonard Road and  
Pollack Street

## McDUFF GREEN PARK PROPOSED MONOPOLE





Photo 7:  
From Pollack Street

## McDUFF GREEN PARK PROPOSED MONOPOLE





Photo 8:  
From Kings Highway at  
Ferry Farm Animal Clinic

## McDUFF GREEN PARK PROPOSED MONOPOLE





Photo 9:  
From Entrance to Park

## McDUFF GREEN PARK PROPOSED MONOPOLE





Photo 10:  
From Park Ball Field

## McDUFF GREEN PARK PROPOSED MONOPOLE

STAFFORD COUNTY  
Department of Planning and Zoning

## Project Information & Primary Contacts

<p><b><u>PROJECT INFORMATION</u></b></p> <p><u>TELECOM TOWER AT</u> <u>McDuff Green Park/<del>Monopole</del></u></p> <hr/> <p>PROJECT NAME</p> <p><u>75 James Ashby Parkway</u></p> <hr/> <p>ADDRESS (IF AVAILABLE)</p> <p><u>58 35A</u></p> <hr/> <p>TAX MAP /PARCEL(S)</p> <p><u>McDuff Green Park</u></p> <hr/> <p>LOCATION OF PROJECT</p>	<p><b><u>PROJECT #</u></b> <u>116151421</u></p> <hr/> <p>SECTION</p> <p><u>58.65</u></p> <hr/> <p>TOTAL SITE ACREAGE</p> <p><u>A-1</u></p> <hr/> <p>ZONING DISTRICT</p>
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<p><b><u>APPLICANT/AGENT</u></b> (Provide attachment if Applicant and Agent differ)</p> <p><u>Edward L. Donohue &amp; Frank W. Stearns (Agents)</u></p> <hr/> <p>NAME</p> <p><u>117 Oronoco Street</u> <u>Alexandria</u></p> <hr/> <p>ADDRESS CITY</p> <p><u>703-549-5384</u> <u>703-549-5385</u></p> <hr/> <p>PHONE NUMBER FAX NUMBER</p>		<p><b>Primary Contact Person</b> <input checked="" type="checkbox"/></p> <p><u>Donohue &amp; Stearns, PLC</u></p> <hr/> <p>COMPANY</p> <p><u>VA</u> <u>22314</u></p> <hr/> <p>STATE ZIP</p> <p><u>EDonohue@donohuestearns.com</u></p> <hr/> <p>EMAIL ADDRESS</p>
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<p><b><u>OWNER</u></b> (Provide attachments if multiple owners)</p> <p><u>Board of Supervisors Stafford County</u></p> <hr/> <p>NAME</p> <p><u>P.O. Box 339</u> <u>Stafford</u></p> <hr/> <p>ADDRESS CITY</p> <p><u>540-658-8600</u></p> <hr/> <p>PHONE NUMBER</p>		<p><b>Primary Contact Person</b> <input type="checkbox"/></p> <p>COMPANY</p> <p><u>Virginia</u> <u>22555-0339</u></p> <hr/> <p>STATE ZIP</p> <p><u>mhollenberger@co.stafford.va.us</u></p> <hr/> <p>EMAIL ADDRESS</p>
--	--	---

<p><b><u>PROFESSIONAL</u></b> (Engineer, Surveyor, etc.)</p> <p><u>Allan Mitchell</u></p> <hr/> <p>NAME</p> <p><u>7070 Samuel Morse Dr. Suite 150</u> <u>Columbia</u></p> <hr/> <p>ADDRESS CITY</p> <p><u>443-367-0003</u></p> <hr/> <p>PHONE NUMBER</p>		<p><b>Primary Contact Person</b> <input type="checkbox"/></p> <p><u>Advantage Engineers</u></p> <hr/> <p>COMPANY</p> <p><u>Maryland</u> <u>21046</u></p> <hr/> <p>STATE ZIP</p> <p><u>amitchell@advantageengineers.com</u></p> <hr/> <p>EMAIL ADDRESS</p>
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STAFFORD COUNTY  
Department of Planning and Zoning

## Project Information & Primary Contacts

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

<b><u>APPLICANT/AGENT</u></b> (Provide attachment if Applicant and Agent differ)	Primary Contact Person <input checked="" type="checkbox"/>
<u>Kristen Stelzer, Project Manager, Milestone (Applicant)</u>	<u>Milestone Tower Limited Partnership III</u>
NAME	COMPANY
<u>12110 Sunset Hills Road, Suite 100</u>	<u>Reston,</u>
ADDRESS	CITY
<u>703-364-5608</u>	<u>Virginia</u>
PHONE NUMBER	STATE
_____ FAX NUMBER	<u>20190</u> ZIP
_____ FAX NUMBER	<u>Kristen@milestonecorp.comp</u> EMAIL ADDRESS

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

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

STAFFORD COUNTY  
Department of Planning and Zoning

### 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

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
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

\_\_\_\_\_  
Edward L. Donohue

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

\_\_\_\_\_  
6/29/16

\_\_\_\_\_  
Date

\* Additional sheets may be used, if necessary.



**OWNER'S CONSENT FORM**

On behalf of the Board of Supervisors of Stafford County, I authorize Milestone Tower Limited Partnership III to apply for a Conditional Use Permit of Assessor's Parcel 58 35A, as shown on the records of the Commissioner of the Revenue for Stafford County, Virginia.

BOARD OF SUPERVISORS OF STAFFORD COUNTY

By: \_\_\_\_\_  
Name:  
Title:

COMMONWEALTH OF VIRGINIA  
COUNTY OF STAFFORD to wit:

I, the undersigned, a Notary Public in and for the County and State aforesaid, do hereby certify that \_\_\_\_\_, whose name as \_\_\_\_\_ of the Board of Supervisors of Stafford County, is signed to the foregoing document, has personally acknowledged the same before me in my aforesaid jurisdiction for the corporation.

GIVEN under my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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

My commission expires: \_\_\_\_\_

STAFFORD COUNTY  
Department of Planning and Zoning

### General Information

Clearly indicate all information that applies to this project:

#### DETAILED DESCRIPTION OF PROJECT

Construction of a 150 foot tall telecommunications monopole with a 6 foot lightning rod at  
the top and related equipment compound at the base. The monopole and compound area  
are designed to accommodate a total of 5 telecommunication providers.

#### INFORMATION FOR FEE CALCULATIONS

0.0574 # of Acres

Type of Conditional Use Permit:

- ☒ Standard Conditional Use Permit (including amendments)  
☐ Minor Conditional Use Permit Amendment

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

#### INFORMATIONAL

Previous Resolution # N/A

Zoning District A-1

Proposed Use(s) Telecommunications  
monopole

STAFFORD COUNTY  
Department of Planning and Zoning

## 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>      </u> Acres – 5) X \$125 .....	\$ <u>NA</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 .....	\$ <u>NA</u>
G. Adjacent Property Notification (required):	
( <u>  6  </u> Adjacent properties) X \$6.48 .....	\$ <u>38.88</u>
Sub-total (Add appropriate amounts from lines A thru G above).....	\$ <u>10,098.88</u>
H. Technology Fee (sub-total x 2.75% or 0.0275).....	\$ <u>277.72</u>
TOTAL (Sub-total + H. Technology Fee).....	\$ <u>10,376.60</u>

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

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

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

STAFFORD COUNTY  
Department of Planning and Zoning

### 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>58 30</u>	<u>Kendall, Lillian G. Trustee</u>	
TAX MAP / PARCEL	NAME	
<u>554 Kings Highway</u>		
MAILING ADDRESS		
<u>Fredericksburg</u>	<u>Virginia</u>	<u>22405-3228</u>
CITY	STATE	ZIP

<u>58C 2 6</u>	<u>County of Stafford</u>	
TAX MAP / PARCEL	NAME	
<u>P.O. Box 339</u>		
MAILING ADDRESS		
<u>Stafford</u>	<u>Virginia</u>	<u>22555-0339</u>
CITY	STATE	ZIP

<u>58 32</u>	<u>Kaisken, Abdul M.</u>	
TAX MAP / PARCEL	NAME	
<u>612 Kings Highway</u>		
MAILING ADDRESS		
<u>Fredericksburg</u>	<u>Virginia</u>	<u>22405-3156</u>
CITY	STATE	ZIP

58 34	Williams, William A. & Frances H.	
TAX MAP / PARCEL	NAME	
622 Kings Highway		
MAILING ADDRESS		
Falmouth	Virginia	22405-3156
CITY	STATE	ZIP

58C 2 9	Nichols, Scott V. & Victoria L.	
TAX MAP / PARCEL	NAME	
634 Kings Highway		
MAILING ADDRESS		
Fredericksburg	Virginia	22405-3156
CITY	STATE	ZIP

58C 1 2                      Lecouteur, Janet C. & Laprade, Starke J.  
TAX MAP / PARCEL                      NAME  
  
110 Kent Avenue  
MAILING ADDRESS  
  
Fredericksburg                      Virginia                      22405-3134  
CITY                      STATE                      ZIP

TAX MAP / PARCEL			NAME		
MAILING ADDRESS					
CITY			STATE		ZIP

STAFFORD COUNTY  
Department of Planning and Zoning

## Application Affidavit

**This form to be filed with:**

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

Internal Use Only	
Project Name:	<u>TELECOM TOWER AT McDUFF GREEN PARK</u>
A/P #:	<u>16151421</u>
Date:	<u>AUG 18, 2016</u>

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

<b>Name of Applicant</b>	<u>Milestone Tower Limited Partnership III</u>
<b>Name of Company</b>	<u></u>
<b>Applicant Address</b>	<u>12110 Sunset Hills Road, Suite 100</u>
	<u>Reston, VA 20190</u>
<b>Applicant's Signature</b>	<u></u>
<b>Name of Agent</b>	<u>Edward L. Donohue &amp; Frank W. Stearns</u>
<b>Address of Agent</b>	<u>Donohue &amp; Stearns, 201 Liberty Street, Leesburg, VA 20175</u>

### 2. Type of Application

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Variance          |
| <input type="checkbox"/> Rezoning                          | <input type="checkbox"/> Special Exception |

STAFFORD COUNTY  
Department of Planning and Zoning

**Application Affidavit**

**Page 2**

**Applicant:** Milestone Tower Limited Partnership III

Project Name: _____
A/P #: _____
Date: _____

**3. Property Information**

**Assessors Parcel(s)** 58 35A

**Address** 75 James Ashby Parkway

**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>
<u>Board of Supervisors of</u>	<u>P.O. Box 339, Stafford, VA 22555-0339</u>
<u>Stafford County</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 share holders.**

<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>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____



STAFFORD COUNTY  
Department of Planning and Zoning

**Application Affidavit**

Page 3

**Applicant:** Milestone Tower Limited Partnership III

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**

<u>Milestone Communications</u>	<u>12110 Sunset Hills Road, Suite 100, Reston, VA 20190</u>
<u>Management III, Inc.</u>	_____
<u>Leonard NMI Forkas, Jr.</u>	<u>12110 Sunset Hills Road, Suite 100, Reston, VA 20190</u>
<u>Shareholder</u>	_____

**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.**

**Name**

**Address, including zip code, no P.O. Box please**

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

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

**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.**

STAFFORD COUNTY  
Department of Planning and Zoning

**Application Affidavit**

**Page 4**

**Applicant:** Milestone Tower Limited Partnership III

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** Edward L. Donohue

**Corporate Office of Signer** Agent

**Signature** *E. L. Donohue*

**Date** 6/29/16

COMMONWEALTH OF VIRGINIA  
COUNTY OF STAFFORD, to wit:

The forgoing affidavit was acknowledged before me this 29<sup>th</sup> day of June, 2016 by Edward L. Donohue owner/applicant.

My commission expires: 2/28/2017

*Tracy Lynn Themak*  
Notary Public



## LEGAL METES AND BOUNDS DESCRIPTION

PROPOSED LEASE AREA  
MCDUFF GREEN PARK

All that tract or parcel of land lying and being located in the George Washington Magisterial District, Stafford County, Commonwealth of Virginia, and being more particularly described as follows:

Commencing for the same at a point located on the south side south side of James Ashby Parkway, a public right-of-way; said point being located South  $56^{\circ}29'43''$  West, 65.23 feet from and existing utility pole; said point having a Virginia State Plane Grid (North Zone) Coordinate of N=6785338.10, E=11790243.67; thence running with bearings referred to Virginia Grid North, North Zone, NAD83, South  $26^{\circ}12'27''$  East, 94.95 feet to a point; thence, South  $48^{\circ}26'28''$  East, 77.51 feet to the beginning of a curve; thence, 32.65 feet along a curve to the right, having a radius of 20.00 feet and being scribed by a chord bearing South  $01^{\circ}40'35''$  East, 29.14 feet to a point; thence, South  $45^{\circ}05'19''$  West, 10.49 feet to the beginning of a curve; thence, 12.55 feet along a curve to the left, having a radius of 10.00 feet and being scribed by a chord bearing South  $09^{\circ}07'33''$  West, 11.75 feet to a point; thence, South  $26^{\circ}50'13''$  East, 5.64 feet to a point; thence, North  $62^{\circ}01'54''$  East, 25.00 feet to the True Point of Beginning; said point having a Virginia State Plane Grid (North Zone) Coordinate of N=6785160.06, E=11790359.79; thence leaving said point of beginning and running with bearings referred to said State Plane Grid system,

1. South  $27^{\circ}58'06''$  East, 50.00 feet to a point; thence,
2. South  $62^{\circ}01'54''$  West, 50.00 feet to a point; thence,
3. North  $27^{\circ}58'06''$  West, 50.00 feet to a point; thence,
4. North  $62^{\circ}01'54''$  East, 50.00 feet to the place of beginning.

Said tract contains 0.0574 acres (2,500 square feet), more or less, as shown on a survey prepared for Milestone Communications by Point To Point Land Surveyors, INC. Dated May 13, 2015.

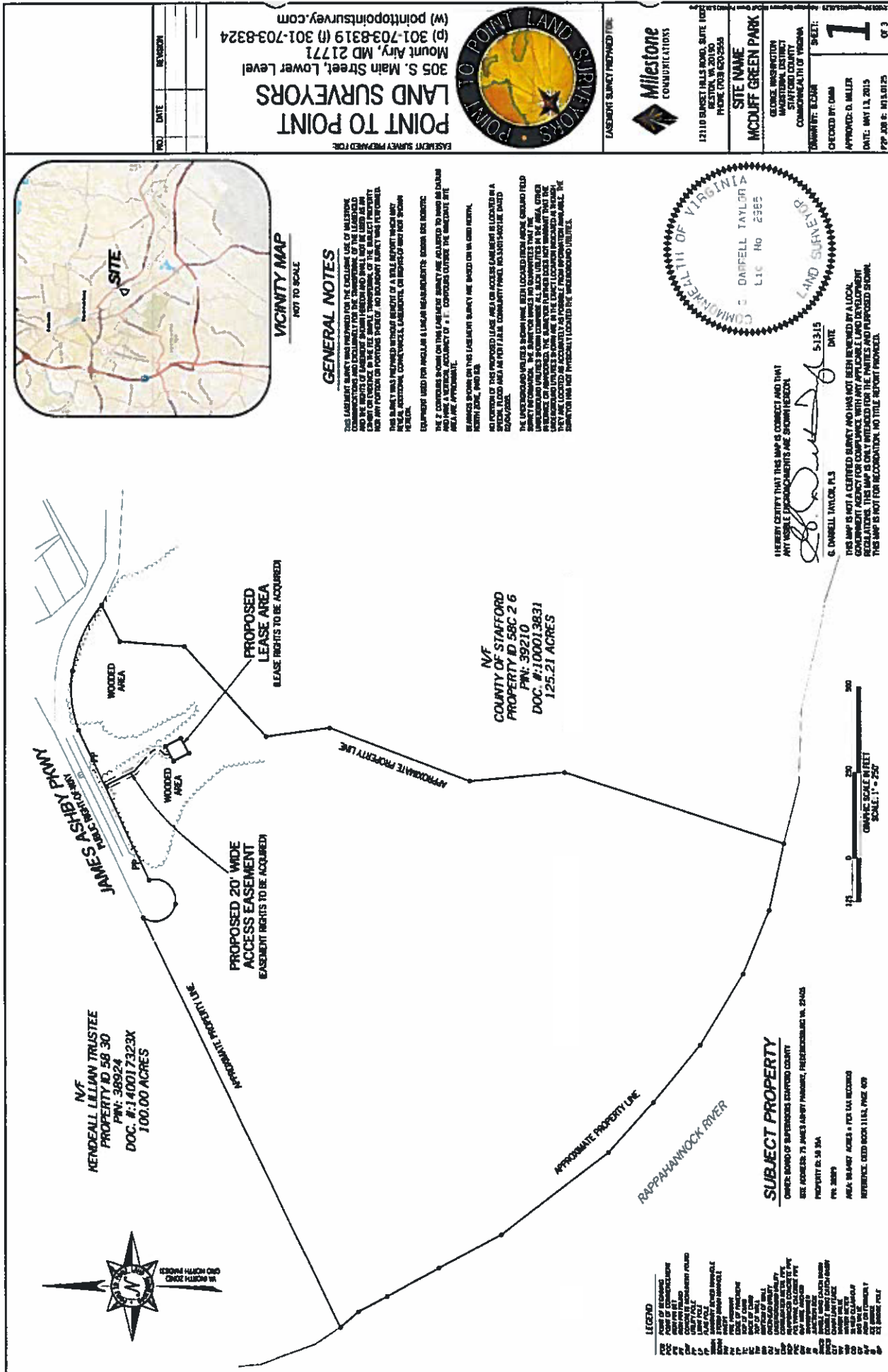
C/L PROPOSED 20' WIDE ACCESS EASEMENT  
MCDUFF GREEN PARK

Together with a 20 foot wide Access Easement lying and being located in the George Washington Magisterial District, Stafford County, Commonwealth of Virginia, and being more particularly described by the following centerline data:

Beginning for the same at a point located on the south side of James Ashby Parkway, a public right-of-way; said point being located South  $56^{\circ}29'43''$  West, 65.23 feet from and existing utility pole; said point having a Virginia State Plane Grid (North Zone) Coordinate of N=6785338.10, E=11790243.67, said point being known as the True Point of Beginning; thence leaving said point and running with said State Plane Grid system,

1. South  $26^{\circ}12'27''$  East, 94.95 feet to a point; thence,
2. South  $48^{\circ}26'28''$  East, 77.51 feet to the beginning of a curve; thence,
3. 32.65 feet along a curve to the right, having a radius of 20.00 feet and being scribed by a chord bearing South  $01^{\circ}40'35''$  East, 29.14 feet to a point; thence,
4. South  $45^{\circ}05'19''$  West, 10.49 feet to the beginning of a curve, thence,
5. 12.55 feet along a curve to the left, having a radius of 10.00 feet and being scribed by a chord bearing South  $09^{\circ}07'33''$  West, 11.75 feet to a point; thence,
6. South  $26^{\circ}50'13''$  East, 5.64 feet to an ending point located along the lease area.

As shown on a survey prepared for Milestone Communications by Point To Point Land Surveyors, INC. Dated May 13, 2015.







**PROPOSED LEASE AREA**

SMALL THAT TRACT OR PARCEL OF LAND LYING AND BEING LOCATED IN THE GEORGE WASHINGTON DISTRICT, STAFFORD COUNTY, COMMONWEALTH OF VIRGINIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

[illegible]

1. SOUTH 27°56'06" EAST, 50.00 FEET TO A POINT; THENCE,
2. SOUTH 62°01'54" WEST, 50.00 FEET TO A POINT; THENCE,
3. NORTH 27°56'06" WEST, 50.00 FEET TO A POINT; THENCE,
4. NORTH 62°01'54" EAST, 50.00 FEET TO THE PLACE OF BEGINNING.

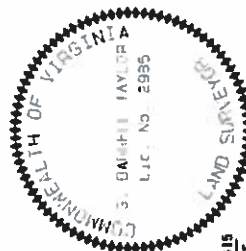
HEAD TRACT CONTAINS 0.0574 ACRES (2,500 SQUARE FEET), MORE OR LESS.

**C/L PROPOSED 20' ACCESS EASEMENT**

TOGETHER WITH A 20 FOOT WIDE ACCESS EASEMENT LYING AND BEING LOCATED IN THE GEORGE WASHINGTON MAGISTERIAL DISTRICT, STAFFORD COUNTY, COMMONWEALTH OF VIRGINIA, AND BEING MORE PARTICULARLY DESCRIBED BY THE FOLLOWING CENTERLINE DATA:

BEGINNING FOR THE SAME AT A POINT LOCATED ON THE SOUTH SIDE OF JAMES ASHBY PARKWAY, A PUBLIC RIGHT-OF-WAY, SAID POINT BEING LOCATED SOUTH 56°29'43" WEST, 66.23 FEET FROM AN EXISTING UTILITY POLE; SAID POINT HAVING A VIRGINIA STATE PLANE GRID NORTH ZONE COORDINATE OF N=67855.338, 10, E=1179043.657; THENCE LEAVING SAID POINT OF BEGINNING AND RUNNING WITH BEARINGS REFERRED TO SAID STATE PLANE GRID SYSTEM,

1. SOUTH 20°12'27" EAST 84.96 FEET TO A POINT, THENCE  
SOUTH 20°12'27" WEST 77.61 FEET TO THE BEGINNING OF  
A CURVE, THENCE  
2. S66E 32°15' ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 70.00 FEET AND BEING  
SCORED BY A CHORD BEARING N00°42'35" EAST 13.01 FEET TO A POINT, THENCE,  
3. SOUTH 45°15'18" WEST 10.49 FEET TO THE BEGINNING OF A CURVE, THENCE  
4. SOUTH 45°15'18" ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 11.00 FEET AND BEING  
SCORED BY A CHORD BEARING SOUTH 09°07'33" WEST 1.75 FEET TO A POINT, THENCE,  
5. SOUTH 28°50'13" EAST 5.64 FEET TO AN EXISTING POINT LOCATED ALONG THE LEASE AREA.



I HEREBY CERTIFY THAT THIS MAP IS CORRECT AND THAT ANY VISIBLE ENCROACHMENTS ARE SHOWN HEREON.

**D. DASELL TAYLOR, Ph.D.**

**-1315**

THIS MAP IS NOT A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS. THIS MAP IS ONLY INTENDED FOR THE PARTIES AND PURPOSES SHOWN. THIS MAP IS NOT FOR RELOCATION. NO TITLE REPORT PROVIDED.



**POINT TO POINT  
LAND SURVEYORS**  
305 S. Main Street, Lower Level  
Mount Airy, MD 21771  
(p) 301-703-8319 (f) 301-703-8324  
(w) pointtopointsurvey.com

**LEASEMENT SURVEY PREPARED FOR:**



**Milestone**  
CONVEYANCE

2110 SUNSET HILLS ROAD, SUITE 1000  
 RESTON, VA 20190  
 PHONE (703) 620-2555

**SITE NAME**  
MCDUFF GREEN PARK

GEORGE WASHINGTON  
MAGISTERIAL DISTRICT  
STAFFORD COUNTY  
COMMONWEALTH OF VIRGINIA

NAME: L. C. ROY	SEX: M
-----------------	--------

ROBERT H. MILLER  
JAMES W. MILLER

OF 3

JOB #: M150125

## TRAFFIC IMPACT ANALYSIS DETERMINATION FORM

STAFFORD COUNTY  
Department of Planning and Zoning

**CONDITIONAL USE PERMIT  
TRANSPORTATION IMPACT  
ANALYSIS DETERMINATION**

Name of development McDuff Green Park Monopole  
Type of development Telecommunications Facility  
Parcel # 58 35A

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

OFFICIALLY SUBMITTED

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

**Traffic Volume Calculations**

This site generates:

1 VPH (insert the highest VPH)

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

1 Peak AM (VPH)

1 Peak PM (VPH)

1 Peak Saturday (VPH)

         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.

## **PARCEL MAP AND PROPERTY DETAILS**

# McDuff Green Park

Parcel 58 35A 75 James Ashby Parkway



- Road
  - Municipallties
  - 100 yr Floodplain
  - (----- Easements)
  - Rail
  - Parcels
  - ( Soils)
- Maps are not from actual survey



06/17/2015  
Scale 1:9600

Scott Mayausky - Commissioner of the Revenue  
**Stafford County, Virginia**

Property Detail										
<b>BOARD OF SUPERVISORS STAFFORD COUNTY</b> <b>PO BOX 339</b> <b>STAFFORD, VA 22555-0339</b>					<b>Property ID</b>	58 35A				
					<b>Alternate ID</b>	38929				
					<b>Address</b>	75 JAMES ASHBY PKWY				
					<b>Property Class</b>	74-Local Govt				
					<b>Neighborhood</b>	□ 580000 MAIN MAP 58				
					<b>Deeded Acres</b>	58.6487				

Value History								
Year	Reason	Appraised			Assessed			
		Land	Improvements	Total	Land	Land Use	Improvements	Total
2014	*Reassessment	\$1,173,000	\$329,500	<b>\$1,502,500</b>	\$1,173,000	\$0	\$329,500	<b>\$1,502,500</b>
2012	*Reassessment	\$1,173,000	\$329,500	<b>\$1,502,500</b>	\$1,173,000	\$0	\$329,500	<b>\$1,502,500</b>
2010	*Reassessment	\$1,173,000	\$329,500	<b>\$1,502,500</b>	\$1,173,000	\$0	\$329,500	<b>\$1,502,500</b>
2008	*Reassessment	\$1,466,200	\$329,500	<b>\$1,795,700</b>	\$1,466,200	\$0	\$329,500	<b>\$1,795,700</b>
2006	*Reassessment	\$733,800	\$329,500	<b>\$1,063,300</b>	\$733,800	\$0	\$329,500	<b>\$1,063,300</b>
2004	2004 Reassessment	\$490,600	\$329,500	<b>\$820,100</b>	\$490,600	\$0	\$329,500	<b>\$820,100</b>
2002		\$417,600	\$323,000	<b>\$740,600</b>	\$417,600	\$0	\$323,000	<b>\$740,600</b>

Sales History											
Book	Page	Doc Num	Date	Owner	Grantee	Type	Deed	Validity	Vacant Land	Sale Price	
B1040	P656		6/1/1994		BOARD OF SUPERVISORS STAFFORD COUNTY				Yes	\$0	

Land Details					
Primary Use	Land Type	Acres	Eff Frontage	Eff Depth	Appr Value
	WF	48.6487	0.00	0.00	\$973,000
	SI	10.0000	0.00	0.00	\$200,000

Legal Description	
Description	
PARCELS A1 A2 58.6487 AC	
(57.1684 AC & 1.4803 AC)	
DUFF MCDUFF GREEN PARK	

C01 - Extension Details					
<p><b>Address</b> 75 JAMES ASHBY PKWY</p>		<div style="border: 1px solid black; padding: 5px;"> <p style="color: red; margin: 0;">Scale: 25 ft</p> </div>			
Attribute					
Story	Use	Attribute	Code	Detail	
	0	Class	1	Wood frame	
Exterior Features					
Code	Description	Story	Size	Heated	AC
PARK	0		0.00	0	0



[Home](#)[Property Search](#)[Your Government](#)[Our Residents](#)[For Visitors](#)[Go Back](#)[Sales Search](#)[Property Report](#)[Map It](#)**General Info**

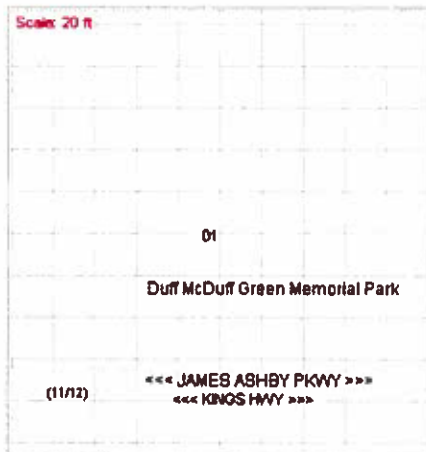
BOARD OF SUPERVISORS STAFFORD COUNTY PO BOX 339 STAFFORD VA 22555-0339	Property ID	58 35A
	Alternate ID/PIN	38929
	Address	75 JAMES ASHBY PKWY
	Property Class	74-Local Govt
	Neighborhood	580000 MAIN MAP 58
	Deed Acres	58.6487

**Value History**

Year	2014	2012	2010	2008	2006	2004	2002
Reason	*Reassessment	*Reassessment	*Reassessment	*Reassessment	*Reassessment	2004 Reassessment	
Land Val	\$1,173,000	\$1,173,000	\$1,173,000	\$1,466,200	\$733,800	\$490,600	\$417,600
Imp Val	\$329,500	\$329,500	\$329,500	\$329,500	\$329,500	\$329,500	\$323,000
Total Appr	\$1,502,500	\$1,502,500	\$1,502,500	\$1,795,700	\$1,063,300	\$820,100	\$740,600

**Sales History**

Book	Page	Doc Num	Date	Grantor	Grantee	Type	Vacant Land	Sale Price
B1040	P656		6/1/1994		BOARD OF SUPERVISORS STAFFORD COUNTY		Yes	\$0

**Extension Details****C01**Address **75 JAMES ASHBY PKWY****Attributes****Floor Areas****Exterior Features**

Story	Use	Attribute	Code	Detail
	Class		1	Wood frame

Click the right and left arrows to view any available Photos or Sketches on the property.

**Improvements**

Improvements do not exist for this account.

**Land Details**

Land Type	Acres
-----------	-------

WF-WATER FRONT	48.65
SI-SITE IMPROVED	10.00

Legal Descriptions	
Description	
PARCELS A1 A2 58.6487 AC	
(57.1684 AC & 1.4803 AC)	
DUFF MCDUFF GREEN PARK	

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## **RF JUSTIFICATION AND NON-INTERFERENCE STATEMENT**



May 29, 2015

**Statement of Certified Engineer  
Site Selection and Performance Standards**

Site Name: Tide Water Trail  
Site Address: 75 James Ashby Parkway, Fredericksburg, VA 22405

The proposed site was selected by Verizon Wireless to provide and improve wireless coverage along Tidewater Trail and Kings Highway. It would also improve service for customers using nearby recreational areas and enhance in-building coverage for residents and business near the proposed site.

In addition to filling a gap in coverage, the site will have the added benefit of offloading some of the traffic on neighboring sites so that service such as throughput speeds do not degrade in the area they are intended to serve.

In summary, the proposed Tidewater Trail site will resolve the need for adequate coverage in the area surrounding the proposed site and also ensure adequate overlapping coverage between and among existing Verizon sites. Ultimately, it will also allow residents and commuters to experience better quality and diminished drop calls. The propagation maps attached to the application and prepared by an RF Engineer illustrate the improved coverage that will result with the addition of the new telecommunications site.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Boykins", is written over a horizontal line.

Shawn Boykins  
Radio Frequency Engineer  
9000 Junction Drive  
Annapolis Junction, MD 20701



---

June 2, 2015

Verizon Wireless  
9000 Junction Drive  
Annapolis Junction, MD 20701  
Shawn.Boykins@VerizonWireless.com

RE: Verizon Wireless  
Tidewater Trail  
75 James Ashby Parkway  
Fredericksburg, VA 22405

Latitude: 38°-16'-31.37" N, Longitude: 77°-25'-44.59" W, Datum Reference: NAD83  
Ground Elevation: 65 feet, Rad Center: 45 feet, Azimuths: 0°, 120°, 240°  
Transmit Frequencies: 880-894 MHz, 1945-1950 MHz, 1970-1975 MHz, 746-757 MHz, 2120-2140 MHz  
Maximum Effective Radiated Power: 500 watt ERP (850 MHz band carrier), 1640 watt EIRP (PCS band carrier), 1000 watt ERP/MHz (700 MHz LTE), 1640 watt EIRP/MHz (2100MHz AWS)

To whom it may concern,

Verizon Wireless operates a Personal Communication Service authorized by the Federal Communications Commission (FCC) to provide state of the art digital wireless communications in many parts of the nation, including Fredericksburg, VA. Verizon Wireless' operations and network are licensed and regulated by the FCC.

The antennas, as proposed and designed for the above noted site, are in compliance with all applicable FCC requirements. The proposed communications facility will not cause any disruptive interference with any transmitter or receiver that will co-exist at, on or near the same communications structure. It will not interfere with emergency services. In the unlikely event of any suspected interference related problems, Verizon Wireless will investigate performance related problems and take measures to see that their systems are operating in full compliance with FCC regulations. In addition, the proposed site meets all applicable ANSI/IEEE C95.1-1992 exposure levels, as adopted by the FCC requirements.

Verizon Wireless is committed to compliance with all government regulations and standards. Please contact Verizon Wireless if you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Shawn Boykins", with a long horizontal line extending to the right.

Shawn Boykins  
RF Design Engineer, Verizon Wireless

**ANTENNA SPECIFICATION SHEETS**

# Product Specifications

COMMScope®



## HBXX-6516DS-VTM

**DualPol® Quad Teletilt® Antenna, 1710–2180 MHz, 65° horizontal beamwidth, RET compatible**

- Fully supports PCS 1900, GSM 1800, UMTS 2100, and AWS spectrum
- Each DualPol® array can be independently adjusted for greater flexibility
- Excellent gain, VSWR, front-to-back ratio, and PIM specifications for robust network performance
- Ideal choice for site collocations and tough zoning restrictions
- Great solution to maximize network coverage and capacity

### Electrical Specifications

Frequency Band, MHz	1710–1880	1850–1990	1920–2180
Gain, dBi	17.7	18.0	18.0
Beamwidth, Horizontal, degrees	67	65	63
Beamwidth, Vertical, degrees	7.5	7.0	6.5
Beam Tilt, degrees	0–10	0–10	0–10
USLS, typical, dB	18	18	18
Front-to-Back Ratio at 180°, dB	30	30	30
Isolation, dB	30	30	30
VSWR   Return Loss, dB	1.4:1   15.6	1.4:1   15.6	1.4:1   15.6
PIM, 3rd Order, 2 x 20 W, dBc	-153	-153	-153
Input Power per Port, maximum, watts	350	350	350
Polarization	±45°	±45°	±45°
Impedance	50 ohm	50 ohm	50 ohm
Lightning Protection	dc Ground	dc Ground	dc Ground

### Mechanical Specifications

Color   Radome Material	Light gray   PVC, UV resistant
Connector Interface   Location   Quantity	7-16 DIN Female   Bottom   4
Wind Loading, maximum	419.5 N @ 150 km/h 94.3 lbf @ 150 km/h
Wind Speed, maximum	241.0 km/h   149.8 mph

### Dimensions

Depth	166.0 mm   6.5 in
Length	1294.00 mm   50.94 in
Width	305.00 mm   12.01 in
Net Weight	13.90 kg   30.64 lb

### Remote Electrical Tilt (RET) Information

Model with Factory Installed AISG 1.1 Actuator HBXX-6516DS-R2M

Model with Factory Installed AISG 2.0 Actuator HBXX-6516DS-A2M

### Regulatory Compliance/Certifications

<b>Agency</b>	<b>Classification</b>
RoHS 2002/95/EC	Compliant by Exemption
China RoHS SJ/T 11364-2006	Above Maximum Concentration Value (MCV)



# Product Specifications

COMMScope®



## LNX-6515DS-VTM

**DualPol® Antenna, 698–896 MHz, 65° horizontal beamwidth, RET compatible**

- Excellent choice to maximize both coverage and capacity in suburban and rural applications
- Fully compatible with Andrew remote electrical tilt system for greater OpEx savings
- Exceptional horizontal pattern roll-off and strong front-to-back ratio
- Extended bandwidth allows one antenna to serve multiple frequency allocations
- Great solution to maximize network coverage and capacity
- The RF connectors are IP67 rated and the radome is IP56 rated

### Electrical Specifications

Frequency Band, MHz	698–806	806–896
Gain, dBi	16.7	17.6
Beamwidth, Horizontal, degrees	65	65
Beamwidth, Horizontal Tolerance, degrees	±2	±2
Beamwidth, Vertical, degrees	9.6	8.6
Beam Tilt, degrees	0–8	0–8
USLS, typical, dB	17	17
Front-to-Back Ratio at 180°, dB	32	27
CPR at Boresight, dB	24	24
CPR at Sector, dB	10	10
Isolation, dB	30	30
VSWR   Return Loss, dB	1.4:1   15.6	1.4:1   15.6
PIM, 3rd Order, 2 x 20 W, dBc	-150	-150
Input Power per Port, maximum, watts	400	400
Polarization	±45°	±45°
Impedance	50 ohm	50 ohm
Lightning Protection	dc Ground	dc Ground

### Mechanical Specifications

Color   Radome Material	Light gray   Fiberglass, UV resistant
Connector Interface   Location   Quantity	7-16 DIN Female   Bottom   2
Wind Loading, maximum	878.0 N @ 150 km/h 197.4 lbf @ 150 km/h
Wind Speed, maximum	241.0 km/h   149.8 mph

### Dimensions

Depth	181.0 mm   7.1 in
Length	2449.00 mm   96.42 in
Width	301.00 mm   11.85 in
Net Weight	22.80 kg   50.27 lb

### Remote Electrical Tilt (RET) Information

Model with Factory Installed AISG 1.1 Actuator LNX-6515DS-R2M  
Model with Factory Installed AISG 2.0 Actuator LNX-6515DS-A1M

### Regulatory Compliance/Certifications

PCR16-11

PLANNING COMMISSION  
COUNTY OF STAFFORD  
STAFFORD, VIRGINIA

RESOLUTION

At a public hearing of the Stafford County Planning Commission (Commission) held in the Board Chambers, George L. Gordon, Jr., Government Center, Stafford, Virginia, on the 9<sup>th</sup> day of November, 2016, regarding compliance with the Comprehensive Plan that had been advertised for hearing by the Commission:

<u>MEMBERS:</u>	<u>VOTE:</u>
Steven Apicella, Chairman	Yes
Thomas Coen, Vice-Chairman	Yes
Sherry Bailey	Yes
Roy Boswell	Yes
Darrell English	Absent
Michael Rhodes	Yes
Crystal Vanuch	Yes

On motion of Mr. Coen, seconded by Mr. Rhodes, which carried by a vote of 6 to 0, the following was adopted:

A RESOLUTION FINDING THE REQUEST FOR THE LOCATION OF A TELECOMMUNICATION FACILITY ON TAX MAP PARCEL NO. 58-35A SUBSTANTIALLY IN ACCORD WITH THE COMPREHENSIVE PLAN, PURSUANT TO VIRGINIA CODE SECTION 15.2-2232

WHEREAS, Milestone Tower Limited Partnership, III, applicant, has requested a Comprehensive Plan Compliance Review COM16151420 in accordance with Virginia Code Section 15.2-2232 to locate a telecommunications facility on Tax Map Parcel No. 58-35A; and

WHEREAS, the Commission duly advertised and held a public hearing on November 9, 2016, at which time public testimony was received and the merits of the request were considered; and

WHEREAS, the Commission has carefully considered the merits of the request, the public testimony received at the public hearing, and the recommendations of County staff; and

WHEREAS, the Commission believes that the request is consistent with coordinated, adjusted, and harmonious development of Stafford County, Virginia, and which will in accordance with the present and probable future needs and resources of Stafford County, Virginia, best promote the health, safety, morals, order, convenience, prosperity, and general welfare of the citizens of Stafford County, Virginia, including the elderly and persons with disabilities; and

PCR16-11  
Page 2

WHEREAS, the Planning Commission finds that the request is substantially in accord with the Comprehensive Plan;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Planning Commission on this the 9<sup>th</sup> day of November, 2016, that this request to locate a telecommunications facility on Tax Map Parcel No. 58-35A as applied for in application COM16151420, be and it hereby is found to be substantially in accord with the Comprehensive Plan for Stafford County.

  
\_\_\_\_\_  
Steven Apicella, Chairman

SA:JAH:akh

1. COM16151389; Comprehensive Plan Compliance Review - Telecom Tower Milestone Communications at Duff McDuff Green Memorial Park - A request to review compliance with the Comprehensive Plan, in accordance with Virginia Code Section 15.2-2232, for the placement of a telecommunications monopole, including ancillary equipment, on Tax Map Parcel No. 58-35A, located on the south side of James Ashby Parkway, approximately 1,300 feet west of Kings Highway, within the George Washington Election District. **(Time Limit: January 8, 2017)**
2. CUP16151421; Conditional Use Permit - Telecom Tower Milestone Communications at Duff McDuff Green Memorial Park - A request for a conditional use permit (CUP) to allow a 150-foot tall telecommunications monopole with ancillary equipment on Tax Map Parcel No. 58-35A, zoned A-1, Agricultural Zoning District. The property consists of 58.65 acres, located on the south side of James Ashby Parkway, approximately 1,300 feet west of Kings Highway, within the George Washington Election District. **(Time Limit: February 17, 2017)**

Mr. Harvey: Mr. Chairman, if we could combine the presentations for items 1 and 2 please.

Mr. Apicella: Please.

Mr. Harvey: And Mrs. Andrea Hornung will be giving the presentation for both cases.

Mrs. Hornung: Thank you Mr. Harvey. Mr. Chairman, members of the Commission, I will combine the items 1 and 2 which the first one is the Comprehensive Plan Compliance Review, COM16151420, and then the Conditional Use Permit, CUP16151421, for the Telecom Tower Milestone at Duff McDuff Green Memorial Park. Background for these two projects are that first the Comp Plan Compliance is a determination that the proposed telecommunications facility is in substantial accordance with the Comprehensive Plan, and then second that the Conditional Use Permit to allow the telecommunication facility in the A-1 Zoning District would also be in compliance. The applicants and agents are Kristen Stelzer for Milestone Tower Limited Partnership and Tracy Themak from Donohue and Stearns in which Ms. Themak is here on behalf of Milestone Communications. The property owners are the Board of Supervisors and this is located in the George Washington Election District. Some background on this site is that in the upper left-hand corner of the graphic shows the existing zoning, which is A-1, Agricultural. You can see that there's some residential to the north and then you have one A-2, Agricultural, piece but the rest of it's Agricultural. And then we have the Rappahannock River to the south and west which is the recreational area. And the lower graphic... the lower graphic shows the future land use plan of the area in which you see the Rappahannock River for the planning area Rappahannock Recreation Area and then the yellow is the Suburban area south. And then you still have a portion that's park. To the right graphic, that is an aerial of the Duff McDuff Green Memorial Park that shows the location of the tower. The tower will be sited just about in... around the centerfield area of the ballfield and the road from Kings Highway, Route 3, is James... this is James Ashby Parkway, which is a public park. In the Generalized Development Plan, the top graphic does show where the tower will be sited. And then the middle graphic shows the tower with the landscape facility in the compound coming off of James Ashby Boulevard. And then we also see the elevation of the tower with the five carriers. For the Telecommunications Plan, the primary siting criteria for a site for Comp Plan Compliance is to locate on publicly owned lands that are occupied or planned for public buildings or parks, and also on agriculturally zoned property. Some other siting criteria are that no adverse visual impacts to historic district or properties are existing, and also not located near airports. The other priority given to locating would be the proximity of major power transmission lines, as well as locating away from residential concentrations. And priority would be given to siting the facility interior to the parcel in which it has some screening, and also not located in or near

wetlands. This is a graphic that shows the existing coverage, which this area in the yellow is actually called the Tidewater Trail Area. And this will show what the coverage will look like once the tower... the proposed tower facility would be installed. Under the facility design standards of the Telecommunications Plan, we're looking at that existing vegetation will be retained to screen the base of the tower and a portion of the tower which is a monopole. Also, mitigating the view shed disruption from most vantage points. This also exceeds the recommendation in which it provides a minimum of five... it provides five carriers versus the minimum of three that's required in the Telecommunications Plan. The facility should be designed also to minimize visual impacts on the surrounding areas, particularly near any residential. No other structures in the area were found to be tall enough for co-location. No lights will be on this tower unless regulated by FAA; being that this tower is 150 feet in height will not require light at this time. And of course this will accommodate up to five carriers. Here are some graphics that show what the tower would look like. In the first graphic, this shows what the tower would look like from Kings Highway and Little Falls Road. The next one is also from Kings Highway and James Ashby Parkway. The bottom left will be from Leonard Road and Pollack Street... or Pollack Street, excuse me. And then the bottom right is from Pollack Street. And this is showing where the pole would be. So, right here in the distance, I'll circle them in red so you can see where the pole is sited in the tree line. Here's additional graphics; the one in the top left is the one from Kings Highway and Ferry Farm. The right one is a little bit more visible; this is the entrance to the park. And then at the bottom, this one shows basically at the ballfield area within the sky scrape of the existing light poles. So this one is the tower and then the rest of them are all the athletic field lights that are at the park.

Mr. Apicella: Before you go on, can you go back one slide?

Mrs. Hornung: Yes sir.

Mr. Apicella: So, uh, from the river, how far is the pole from the river? And would it be visible from the river?

Mrs. Hornung: It's possible it would be visible from the river. Here is the river. I didn't include the graphics, that there were two additional graphics showing the location from Fredericksburg Country Club so there are some areas that are visible. But it's not as much as this lower graphic. It would be in a distance of the top right graphic. It's in the staff report.

Mr. Apicella: Thanks.

Mrs. Hornung: Yes sir. Some of the positive aspects for the Comp Plan Compliance Review is that this proposed facility would be consistent with siting priorities and standard... design standards of the Telecommunications Plan which is the element of the Comprehensive Plan. Also, the proposed facility will not create a negative impact to the County's public safety communications system. Approval would result in enhanced coverage to the Verizon network which helps correct the existing deficiencies and which those graphics were previously included. The closest dwelling is approximately 850 feet to the north, and this is sited toward the interior of the property. No apparent negative aspects have been determined. So, for the Comp Plan Compliance Review, the recommendation is that staff recommends approval pursuant to the Planning Commission Resolution PCR16-11, as this request is substantially in accord with the Comprehensive Plan and, specifically, the Telecommunications Plan. The second part of this we'll discuss the conditional use permit. Some of the proposed conditions of the conditional use permit are pretty standard for all tower facilities that are sited in the County. Limit to one tower. This will be a monopole type construction at a maximum height of 150 feet. The location of the facility shall

be in conformance with the GDP as provided. Land clearing will only be limited as shown on the GDP to the 2,500 square-foot compound. There shall be no lights on the tower unless, of course, required by the FAA. The tower will be designed to accommodate five carriers. It also will be designed with a break point and maximum fall radius of 80 feet. Some of the standard language in the conditional use permit conditions regard signage limitations; tower removal once the use is discontinued; avoidance of 911 communication interruption; allow County collocation; and 5-year requirement to obtain building permits. The positive aspects of this is that the proposed facility does meet the standard of issuance for review of a conditional use permit. The approval of the request will result in enhanced coverage to the Verizon network and help correct existing deficiencies. And any of the conditions would offset any negative impacts, which no negative impacts were found. And we also had the consultant review the conditional use permit and came to the same conclusion that this is in compliance. Staff does recommend approval with the conditions included in the Resolution R16-338, subject to the approval of the concurrent Comprehensive Plan Compliance Review. One change that came to light since the report was submitted was that the applicant requests that the number 13 condition be changed to the statement that any installation shall comply with the terms of the executed lease agreement with the County, specifically Section 1(e). Now, there have been some questions regarding what would this tower look like if it was in the shape of a tree, which they call it a monopine. And in these graphics you can see what this tree monopine would look like. The top left is the graphic which is to the north of the park. The far... the right graphic is at the site itself and you can see the athletic field lights and the parking lot. And then in the bottom graphic is another view from the ballfield itself. And you can see what the monopine would look like if it was imposed adjacent to the athletic field lights. Here's the graphic that gives you an aerial that shows you approximate location of the tower. You can see that it's in approximation to the... about where the center field is, behind that ballfield. And then you see the graphic to the bottom of this which is part of the GDP showing the tower and the elevation. And if there are any questions, I'd be happy to answer them. We also have Ms. Tracy Themak who can provide some additional technical information.

Mr. Apicella: Can you go back one slide please?

Mrs. Hornung: Sure.

Mr. Apicella: The area that's cleared, why not put the tower there?

Mrs. Hornung: I believe that because of the location of a stream that is located on this site, and I'll go back to the beginning, there's floodplain on the property and the location of the tower is sited so that it's outside of the floodplain limits. There we go. You see that you have a stream cutting through bisecting this area, and then you have the Rappahannock River. And by looking at the floodplain limits on the map, we had a large area that was in the floodplain -- in this area -- so by siting it approximately here would be having that tower outside of the floodplain area. Because once you construct anything within the floodplain, the County regulation is that those structures need to be 3 feet above the base flood elevation. So, anything on the compound would be raised up.

Mr. Apicella: I guess I'm... I apologize, I'm not seeing it. I'm looking at the picture; I see where it basically says tower site. That's... where the words are written on this slide, tower site, that's in the floodplain?

Mrs. Hornung: I believe so.

Mr. Apicella: Okay, that's it for me. Mr. Coen?

Mr. Coen: Yes, and if you could, in one of our communications when we were discussing the idea of the monopine, you mentioned about the location... about the flight path to Shannon. And your own slides it says it's not to be located near to an airport. So, I'm just curious, if you raised the idea that it's in the flight path, doesn't that sort of contradict the other part? I mean, is it in the flight path or not?

Mrs. Hornung: I will find out for you. We didn't have that information that it was in... within that flight path of the airport.

Mr. Coen: Okay. Because, as I said, it was your communication to me that said that if it was made the monopine and it had to be a little bit taller, that it would possibly be in the way since that's on the way to the airport. So that's the only reason I'm asking is because it was in your communication to me. Okay. And then, just to make sure, and I appreciate it because one of the things I had asked for was a clearer visual of where it was because the first one was sort of closer to the road and almost on the ballfield. So, um, and if the fall radius... would that be heading either towards... it could possibly head towards the ballfields?

Mrs. Hornung: Right, the break zone is so that it will collapse on itself.

Mr. Coen: Right, okay.

Mr. Apicella: Any other questions for staff? Do we have any poles in any of our other parks?

Mrs. Hornung: I don't recall. Most of the collocations are on existing water towers.

Mr. Apicella: So this would be the first.

Mrs. Hornung: I believe so, yes.

Mr. Apicella: Okay, thank you. Would the applicant like to come forward?

Ms. Themak: Good evening members of the Commission, my name's Tracy Themak; I'm here on behalf of Milestone Communications. And I want to give you a little bit more background here on the design for this site because I think it warrants it, given that we have the comparison photo sims of the monopine. When Milestone initially comes in and proposes a facility at a park, the natural design that we go with, or we at least first consider, is a monopine. However, typically a monopine works at a lower height. And we're looking at 100 to 120 feet. As we get above that, it does tend to be more visually impactful than even the monopoles, we find. In this case, however, I think the first consideration... in fact, we had a concept plan I believe that showed trying to design this as a replacement light structure closer to the ballfield. We could, of course, put a structure up above the height of the light poles, which I believe is about 70 feet, and then relocate the lights at the same height as the other light poles. Because the elevation at the ballfield is lower, we would be looking at putting a replacement light pole in there at about 180 feet, and then putting the lights back on the pole. However, that was not possible because that area is actually well within the floodplain. So we would have to design the equipment compound to be raised out, as Andrea pointed out, about 4 feet which means that the equipment would be raised up off the ground with a fence around it. The visual impact of that becomes much greater. So, we talked with, I believe it's Chris Stevens and Mark Smith at the Parks and we said we're going to move it outside of the floodplain. We went to the location that you see now as a monopole given the height of the tower. This



location is actually 30 feet higher in elevation, so we could bring the height of the overall structure down to the 150 feet that is proposed here. The actual location, Andrea points out this sort of hatchet-shaped cleared space and, I believe, Chairman, you asked why we wouldn't just locate there. There's actually two areas at play here; there's both the floodplain area, which is where the ballfield was and extends into that wooded... or just shy of that wooded area. And then there's actually a septic field delusion area which includes that already cleared area. So we, and I believe it's shown -- it's a little hard to see on the site plan included in your packet with the zoning drawings, it's hard to see but both of those areas are shown and now the compound with the tower is actually in that wooded area right in the middle of the two borders of the septic field delusion area and the floodplain. So, we tried to stay out of both of those, so we can't do any impervious surface or any type of structure in the septic field delusion area; there's nothing allowed there. So, now the proposal is to come in off of James Ashby to expand the future park trail to 10 feet, where it was 6 feet, and put the compound in the trees. So, that's just a little bit more background. We didn't just come in and say I think this is the best spot, we'll put up a monopole. We did look at all the different criteria and we think that the monopole here is the best option. What you're going to see if you compare the three photos that we submitted of the monopine when you compare them to the same viewpoints as the monopole, you're going to see that it's actually a little taller. When we go in with a monopine design, we need to bump the height for the tapering affect. So the monopine would really come in at a height of about 165 feet as opposed to the 150-foot monopole that you see in the photo sims. I'm here; we concur with staff's recommendations and the conditions imposed, but I'm here primarily to answer any additional questions you may have.

Mr. Apicella: Thank you. Questions for the applicant? Mr. Coen, do you have anything?

Mrs. Vanuch: I have a question. What was your resident outreach in that area?

Ms. Themak: This is Chris Harold from Milestone. We actually sent out, and I don't know the exact number, but we sent out community notification for postcards. We had a community meeting at Ferry Farm Elementary School -- we had a community meeting there. We actually didn't have anyone show up except for the Supervisor, Supervisor Thomas, but we went through a PowerPoint, we always do that. And Chris Harold, if you want to come up and introduce yourself -- he can tell us how many notifications were actually sent out.

Mr. Harold: I'm Chris Harold. I'm with Milestone Communications. We sent out, I don't have the exact number with me, but it was about 300. Some of those were in the Spotsylvania area. You kind of... you draw a radius in our mailing tool and so that's why some of it went across the river. But it was about 300 mailings that went out. Again, no one did come to the meeting at Ferry Farm Elementary School.

Mr. Boswell: (Inaudible - microphone not on).

Ms. Themak: Milestone also actually sets up a website that is, and the information for that website is specific to each facility that's being proposed. And that information is on the postcard that is sent out to all the homes. So, a lot of people decide I can go on the website and see everything that I want about it, what it's going to look like, the photo sims are there, the location, contacts, point of contacts if you have additional questions as sometimes that suffices for a lot of people that don't want to come out to the community meeting.

Mr. Apicella: Thank you. Any other questions? Thank you very much.

Ms. Themak: Thank you.

Mr. Apicella: I'll now open the public hearing on this matter. This is an opportunity for the public to comment. Please direct your comments to the Planning Commission as a whole, not to any specific member. You have up to 3 minutes to speak when the green light comes on. The yellow light indicates you have 1 minute left, and the red light means you need to wrap up your comments. So, if anyone's interested, please come forward. Seeing no rush to the podium, I'll close the public hearing and bring it back to the Commission. Mr. Coen, this is in your district.

Mr. Coen: Yes sir, Mr. Chairman. And I guess I'll preface it and then I'll make the motion if that's acceptable with you.

Mr. Apicella: I just want to point out one thing. I heard that there might be some alternate language on the conditions.

Mr. Coen: The CUP, yes.

Mr. Apicella: Do we have that?

Mrs. Hornung: Yes. May I have the computer please? I want to get to it so I make sure that I say it exactly correct. Any installation shall comply with the terms of the executed lease agreement with the County, specifically Section 1(e). That would be the language that would replace...

Mr. Apicella: All of 13?

Mrs. Hornung: Just an addition. This would be an addition to number 13.

Mr. Apicella: Okay. Do you mind keeping that up there for one minute? Mr. Coen, do you want to go ahead?

Mr. Coen: Yes, Mr. Chairman, and I've been pretty open about this since it came before... was visual to me about a month ago that my thinking was that it being in a park, it should be a monopine. And that the idea of having the large metal structure sort of standing above the park was something out of War of the Worlds, was something counterintuitive to the idea of a park. I understand where the applicant was saying that it's more visually impactful. And we had a nice conversation. I do appreciate the applicant being flexible and bringing forth the additional pictures and looking at the idea of doing the light pole and etcetera. My big concern though is that almost any of the other visuals you see, there would be this large metal object sticking up over the park as opposed to something that is sort of natural with a park, which would be the tree. I understand the idea that when you're looking at it from the ballfields, you would see a tree rather than another metal thing which would look like the lights. But the problem with that is that I would think that most people, at least in my experience, when you're at the ballfield, you're watching the ballfield and not really looking up at the skyline. So, and I'm not sure, Mr. Chairman, if putting in language with the condition that approving the PCR16-11 and then the R16-338 with the new language and the condition that it be a monopine goes in both of those or just one of those. But that would be my recommendation.

Mr. Apicella: Does the County Attorney have any thoughts on that?

Ms. McClendon: Mr. Chairman and Mr. Coen, that condition would be appropriate for inclusion in the CUP; it would not be appropriate for inclusion in the 2232 review.

Mr. Coen: Alright. So, whichever way you want to handle that Mr. Chairman, I'll make the motion (inaudible).

Mr. Apicella: Well, do you want to start by making a motion on item number 1 first, the Comp Plan Compliance Review?

Mr. Coen: Yes sir. So, I'll make a motion to accept PCR16-11.

Mr. Apicella: Okay, there's a motion to approve the Comp Plan Compliance Review, Telecom Tower Milestone Limited Partnership at Duff McDuff Green Memorial Park... that's a mouthful; is there a second?

Mr. Rhodes: Second.

Mr. Apicella: Okay, it's been seconded. Any further comments Mr. Coen?

Mr. Coen: No sir.

Mr. Apicella: Mr. Rhodes? Anyone else? Okay, there's a motion to approve. Cast your vote. Mrs. Bailey won the race on that one. Okay, the motion carries 6-0 (*Mr. English absent*). Mr. Coen?

Mr. Coen: Yes, I'd like to move for approval of R16-338 with the additional language that was proposed this evening, that was brought forward that both the applicant and the County are in agreement with. And add the additional condition that it be a monopine.

Mr. Apicella: So, would that be condition number... that would replace number 14 and then 14 would become 15? Or would it go somewhere else?

Mr. Coen: Well, unless Ms. McClendon says so, I think that makes sense. Okay, we can make it number 1. I'm kidding.

Mr. Apicella: Okay. So, there's a motion to approve the CUP with some modifications, including the language that staff mentioned earlier, as well as adding an additional condition requiring that the pole be a monopole. Is there a second?

Mr. Rhodes: I'll second for the purpose of discussion though I've got to admit the pictures made it look like a redwood that's in the wrong forest.

Mr. Boswell: (Inaudible - microphone not on).

Mr. Rhodes: Yeah, personally I believe it is, but I mean, to go to discussion, it just stands out oddly personally.

Mr. Apicella: So, would it be more appropriate then to determine whether or not we're going to have that as a condition before we vote on the entire package? Does that make more sense?

Ms. McClendon: Mr. Chairman, if that's the Commission's will (inaudible).

Mr. Apicella: So, let's do that. So let's talk about the additional condition, making it a... what is it called?

Mr. Coen: Monopine.

Mr. Apicella: A monopine.

Mr. Coen: Well, I guess there's three options; it's either the traditional looking tower, there's the monopine, or there's theoretically making it a light pole.

Mr. Apicella: So, I see the applicant shaking their head that that won't work.

Mr. Coen: And that's what I thought, that the light pole idea was not feasible.

Mr. Apicella: Please.

Ms. Themak: Yeah, we ruled out the light pole option because we can't be with the rest of the light poles and it would not go with the rest of the lighting scheme. So, really, the options are the monopole option at 150 or the tree pole monopine option at 165. The other that, Commissioner Coen, I had mentioned there is the option to do what is called the graduated paint scheme. We didn't have time to do a photo sim on that. That is where the bottom of the pole in the tree line, which here is about 40 feet to about 60 feet, is painted brown and then the rest of the structure is a light blue to blend with the sky better instead of just the gray. So that is an option as well. I just want to put that out there. But the light pole option, because we've changed from (inaudible), the light pole wasn't an option because that would have to go on the ballfield.

Mr. Boswell: What is it in this picture where it's in the picture with the light poles? What have you got there?

Ms. Themak: That's just the traditional monopole. It just looks closer because of the perspective, so it sort of blends with the light poles.

Mr. Boswell: Right, it looks to fit in better.

Ms. Themak: That was our opinion was because the branches don't even start until above the tree line. But that was the original proposal. Thank you.

Mr. Apicella: Thank you.

Mrs. Bailey: I do have a quick question for you.

Ms. Themak: Absolutely.

Mrs. Bailey: The part that looks like the pine limbs, are they there just to cover up the extensions that come off of the pole?

Ms. Themak: Yes.

Mrs. Bailey: Can they come down further than that?

Ms. Themak: They could probably come down further. I don't know how that interferes with... typically these are designed because we don't want too much surrounding the rad centers where we have to get effective propagation from the antennas. So they may not be able to come down. We would have to talk to RF about that. Typically, the way they're shown is we don't want to have too much blocking the antennas.

Mrs. Bailey: Okay, great; thank you.

Ms. Themak: But we could look into that if that's the request.

Mr. Coen: Mr. Chairman?

Mr. Apicella: Mr. Coen?

Mr. Coen: Again... I'm not going to ask any more questions.

Ms. Themak: Okay, good.

Mr. Coen: But I didn't want you to sit there waiting for something to be thrown. So, Mr. Rhodes, that's why I went with the thing because there's only really two options. And I understood and we had talked about the possibility of having, you know, the regular one. But Mr. Apicella accurately pointed out that from the river you'll be able to see it. Those of us who go to that park, if you're at the dog park, if you're at anything else, that would be one of the premier things that you see at the park is this big thing that looks... this big metal structure hanging above. And so it's sort of, and not to take one of Mr. Apicella's favorite things of setting a precedent, but the precedent would then be when we are in a park, we're not going to try to make it blend in with the park idea, we're going to have it hang above. If it were, to Mr. Boswell's point, if you're just thinking I'm sitting at the ballfield and I'm looking that way, yes that sort of blends in. But as you saw with the other pictures, it doesn't blend in. It sticks out. So you have a question of either I'm driving down Route 3 or I'm living far away and something that sticks out looks like a tree, even if it's a redwood. Or something that sticks out is a big silver thing. I mean, that's sort of your options. And to me, if it's going to be a County park and it's the idea that it's, you know, a park rather than a water tower or some other big metal structure, it just makes more sense to make it look like we want that area to look like.

Mr. Apicella: Can I ask staff, can we pull the pictures back up again?

Mrs. Hornung: Sure. Pictures with the monopole or the monopine?

Mr. Apicella: So, I'm looking at the picture on the right-hand side where the pole is sticking out, and I'm just trying... what I guess I'm trying to figure out is if we had the monopine, would some of that be covered up because at least from that vantage point because you have what looks like branches. I mean, obviously if you're in the park, you're going to see a pole. But if you're away from the park, you're going to see something that might look a little bit obscure because of the branches.

Mr. Rhodes: I don't know, the pictures they showed looked like (inaudible).

Mr. Boswell: It looks like it draws more attention to it to me.

Mr. Apicella: Well, so let's go to the next picture.

Mrs. Hornung: And while you were speaking with Ms. Themak, Mike and I were looking online and there is a lattice tower at the Patawomek Park in the Widewater area. Oops, I'm sorry; here we are. Here are the monopine.

Mr. Boswell: I like the straight pole better. I mean, that's just my opinion. It looked... that looks more hideous.

Mrs. Bailey: Yeah, initially when I was reviewing the package, that was my thought too. I did a little bit of research and I thought well, you know, that might blend in, but I just think the height of the pole is too high up there to where it doesn't do anything except draw more attention to it. So I would not be in favor of that.

Mr. Boswell: Me either.

Mr. Apicella: Okay. Any other thoughts or comments? Okay, so I theory we have a motion on the floor just related to whether this is going to be a monopole or a monopine.

Mr. Coen: And quite honestly, I'm not a mathematician but I can count, and so, you know, it is my district, I will say I'll change my motion out of spirit of compromise and say since they offer the idea of painting it so that it's a little bit more scenic at the bottom and then blue at the top, I'll make a motion that we do that rather than the monopine. I personally... if it's just a straight silver looking thing, I would vote against it because I think it sets the wrong precedent of putting it there and making it look like that. But in the spirit of compromise, I'll make a motion that we have the traditional one but that they do the paint scheme that they talked about where the bottom is painted to look like, you know, camouflaged as a tree and the top is blue.

Mr. Apicella: Is there a term of art for that?

Ms. Themak: Graduated paint scheme.

Mr. Apicella: Okay.

Mr. Coen: The graduated paint scheme.

Mrs. Vanuch: I'm going to google it.

Mr. Apicella: Okay, so is there a second on that?

Mr. Rhodes: Agreed. Second. (Inaudible). Modified. Whatever.

Mr. Apicella: I'm assuming there's not going to be any further comment. So, all those in favor... I'm sorry, cast your vote. Alright Mrs. Bailey, you lost on that one. Okay, so the motion to at least add that one particular condition changing it from a monopoly to a graduated... and I forgot what it was called, or whatever the right terminology is...

Mr. Rhodes: Graduated paint scheme.

Mr. Apicella: Graduated paint scheme. So, on the overall issue of the conditional use permit, do you have a motion Mr. Coen?

Mr. Coen: I'll make a motion to approve.

Mr. Apicella: Is there a second?

Mr. Rhodes: Second with the modified language for (inaudible - microphone not on).

Mr. Apicella: Thank you Mr. Rhodes. Any further comments? Okay, all those in favor of the motion go ahead and cast your vote. The motion to approve the CUP carries 6-0 (*Mr. English absent*). Thank you Mrs. Hornung.

Mrs. Hornung: Thank you.



## BOARD OF SUPERVISORS

### Agenda Item

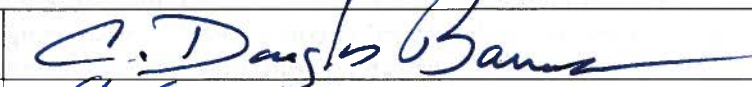

<b>Meeting Date:</b>	December 13, 2016
<b>Title:</b>	Consider Entering a Lease Agreement to Allow a Telecommunications Facility on Tax Map Parcel No. 58-35A (Portion) at Duff McDuff Green Memorial Park
<b>Department:</b>	Planning and Zoning
<b>Staff Contact:</b>	Jeffrey A. Harvey
<b>Board Committee/ Other BACC:</b>	N/A
<b>Staff Recommendation:</b>	Approval
<b>Budget Impact:</b>	N/A
<b>Time Sensitivity:</b>	January 28, 2017

#### ATTACHMENTS:

1.	Background Report	3.	Location Map
2.	Proposed Resolution R16-372	4.	Proposed Lease
		5.	Waiver of Deed Restrictions

<b>Consent Agenda</b>		<b>Other Business</b>		<b>Unfinished Business</b>
<b>Discussion</b>		<b>Presentation</b>		<b>Work Session</b>
<b>New Business</b>	X	<b>Public Hearing</b>		<b>Add-On</b>

#### REVIEW:

X	County Administrator	
X	County Attorney (legal review only)	

<b>DISTRICT:</b>	George Washington
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### **BACKGROUND REPORT**

The Board is asked to consider a lease agreement to construct a telecommunications facility on a portion of Tax Map Parcel No. 58-35A, owned by the County at the Duff McDuff Green Memorial Park (Park). Milestone Communications, represented by Donohue and Stearns PLC, is proposing to construct a telecommunications facility, consisting of a 150-foot monopole tower and associated ancillary equipment within a 2,500 square-foot compound.

The property is currently in use as a public park with athletic fields, playground, trails, dog park, parking, and restroom facilities. The proposal will result in the clearing of a 2,500 square-foot compound with an access drive within a 50-foot wide ingress/egress easement.



*Aerial View*

The tower will be located in the northwest quadrant of the Park in a wooded area north of an existing ball field. The compound area will not cause any changes to the existing park facility, nor will it interfere with the existing or future uses and operation of the park site. The Board is concurrently considering approval of a Conditional Use Permit (CUP) to allow construction of the tower and compound on the property pursuant to conditions of Resolution R16-338 which will govern the physical design of the facility.

Terms in the proposed lease agreement (Attachment 4), and the executed Declaration of Waiver between Milestone Communications and the Mary Washington Hospital Foundation, Inc. (Attachment 5), address previous Board concerns related to reversion provisions in the original deed to the County for the Park.

The Board should consider executing the lease agreement after approval of the CUP. Proposed Resolution 16-372 would authorize the Interim County Administrator to execute the lease agreement (Attachment 4) between the County and Milestone Communications.

R16-372

PROPOSED

BOARD OF SUPERVISORS  
COUNTY OF STAFFORD  
STAFFORD, VIRGINIA

RESOLUTION

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, George L. Gordon, Jr., Government Center, Stafford, Virginia, on the 13<sup>th</sup> day of December, 2016:

MEMBERS:

Robert "Bob" Thomas, Jr., Chairman  
Laura A. Sellers, Vice Chairman  
Meg Bohmke  
Jack R. Cavalier  
Wendy E. Maurer  
Paul V. Milde, III  
Gary F. Snellings

VOTE:

On motion of , seconded by , which carried by a vote of , the following was adopted:

A RESOLUTION AUTHORIZING THE INTERIM COUNTY ADMINISTRATOR TO EXECUTE A LEASE AGREEMENT WITH MILESTONE TOWER LIMITED PARTNERSHIP III, ON A PORTION OF TAX MAP PARCEL NO. 58-35A, WITHIN THE GEORGE WASHINGTON ELECTION DISTRICT

WHEREAS, Milestone Tower Limited Partnership III, a subsidiary of Milestone Communications Management III, Inc., proposes leasing a portion of County-owned Tax Map Parcel No. 58-35A, for the construction of a cellular telecommunications facility, within the George Washington Election District; and

WHEREAS, the Board held an advertised public hearing on the proposed lease of the County-owned property; and

WHEREAS, the Board carefully considered the recommendations of staff, and the public testimony, if any, received at the public hearing;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 13<sup>th</sup> day of December, 2016, that it be and hereby does authorize the Interim County Administrator to execute a lease agreement with Milestone Tower Limited Partnership III, Inc. for the construction of a cellular telecommunications facility on a portion of Tax Map Parcel No. 58-35A.

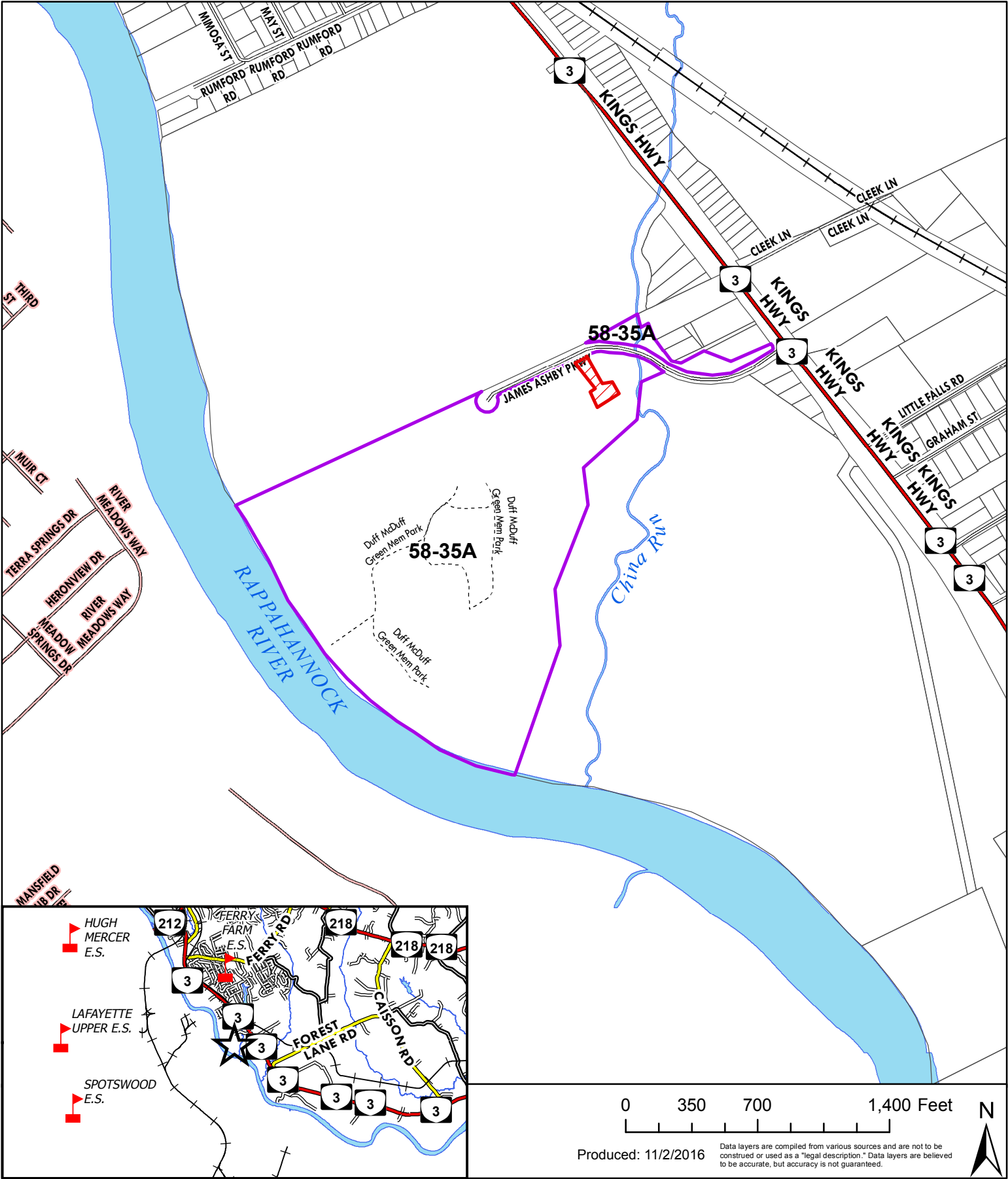
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# CUP16151421; Conditional Use Permit

## Telecom Tower Milestone Communications at Duff McDuff Green Memorial Park

Produced by the Stafford County Department of Planning and Zoning  
540-658-8668 | P.O. Box 339 Stafford, VA 22555





## REAL PROPERTY DEED OF LEASE AGREEMENT

SITE: Duff McDuff Green Memorial Park  
75 James Ashby Parkway  
Fredericksburg, VA 22405

THIS REAL PROPERTY DEED OF LEASE AGREEMENT (this "Lease"), made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2016, by and between STAFFORD COUNTY, VIRGINIA, a political subdivision of the Commonwealth of Virginia, with an address of 1300 Courthouse Rd., Stafford, Virginia 22554, herein referred to as "Lessor," and MILESTONE TOWER LIMITED PARTNERSHIP - III, a Delaware limited partnership, with an address of 12110 Sunset Hills Road, Suite 100, Reston, VA 20190, herein referred to as "Lessee," recites and provides as follows:

### **RECITALS**

1. Lessor is the owner of the parcel of improved real estate located in Stafford County, Virginia known as Duff McDuff Green Memorial Park and described in Exhibit A, attached hereto and incorporated herein by reference (the "Site"). The Site is presently operated by Lessor as a public park..

2. Lessee intends to construct a self-support tower satisfying the requirements of this Lease and all applicable laws (the "Tower"), and to lease from Lessor land on which Lessee intends to construct an equipment compound having the dimensions shown on Exhibit A attached hereto and made a part hereof for the installation of equipment operated by Lessee or the Carriers (as defined below) on the Site (the "Compound"). Lessee intends to lease space on the Tower and in the Compound to telecommunications or other wireless communications providers (the "Carriers" and each individually, a "Carrier") in compliance with the terms hereof. Such Carriers may install antennas on the Tower and construct equipment platforms (each, an "Equipment Platform") to support their communications equipment within the Compound (the Tower, the Compound, each Equipment Platform and all antennas, dishes, lines, cables and other equipment or items shall collectively be referred to herein as the "Base Station").

3. The parties now desire to set forth the terms pursuant to which Lessor shall lease a portion of the Site to Lessee for the purposes just described.

### **DEED OF LEASE**

NOW, THEREFORE, for and in consideration of the mutual agreements set forth below and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows.

#### **1. LEASE OF LEASED PREMISES:**

a. Subject to and in accordance with the provisions of this Lease, Lessor hereby leases to Lessee and Lessee hereby leases from Lessor that space within the Site comprising of a

parcel of ground shown and designated on Exhibit A-1 as the “Lease Area” (the “Lease Area”) all as shown and described in Exhibit A-1 attached hereto, which, together with the Appurtenant Easements (defined in Section 2), shall be referred to collectively as the “Leased Premises.”

b. Lessee acknowledges that with the exception of the air space over the land actually occupied by the Tower, the Leased Premises shall include the air rights over the land only to a height which is fifteen (15) feet above the ground. Lessor and Lessee acknowledge that the exact location of the Leased Premises is, as of the date of the execution hereof, the parties current intent with respect thereto, however the final location may be subject to modification (in both parties’ sole and absolute discretion) based upon the Lessee’s governmental approval process. Lessee and Lessor therefore each covenant and agree, subject to each party’s approval as required in the immediately preceding sentence, to execute an addendum hereto at such time as the final location of the Leased Premises is determined in the event that such location differs from that as set forth on Exhibit A-1. Lessee has inspected the Leased Premises and accepts the same “AS IS” and in its present condition without any representation or warranty of Lessor except any that may be expressly set forth in this Lease.

c. Notwithstanding the foregoing, Lessee acknowledges and agrees that it is solely responsible for performing all necessary due diligence regarding the Site and the Leased Premises, including confirming by way of a title report and examination that Lessor holds legal title to the Site and that no matters affecting title to the Site prohibit, impair or require third party consent to the leasing of the Leased Premises to Lessee, the construction of the improvements contemplated hereunder or any other matter relating or pertaining to this Lease (the “Due Diligence Matters”). In no event shall Lessor have any responsibility for or liability with respect to the Due Diligence Matters, all of which are hereby waived by Lessee. Lessee agrees to strictly comply, at its sole cost and expense, with all recorded documents, instruments and agreements affecting title to the Site, and indemnify and hold harmless Lessor against any cost, expense, claim, demand, obligation, cause of action or liability with respect to any violation thereof by Lessee or its agents or sublessees.

d. Until the termination or expiration hereof, title to the Tower and the portions of the Base Station owned by Lessee shall remain with Lessee. After the termination or expiration of this Lease, title to the Tower and/or those portions of the Base Station owned by Lessee that Lessor has required to remain on the Leased Premises shall, at the option of Lessor, vest in Lessor, and Lessee agrees to promptly execute such further assurances thereof as shall be requested by Lessor.

e. It is the intention of Lessor and Lessee that this Lease constitutes an exclusive relationship as it pertains to the construction of telecommunications towers and the leasing of space thereon to telecommunications service providers on the Site. Lessor agrees that it shall not, during the term, lease, license or grant any interest in any portion of the Site to any telecommunications or other wireless service provider, or to any party constructing towers for lease to telecommunications or wireless service providers, other than Lessee, except as may be permitted in accordance with Section 1(f) below. Notwithstanding the foregoing, Lessor shall be permitted to license, without the requirement for payment of any compensation to Lessee, one (1) platform on the Tower for any Lessor use; provided that (i) in no event shall any such use of the Tower by Lessor be for commercial purposes or for LTE antennas, (ii) the vertical envelope

of the equipment installed by Lessor shall not exceed ten (10) feet, (iii) the total effective wind load of Lessor's equipment shall not exceed twenty (20) square feet of effective projected area, (iv) the total weight of Lessor's equipment shall not exceed three hundred (300) pounds and (v) the height of Lessor's equipment on the Tower shall be reasonably agreed upon between Lessor and Lessee and shall be subject to the location of the Carriers and any other regulatory limitations (i.e. limitations set forth by the FAA, FCC and other federal, state or local government authorities having jurisdiction over the Tower). Lessor's use of any Tower and the transmissions from Lessor's equipment at the Site shall not interfere with those of any Carrier on the Site (or under a letter of intent) at the time such use is granted and Lessor's use of the Tower shall be limited to non-commercial use. Also, the transmissions from Lessor's equipment do not interfere with those of any Carrier on the Site (or under a letter of intent) at the time such license is granted, and further, Lessor shall be entitled to license space within the Site to any governmental agency for construction of a tower for its own use (but not for commercial resale), in accordance with Section 1(f) below.

f. Subject to Section 1(e) hereof, during the term of this Lease and any extension of the term, Lessor shall not lease any portion of this Site to a person or entity competing with Lessee in the business of constructing towers to lease or license to third parties. If Lessor is contacted by any telecommunications carrier or service provider with regard to the Leased Premises, Lessor shall direct such carrier to discuss with Lessee the possibility of locating or collocating on one of Lessee's Towers on the Leased Premises. If after not less than sixty (60) days negotiation, the carrier informs Lessor that it was unable to reach an agreement with Lessee, Lessor shall be entitled to enter into an agreement with that carrier permitting the carrier to construct a monopole, tower or similar structure and operate thereon, or otherwise operate on the Site, provided that such operation does not cause signal interference with any Carrier operating on a Tower at that time. Such agreement shall be on terms and conditions satisfactory to Lessor in its sole discretion. If Lessor breaches this Section, Lessee shall have the right to pursue any and all remedies available to Lessee under the Master Agreement, this Site Lease or applicable law including, without limitation, injunctive relief.

g. Lessee and Lessor hereby acknowledge that the Site is subject to certain use restrictions and reversionary interests contained in the Amended Deed of Gift dated May 28, 1998 ("Deed") and recorded in the land records of Stafford County, Virginia as Instrument Number LR980010970. Lessee has obtained that certain Declaration of Waiver ("Declaration") dated December 6, 2016 from Mary Washington Hospital Foundation, Inc. ("Foundation") in order to protect Lessor's interest in the Site and Lessee's interest in the Leased Premises. Accordingly, the Declaration expressly states that (i) Lessee's construction of the Tower does not violate the Deed or any restriction contained therein; (ii) the Foundation waives any and all right it has pursuant to the Deed including enforcement of the restrictions therein, and (iii) neither the Foundation nor Lessee's use of the Site shall cause the Site to revert to the Foundation as contemplated in the Deed. Notwithstanding the foregoing, in the event that the Foundation challenges the installation of the Tower or makes any claim pursuant to the Deed, Lessee shall, at its sole cost and expense, if required in order to preserve and protect Lessor's interest in the Site, remove the Tower. Furthermore, Lessee understands and agrees that if the Foundation requires removal of the Tower and Lessee fails to successfully challenge such removal and to proceed with removal, Lessor shall undertake the removal at Lessee's cost.



## 2. EASEMENTS SERVING LEASED PREMISES:

a. Lessor hereby grants to Lessee the easements described below in this Section 2 (such easements collectively, the “Appurtenant Easements”) as easements appurtenant to the leasehold granted to Lessee in this Lease. With the exception of Lessee’s grant of use of the Appurtenant Easements to Carriers and utility providers (including, but not limited to, Verizon South Inc. and Northern Virginia Electric Cooperative), the Appurtenant Easements may not be assigned or otherwise transferred in whole or in part separately from the leasehold granted under this Lease, and any such attempted assignment or transfer shall be void.

i. Lessor grants Lessee a nonexclusive, temporary construction easement of varying dimensions over, on, and through adjoining and adjacent portions of the Site, as shown on Exhibit B (Temporary Construction Easement) and identified as the “Temporary Construction Easement,” for construction and installation of the Base Station upon the Leased Premises. Such temporary construction easement shall terminate upon the completion of Lessee’s construction described in Section 7 provided that such term shall be extended for such period of time as Lessee may be prevented from constructing the Base Station by reason of force majeure, and may be extended for such further period as Lessor in its discretion may agree.

ii. Lessee shall be permitted the non-exclusive use of a right-of-way ten feet (10’) in width, the description of which is shown on Exhibit B (Utility Easement) hereof and described as the “10’-0” Wide Utility Easement,” or such other right-of-way of similar dimensions as Lessor may designate during the term of this Lease, to construct, erect, install, operate and maintain underground communication, power, cable, fiber, gas and other utility cables, conduits and systems from the Leased Premises, over, across and through that portion of the Site designated on Exhibit B (Utility Easement).

iii. Lessor hereby agrees to grant to the local utility and telephone companies, on terms acceptable to Lessor in its reasonable discretion, the non-exclusive easements and rights-of-way up to ten feet (10’) in width to construct, maintain, operate and repair communication, electric power, cable, fiber, gas and other utility lines, conduits and systems over those portions of the Site designated on Exhibit B (Utility Easement) hereof and described as the “10’-0” Wide Utility Easement,” or such other right-of-way of similar dimensions as Lessor may designate during the term of this Lease, and the right-of-way of Lessee provided for in Subsection 2 a(ii) during the term of this Lease for purposes of installation and provision of telephone and electric service to the Base Station.

iv. Lessor hereby grants Lessee a non-exclusive easement and right-of-way ten feet (10’) in width for ingress to and egress from the Leased Premises by Lessee and the Carriers, for vehicular traffic for constructing, installing, maintaining, operating and repairing the Base Station, over that portion of the Site designated on Exhibit B (Access Easement) hereof and described as the “10’-0” Wide Access Easement,” or such other right-of-way of similar width as may be designated by Lessor to provide such access to the Leased Premises and the Base Station. In the event that Lessee damages any grassed area with its service and/or construction vehicular traffic, the Lessee will promptly re-sod the disturbed areas, ensuring restoration to its condition existing immediately prior to the damaging activity. In the event that

Lessee damages any roadways, drainage ditches, drainage pipes, or other site infrastructure on the Site with its service and/or construction vehicular traffic, the Lessee will promptly repair the damages areas, ensuring restoration to substantially the same condition that existed immediately prior to the damaging activity.

b. Lessor shall have the right to relocate any of the Appurtenant Easements granted herein (provided that there shall be no termination thereof, and no interruption of service or access as a result thereof other than such short term interruption as is necessary to effectuate the physical relocation, provided that Lessor and Lessee shall attempt to ensure that the replacement Appurtenant Easement is in place prior to such relocation such that any such interruption shall be as minimal as reasonably practicable). If such relocation occurs after the installation of utilities or facilities therein, such relocation shall be at Lessor's expense.

c. With the exception of the temporary construction easement provided for in Section 2 a(i), which may expire sooner as provided in such section, and any utility easements to third-party utility or power companies, which shall expire in accordance with their terms, the term of all Appurtenant Easements shall automatically expire upon termination of this Lease without the need for further act of any party. Notwithstanding the foregoing, if requested by Lessor, Lessee shall execute and deliver to Lessor, in recordable form, such documents as Lessor may request to evidence of record the termination of all Appurtenant Easements as just provided.

### **3. USE OF LEASED PREMISES:**

a. Lessee shall use the Leased Premises solely for construction, operation and leasing of the Base Station as provided herein, and shall use the Appurtenant Easements solely for the applicable purposes described in Section 2. Lessor makes no representation or warranty whether such use is permitted by any laws or regulations applicable to the Leased Premises, and Lessee is solely responsible for determining whether such use is permitted, and for securing all necessary licenses, permits and approvals therefor.

b. Notwithstanding any other provision of this Lease, Lessee acknowledges the Lessor's use of the Site as a public park, and that Lessee's rights under this Lease (and, accordingly, any Carrier rights under a Carrier Sublease (as defined below)) are subject and subordinate to Lessor's use and operation of the Site. Accordingly, in exercising their rights under this Lease, Lessee shall use its best efforts to avoid any adverse construction, operational or other such impact on the Site or Lessor's use and operation thereof, whether such impacts arise from work or activities being performed or undertaken on or off of the Site (utility outages arising from off-site utility relocation, for example), and, notwithstanding any other provision of this Lease, Lessee will use its best efforts to cause such entry, work or activities to be performed or undertaken at such times, and to occur in such manner, as Lessor may require, in its reasonable discretion, to avoid any adverse impacts to the Site or Lessor's use thereof. Further, Lessee agrees that it will cause each Carrier to comply with the provisions of this Section 3. Pursuant to the provisions of Section 8b, Lessee shall be responsible for repairing all damage to the Base Station, the Leased Premises or the Site caused by Lessee or any of Lessee's employees, contractors or agents. In case of emergencies threatening life or safety or any component of the Base Station, Lessee may enter the Leased Premises without prior notice to

Lessor, provided Lessee notifies Lessor of such entry, and the nature of the work performed or undertaken as a result of such emergency, as soon as practicable after Lessee's entry. Notwithstanding the foregoing, Lessee shall have the right to make customary and routine inspections of the Leased Premises upon two (2) business day prior notice, provided that (i) such entry is only for the purpose of inspecting the Leased Premises, conducting routine maintenance and repairs (provided such maintenance and/or repairs do not require alteration of the structural elements to the Base Station or the Tower or the addition or substitution of any electrical cabinet or equipment shelter) and (ii) if there are Lessor personnel at the Site, then the worker or workers who make such inspections check-in with the appropriate personnel at the Site prior to accessing the Leased Premises and, in all cases, follow all procedures required by Site personnel (if any).

#### 4. TERM:

a. The term hereof shall be for an initial term of ten (10) years, with up to four (4) 5-year extension terms, commencing on the date of the final execution and delivery hereof (the "Commencement Date"). The extension terms hereof shall automatically commence as of the expiration of the then current term unless Lessee provides thirty (30) days' advance written notice of its intent not to so renew the term hereof. Notwithstanding the foregoing, if the Tower is not constructed within eighteen (18) months after the date Lessee obtains all required governmental approvals and permits, and one (1) Carrier Sublease is not executed and paying full rent, this Lease may be terminated by Lessor with thirty (30) days' written notice to Lessee. Further, in the event that at any time after the initial construction of the Tower on the Site, the Tower remains vacant (i.e., with no Carrier Sublease applicable thereto) or no Carrier is paying rent therefore for a period in excess of twelve (12) consecutive months, this Lease may be terminated by Lessor with thirty (30) days' written notice to Lessee. In addition, Lessee may terminate this Lease with sixty (60) days' prior notice to Lessor if (i) Lessee is unable to obtain or maintain in force all necessary governmental approvals, (ii) a material change in government regulations makes it impractical or uneconomic for Lessee to continue to operate the Facilities under this Lease, (iii) interference by or to Lessee's operation cannot, despite good faith negotiations between Lessee and Lessor in accordance with the terms hereof, be resolved, or (iv) the Site or the Facilities are destroyed or damaged or taken in whole or in part (by condemnation or otherwise) sufficient in Lessee's reasonable judgment, adversely to affect Lessee's use of the Site. If this Lease is renewed, then all covenants, conditions and terms will remain the same.

b. At the end of the term (including any applicable extension terms) of this Lease, whether by the passage of time or the exercise by any party of any right of termination, Lessee shall surrender the Leased Premises to Lessor in the condition specified in this Section 4b . Within sixty (60) days after the end of the term of this Lease, Lessor shall notify Lessee of its election to (i) have Lessee dismantle and remove the Base Station, or any component thereof, including, but not limited to, any or all of Lessee's facilities from the Leased Premises and the Site; or (ii) have the Tower and/or Base Station (other than those portions of the Base Station owned by the Carriers) remain on the Leased Premises. If Lessor fails to make such an election within the sixty (60) day period, Lessee shall inform Lessor in writing, and Lessor shall have an additional thirty (30) days to make the election. If Lessor fails to make an election, it shall be deemed to have elected option (i). If Lessor elects or is deemed to have elected option (i), Lessee shall promptly (and in any event within ninety (90) days) remove the designated facilities

from the Site, at Lessee's sole cost and expense; provided, however, that Lessee may leave in place any improvements which are two (2) feet or more below grade. If Lessor elects option (ii), title to the facilities designated by Lessor shall immediately vest in Lessor, without the necessity of further action by Lessor or Lessee. Notwithstanding the foregoing, if so requested by Lessor, Lessee shall execute such further assurances thereof as shall be requested by Lessor. Further, nothing herein contained shall be deemed to prohibit or restrict any Carrier from removing its equipment to the extent permitted to do so under any Carrier Sublease.

c. Subject to Section 4b, the Base Station, including the Tower, and other equipment, shall during the term of this Lease be deemed the personal property of Lessee and/or the Carriers, as applicable.

## **5. RENT & ACCESS FEE:**

a. Beginning on the Commencement Date, and thereafter on the tenth day of each calendar month during the term and any extension term of this Lease, Lessee shall pay to the Lessor, in legal tender of the United States of America without demand, setoff or deduction whatsoever, as monthly rent for the Leased Premises, an amount equal to forty percent (40%) of the Gross Revenues (as defined below) derived from the use, leasing or occupancy of any portion of the Tower or Base Station for the preceding calendar month. The term "Gross Revenues" shall mean all revenue actually collected by Lessee from Carriers with respect to the Site (other than any reimbursement being made to Lessee by a Carrier in connection with construction of the Base Station, connection to any utilities, or reimbursement for any site access fee provided that such reimbursement is not in lieu of or in substitution of any rent thereunder), less any real estate ad valorem taxes (which term specifically excludes personal property taxes and taxes on income derived from the Base Station) payable for such period (or the pro rata share thereof applicable to such period) by Lessee on the Leased Premises or the Base Station and less all expenses related to the Facilities, which shall be borne by Milestone. Any payments made to the Foundation in consideration of the Declaration, as set forth in Paragraph 7 of the Declaration, shall not be considered expenses related to the Facilities, but are costs incurred solely by Milestone and shall not be deducted from the forty percent (40%) of the Gross Revenues due to the Lessor. All rental payments shall be made by check payable to Lessor at Stafford County, Virginia; P.O. Box 339; Stafford, VA 22554, Attention: Chief Financial Officer, Department of Finance, or such other address and/or addressee as the Lessor may from time to time provide.

b. In addition to the rent described in the preceding paragraph, any other amounts payable under this Lease to Lessor, however denominated, shall be deemed additional rent, and Lessor shall have all rights and remedies in respect of payment and collection thereof as are applicable to rent. Any amounts payable hereunder by Lessee that are not paid when due shall bear interest at the rate of ten percent (10%) per annum.

c. On the date Lessee begins construction on or in the Leased Premises pursuant to Section 7, Lessee shall pay Lessor a Site Fee, which is equal to Forty Thousand and No/100 Dollars (\$40,000.00). In the event Lessee fails to timely pay the Site Fee, Lessee shall, in addition to owing Lessor such fee, pay to Lessor interest on the amount thereof from the date due through the date of payment of such fee to Lessor, in an amount equal to the Prime Rate of

interest as published from time to time by The Wall Street Journal plus four percent (4%). If the Site Fee plus interest is not paid within sixty (60) days after written notice from Lessor that such amount is past due, as due in this Section 5c, Lessor may elect to terminate this Lease, by giving written notice to Lessee; and Lessee shall return the Site to the state it was in before Lessee began any construction or work that may have commenced on the Site.

**6. REAL ESTATE TAXES, UTILITIES, MAINTENANCE:**

a. Lessee shall be solely responsible for all costs and expenses relating to the connection, disconnection, consumption and use of any utilities and/or services in connection with Lessee's construction, installation, operation and maintenance of the Base Station on the Leased Premises including, without limitation, any electric consumption by its equipment, and Lessee agrees to pay all costs for service and installation of an electric meter directly to the local utility company.

b. Lessee shall be responsible for the declaration and payment of any applicable taxes or assessments against the Base Station or other equipment owned or used by Lessee or allocable (on a pro rata basis) to the Leased Premises, including but not limited to any sales and property taxes, as well as any taxes based on the rent payable hereunder, including gross receipts taxes. During the term, Lessee shall be responsible for the timely payment of all taxes levied upon the leasehold improvements on the Leased Premises.

c. Lessee shall at all times during the term of this Lease, at its own expense, maintain the Base Station and the Leased Premises in proper operating condition and maintain same in reasonably good condition, and will repair any damage except that caused by Lessor, its agents or servants. Lessee shall keep the Leased Premises and the Base Station free of debris at all times. Lessee agrees that it will inspect the Leased Premises and the Base Station no less frequently than once every three months.

d. Lessee shall maintain the Leased Premises at all times in compliance with Lessor's rules and regulations and all governmental rules, regulations and statutes including, without limitation, those relating to the lighting and painting of the Base Station, and requirements of the Federal Communications Commission (the "FCC"), the Federal Aviation Administration (the "FAA"), and other federal, state or local government authorities having jurisdiction over the Base Station.

e. Lessee shall be solely responsible, at its sole cost and expense, for keeping the Tower at all times in reasonably good order, condition and repair, and in compliance with all applicable laws, ordinances and rules. Lessee shall cause the Tower to be regularly inspected and preventative maintenance to be performed in accordance with the standards of the industry, but in no event less frequently than once every three (3) years. Lessee shall provide Lessor with a written report setting forth in reasonable detail the condition of the Tower, any issues noted during the inspection and any preventative maintenance undertaken. In no event shall Lessor be required to maintain or repair the Tower, or pay or reimburse Lessee for any costs associated therewith.

f. If applicable, Lessor shall be responsible for the maintenance and repair of any lighting fixtures installed by Lessor (or by Lessee on behalf of Lessor) on the Tower.

## **7. CONSTRUCTION BY LESSEE:**

a. Lessee shall use good faith and commercially reasonable efforts to obtain all necessary approvals, including, without limitation, those required by the FAA and the FCC, for construction and operation of the Base Station. After obtaining the necessary permits and approvals therefor, Lessee, at its sole cost and expense, shall perform or cause to be performed all of the following work:

i. Installing the utility and equipment compound with dimensions as shown and described on Exhibit A attached hereto.

ii. At the request of Lessor at the commencement of the term of this Lease, installing a chain link or wood fence or natural screening on each side and on top of the Compound or any other portion of the Base Station.

iii. Subject to Lessor's approval thereof as provided in Section 7d hereof, performing or causing to be performed all other improvements and work associated with the work described above that may lawfully be required by Stafford County or any other governmental body or official having jurisdiction, as part of or in connection with the work described above.

b. Lessee's agreement to perform or cause to be performed at its expense all of the work described above, all at Lessee's cost and expense, shall be construed broadly to provide for all costs and liabilities of such work, whether or not such costs are anticipated and without regard to Lessee's present estimates for the cost of same, so that all of such work is fully and properly performed and paid for by Lessee, and upon completion of same the Site, as altered by such work, is as fully functional and suitable for continued use by Lessor as it was prior to the start of Lessee's work. Accordingly, the phrase "all work" shall include, without limitation, all of the following work, and Lessee's promise to pay for such work shall include, without limitation, all of the costs and liabilities associated with the following all labor and materials; design work; legal and professional fees of Lessee's consultants; permit drawings and materials; construction costs; construction equipment and materials; utilities extension or relocation; provision of protective fencing and other safety measures; maintenance; removal of construction related debris from the Site; liability, property and workers' compensation insurance premiums; bond fees; development and construction permits; inspections and approvals; re-sodding of all disturbed areas not covered with impervious surface; replacement or relocation of landscaping; re-paving or re-striping of any damaged or disturbed paved areas whether for traffic control, parking or otherwise; relocation, replacement or provision of new safety and traffic/directional signage; connection of new sidewalks, drives, parking areas and other facilities to Lessor's existing facilities; and the repair and restoration of any item, place or thing required as a result of any damage to the Site caused in the prosecution of the work contemplated by this Lease.

c. Lessee shall cause construction of the Base Station (other than components which may be constructed by any future Carrier) to be commenced as soon as practicable after receipt of all necessary permits and approvals and to be completed within a reasonable time thereafter, not to exceed one (1) year from the date Lessee obtains all required governmental approvals, certificates and permits, excepting periods of delay caused by *force majeure*. Once its work on the Base Station is initiated, Lessee shall diligently and continuously pursue such work to final completion (including obtaining all required inspections and approvals) in a timely manner in accordance with a schedule to be agreed upon in advance by Lessor and Lessee (the “Initial Construction Schedule”). Such schedule shall limit construction activities to such days and times as Lessor may reasonably require to avoid any material and adverse impacts on the use and operation of the Site. Lessee shall keep Lessor fully apprised of any events that might impact the Initial Construction Schedule. If Lessee fails to perform its work in accordance with the Initial Construction Schedule approved by Lessor, including any Lessor-approved revisions thereto, and if such failure threatens the safe, proper and timely conduct of operations or uses of the Site, then Lessor shall have the right to take all measures as it may deem necessary to avoid or abate any interference with such safe, proper and timely conduct of such classes or other operations or uses. Such measures may include, without limitation, engaging additional construction personnel, stopping any construction activities occurring on the Site, removing interfering construction equipment, materials or facilities, and providing alternate or additional drives, sidewalks, parking areas or other facilities. All such measures shall be at the sole cost, expense and liability of Lessee, and any reasonable costs expended by Lessor in connection therewith including, without limitation, reasonable attorneys’ fees, shall be reimbursed by Lessee to Lessor promptly after demand. Lessor shall give Lessee prior notice before commencing any such measures and to coordinate with Lessee in determining the measures that may be necessary. Lessee shall permit Lessor’s designated inspector full access to all of Lessee’s construction areas and shall provide such inspector access to all construction plans, drawings and other information reasonably requested.

d. The Base Station, and each component thereof constructed by Lessee, shall be constructed by Lessee in a good and workmanlike manner and in accordance with the plans, drawings and specifications prepared and provided by Lessee for Lessor’s prior review and written approval, which approval shall not be unreasonably withheld, conditioned or delayed. Construction and installation of the Base Station by Lessee shall be in compliance with all applicable rules and regulations including, without limitation, the customary specifications and requirements of Lessor and those of the Occupational Safety and Health Administration (“OSHA”), the FCC, the FAA, and regulations of any governmental agency (town, county, state or federal) including, but not limited to the applicable requirements of the local planning and zoning and building, electrical, communications and safety codes of Stafford County, Virginia and the Commonwealth of Virginia. Lessee, at its sole cost and expense, shall secure all necessary permits and approvals required to permit the construction and operation of the Base Station. Lessor agrees to cooperate reasonably with Lessee in any necessary applications or submissions required to permit construction and operation of Lessee’s Base Station as described herein, provided that Lessor shall be reimbursed for all reasonable and actual expenses incurred in providing such cooperation within thirty (30) days of delivery of an invoice to Lessee, and provided further that obtaining Lessee’s permits and approvals shall not result in the imposition of any material restrictions or limitations or adverse impacts on the Site or Lessor’s use, operation improvement or redevelopment thereof. All of Lessee’s work and facilities shall be



installed free of mechanics', materialmen's and other liens, and claims of any person. Lessee agrees to defend, with counsel approved by Lessor, and to indemnify and save Lessor harmless, from all loss, cost, damage or expense including, without limitation, reasonable attorneys' fees, occasioned by or arising in any connection with the work contemplated by this Lease, and shall bond off or discharge any such liens or other claims within thirty (30) days after written notice from Lessor.

e. Prior to commencing any activities on the Site pursuant to this Lease, Lessee shall provide Lessor with evidence satisfactory to Lessor that Lessee and its contractors and agents who will be working on the Site are covered by insurance as required by Section 14 hereof.

f. Lessee shall, upon Lessor's request, fence and buffer the Base Station and/or the Leased Premises or any portion thereof.

g. Lessee shall restore in compliance with the Federal Americans with Disabilities Act (and any state or local law counterpart or implementation thereof) any of Lessor's facilities physically altered by Lessee's work.

h. Lessee shall be allowed to make further additions and improvements to the Base Station and Tower within the Leased Premises, without Lessor's prior consent, as long as such additions and improvements are within the scope of the provisions of this Lease and all exhibits hereto.

## **8. OPERATION OF BASE STATION:**

a. Lessee and the Carriers shall operate the Base Station in strict compliance with all applicable statutes, codes, rules, regulations, standards and requirements of all federal, state and local governmental boards, authorities and agencies including, without limitation, OSHA (including, without limitation, OSHA regulations pertaining to RF radiation), the FCC and the FAA, as well as such reasonable rules and regulations which Lessor may publish for the site from time to time. Lessee has the responsibility of carrying out the terms of its FCC license in all respects, including, without limitation, those relating to supporting structures, lighting requirements and notification to FAA. Lessee, prior to constructing the Base Station, shall have, and shall deliver to Lessee, copies of all required permits, licenses and consents to construct and operate the Base Station. In the event that the operation of the Base Station violates any of the terms or conditions of this Lease, Lessee agrees to suspend operation of the Base Station within twenty-four (24) hours after notice of such violation and not to resume operation of the Base Station until such operation is in strict compliance with all of the requirements of this Lease. Lessee shall be responsible for ensuring that each Carrier complies with the terms of this Section 8.

b. Other than with respect to entries established pursuant to the Initial Construction Schedule and emergencies threatening life or safety or any component of the Base Station pursuant to Section 3b, and prior to any entry upon the Leased Premises, Lessee shall provide not less than two (2) business days prior notice to Lessor which notice shall specify the type of work or other activities that are to be performed or undertaken on the Leased Premises or which may impact the Site. Lessor shall have two (2) business days after receipt of the notice to advise

Lessee that the proposed work would conflict with Lessor's use of the Site and such notice shall include dates and times that the proposed work may be rescheduled. Lessee further agrees and covenants that the Base Station, transmission lines and appurtenances thereto, and the construction, installation, maintenance, operation and removal thereof, will in no way damage Lessor's property or materially interfere with the use of the Site by Lessor, its successors and assigns. Notwithstanding the foregoing, Lessee agrees (i) to repair any damage caused to the Site or the Leased Premises, including, but not limited to, any damage to utility lines, drains, waterways, pipes, grass fields or paved surfaces by such installation, construction, maintenance, operation or removal to the condition the Site or the Leased Premises was in immediately prior to such damage, (ii) that any repair work undertaken on the Site or the Leased Premises shall be completed as soon as possible after the occurrence of such damage, (iii) that if Lessee's activities on the Site or the Leased Premises result in the need to restore or replace any grass areas, such areas shall be sodded, rather than seeded, and (iv) that it shall be responsible for the full and timely payment of any costs incurred in connection with the repairs described in clauses (i) through (iii) of this sentence.

c. Lessee may terminate this Lease with sixty (60) days' prior notice to Lessor if (i) Lessee is unable to obtain or maintain in force all necessary governmental approvals for the construction and/or use of the Base Station and/or Tower; (ii) a material change in government regulations makes it impractical or uneconomic for Lessee to continue to operate under the Lease; (iii) interference by or to Lessee's operation cannot, despite good faith negotiations between Lessee and Lessor in accordance with the terms hereof, be resolved; (iv) Lessee is unable to lease space within the Base Station to Carriers for a period of twelve (12) months after the date Lessee obtains all required governmental approvals and permits; or (v) the Site or the Tower or Base Station is/are destroyed or damaged or taken in whole or in part (by condemnation or otherwise) sufficient in Lessee's reasonable judgment, adversely to affect Lessee's use of the Site. If, after the execution of this Lease, Lessee is unable to operate the Base Station due to the action of the FCC or by reason of any law, physical calamity, governmental prohibition or other reasons beyond Lessee's control, this Lease may be terminated by Lessee by giving Lessor thirty (30) days' prior notice of termination, subject to Lessee's restoration obligations under Section 4b hereof.

## **9. PERMITS AND SITE SPECIFICATIONS:**

It is understood and agreed by the parties that Lessee's ability to use the Leased Premises is contingent upon its obtaining after execution of this Lease, all of the certificates, permits and other approvals that may be required by federal, state or local authorities for Lessee's use of the Leased Premises as set forth in this Lease. Lessee shall use all reasonable efforts promptly to obtain such certificates, permits and approvals, at Lessee's sole expense. Lessor will cooperate reasonably with Lessee at Lessee's sole cost and expense, in its effort to obtain such approvals. In the event any such applications should be finally rejected or any certificate, permit, license or approval issued to Lessee is canceled, expires or lapses, or is otherwise withdrawn or terminated by governmental authority, or soil boring tests are found to be unsatisfactory so that Lessee will be unable to use the Leased Premises for the purposes set forth herein, Lessee shall have the right to terminate this Lease by giving Lessor thirty (30) days' prior notification of termination within sixty (60) days after the date of the event which is the basis of termination. Upon such

termination, the parties shall have no further obligations for charges and liabilities which accrue after the effective date of termination, including the payment of monies, to each other except as otherwise provided herein, but Lessee shall be liable to restore the Leased Premises in accordance with Section 4b.

#### **10. INDEMNIFICATION:**

Except as caused by the gross negligence or willful misconduct of the Lessor, Lessee shall defend, with counsel acceptable to Lessor, and indemnify and hold harmless, Lessor from all losses, costs, claims, causes of actions, demands and liabilities arising from (a) any breach by Lessee of any covenant of this Lease; (b) any claimed violation of the Deed or the exercise of certain rights set forth in the Deed by the Foundation (as revised by the Declaration detailed in Section 1(g) hereof) due to Lessee's use of the Leased Premises, (c) any misrepresentation by Lessee contained in this Lease and/or any breach of any warranty contained in this Lease; and (d) any occurrence, of any kind or nature, arising from (i) Lessee's or any Carrier's construction, installation, maintenance, repair, operation, replacement or removal of the Base Station or any other equipment, or any other activities of Lessee or any Carrier on the Site or the Leased Premises of any kind or nature, (ii) the condition of the Base Station or the Leased Premises and (iii) any personal injury, death, or accident in any way related to Lessee's or any Carrier's use, operation or maintenance of the Leased Premises, the Site, the Base Station, or any equipment or antennas contained therein or on the Tower or the Leased Premises. Such indemnification shall include the actual, reasonable and documented cost of investigation, all expenses of litigation, and the cost of appeals, including, without limitation, reasonable attorneys' fees and court costs, and shall be applicable to Lessee's and each Carrier's activities on the Site and the Leased Premises whether prior to the Commencement Date or after the termination of this Lease. In addition to the Lessor, Lessor's board members, staff, officers, agents, servants, employees, volunteers, business invitees, customers, and guests shall be beneficiaries of Lessee's indemnification.

#### **11. FEASIBILITY:**

Prior to the Commencement Date of this Lease, Lessee shall have access to the Leased Premises with no less than two (2) business days' prior notice to Lessor and at such times as Lessor agrees for the purposes of undertaking necessary tests, studies, and inspections relating to Lessee's proposed use of the Leased Premises. In the event such tests studies, and inspections indicate that Lessee is unable to utilize the Leased Premises for the purpose stated herein, then Lessee may terminate this Lease by giving Lessor ten (10) days' prior notice of termination, in which case Lessee shall restore the Leased Premises and any other portions of the Site that have been damaged, modified or altered by or on behalf of Lessee to their original condition.

#### **12. INTERFERENCE:**

Lessee agrees to install (and shall cause each Carrier to install) equipment of a type and frequency which will not cause frequency interference with other forms of radio frequency communications existing on Lessor's property as of the date of this Lease or as may be in

existence in the future (so long as reasonably prevalent). All such equipment shall fully comply with all FCC, FAA, OSHA and other governmental (whether federal, state, or county) rules and regulations. In the event Lessee's or any Carrier's equipment causes such interference, Lessee agrees it will take all steps necessary, or shall cause all such steps to be made, to correct and eliminate the interference consistent with all government rules and regulations upon receipt of written notification of the interference. Lessee shall be obligated, and shall cause each Carrier, to correct the problem of interference within forty-eight (48) hours of receipt of written notice from Lessor. If the interference is not corrected within such forty-eight (48) hour period, Lessor shall have the right, or shall have the right to cause Lessee, to disconnect or terminate power to any interfering equipment or turn such equipment off (other than for short tests to determine the nature of the interference, provided that Lessor reasonably approves of such tests in advance). Thereafter, such interfering Carrier may attempt to correct such interference, which may include reactivating the equipment or restoring power thereto, provided that Lessor reasonably approves of such reactivation or restoration in advance, for a period of one hundred twenty (120) days. If such interference cannot be cured within such one hundred twenty (120) day period, Lessor shall have the right, or shall have the right to cause Lessee to, immediately remove the interfering equipment from the Tower. Notwithstanding the foregoing, and to the extent any Lessor approved test requires the facilitation or cooperation of Lessor, Lessor agrees, subject to the other provisions hereof, to act reasonably with such facilitation or cooperation.

### **13. DEFAULT:**

- a. Each of the following shall be an event of default by Lessee under this Lease:
  - i. If the rent or any installment thereof shall remain unpaid after it becomes due and payable, and is not paid within ten (10) days after Lessor gives written notice of non-payment (notwithstanding the foregoing, however, if Lessee fails to pay rent when due three (3) times during any twelve-month period after the first year of the Lease term, then Lessee shall not be entitled to any notice or cure period);
  - ii. If Lessee or its assigns shall fail or neglect to keep and perform any one of the terms of this Lease and such failure or neglect continues for more than thirty (30) days (or such longer period as may be reasonable, provided Lessee is attempting a cure with all due diligence, not to exceed one hundred twenty (120) days plus any period of where cure is prevented by *force majeure*) after Lessor gives written notice specifying the default;
  - iii. If Lessee abandons the Leased Premises for a minimum of twelve (12) continuous months; and
  - iv. If Lessee files a petition in bankruptcy or insolvency or for reorganization or arrangement under the bankruptcy laws of the United States or under any insolvency act of any state, or is dissolved or makes an assignment for the benefit of creditors, or if involuntary proceedings under any bankruptcy laws or insolvency act or for the dissolution of Lessee are instituted against Lessee, or a receiver or trustee is appointed for all or substantially all of Lessee's property, and the proceeding is not dismissed or the receivership or trusteeship is not vacated within sixty (60) days after institution or appointment.

b. In the case of any event of default, Lessor shall have the right to terminate this Lease upon thirty (30) days' notice and shall have any additional rights and remedies that may be available at law or in equity.

c. The foregoing notwithstanding, in the event of any such default by Lessee hereunder, such shall not provide Lessor the right to attach, utilize, distrain upon or otherwise take possession of any equipment located on the Tower or within a Base Station owned by any Carrier, and such shall at all times be free from any claim by Lessor hereunder.

#### **14. INSURANCE REQUIREMENTS:**

a. All property of the Lessee, its employees, agents, business invitees, licensees, customers, clients, guests or trespassers, including, without limitation, the Carriers, in and on the Leased Premises shall be and remain at the sole risk of such party, and Lessor shall not be liable to them for any damage to, or loss of such personal property arising from any act of God or any persons, nor from any other reason, nor shall the Lessor be liable for the interruption or loss to Lessee's business arising from any of the above described acts or causes. The Lessor shall not be liable for any personal injury to the Lessee, its employees, agents, business invitees, licensees, customers, clients, students, family members, guests or trespassers, including, without limitation, the Carriers, arising from the use, occupancy and condition of the Leased Premises unless such injury is caused by the gross negligence or willful act or failure to act on the part of the Lessor or its employees.

b. During the term, Lessee will maintain a policy of commercial general liability insurance insuring the Lessor and Lessee against liability arising out of the use, operation or maintenance of the Leased Premises and the installation, repair, maintenance, operation, replacement and removal of the Base Station. The insurance will be maintained for personal injury and property damage liability, adequate to protect Lessor against liability for injury or death of any person in connection with the use, operation and condition of the Leased Premises, and to insure the performance of Lessee's indemnity set forth in Section 10, in an amount not less than TWO MILLION DOLLARS (\$2,000,000.00) per occurrence/aggregate. During the term, Lessee shall also maintain workers' compensation and employers' liability insurance, and such other insurance relating to the installation, repair, maintenance, operation, replacement and removal of the Base Station, and the ownership, use, occupancy or maintenance of the Leased Premises as Lessor may reasonably require. The limits of the insurance will not limit the liability of Lessee. If the Lessee fails to maintain the required insurance the Lessor may, but does not have to, maintain the insurance at Lessee's expense. The policy shall expressly provide that it is not subject to invalidation of the Lessor's interest by reason of any act or omission on the part of Lessee.

c. Insurance carried by Lessee will be with companies acceptable to the Lessor. The Lessee will deliver to the Lessor certificate evidencing the existence and amounts of the insurance. No policy shall be cancelable or subject to reduction of coverage or other modification except after sixty (60) days' prior written notice to the Lessor. Lessee shall, at least sixty (60) days' prior to the expiration of the policies, furnish Lessor with renewals or "binders" for the policies, or Lessor may order the required insurance and charge the cost to Lessee.

d. Lessee will not knowingly do anything or permit anything to be done or any hazardous condition to exist (“Increased Risk”) which shall invalidate or cause the cancellation of the insurance policies carried by Lessor or Lessee. If Lessee does or permits any Increased Risk which directly causes an increase in the cost of insurance policies, then Lessee shall reimburse Lessor for additional premiums directly attributable to any act, omission or operation of Lessee causing the increase in the premiums. Payment of additional premiums will not excuse Lessee from termination or removing the Increased Risk unless Lessor agrees in writing. Absent agreement, Lessee shall promptly terminate or remove the Increased Risk.

e. The Lessor shall be named as an “additional insured” on Lessee’s liability policies and it shall be stated on the Insurance Certificate that this coverage “is primary to all other coverage the Lessor may possess.”

f. Notwithstanding any provisions herein to the contrary, Lessee waives all rights to recover against Lessor for any loss or damage arising from any cause covered by any insurance required to be carried by Lessee pursuant to this Section 14, or any other insurance actually carried by Lessee. Lessee will request its insurers to issue appropriate waiver of subrogation rights endorsements to all policies of insurance carried in connection with the Leased Premises.

g. If an “ACCORD” Insurance Certificate form is used by the Lessee’s insurance agent, the words, “endeavor to” and “...but failure to mail such notice shall impose no obligation or liability of any kind upon the company” in the “Cancellation” paragraph of the form shall be deleted or crossed out.

h. All insurance required by this Section 14 shall be written by insurers, in such forms, and shall contain such terms, as Lessor may reasonably require.

## **15. HAZARDOUS MATERIALS:**

a. Neither Lessee nor any Carrier shall cause or permit any hazardous or toxic wastes, substances or materials (collectively, “Hazardous Materials”) to be used, generated, stored or disposed of on, under or about, or transported to or from, the Leased Premises (collectively “Hazardous Materials Activities”) without first receiving Lessor’s written consent, which may be withheld for any reason whatsoever and which may be revoked at any time, and then only in compliance (which shall be at Lessee’s sole cost and expense) with all applicable legal requirements and using all necessary and appropriate precautions. Lessee shall indemnify, defend with counsel acceptable to Lessor and hold Lessor harmless from and against any claims, damages, costs and liabilities, including court costs and legal fees, arising out of Lessee’s or Carrier’s Hazardous Materials Activities on, under or about the Leased Premises, regardless of whether or not Lessor has approved Lessee’s Hazardous Materials Activities. For the purposes of this Lease, Hazardous Materials shall include but not be limited to oil, radioactive materials, PCBs, and substances defined as “hazardous substances” or “toxic substances” in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, 42 U.S.C. Sec. 9601 et seq.; Hazardous Materials Transportation Act, 49 U.S.C. Sec. 1801 et seq.; and Resources Conservation and Recovery Act, 42 U.S.C. Sec. 6901 et seq., and those substances defined as “hazardous wastes” in the regulations adopted and publications

promulgated pursuant to said laws. Notwithstanding the foregoing, a list of Hazardous Materials and Hazardous Materials Activities preapproved by Lessor is attached hereto as Exhibit C. Prior to conducting any other Hazardous Materials Activities, Lessor shall update such list as necessary for continued accuracy. Lessor shall also provide Lessee with a copy of any Hazardous Materials inventory statement required by any applicable legal requirements. If Lessee's activities violate or create a risk of violation of any legal requirements shall cease such activities immediately upon notice from Lessor. Lessor, Lessor's representatives, agents, and employees may enter the Leased Premises at any time during the term to inspect Lessee's compliance herewith, and may disclose any violation of legal requirements to any governmental agency with jurisdiction. The provisions of this Section 15 shall survive termination or expiration of the term of this Lease.

b. Lessor acknowledges that Lessee's equipment cabinets shall contain batteries for back-up power and that, provided Lessee's use of same is in compliance with this provision, the presence of such batteries does not violate this provision if such batteries comply with all laws, regulations and ordinances relating to Hazardous Materials.

c. Lessee will immediately notify Lessor and provide copies upon receipt of all written complaints, claims, citations, demands, inquiries, reports, or notices relating to the condition of the Leased Premises or compliance with environmental laws. Lessee shall promptly cure and have dismissed with prejudice any of those actions and proceedings to the satisfaction of Lessor. Lessee will keep the Leased Premises free of any lien imposed pursuant to any environmental laws.

d. Lessor shall have the right at all reasonable times and from time to time to conduct environmental audits of the Leased Premises, and Lessee shall cooperate in the conduct of those audits. The audits may be conducted by Lessor or a consultant of Lessor's choosing, and if any Hazardous Materials generated, stored, transported or released by Lessee are detected or if a violation of any of the representations or covenants in this Section 15 is discovered, the fees and expenses of such consultant will be borne by Lessee.

e. If Lessee fails to comply with any of the foregoing representations and covenants, Lessor may cause the removal (or other cleanup acceptable to Lessor) of any Hazardous Materials from the Leased Premises. The costs of removing Hazardous Materials and any other cleanup (including transportation and storage costs) shall be reimbursed by Lessee promptly after Lessor's demand and will be additional rent under this Lease. Lessee will give Lessor access to the Leased Premises to remove or otherwise clean up any Hazardous Materials. Lessor, however, has no affirmative obligation to remove or otherwise clean-up any Hazardous Materials, and this Lease will not be construed as creating any such obligation.

f. Notwithstanding the foregoing, Lessor represents and warrants that to the best of its knowledge and belief there are no Hazardous Materials on, in or under the Site. Lessor covenants not to bring onto the Site any Hazardous Materials. Lessor shall indemnify Lessee and hold it harmless against any claims, damages, losses or liabilities (including reasonable attorney's fees) incurred by Lessee and arising from any breach of the foregoing representation and warranty and from the presence or removal of Hazardous Materials.



**16. NO PARTNERSHIP:**

Nothing contained in this Lease shall be deemed or construed to create a partnership or joint venture of or between Lessor and Lessee, or to create any other relationship between the parties hereto other than that of lessor and lessee.

**17. NOTICES:**

All notices, demands and requests hereunder shall be in writing and shall be deemed to have been properly given when mailed by the United States Postal Service by First Class, Registered or Certified Mail, postage prepaid, or by nationally recognized overnight courier, and addressed to the Lessor as follows:

if to Lessor:

Physical Address:

County of Stafford  
1300 Courthouse Road  
Stafford, VA 22554  
Attn: County Administrator

U.S.P.S. Mailing Address:

County of Stafford  
P.O. Box 339  
Stafford, VA 22555  
Attn: County Administrator

with a copy, which will not constitute notice to:

Physical Address:

County of Stafford  
1300 Courthouse Road  
Stafford, VA 22554  
Attn: County Attorney

U.S.P.S. Mailing Address:

County of Stafford  
P.O. Box 339  
Stafford, VA 22555  
Attn: County Attorney

and if to Lessee:

Milestone Communications  
12110 Sunset Hills Road, Suite 100  
Reston, Virginia 20190  
Attn: Leonard Forkas, Jr.

with a copy, which will not constitute notice to:

Cooley LLP  
11951 Freedom Drive  
Reston, Virginia 20190  
Attn: John G. Lavoie, Esquire

or to such other addresses as either of the parties may designate from time to time by giving written notice as herein required.

**18. ASSIGNMENT OR SUBLETTING; FINANCING:**

a. Lessee may assign this Lease, without Lessor's consent, to any corporation, partnership or other entity which (i) is controlled by, controlling or under common control with Lessee; (ii) shall merge or consolidate with or into Lessee; (iii) shall succeed to all or substantially all the assets, property and business of Lessee; (iv) in which Milestone Communications Management -III, Inc. or a wholly owned affiliate of Milestone

Communications Management -III, Inc. is at all times the general partner; or (v) has an adjusted net worth (determined in accordance with generally accepted accounting principles consistently applied) of at least \$100,000,000. In the event of such an assignment or sublease, Lessee shall provide to Lessor at least thirty (30) days before the proposed transfer (a) the name and address of the assignee; (b) a document executed by the assignee by which it acknowledges the assignment and assumption of all of Lessee's obligations hereunder; and (c) such other information regarding the proposed assignee as shall be requested by Lessor. Lessee may also, without Lessor's consent, sublease or license portions of space on the Tower and within the Base Station to Carriers in accordance with and subject to the terms and conditions of Section 18c hereof. No such assignment shall relieve Lessee of liability hereunder, and Lessee and such assignee shall each be fully and primarily liable for the obligations of the "Lessee" hereunder.

b. Lessee may, without Lessor's prior consent, sublease or license space on the Tower or within the Compound to Carriers under and subject to the terms of this Section 18. Specifically, Lessee shall be entitled to sublease or license space on the Tower or in the Compound without Lessor's prior approval provided that (a) the Carrier Sublease shall be in a form utilized by Lessee in the ordinary course of Lessee's business, but with a rider attached thereto in the form of Exhibit D attached hereto ("Carrier Sublease Rider") which may not be altered, modified, revised, amended or otherwise changed without Lessor's prior written approval which may be withheld in Lessor's sole discretion; (b) the sublessee is an Approved Carrier (as defined below); (c) no event of default exists hereunder; (d) the term of the Carrier Sublease does not exceed the term of this Lease; (e) Lessee furnishes Lessor and its counsel with a copy of such sublease within thirty (30) days after execution thereof; and (f) Lessee submits an engineering report to Lessor definitively showing that the Tower is capable of supporting the proposed Carrier. Otherwise, any lease, sublease, license or other occupancy agreement with respect to any Site shall be in form approved by Lessor, which approval may be given or withheld in Lessor's sole and absolute discretion. As used herein, the term "Approved Carrier" shall mean a telecommunications service provider licensed by the FCC and any other governmental agencies for which approval is needed to conduct such company's business.

c. The termination of this Lease shall automatically terminate all Carrier Subleases; provided, however, that Lessor agrees that, provided that Lessee has complied with the provisions of Section 18 hereof, upon a termination hereof as a result of Lessee's default hereunder, and the failure by any Mortgagee (as defined in Exhibit E attached hereto) to either succeed to Lessee's interest hereunder or to enter into a new lease with Lessor in accordance with the terms of such Exhibit E, Lessor shall provide such Carrier the opportunity to continue such Carrier's occupancy of the Tower for the unexpired term of the Carrier Sublease (including any renewals) at the same rental rate contained in its Carrier Sublease under terms and conditions required by Lessor in its sole and absolute discretion including, but not limited to, that (i) Carrier is not in default under the Carrier Sublease; (ii) upon request by Lessor, Carrier will provide to Lessor a certified true and correct copy of the Carrier Sublease; (iii) Carrier agrees, in writing, that Lessor shall not be liable for any act or omission of Lessee under the Carrier Sublease; (iv) Carrier executes within thirty days of receipt from Lessor, Lessor's then standard form of license or lease agreement; (v) upon execution of such license or lease agreement, Carrier posts with Lessor a security deposit in the amount of two (2) months' rent under the Carrier Sublease; (vi) Lessor obtains ownership of the Tower; and (vii) Carrier has and maintains an insurance policy

in an amount at least equal to that required of Lessee under Section 14 of this Lease, in which the Lessor is named an additional insured.

d. Lessee shall cause the Carrier to comply with, and not violate, the terms and conditions of this Lease. Lessee shall enforce all of the terms and provisions of any Carrier subleases, licenses or other similar documents (each, a “Carrier Sublease”). Without limiting the generality of the foregoing, Lessee shall exercise any or all of its rights and remedies under the Carrier Sublease immediately if requested to do so by Lessor. Lessee shall, at its sole cost and expense, perform all obligations of the landlord under the Carrier Sublease. Lessor shall have no liability whatsoever under the Carrier Sublease.

e. Lessee shall have the right to finance the Tower and Base Station on the terms and conditions as are set forth on Exhibit E attached hereto.

#### **19. ACCESS AND INSPECTIONS:**

Lessor shall have full access to the Leased Premises and the Base Station for operating, repairing, removing, installing and otherwise working with communications equipment owned by Lessor or any third party permitted to use the Base Station pursuant to this Lease. Lessor may enter the Leased Premises or any part thereof at any reasonable time and in a manner so as not to interfere more than reasonably necessary with Lessee’s use of the Base Station, for the purpose of inspecting the Leased Premises. Lessee shall at all times provide the Lessor copies of all keys needed to unlock all of the gates and locks to the fences to the Compound or in the Leased Premises.

#### **20. QUIET ENJOYMENT:**

Lessee shall be entitled to use and occupy the Leased Premises during the term hereof for the purposes herein permitted and subject to the terms and conditions herein contained, without interference by Lessor.

#### **21. DAMAGE AND DESTRUCTION:**

a. If the Leased Premises or the Base Station are damaged or destroyed by reason of fire or any other cause, or if damage to the Leased Premises or the Base Station causes damage to portions of the Site or other property of Lessor, Lessee will immediately notify Lessor and will promptly repair or rebuild the Base Station, incidental improvements, and other damage to Lessor’s property to its condition immediately prior to such damage, at Lessee’s expense.

b. Monthly rent and additional rent will not abate pending the repairs or rebuilding except to the extent to which Lessor receives a net sum as proceeds of any rental insurance, or continues to receive income from Carrier Subleases.

c. If at any time the Leased Premises or Base Station are so damaged by fire or otherwise that the cost of restoration exceeds fifty percent (50%) of the replacement value of the Base Station immediately prior to the damage, Lessee may, within thirty (30) days after such

damage, give notice of its election to terminate this Lease and, subject to the further provisions of this Section 21, this Lease will cease on the tenth (10th) day after the delivery of that notice. Monthly rent will be apportioned and paid to the time of termination. If this Lease is so terminated, Lessee will have no obligation to repair or rebuild. Notwithstanding the foregoing, if Lessee elects to terminate this Lease, Lessee shall be required to comply with the provisions of Section 4b with respect removing and dismantling each component of the Base Station and returning the Leased Premises to the condition stated in such section.

## **22. CONDEMNATION:**

If all or any part of the Leased Premises is taken by eminent domain or sale in lieu thereof, and if said taking or sale renders the Leased Premises unusable for its intended purpose hereunder, then, at Lessor's or Lessee's option, this Lease may be terminated upon sixty (60) days' prior written notice to the other party and there will be no further payment of rents except that which may have been due and payable at the time of said taking or sale. In the event of a partial taking or sale and Lessee, subject to mutual agreement with Lessor, wishes to maintain its operation, Lessee may continue to use and occupy the Compound and Leased Premises under the terms and conditions hereunder, provided Lessor's and Lessee's obligations under this Lease are not otherwise altered, and provided Lessee, at its sole cost, restores so much of the Base Station and Leased Premises as remains to a condition substantially suitable for the purposes for which it was used immediately before the taking. Upon the completion of restoration, Lessor shall pay Lessee the lesser of the net award made to Lessor on account of the taking (after deducting from the total award attorneys', appraisers', and other costs incurred in connection with obtaining the award), or Lessee's actual out-of-pocket cost of restoring the Leased Premises, and Lessor shall keep the balance of the net award. In connection with any taking subject to this Section, Lessee may prosecute its own claim, by separate proceedings against the condemning authority for damages legally due to it (such as the loss of fixtures which Lessee was entitled to remove and moving expenses) only so long as Lessee's award does not diminish or otherwise adversely affect Lessor's award.

## **23. SALE OF SITE:**

Any sale by Lessor of all or part of the Leased Premises to a purchaser other than Lessee shall be under and subject to this Lease and Lessee's right hereunder. Lessor shall be released from its obligations under this Lease in the event of a sale and the new owner of the Leased Premises, or part thereof, assumes Lessor's obligations hereunder (including the recognition of Lessee's rights hereunder).

## **24. GOVERNING LAW; FORUM SELECTION:**

The execution, performance and enforcement of this Lease shall be governed by the laws of the Commonwealth of Virginia without application of conflicts of law principles. Any suits or actions pursuant to this Lease shall be brought only in a court of competent jurisdiction in Stafford County, Virginia.

**25. MISCELLANEOUS:**

This Lease plus the Exhibits hereto contain the entire agreement between the parties and may not be amended, altered or otherwise changed except by a subsequent writing signed by the parties to this Lease. The invalidation of any one of the terms or provisions of this Lease by judgment or court order shall in no way affect any of the other terms of this Lease which shall remain in full force and effect. Lessor and Lessee agree to execute any additional documents necessary to further implement the purposes and intent of this Lease. Time is of the essence with respect to each provision of this Lease.

**26. BINDING EFFECT:**

This Lease shall bind and inure to the benefit of the parties hereto and their respective successors and permitted assigns.

**27. LESSOR'S RIGHT TO PERFORM:**

If Lessee fails to perform any obligations under this Lease, Lessor shall be entitled, but shall not be obligated, to perform any or all of such obligations and any cost of performing same shall be payable by Lessee to Lessor upon written demand as additional rent hereunder. Any amounts so incurred by Lessor and not repaid by Lessee within ten days after demand shall bear interest at a rate of ten percent (10%) per annum.

**28. HOLDING OVER:**

If Lessee remains in possession of the Leased Premises after the end of this Lease, Lessee will occupy the Leased Premises as a lessee from month to month, subject to all conditions, provisions, and obligations of this Lease in effect on the last day of the term.

**29. ESTOPPEL CERTIFICATES:**

Within no more than two weeks after written request by either party, the other will execute, acknowledge, and deliver a certificate stating:

- a. that the Lease is unmodified and in full force and effect, or, if this Lease is modified, the way in which it is modified accompanied by a copy of the modification agreement;
- b. the date to which rental and other sums payable under this Lease have been paid;
- c. that no notice has been received of any default which has not been cured, or, if the default has not been cured, what such party intends to do in order to effect the cure, and when it will do so;
- d. (if from Lessee) that Lessee has accepted and occupied the Leased Premises;

e. (if from Lessee) that Lessee has no claim or offset against Lessor, or, if it does, stating the date of the assignment and assignee (if known to Lessee); and

f. other factual matters as may be reasonably requested.

Any certificate may be relied upon by any prospective purchaser, lender or other person with a bona fide interest in the Leased Premises.

**30. NO WAIVER:**

No waiver of any condition or agreement in this Lease by either Lessor or Lessee will imply or constitute a further waiver by such party of the same or any other condition or agreement. No act or thing done by Lessor during the term of this Lease will be deemed an acceptance of surrender of the Leased Premises, and no agreement to accept the surrender will be valid unless in writing signed by Lessor. The delivery of Lessee's keys to Lessor will not constitute a termination of this Lease unless Lessor has entered into a written agreement to that effect. No payment by Lessee, or receipt from Lessor, of a lesser amount than the rent or other charges stipulated in this Lease will be deemed to be anything other than a payment on account of the earliest stipulated rent. No endorsement or statement on any check or any letter accompanying any check or payment as rent will be deemed an accord and satisfaction. Lessor will accept the check for payment without prejudice to Lessor's right to recover the balance of the rent or to pursue any other remedy available to Lessor.

**31. AUTHORITY:**

Each of the persons executing this Lease on behalf of Lessee warrants to Lessor that Lessee is a duly organized and existing corporation under Delaware law, that Lessee is authorized to do business in the Commonwealth of Virginia, that Lessee has full right and authority to enter into this Lease, and that each and every person signing on behalf of Lessee is authorized to do so. Upon Lessor's request, Lessee will provide evidence satisfactory to Lessor confirming these representations.

Lessor and the person executing and delivering this Lease on Lessor's behalf each represents and warrants to Lessee that such person is duly authorized to so act and has the power and authority to enter into this Lease, as evidenced by Resolution R\_\_-\_\_, adopted by the Stafford County, Virginia Board of Supervisors on \_\_\_\_\_, 20\_\_.

**32. LIMITED LIABILITY:**

Lessee's sole recourse against Lessor, and any successor to the interest of Lessor in the Leased Premises, is to the interest of Lessor, and any successor, in the Leased Premises. Lessee will not have any right to satisfy any judgment which it may have against Lessor, or any successor, from any other assets of Lessor, or any successor, or from any of Lessor's board members, staff, officers, agents, servants, employees, volunteers, business invitees, customers, or guests. In no event shall Lessor be liable for consequential or punitive damages, economic

losses or losses derived from future expected revenues. The provisions of this Section 32 are not intended to limit Lessee's right to seek injunctive relief or specific performance.

**33. RECORDATION:**

Lessee may record, at Lessee's expense, a memorandum or short form hereof in the form attached hereto as Exhibit F; provided, however, that Lessee agrees to execute and deliver to Lessor an original release thereof upon the expiration or termination of this Lease, which Lessee shall record, at Lessee's expense, when this Lease expires or is terminated.

**34. CONFLICTS:**

In the event of any conflict between the terms and provisions of this Lease and any other prior agreement between the parties, this Lease shall control.

[Signatures contained on following page.]



**IN WITNESS WHEREOF**, the parties hereto executed this Lease in two parts on the dates indicated.

LESSOR:

STAFFORD COUNTY, VIRGINIA, a political  
subdivision of the Commonwealth of Virginia

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

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

Title: \_\_\_\_\_

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

Approved as to Form

\_\_\_\_\_  
County Attorney

LESSEE:

**MILESTONE TOWER LIMITED  
PARTNERSHIP-III**, a Delaware limited  
partnership

By: MILESTONE COMMUNICATIONS  
MANAGEMENT III, INC., a Delaware  
corporation, its general partner

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

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

Title: \_\_\_\_\_

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

**EXHIBIT A**  
**Description of Site**

**[Attached]**

**EXHIBIT A-1**

**Tower Location; Description of Leased Premises**

**[Attached]**

**EXHIBIT A-2**  
**Tower Profile**

**[Attached]**

**EXHIBIT B**  
**Easements**

**[Attached]**

**EXHIBIT C**  
**Hazardous Materials**

- Lead acid batteries
- Diesel or propane emergency power generator(s) with fuel tank(s)
- Sealed batteries
- Petroleum fuels
- Engine oil
- Antifreeze
- HVAC refrigerants
- Fire suppression devices
- Fluorescent lighting
- Electrical equipment components





**EXHIBIT D**  
**Carrier Sublease Rider**

**LEASE RIDER**

THIS LEASE RIDER ("Rider") is executed simultaneously with and constitutes a substantive part of that certain Lease Agreement by and between MILESTONE TOWER LIMITED PARTNERSHIP-III, a Delaware limited partnership having an office at 12110 Sunset Hills Road, Suite 100, Reston, Virginia 20190 ("Lessor") and [ ] ("Lessee").

**RECITALS**

R-1 Lessor and Lessee are simultaneously entering into a Lease Agreement (including this Rider, the "Lease") whereby Lessee shall lease from Lessor certain rights to place, on Lessor's Tower, Lessee's telecommunications equipment, and to locate on the Site on which Lessor's Tower is constructed (or is to be constructed after the date hereof) Lessee's ground based equipment incident thereto, all in accordance with the terms of the Lease.

R-2 Lessor has disclosed to Lessee and Lessee acknowledges that the site on which the Tower and equipment facility is located, or is to be located (the "Site"), is not owned in fee simple by Lessor, but rather is owned by Stafford County, Virginia ("Stafford County"), and is under lease to Lessor pursuant to a Real Property Deed of Lease Agreement dated as of the \_\_\_\_ day of \_\_\_\_\_, 20\_\_ (the "Site Lease") or will hereafter be under lease to Lessor under the form of the site lease previously agreed upon between Lessor and Stafford County. Capitalized terms used herein and not defined shall have the meaning give to such terms in the Site Lease.

R-3 Stafford County has required, as a condition precedent to Lessor and Lessee entering in to the Lease, and as a condition to the effectiveness thereof, that Lessor and Lessee simultaneously enter into this Rider as a substantive and material part of the Lease.

NOW THEREFORE, in consideration of the foregoing, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and intending to be legally bound hereby, Lessor and Lessee agree as follows:

1. The foregoing Recitals are true and correct and are incorporated herein as a substantive part of this Rider and of the Lease.
2. All capitalized terms used herein and not otherwise defined herein shall have the meanings given them in the Site Lease.
3. Lessee has been provided, and hereby acknowledges that it has received, a copy of the Site Lease (or, in the event that the Site Lease for the Site is not, as of the date hereof, executed, Lessee has received and reviewed the form site lease previously agreed upon between Lessor and Stafford County). Lessee has had an opportunity to review and understand the Site Lease, and acknowledges the absolute primacy of the terms and conditions of the Site Lease over

the terms and conditions of the Lease. Notwithstanding any other provision of the Lease, Lessee acknowledges the absolute primacy of Stafford County's use of the Site as a public park, and that Lessee's rights under the Lease are subject and subordinate to Stafford County's use and operation of the Site. Prior to any entry upon the Leased Premises, Lessee shall provide not less than two (2) business days' prior notice to Lessor and Stafford County, which notice shall specify the type of work or other activities that are to be performed or undertaken on the Leased Premises or which may impact the Site. In exercising their rights under the Lease and this Rider, Lessee will avoid any adverse construction, operational or other such impact on the Site or Stafford County's use and operation thereof, whether such impacts arise from work or activities being performed or undertaken on or off of the Site (utility outages arising from off-site utility relocation, for example), and, notwithstanding any other provision of the Lease, Lessee will cause such entry, work or activities to be performed or undertaken at such times, and to occur in such manner, as Stafford County may require, in its sole discretion, to avoid any adverse impacts to the Site or Stafford County's use thereof. In case of emergencies threatening life or safety or any component of the Base Station, Lessee may enter the Leased Premises upon notice to Lessor or Stafford County (which notice may be by telephone or email) and upon access granted by an employee of Lessor or Stafford County. Lessee shall have the right to make customary and routine inspections of the Leased Premises upon two (2) business days' prior notice, provided that (i) such entry is only for the purpose of inspecting the Leased Premises, conducting routine maintenance and repairs (provided such maintenance and/or repairs do not require alteration of the structural elements to the Base Station or the Tower or the addition or substitution of any electrical cabinet or equipment shelter) and (ii) the worker or workers who make such inspections check-in with the appropriate personnel at the Site prior to accessing the Leased Premises and, in all cases, follow all procedures required by Site personnel.

4. Lessee shall defend, with counsel acceptable to Stafford County, and indemnify and hold harmless, Stafford County from all losses, costs, claims, causes of actions, demands and liabilities arising from (a) any breach by Lessee of any covenant of the Lease; (b) any misrepresentation by Lessee contained in the Lease and/or any breach of any warranty contained in the Lease; and (c) any occurrence, of any kind or nature, arising from (i) Lessee's construction, installation, maintenance, repair, operation, replacement or removal of Lessee's equipment in the Base Station, on the Leased Premises or on the Site, or any other activities of Lessee in the Base Station, on the Leased Premises or on the Site of any kind or nature, (ii) the condition of Lessee's equipment, the Base Station or the Leased Premises and (iii) any personal injury, death, or accident in any way related to Lessee's use, operation or maintenance of the Base Station, the Site, the Leased Premises and/or any of Lessee's equipment or antennas contained therein or on the Tower, of any kind or nature, whether foreseeable or not. Such indemnification shall include the cost of investigation, all expenses of litigation, and the cost of appeals, including, without limitation, attorneys' fees and court costs, and shall be applicable to Lessee's activities on the Site whether prior to the Commencement Date or after the termination of the Lease. In addition to Stafford County; Stafford County's Board of Supervisors and Stafford County's staff, officers, agents, servants, employees, volunteers, business invitees, customers, family members and guests shall be beneficiaries of Lessee's indemnification.

5. The term of the Lease shall not extend beyond the term of the Site Lease and any termination of the Site Lease shall automatically effectuate a termination of the Lease, without any further action from Stafford County.

6. During the term of the Lease, Lessee shall maintain a policy of commercial general liability insurance insuring Lessor and Stafford County against liability arising out of the use, operation or maintenance of the Leased Premises. The insurance will be maintained for personal injury and property damage liability adequate to protect Lessor and Stafford County against liability for injury or death of any person in connection with the use, operation and condition of the Leased Premises, and to insure the performance of Lessee's indemnity set forth in Section 4 of this Rider, in an amount not less than \$2,000,000 per occurrence/aggregate. During the term of the Lease, Lessee shall also maintain workers' compensation and employers' liability insurance, and such other insurance relating to the installation, repair, maintenance, operation, replacement and removal of Lessee's equipment and the use of the Leased Premises. The limits of the insurance will not limit the liability of the Lessee. All insurance required to be carried by Lessee shall name, in addition to Lessor, Stafford County as an additional insured. Certificates of such insurance shall be delivered to Lessor and Stafford County, and it shall be stated on the insurance certificate that this coverage "is primary to all commercial liability coverage the Lessor or Stafford County may possess."

7. Lessee shall not cause or permit any hazardous or toxic wastes, substances or materials (collectively, "Hazardous Materials") to be used, generated, stored or disposed of on, under or about, or transported to or from the Leased Premises (collectively, "Hazardous Materials Activities") without first receiving written consent from Lessor, which Lessee acknowledges is contingent upon Lessee's receipt of written consent from Stafford County, which may be withheld by Stafford County for any reason whatsoever and which may be revoked by Stafford County at any time, and then only in compliance (which shall be at Lessee's sole cost and expense) with all applicable legal requirements and using all necessary and appropriate precautions. Lessor and Stafford County shall have the right at all reasonable times, and from time to time, to conduct environmental audits of the Leased Premises and Lessee shall cooperate in the conduct of those audits. The term "Hazardous Materials" shall have the same meaning ascribed to it in the Site Lease.

8. Prior to commencing any activities on the Site, Lessee shall provide Lessor, and Lessor shall provide Stafford County, with evidence satisfactory to Lessor and Stafford County that Lessee and its contractors and agents who will be working on the Site are covered by insurance as required by Section 6 hereof. All of Lessee's work and facilities shall be installed free of mechanics', materialmens' and other liens and claims of any person. Lessee shall bond off or discharge any such liens or other claims within thirty (30) days after notice from Lessor or Stafford County. In the event that Lessee damages any grassed area as a result of its activities on the Site, Lessee shall re-sod the disturbed areas, and as soon as reasonably practicable, return them to the condition existing immediately prior to the activity.

9. Lessee shall operate the Base Station in strict compliance with all applicable statutes, codes, rules, regulations, standards and requirements of all federal, state and local governmental boards, authorities and agencies including, without limitation, OSHA (including, without limitation, OSHA regulations pertaining to RF radiation), the FCC and the FAA, and with such reasonable rules and regulations governing the use of the Site as Stafford County may adopt from time to time. In the event that the operation of the Base Station violates any of such statutes, codes, rules, regulations, standards, ordinance, or requirements, Lessee agrees to suspend operation of the Base Station within twenty-four (24) hours after notice of such violation

and not to resume operation of the Base Station until such operation is in strict compliance with all of the requirements of the Lease.

10. Lessor and Stafford County may enter the Leased Premises or any part thereof at any reasonable time and in a manner so as not to interfere more than reasonably necessary with Lessee's use of the Base Station, for the purpose of inspecting the Leased Premises.

11. Lessee acknowledges that Stafford County has the right, under the terms and conditions of the Site Lease, to cause Lessor to enforce all of the provisions, rights and remedies hereunder, and that Stafford County shall not, as a result be deemed to incur any liability therefor.

12. Any notice required to be given to Lessor under the terms and conditions of this Lease shall simultaneously be delivered to Stafford County at the address set forth in the Site Lease, or such other notice as Stafford County shall specify from time to time.

13. Under no circumstances shall Stafford County have any liability whatsoever to Lessee pursuant to the Lease, and Lessee hereby specifically and fully disclaims any and all right to pursue any claim or cause of action arising from this transaction against Stafford County, whether at law, in equity or otherwise.

14. Notwithstanding anything contained herein to the contrary, Lessee represents and warrants that it has read, understands and will comply with Section 12 of the Site Lease, and each such other provision thereof, relating to interference.

15. Lessee agrees (i) to repair any damage to the Site or the Leased Premises caused by Lessee, its employees, agents, or contractors, including, but not limited to, any damage to utility lines, drains, waterways, pipes, grass fields or paved surfaces, occurring as a result of Lessee's operations at the Leased Premises or on the Site, including but not limited to construction, installation, maintenance, repair, operation, replacement or removal of Lessee's equipment on the Leased Premises or the Site, and Lessee shall restore the Leased Premises and/or the Site to the condition existing immediately prior to such damage; (ii) that any repair work undertaken on the Site or the Leased Premises shall be completed as soon as possible after notice thereof; (iii) that if Lessee's activities on the Site or the Leased Premises result in the need to restore or replace any grass areas, such areas shall be sodded, rather than seeded; and (iv) that it shall be responsible for the full and timely payment of any costs incurred in connection with the repairs described in clauses (i) through (iii) of this sentence. Upon expiration of all applicable notice and cure provisions provided in the Lease, Lessor and Stafford County shall have the right, but not the obligation, to make, or cause to be made, any repairs to the Site or the Leased Premises which Lessee has failed to make pursuant to the terms of the Lease, and Lessee shall, immediately upon demand therefor, reimburse Lessor or Stafford County for the costs incurred in connection with such repairs.

16. This Rider shall be governed by and construed in accordance with the laws of the Commonwealth of Virginia, without application of conflicts of law principles. Any suits or actions brought pursuant to this Rider or Lease, shall only be brought in a court of competent jurisdiction in Stafford County, Virginia.

17. This Rider may be executed in counterparts, all of which when taken together shall constitute one original. In the event of any conflict between this Rider and the Lease, the terms of this Rider shall control.

LESSOR:

**MILESTONE TOWER LIMITED  
PARTNERSHIP-III**, a Delaware limited  
partnership

By: MILESTONE COMMUNICATIONS  
MANAGEMENT III, INC., a Delaware  
corporation, its general partner

By: \_\_\_\_\_  
Name: Leonard Forkas, Jr.  
Title: President  
Date: \_\_\_\_\_

LESSEE:

NAME OF LESSEE COMPANY

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

**EXHIBIT E**  
**Mortgagee Provisions**

Equipment Financing.

Lessor acknowledges that Lessee may in the future enter into a financing arrangement including promissory notes and financial and security agreements for the financing of the Tower and Base Station and that Lessee's tenants, lessees or licensees may have entered into (or may in the future enter into) such financing arrangements for the financing of their equipment installed as part of the Base Station (collectively, the "Collateral"). In connection therewith, Lessor (i) consents to the installation of the Collateral (subject to the terms and provisions of the Lease); and (ii) disclaims any interest in the Collateral, as fixtures or otherwise, for the duration of the Lease and at the end of the term of the Lease if option (i) is selected or deemed to be selected by Lessor pursuant to Section 4b of the Lease.

Leasehold Financing.

Notwithstanding anything to the contrary contained in this Lease, at any time and from time to time Lessee may mortgage, pledge and encumber its interests in this Lease and in any subleases, and assign this Lease and any subleases, licenses and other occupancy and use agreements as collateral security for such mortgage(s). The making of a leasehold mortgage (or any other such assignment, pledge or encumbrance) shall not be deemed to constitute a prohibited assignment of this Lease, or of the leasehold estate hereby created, nor cause the holder of the leasehold mortgage (a "Mortgagee") to be deemed an assignee of this Lease. Such Mortgagee (or its nominee) shall be deemed an assignee of this Lease only at such time it succeeds to the Lessee's interest in this Lease by foreclosure of any leasehold mortgage, or assignment in lieu of the foreclosure, or if it exercises or attempts to exercise any rights or privileges of Lessee under the Lease. Upon such succession such Mortgagee (or nominee) shall be bound by the terms of this Lease only with respect to obligations first arising after such succession and shall be released and relieved of all further liabilities and obligations under this Lease once it assigns its interest in this Lease. Notwithstanding the foregoing, Mortgagee or such successors shall be liable for all rent due under the Lease, and for curing any breaches or defaults which continue after the Mortgagee or such successor acquire Lessee's interest in this Lease. Notwithstanding anything to the contrary contained in this Lease, any Mortgagee (or other person or entity) that succeeds to Lessee's interest in this Lease by way of foreclosure, assignment in lieu of foreclosure or the exercise of any other remedies relating to the enforcement of any leasehold mortgage may assign this Lease to any telecommunications company with assets in excess of One Hundred Million Dollars (\$100,000,000), which telecommunications company must demonstrate prior to assignment of this Lease that it meets or can with reasonable certainty acquire and maintain insurance coverage as provided in Section 14 of this Lease, and upon such assignment, such assignee shall be released from all further liability under this Lease; provided, however, that the provisions hereof shall become null and void upon such assignment. When used in this Lease, "mortgage" shall include whatever security instruments are used in the locality of the Premises, such as, without limitation, mortgages, deeds of trust, security deeds, and conditional deeds, as well as financing statements, security

agreements, and other documentation required pursuant to the Uniform Commercial Code or successor or similar legislation.

If a Mortgagee shall send to Lessor and its counsel a true copy of the leasehold mortgage, together with written notice specifying the name and address of the Mortgagee and the pertinent recording data with respect to such leasehold mortgage, Lessor agrees that the following provisions shall apply to such mortgage so long as the leasehold mortgage has not been released by the Mortgagee:

No Merger.

If the leasehold interest under this Lease shall ever be held by the same person or party who then holds the reversionary interest under this Lease, no merger shall result therefrom and both the leasehold and reversionary interests shall continue.

Notice/Cure.

After Lessor provides Lessee with any notice of default or other notice provided in this Lease, the Mortgagee shall have the same period, as provided to Lessee in this Lease, to elect (in its sole discretion) to remedy or cause to be remedied the defaults complained of, and Lessor shall accept such performance as if the same had been done by Lessee.

Application of Certain Proceeds.

The Mortgagee may reserve the right to apply to the mortgage debt all or any part of Lessee's share of the proceeds from any insurance policies or arising from a condemnation.



## EXHIBIT F

Prepared by:  
*Company/Firm Name*  
*Person's Name; Virginia State Bar # (if applicable)*  
*Street*  
*City, State Zip*

Consideration: \$5.00

Tax Map No.:  
Description:

### **MEMORANDUM OF LEASE**

**THIS MEMORANDUM OF LEASE** is entered into as of the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by and between **Milestone Tower Limited Partnership-III**, a Delaware limited partnership ("Lessee"), to be indexed as Grantee, and **STAFFORD COUNTY, VIRGINIA**, a political subdivision of the Commonwealth of Virginia ("Lessor"), to be indexed as Grantor.

#### **RECITALS:**

A. Lessor and Lessee are parties to a Site Lease Agreement, dated \_\_\_\_\_, 20\_\_ (the "Lease"), pursuant to which Lessor has leased to Lessee certain real property in Stafford County, Virginia described in Exhibit "A" attached hereto and to be recorded herewith.

B. Lessor and Lessee wish to enter into this Memorandum of Lease ("Memorandum"), which shall only memorialize and not supersede the Lease; and if any terms of this Memorandum conflict with the Lease, the Lease term shall prevail and control.

**NOW, THEREFORE**, in consideration of the premises, the sum of Five Dollars (\$5.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Lessor and Lessee hereby agree as follows, incorporating the above recitals herein by reference:

1. The name of the lessor under the Lease is Stafford County, Virginia.
2. The name of the lessee under the Lease Milestone Tower Limited Partnership-III..
3. The address of Lessor, as stated in the Lease, is Stafford County, Virginia, 1300 Courthouse Road, Stafford, Virginia 22554. The address of Lessee, as stated in the Lease, is Milestone Communications, 12110 Sunset Hills Road, Suite 100, Reston, Virginia 20190.
4. The leased premises, as described in the Lease, consists of a portion of the property owned by the Lessor located at 75 James Ashby Parkway, Fredericksburg, VA 22405, and known as Duff McDuff Green Memorial Park, and as more particularly described on the attached Exhibit A.

5. The initial term of the Lease is ten (10) years. The date of commencement of the term of the Lease was \_\_\_\_\_, 20\_\_\_\_, and the date of termination of the initial term of the Lease is ten (10) years thereafter, subject to any applicable renewal period.

6. Provided Lessee is not in default under the Lease beyond any applicable cure period, Lessee may renew the Lease for four (4) five-year renewal periods, to commence at the end of the initial term of the Lease. Accordingly, the latest date to which the term of the Lease may be extended is \_\_\_\_\_.

7. Pursuant to the Lease, as defined therein and as depicted in the attached Exhibit "B," Lessor has granted Lessee easements appurtenant to the leasehold ("Appurtenant Easements"). With the exception of Lessee's grant of use of the Appurtenant Easements to Carriers, the Appurtenant Easements may not be assigned or otherwise transferred in whole or in part separately from the leasehold granted under the Lease.

**IN WITNESS WHEREOF**, the undersigned LESSEE has duly executed this Memorandum of Lease under seal as of the first date stated above.

**MILESTONE TOWER LIMITED  
PARTNERSHIP-III**, a Delaware limited  
partnership

By: MILESTONE COMMUNICATIONS  
MANAGEMENT III, INC., a Delaware  
corporation, its general partner

By: \_\_\_\_\_  
Name: Leonard Forkas, Jr.  
Title: President  
Date: \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
 )  
COUNTY OF \_\_\_\_\_ )

**TO WIT:**

I hereby certify that on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a Notary Public for the state and county aforesaid, personally appeared \_\_\_\_\_, known to me or satisfactorily proven to be the person whose name is subscribed to the foregoing instrument, and acknowledged that he executed the foregoing instrument, acting in his capacity as \_\_\_\_\_ of Milestone Tower Limited Partnership– III, for the purposes therein set forth.

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

My Commission Expires: \_\_\_\_\_

*(Signatures continue on the next page.)*

Stafford County Attorney's Office  
Printed Name:  
Title:

**Exhibit A to  
Memorandum of Lease**

(Legal Description)

**Exhibit B to  
Memorandum of Lease**

(Easements)

138915802 v3

**Prepared by and Return to:**  
Peter N. Crain, Esq. (VSB# 78400)  
Cooley LLP  
11951 Freedom Drive  
Reston, Virginia 20190

**Tax Map No. 58-35A (PIN 38929):**

### **DECLARATION OF WAIVER**

**THIS DECLARATION OF WAIVER (“Declaration”)** is made and entered into this 6 day of December, 2016 by MARY WASHINGTON HOSPITAL FOUNDATION, INC. (“*Foundation*”), a Virginia corporation.

### **WITNESSETH**

**WHEREAS**, the BOARD OF SUPERVISORS OF STAFFORD COUNTY, VIRGINIA (“*Board*”), the governing body of Stafford County, Virginia, a political subdivision of the Commonwealth of Virginia (“*County*”), is the owner of certain property identified as Tax Map Parcel No. 58-35A, located in George Washington Magisterial District, Stafford County, Virginia and known as Duff McDuff Green Memorial Park (“*Property*”); it being that same property conveyed to the Board by Deed of Gift dated April 18, 1994 and recorded in Deed Book 1040, Page 656, among the land records of Stafford County, Virginia (“*Land Records*”), as amended by that certain Amended Deed of Gift dated May 28, 1998 and recorded as Instrument Number LR980010970 among the Land Records (collectively, the “*Deed*”); and

**WHEREAS**, the Board desires to consider leasing a portion of the Property to MILESTONE TOWER LIMITED PARTNERSHIP-III, a Delaware limited partnership (“*Milestone*”), or its affiliate or successor-in-interest, for the installation, construction and operation of a telecommunications tower, equipment compound, and other related uses by Milestone, the County, and wireless telephone carriers/companies (“*Telecommunications Tower Uses*”); and

**WHEREAS**, the Deed requires the Board to use the Property “for park and recreational use only,” and contains a number of other restrictions related to the use of the Property (collectively, the “*Use Restrictions*”); and

**WHEREAS**, the Deed also grants a reversionary interest in the Property to the Foundation or its successors, and quitclaims any and all other interest that the grantor of the Deed may have in the Property (after conveying the fee simple title to the Board) to the Foundation or its successors; and

**WHEREAS**, the Foundation declares that the Telecommunications Tower Uses of the Property are not a violation of the Use Restrictions and, even if the Telecommunications Tower



Uses are deemed or interpreted to be a violation of the Use Restrictions, the Foundation waives any right to enforce the Use Restrictions against the Board due to the Telecommunications Tower Uses and shall not send the Board a written notice of violation or take any other action that would cause (directly or indirectly) the reversion of the Property to the Foundation based on such Telecommunications Tower Uses, now or at any future time.

**NOW, THEREFORE**, in consideration of the public good, safety, and interest in adequate telecommunications service and access, the Foundation does hereby declare as follows:

1. The recitals set forth above constitute an integral part of this Declaration and are incorporated herein by this reference with the same force and effect as if set forth herein.

2. The use of the Property for the Telecommunications Tower Uses is not a violation of any of the Use Restrictions.

3. Even if the Telecommunications Tower Uses are deemed or interpreted to be a violation of the Use Restrictions, the Foundation hereby waives any and all rights it may have pursuant to the Deed, or otherwise, to enforce the Use Restrictions against the Board due to the Telecommunications Tower Uses on the Property.

4. The Foundation shall not send the Board a written notice of violation or take any other action that would cause (directly or indirectly) the reversion of the Property to the Foundation based on such Telecommunications Tower Uses, now or at any future time.

5. Telecommunications Tower Uses by Milestone, the County, or wireless telephone carriers/companies on the Property shall not divest the Board of its fee simple title in the Property or cause the Property to automatically revert to the Foundation pursuant to the Deed.

6. In the event the Property reverts to the Foundation due to any action (directly or indirectly) by the Foundation, its agents, successors, assigns, or other interested parties to enforce the Use Restrictions against the Board in violation of this Declaration, the Foundation shall quitclaim all interest in the Property to the Board within 30 days. The Foundation shall not enter the Property for the purpose of claiming ownership, alter any portion of the Property, or restrict access to the Property during the 30-day period. The Property shall remain Duff McDuff Green Memorial Park and continue to be maintained in accordance with the terms of the Deed during the 30-day period.

7. As consideration for the Foundation entering into this Declaration, Milestone shall pay the Foundation the following amounts: (a) Three Thousand Five Hundred and 00/100 Dollars (\$3,500.00) per year commencing on the date of final completion of construction of the telecommunications tower on the Property and continuing until the date that neither Milestone nor an affiliate of Milestone owns the telecommunications tower on the Property (each, an "**Annual Payment**") and (b) a Thirty Thousand and 00/100 Dollars (\$30,000) one-time payment on the date that Milestone (or an affiliate of Milestone) closes on the sale of all of Milestone's (or an affiliate of Milestone's) interest in the Property; provided that, if necessary, such one-time payment shall be increased to equal the difference between \$50,000.00 and the aggregate amount

paid as Annual Payments as of the date such one-time payment is due, so that the total amount of all payments from Milestone to the Foundation in the aggregate will equal at least Fifty Thousand and 00/100 Dollars (\$50,000.00). The Foundation may designate an affiliated entity to receive any of the payments set forth herein by providing Milestone as least thirty (30) days prior written notice.

8. Additional Provisions

a. This Declaration is made with the free consent and in accordance with the desires of the Foundation.

b. This Declaration shall be governed by and construed under the laws of the Commonwealth of Virginia. Any dispute(s) arising from or relating to this Declaration that results in litigation shall be filed and heard in the Circuit Court of Stafford County, Virginia.

c. This Declaration completely and in its entirety reflects the intent of the Foundation. No representations, inducements, promises, or agreements not expressly included in this Declaration shall be of any force or effect.

d. This Declaration shall be binding upon the Foundation and its respective heirs, executors, successors, or assigns as of the date this Declaration is duly executed by the Foundation.

e. No amendment to this Declaration shall be binding on the Foundation unless such amendment is agreed to in writing by the Board of Supervisors.

f. The Foundation certifies that this Declaration is signed by a representative duly authorized by the governing body of Mary Washington Hospital Foundation, Inc. to enter into such transactions on behalf of the Foundation.

g. The Foundation shall indemnify, defend, and hold harmless the Board, the County, and its officials, employees, agents, and representatives thereof from all suits, actions, or claims of any kind brought on account of the Foundation's violation of this Declaration, including attorney's fees, damages, and reversion of the Property.

h. The Foundation will execute any and all additional documents and agreements that may be necessary to effectuate this Declaration.

i. This Declaration shall be reviewed by the Board prior to it being duly executed.

[Remainder of the page intentionally left blank. Signatures on the following pages.]

WITNESS the following signature and seal:

MARY WASHINGTON HOSPITAL  
FOUNDATION, INC., a Virginia corporation

By: *Sean Barden*  
Name: Sean Barden  
Its: Executive Vice President & CFO  
Date: 11/28/16

STATE OF VA )

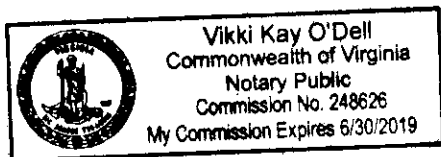
City  
COUNTY OF Fredericksburg )

TO WIT:

I hereby certify that on this 28 day of November, 2016, before me, a Notary Public for the state and county aforesaid, personally appeared Sean Barden, known to me or satisfactorily proven to be the person whose name is subscribed to the foregoing instrument, and acknowledged that he/she executed the foregoing instrument, acting in his/her capacity as EVP & CFO of MWHF, Inc., for the purposes therein set forth.

*Vikki Kay O'Dell*  
Notary Public

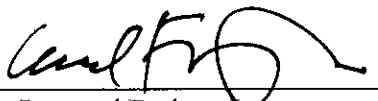
My Commission Expires: 6/30/2019



WITNESS the following signature and seal:

MILESTONE TOWER LIMITED  
PARTNERSHIP-III, a Delaware limited partnership


By: MILESTONE COMMUNICATIONS  
MANAGEMENT III, INC., a Delaware  
corporation, its general partner

By:   
Name: Leonard Forkas, Jr.  
Its: President  
Date: 12/6/16

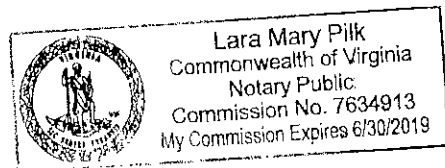
STATE OF VIRGINIA )  
COUNTY OF FAIRFAX )

TO WIT:

I hereby certify that on this 6<sup>TH</sup> day of DECEMBER, 2016, before me, a Notary Public for the state and county aforesaid, personally appeared Leonard Forkas, Jr., known to me or satisfactorily proven to be the person whose name is subscribed to the foregoing instrument, and acknowledged that he executed the foregoing instrument, acting in his capacity as President of Milestone Communications Management III, Inc., the general partner of Milestone Tower Limited Partnership-III, for the purposes therein set forth.

  
Notary Public

My Commission Expires: 6/30/2019



## BOARD OF SUPERVISORS Agenda Item

<b>Meeting Date:</b>	December 13, 2016
<b>Title:</b>	Consider Amending Stafford County Code Sec. 15-56 to Establish a Restricted Parking Area in the Somerset Landing and Seasons Landing Subdivisions
<b>Department:</b>	Public Works
<b>Staff Contact:</b>	Christopher K. Rapp, P.E., Director
<b>Board Committee/ Other BACC:</b>	N/A
<b>Staff Recommendation:</b>	Approval
<b>Fiscal Impact:</b>	N/A
<b>Time Sensitivity:</b>	N/A

### ATTACHMENTS:

1.	Background Report	3.	Somerset Landing HOA Resolution 16-01
2.	Proposed Ordinance 016-44	4.	Somerset Landing & Seasons Landing Location Map

<b>Consent Agenda</b>		<b>Other Business</b>		<b>Unfinished Business</b>
<b>Discussion</b>		<b>Presentation</b>		<b>Work Session</b>
<b>New Business</b>	X	<b>Public Hearing</b>		<b>Add-On</b>

### REVIEW:

X	Interim County Administrator	<i>[Signature]</i>
X	County Attorney (legal review only)	<i>[Signature]</i>
X	Sheriff's Office	<i>[Signature]</i>

<b>DISTRICT:</b>	Aquia
------------------	-------

## **BACKGROUND REPORT**

At its meeting on June 15, 2010, the Board adopted Ordinance 010-37, which amended Stafford County Code Chapter 15, Article III, entitled "Parking." The amendments established Division 2, entitled "Parking of Watercraft, Boat Trailers, Motor Homes, Camping Trailers, and Commercial Vehicles, and Parking for Commercial Purposes on Public Highways," specifically to regulate and prohibit parking of these types of vehicles on public highways within the County.

On October 3, 2016, the County Administrator's Office received a certified resolution from the Somerset Landing Homeowners Association, Inc. (HOA) requesting the establishment of a restricted parking area within the Somerset Landing and Seasons Landing subdivisions (Map, Attachment 4). Seasons Landing was subdivided from the Somerset Landing subdivision; both subdivisions are under the authority of the HOA. On the HOA's resolution, Pinehurst Lane was inadvertently left off the list but should be included in the streets being considered for parking regulations.

The HOA approved Policy Resolution Number 16-01 (Attachment 3) requesting the following streets be designated as restricted parking areas:

- Club Drive (SR-2131)
- Comfort Lane (SR-2132)
- Cornerstone Drive (SR-2217)
- Fountain Drive (SR-2215)
- Horizon Lane (SR-2209)
- Invicta Drive (SR-2210)
- Landmark Drive (SR-2125)
- Masters Drive (SR-2128)
- Opportunity Lane (SR-2216)
- Pebble Beach Drive (SR-2129)
- Persevere Drive (SR-2126)
- Piedmont Drive (SR-2129)
- Pinehurst Lane (SR-2126)
- Regal Court (SR-2127)
- Sable Lane (SR-2133)
- Sanctuary Lane (SR-2132)
- Sawgrass Court (SR-2130)
- Snow Drive (SR-2214)
- Sunland Drive (SR-2211)
- Wizard Court (SR-2137)

All of the identified streets meet the definition of a "public highway" as defined in Stafford County Code Sec. 15-55. Further, the HOA's resolution requesting establishment of a restricted parking area meets the required minimum criteria to warrant such designation.

At its November 1, 2016 meeting, the Board authorized a public hearing for further consideration of proposed Ordinance 016-44.

Staff recommends approval of proposed Ordinance 016-44, which would amend and reordain County Code Sec. 15-56, entitled "Designation of restricted parking areas," to designate parking restrictions on the requested streets within the Somerset Landing and Seasons Landing subdivisions.

O16-44

PROPOSED

BOARD OF SUPERVISORS  
COUNTY OF STAFFORD  
STAFFORD, VIRGINIA

ORDINANCE

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, George L. Gordon, Jr., Government Center, Stafford, Virginia, on the 13<sup>th</sup> day of December, 2016:

-----  
MEMBERS:

Robert "Bob" Thomas, Jr., Chairman  
Laura A. Sellers, Vice Chairman  
Meg Bohmke  
Jack R. Cavalier  
Wendy E. Maurer  
Paul V. Milde, III  
Gary F. Snellings

VOTE:

-----  
On motion of , seconded by , which carried by a vote of , the following was adopted:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD  
COUNTY CODE, SEC. 15-56, ENTITLED "DESIGNATION OF  
RESTRICTED PARKING AREAS," TO INCLUDE STREETS IN THE  
SOMERSET LANDING AND SEASONS LANDING SUBDIVISIONS,  
WITHIN THE AQUIA ELECTION DISTRICT

WHEREAS, Virginia Code §§ 46.2-1222.1 and 46.2-1224 authorize the County to regulate or prohibit the parking on any public highway in the County, of any or all of the following: watercraft, boat trailers, motor homes, camping trailers, commercial vehicles, and the parking of motor vehicles, trailers, or semitrailers for commercial purposes; and

WHEREAS, the Board finds that regulating or prohibiting the parking of watercraft, boat trailers, motor homes, camping trailers, commercial vehicles, and the parking of motor vehicles, trailers, or semitrailers for commercial purposes on public highways serves the public health, safety, and welfare of the County and its citizens; and

WHEREAS, on June 15, 2010, the Board adopted Ordinance O10-37, which established criteria for the designation of restricted parking areas; and

WHEREAS, by resolution the Somerset Landing Homeowners Association, Inc. (HOA) requested the establishment of restricted parking areas within the Somerset Landing and Seasons Landing subdivisions; and



WHEREAS, the streets requested for inclusion meet the established criteria to be designated as restricted parking areas; and

WHEREAS, the Board carefully considered the recommendations of the Sheriff and staff, and the public testimony, if any, received at the public hearing;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 13<sup>th</sup> day of December, 2016, that Stafford County Code Sec. 15-56, entitled "Designation of restricted parking areas" be and it hereby is amended and reordained as follows, all other portions remaining unchanged:

**Sec. 15-56. - Designation of restricted parking areas.**

(f) The following constitute the restricted parking areas within Stafford County where the provisions of this ordinance are in full force and effect:

(17) Somerset Landing Subdivision on the following named streets:

- (A) Masters Drive;
- (B) Pebble Beach Drive;
- (C) Persevere Drive;
- (D) Piedmont Drive;
- (E) Pinehurst Lane;
- (F) Regal Court;
- (G) Sawgrass Court.

(18) Seasons Landing Subdivision on the following named streets:

- (A) Club Drive;
- (B) Comfort Lane;
- (C) Cornerstone Drive;
- (D) Fountain Drive;
- (E) Horizon Lane;
- (F) Invicta Drive;
- (G) Landmark Drive;
- (H) Opportunity Lane;
- (I) Sable Lane;
- (J) Sanctuary Lane;
- (K) Snow Drive;
- (L) Sunland Drive;
- (M) Wizard Court.

**Somerset Landing Homeowners Association, Inc.**  
**Policy Resolution Number 16-01**  
**(Petition to Stafford Board of Supervisors to be**  
**Included in Restricted Parking Area)**

WHEREAS the Association has a declaration, bylaws, and rules and regulations, and,

WHEREAS Article 4 of the bylaws of the Association empowers the board of directors to enforce the declaration, bylaws, and the rules and regulations, and,

WHEREAS Section 11 A of the general prohibitions and requirements of the association specifically 3, 4, 13 and 14 of the Declaration of Covenants, Conditions, and Restrictions specifies regulations and restrictions regarding parking and vehicle repairs on the Property, and,

WHEREAS the Board of Supervisors of Stafford County passed Ordinance 010-37 on June 15, 2010 to create "Restricted Parking Areas" within Stafford County, and,

WHEREAS Ordinance 010-37 requires the Board of Directors of a property owners' association to pass a resolution requesting establishment of a restricted parking area, and,

WHEREAS it is the intent that this rule shall be applicable to all owners and their tenants and this resolution shall remain in effect until otherwise rescinded, modified, or amended by a majority of the board of directors,

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Directors formally requests that the Board of Supervisors of Stafford County establish a restricted parking area within the Somerset Landing HOA under the following terms and conditions:

1. Parking Restrictions pursuant to Section 11 A General Prohibitions and Requirements of the Declarations:  
“(4) No commercial vehicles of any kind larger than one ton trucks shall be parked on any lot, except those used during the normal course of construction of residences or while making deliveries or providing services to the Lots in the Subdivision.  
(13) No mobile home, house trailer or structure of a temporary character shall be placed upon any lot and occupied at any time, provided, however, that this prohibition shall not apply to necessary temporary structures or shelters used by a contractor during the construction of improvements on the lot.  
(14) No motor homes, RVs or boats may be parked within the community or on any lot.”
2. The roads within Somerset Landing HOA that shall be covered by this resolution shall include:

Public Roads

- Club Drive
- Comfort Lane
- Cornerstone Drive
- Fountain Drive
- Horizon Lane
- Invicta Court
- Landmark Drive
- Master's Drive
- Opportunity Lane
- Pebble Beach Drive
- Piedmont Drive
- Persevere Drive
- Regal Court
- Sawgrass Court
- Sable Lane
- Sanctuary Lane
- Snow Drive
- Sundland Drive
- Wizard Court

3. This Resolution was approved by the Board of Directors in accordance with the association's bylaws and during a regularly scheduled meeting held in conformance with any and all requirements of the association's bylaws.

Resolution adopted this 3 day of Oct, 2016 by the Board of Directors.

SOMERSET LANDING HOMEOWNERS ASSOCIATION, INC.

By: 

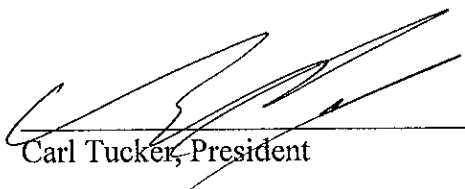
Carl Tucker, President

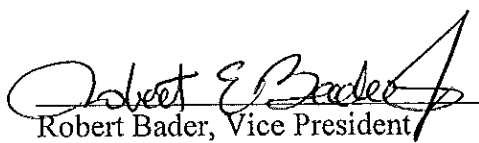
## RESOLUTION ACTION RECORD

Duly adopted at a meeting of the Board of Directors held 3 Oct 2016.  
Date

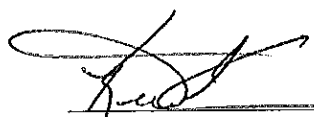
Motion by: Robert Bader Seconded by: Kevin Cole

### VOTING RECORD:

	YES	NO	ABSTAIN	ABSENT
 Carl Tucker, President	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

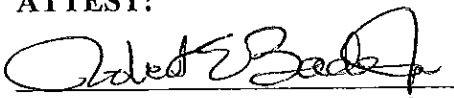
	YES	NO	ABSTAIN	ABSENT
 Robert Bader, Vice President	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

	YES	NO	ABSTAIN	ABSENT
 Ann Newton, Secretary	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

	YES	NO	ABSTAIN	ABSENT
 Kevin Cole, Treasurer	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

	YES	NO	ABSTAIN	ABSENT
<u>N/A</u> Member at Large	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

### ATTEST:

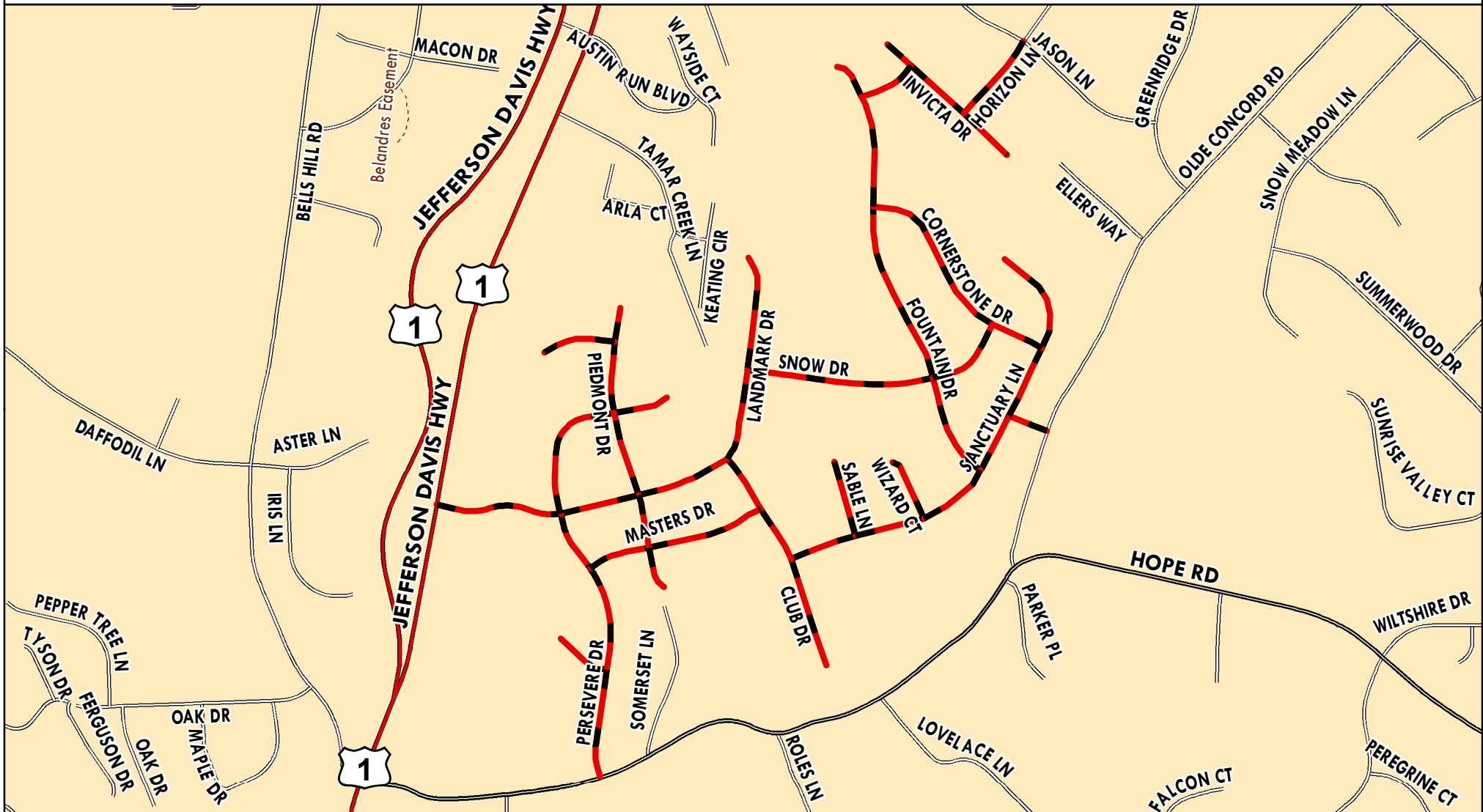
 Robert Bader, Vice President	<u>3 Oct 2016</u> Date
---	---------------------------

Resolution effective: 3 Oct 2016  
Date



# Proposed Restricted Parking Areas Somerset Landing / Seasons Landing Subdivisions

Produced by the Stafford County GIS Office  
540-658-4033 | [www.StaffordCountyGIS.org](http://www.StaffordCountyGIS.org)



Coordinate System: NAD 1983 HARN StatePlane Virginia North FIPS 4501 Feet

Produced: 11/29/2016

MXD Path: W:\users\gis\Brad\MiscProjects\Public Works\Restricted Routes\SomersetLandingLandscape.mxd

Data layers are compiled from various sources and are not to be construed or used as a "legal description." Data layers are believed to be accurate, but accuracy is not guaranteed.

0 250 500 1,000 Feet



**BOARD OF SUPERVISORS****Agenda Item**

<b>Meeting Date:</b>	December 13, 2016
<b>Title:</b>	Authorize the Interim County Administrator to Execute a Cable Franchise Agreement Between Stafford County and Comcast of California/Maryland/Pennsylvania/Virginia/West Virginia, LLC
<b>Department:</b>	Public Information
<b>Staff Contact:</b>	Shannon Howell, PIO
<b>Board Committee/ Other BACC:</b>	Telecommunications Commission
<b>Staff Recommendation:</b>	Approval
<b>Fiscal Impact:</b>	N/A
<b>Time Sensitivity:</b>	Current Agreement expires 12/19/16

**ATTACHMENTS:**

1.	Background Report	3.	Draft Franchise Agreement
2.	Proposed Resolution R16-328		

	<b>Consent Agenda</b>		<b>Other Business</b>		<b>Unfinished Business</b>
	<b>Discussion</b>		<b>Presentation</b>		<b>Work Session</b>
	<b>New Business</b>	X	<b>Public Hearing</b>		<b>Add-On</b>

**REVIEW:**

X	County Administrator	<i>C. Douglas Barnes</i>
X	County Attorney (legal review only)	<i>Charles L. Thomas</i>

<b>DISTRICT:</b>	N/A
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### **BACKGROUND REPORT**

Stafford County has a franchise agreement with Comcast of California/Maryland/Pennsylvania/Virginia/West Virginia, LLC (Comcast), to provide cable television service to the citizens of Stafford County. The current agreement expires on December 19, 2016.

The Telecommunications Commission (TCC) Franchise Negotiation Subcommittee (Subcommittee) was appointed by the TCC to negotiate a new franchise agreement with Comcast and consisted of Mr. Brian Roinestad and Ms. Katie Hulse-Lawlor. The County hired a telecommunications attorney, Mr. Matt Ames, to assist with negotiating the agreement. Mr. Ames and the Subcommittee held several meetings with Ms. Marie Schuler, Director of Government Affairs for Comcast, to negotiate the new agreement.

At a meeting on October 17, 2016, Comcast representatives and the Subcommittee came to agreement on the terms for the new franchise agreement (Attachment 3).

At a meeting of the Telecommunications Commission on Monday, November 7, 2016, the chairman of the TCC, Brian Roinestad, moved that the TCC recommend that the Board authorize the Interim County Administrator to execute a franchise agreement with Comcast. Greg Kolandjian seconded the motion, which was unanimously approved by those present (Brian Baxter, Katie Hulse-Lawlor, Brian Roinestad, David Dillie, Jr., Greg Kolandjian and Brad Shultis). Pamela Yeung was absent.

Staff recommends approval of Proposed Resolution R16-328, which authorizes the Interim County Administrator to execute a franchise agreement with Comcast of California/Maryland/Pennsylvania/Virginia/West Virginia, LLC.



PROPOSED

BOARD OF SUPERVISORS  
COUNTY OF STAFFORD  
STAFFORD, VIRGINIA

RESOLUTION

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, George L. Gordon, Jr., Government Center, Stafford, Virginia, on the 13<sup>th</sup> day of December, 2016:

-----  
MEMBERS:

Robert “Bob” Thomas, Jr., Chairman  
Laura A. Sellers, Vice Chairman  
Meg Bohmke  
Jack R. Cavalier  
Wendy E. Maurer  
Paul V. Milde, III  
Gary F. Snellings

VOTE:

-----  
On motion of , seconded by , which carried by a vote of , the following was adopted:

A RESOLUTION AUTHORIZING THE INTERIM COUNTY  
ADMINISTRATOR TO EXECUTE A NEW CABLE FRANCHISE  
AGREEMENT WITH COMCAST CABLE

WHEREAS, the County’s current cable franchise agreement with Comcast of California/Maryland/Pennsylvania/Virginia/West Virginia, LLC (Comcast) expires on December 19, 2016; and

WHEREAS, the County has been in negotiations with Comcast for 18 months on a new franchise agreement; and

WHEREAS, County representatives and Comcast completed negotiations on October 27, 2016; and

WHEREAS, the Board carefully considered the recommendations of staff, and the public testimony, if any, heard at the public hearing;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 13<sup>th</sup> day of December, 2016, that the Board be and it hereby does authorize the Interim County Administrator to execute a new cable franchise agreement with Comcast of California/Maryland/Pennsylvania/Virginia/West Virginia, LLC.

**Cable Franchise Agreement by and  
between Stafford County, Virginia and  
Comcast of  
California/Maryland/Pennsylvania/  
Virginia/West Virginia, LLC**

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**THIS CABLE FRANCHISE AGREEMENT** (the “Franchise” or “Agreement”) is entered into by and between the County of Stafford, Virginia, a political subdivision of the Commonwealth of Virginia (the “County”) and Comcast of California/Maryland/Pennsylvania/Virginia/West Virginia, LLC, a corporation duly organized under the applicable laws of the State of Delaware (the “Franchisee”).

WHEREAS, the County wishes to grant Franchisee a nonexclusive franchise to construct, install, maintain, extend and operate a cable communications system in the Franchise Area as designated in this Franchise;

WHEREAS, the County is a “franchising authority” in accordance with Title VI of the Communications Act (*see* 47 U.S.C. §522(10)) and is authorized to grant one or more nonexclusive cable franchises pursuant to the Code of Virginia, Va. Code Ann. § 15.2-2108 and the Stafford County Cable Television Systems Ordinance, Chapter 7 of the Stafford County Code (the “Cable Ordinance”);

WHEREAS, Franchisee has constructed and operates a Cable System in the Franchise Area for the transmission of Cable Service;

WHEREAS, the Cable System occupies the Public Rights-of-Way within the County;

WHEREAS, the County and Franchisee have reached agreement on the terms and conditions set forth herein and the parties have agreed to be bound by those terms and conditions.

NOW, THEREFORE, in consideration of the County’s grant of a franchise to Franchisee, Franchisee’s promise to provide Cable Service to residents of the Franchise Area pursuant to and consistent with the Communications Act (as hereinafter defined), pursuant to the terms and conditions set forth herein, the promises and undertakings herein, and other good and valuable consideration, the receipt and the adequacy of which are hereby acknowledged,

THE SIGNATORIES DO HEREBY AGREE AS FOLLOWS:

## **1. DEFINITIONS**

Except as otherwise provided herein, the definitions and word usages set forth in the Communications Act (as hereinafter defined) are incorporated herein and shall apply in this Agreement. References in this section to any federal or state law shall include amendments thereto as may be enacted from time-to-time. In addition, the following definitions shall apply:

1.1. *Access Channel or PEG Access Channel*: A video Channel, which Franchisee shall make available to the County without charge for non-commercial PEG use for the transmission of video programming as directed by the County.

1.2. *Affiliate*: In relation to any Person, another Person who owns or controls, is owned or controlled by, or is under common ownership or control with, such Person.

1.3. *Basic Service*: A Cable Service tier that includes (i) the retransmission of local television broadcast Channels and (ii) PEG Channels required to be carried in the basic tier.

1.4 *Cable Operator*: Any person or group of persons who provides Cable Service over a cable system and directly through one or more affiliates owns a significant interest in such cable system or who otherwise controls or is responsible for, through any arrangement, the management and operation of such a cable system.

1.5. *Cable Service* or *Cable Services*: The one-way transmission to subscribers of (i) Video Programming or (ii) other programming service, and subscriber interaction, if any, which is required for the selection or use of such Video Programming or other programming service. Cable service does not include any Video Programming provided by a commercial mobile service provider defined in 47 U.S.C. § 332(d).

1.6. *Cable System* or *System*: Franchisee's facility, consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide Cable Service which includes Video Programming and which is provided to multiple Subscribers within the Franchise Area, except that such term shall not include (i) (ii) a facility that serves only to retransmit the television signals of one or more television broadcast stations; (iii) a facility that serves only Subscribers without using any Public Rights-of-Way; (iv) a facility of a common carrier that is subject, in whole or in part, to the provisions of Title II of the Communications Act of 1934, 47 U.S.C. § 201 *et seq.*, except that such facility shall be considered a Cable System (other than for purposes of Section 621 (c) )to the extent such facility is used in the transmission of Video Programming directly to Subscribers, unless the extent of such use is solely to provide interactive on-demand services; (v) any facilities of any electric utility used solely for operating its electric system; (vi) an open video system that complies with § 653 of Title VI of the Communications Act of 1934, as amended, 47 U.S.C. § 573; or (vii) any facilities of any electric utility used solely for operating its electric utility systems.

1.7. *Channel*: Shall be defined herein as it is defined under Section 602 of the Communications Act, 47 U.S.C. § 522(4), meaning a portion of the electromagnetic spectrum which is used in a cable system and which is capable of delivering a television channel, as defined by the Federal Communications Commission by regulation.

1.8. *Communications Act*: The Communications Act of 1934, as amended.

1.9. *County*: Stafford County, Virginia.

1.10. *Educational Access Channel*: A non-commercial Access Channel available for the use solely of the local public schools in the Franchise Area.

1.11. *FCC*: The United States Federal Communications Commission or successor governmental entity thereto.

1.12. *Force Majeure*: An event or events reasonably beyond the ability of Franchisee to anticipate and control. “Force majeure” includes, but is not limited to, acts of God, incidents of terrorism, war or riots, labor strikes or civil disturbances, floods, earthquakes, fire, explosions, epidemics, hurricanes, or tornadoes.

1.13. *Franchise Area*: The entire existing territorial limits of the County and such additional areas as may be included in the territorial limits of the County during the term of this Franchise.

1.14. *Franchisee*: Comcast of California/Maryland/Pennsylvania/Virginia/West Virginia, LLC, and any lawful and permitted successors, assigns and transferees.

1.15. *Government Access Channel*: A non-commercial Access Channel available for the use solely of the County.

1.16. *Gross Revenue*: All revenue, as determined in accordance with generally accepted accounting principles, that is actually received by the Franchisee and derived from the operation of the Cable System to provide Cable Services in the Franchise Area; “Gross Revenue” shall not include: (i) refunds or rebates made to subscribers or other third parties; (ii) any revenue which is received from the sale of merchandise over home shopping channels carried on the Cable System, but not including revenue received from home shopping channels for the use of the Cable Service to sell merchandise; (iii) any tax, fee, or charge collected by the Franchisee and remitted to a governmental entity or its agent or designee, including without limitation a local public access or education group; (iv) program launch fees; (v) directory or Internet advertising revenue including, but not limited to, yellow page, white page, banner advertisement, and electronic publishing; (vi) a sale of Cable Service for resale or for use as a component part of or for the integration into Cable Services to be resold in the ordinary course of business, when the reseller is required to pay or collect franchise fees or similar fees on the resale of the Cable Service; (vii) revenues received by any affiliate or any other person in exchange for supplying goods or services used by the Franchisee to provide Cable Service; and (viii) revenue derived from services classified as Non-Cable Services under federal law, including, without limitation, revenue derived from telecommunications services and information services, and any other revenues attributed by the Franchisee to Non-Cable Services in accordance with rules, regulations, standards, or orders of the Federal Communications Commission.

1.17. *Non-Cable Services*: Any service that does not constitute the provision of Cable Service.

1.18. *Normal Business Hours*: Those hours during which most similar businesses in the community are open to serve customers. In all cases, “normal business hours” must include some evening hours at least one night per week and/or some weekend hours.

1.19. *Normal Operating Conditions*: Those service conditions which are within the control of the Franchisee. Those conditions which are not within the control of the Franchisee include, but are not limited to, natural disasters, civil disturbances, power outages, telephone network outages, and severe or unusual weather conditions. Those conditions which are ordinarily within the control of the Franchisee include, but are not limited to, special promotions, pay-per-view events, rate increases, regular peak or seasonal demand periods, and maintenance or rebuild of the Cable System.

1.20. *PEG*: Public, educational, and governmental.

1.21. *PEG Provider*: Any entity designated by the County to operate one or more PEG Channels.

1.22. *Person*: An individual, partnership, association, joint stock company, trust, corporation, or governmental entity.

1.23. *Public Access Channel*: A non-commercial Access Channel available for use solely by the residents in the Franchise Area.

1.24. *Public Rights-of-Way*: The surface and the area across, in, over, along, upon and below the surface of the public streets, roads, bridges, sidewalks, lanes, courts, ways, alleys, and boulevards, including, public utility easements and public lands and waterways used as Public Rights-of-Way, as the same now or may thereafter exist, which are within the jurisdiction or control of the County. Public Rights-of-Way do not include the airwaves above a right-of-way with regard to cellular or other nonwire communications or broadcast services.

1.25. *Service Interruption*: The loss of picture or sound on one or more cable channels.

1.26. *Subscriber*: A Person who lawfully receives Cable Service over the Cable System with Franchisee's express permission.

1.27. *Tap*: A passive device located on a pole or in a pedestal in the Public Right of Way that is installed on the main cable and that is the connection point for the cable drop to the customer premises.

1.28. *Transfer of the Franchise*: Any transaction in which (i) an ownership or other interest in the Franchisee is transferred, directly or indirectly, from one person or group of persons to another person or group of persons, so that majority control of the Franchisee is transferred; or (ii) the rights and obligations held by the Franchisee under the Franchise are transferred or assigned to another person or group of persons.

1.29. *Video Programming*: Programming provided by, or generally considered comparable to, programming provided by a television broadcast station.

## **2. GRANT OF AUTHORITY; LIMITS AND RESERVATIONS**

2.1. *Grant of Authority*: Subject to the terms and conditions of this Agreement and the Communications Act, the County hereby grants the Franchisee the right to own, construct, operate and maintain a Cable System along the Public Rights-of-Way within the Franchise Area, in order to provide Cable Service. No privilege or power of eminent domain is bestowed by this grant; nor is such a privilege or power bestowed by this Agreement. This Agreement does not confer any rights other than as expressly provided herein or as mandated by federal, state or local law.



2.2. *Term*: This Franchise shall become effective on \_\_\_\_\_ (the “Effective Date”). The term of this Franchise shall consist of an initial term of five (5) years (the “Initial Term”) and, subject to the provisions of Section 2.2.1, an additional five (5) year term (the “Extended Term”). The maximum term of this Franchise shall be ten (10) years from the Effective Date.

2.2.1. Upon the mutual consent of the County and Franchisee, the Franchise shall be extended for the Extended Term. The Board of Supervisors shall base its determination upon the results of a compliance review conducted by the County. The compliance review shall consider the degree to which the Franchisee has complied with the requirements of the Franchise. The County shall commence the compliance review no later than eighteen (18) months prior to the end of the Initial Term, and the Franchisee will cooperate by providing the County with all information requested by the County in connection with such review. The compliance review shall be completed within six (6) months. If the Board of Supervisors determines that an extension of the Initial Term is warranted, it shall adopt a resolution to that effect and the extension shall become effective upon acceptance in writing by the Franchisee. If the Board of Supervisors determines that an extension is not warranted, it shall adopt a resolution to that effect, and the parties shall continue with renewal proceedings in accordance with 47 U.S.C. §546. Notwithstanding this provision, both the County and the Franchisee retains all rights under 47 U.S.C §546.

2.3. *Grant Not Exclusive*: The Franchise and the rights granted herein to use and occupy the Public Rights-of-Way to provide Cable Services shall not be exclusive, and the County reserves the right to grant other franchises for similar uses or for other uses of the Public Rights-of-Way, or any portions thereof, to any Person, or to make any such use themselves, at any time during the term of this Franchise. Any such rights which are granted shall not expressly alter or purport to alter the authority as granted under this Franchise or expressly grant authority or purport to grant authority to interfere with existing physical facilities, including equipment, of the Cable System.

#### 2.4 *Competitive Equity*:

2.4.1 The County reserves the right to grant additional franchises or similar authorizations to provide video programming services by means of Cable Systems or similar wireline systems located in the Right of Way. If, following the Effective Date of this Franchise, the County grants such an additional franchise or authorization to use the Right of Way to provide such services and Franchisee believes the County has done so on terms materially more favorable than the obligations of Franchisee under this Agreement, then the provisions of this Section 2.4 will apply. The County and Franchisee agree that this provision shall not require a word for word identical franchise or authorization for competitive equity so long as the regulatory and financial burdens on each entity are generally equivalent.

2.4.2 The following provisions of this Agreement are deemed to be “Material Obligations:” § 1.16 (definition of “Gross Revenues”); §§ 5.1.1 and 5.1.3, (PEG Access Channels); § 5.2 (PEG funding); §§ 6.1 – 6.3 (pertaining to the Franchise fee); Article 7 (customer service obligations); Article 8 (reporting obligations); and Article § 12 (enforcement provisions).

2.4.3 Within one (1) year of the approval by the County of a wireline competitor’s franchise or similar authorization, Franchisee must notify the County in writing of the Material Obligations in this Agreement that the Franchisee asserts exceed the Material Obligations of the

wireline competitor's franchise or similar authorization. The County shall have one hundred twenty (120) days to agree to allow Franchisee to adopt the same Material Obligations provided to the wireline competitor, or to assert that the Material Obligations are different. In the event the County asserts that the Material Obligations are different, Franchisee may bring an action in the Circuit Court for Stafford County, or the United States District Court for the Eastern District of Virginia, and no other courts, for a determination as to whether the Material Obligations are different and as to what franchise amendments would be necessary to remedy the disparity. Alternatively, Franchisee may notify the County that it elects to immediately commence the renewal process under 47 U.S.C. § 546 and to have the remaining term of this Agreement shortened to not more than thirty (30) months.

2.4.4 Nothing in this subsection is intended to alter the rights or obligations of either party under applicable federal or state law, and it shall only apply to the extent permitted under applicable law and FCC orders. In no event will the County be required to refund or to offset against future amounts due the value of benefits already received.

2.4.5 This provision does not apply if the County is ordered or required by law to issue a franchise on different terms and conditions, and the relief is contingent on the new Cable Operator actually commencing provision of service in the market to its first customer. Should the new Cable Operator fail to continuously provide service for a period of six (6) months, the County has the right to implement this Agreement with its original terms upon one hundred eighty (180) days' notice to Franchisee.

2.4.6 This Section does not apply to any of the following: open video systems; common carrier systems exempted from franchise requirements pursuant to 47 U.S.C. § 571; systems that serve less than 5% (five per cent) of the geographic area of the County; and "over-the-top" services that only provide video programming to County residents by means of the public Internet (*e.g.*, Netflix).

2.5. *Franchise Subject to Federal Law:* Notwithstanding any provision to the contrary herein, this Franchise is subject to and shall be governed by all applicable provisions of federal law as it may be amended, including but not limited to the Communications Act.

2.6. *No Waiver:*

2.6.1. The failure of the County on one or more occasions to exercise a right or to require compliance or performance under this Franchise, the Communications Act or any other applicable State or Federal law shall not be deemed to constitute a waiver of such right or a waiver of compliance or performance by the County, nor to excuse Franchisee from complying or performing, unless such right or such compliance or performance has been specifically waived in writing.

2.6.2. The failure of the Franchisee on one or more occasions to exercise a right under this Franchise or applicable law, or to require performance under this Franchise, shall not be deemed to constitute a waiver of such right or of performance of this Agreement, nor shall it excuse the County from performance, unless such right or performance has been specifically waived in writing.

2.7. *Construction of Agreement:*

2.7.1. Nothing herein shall be construed to limit the scope or applicability of Section 625 Communications Act, 47 U.S.C. § 545.

2.7.2. *Precedence of Documents:* In the event of an inconsistency between the Cable Ordinance and this Agreement, this Agreement shall prevail.

2.8. *Police Powers:* Franchisee's rights are subject to the police powers of the County to adopt and enforce ordinances of general applicability necessary to protect and preserve the health, safety and welfare of the public. Franchisee shall comply with all applicable general laws and ordinances enacted by the County pursuant to those powers. In the event of conflict between the Cable Ordinance (and any amendments thereto) and this Agreement, the Agreement shall control.

### **3. PROVISION OF CABLE SERVICE**

#### *3.1. Service Area:*

3.1.1. *Density Requirement:* The Franchisee shall extend the Cable System whenever the Franchisee receives a request for Cable Service from a potential Subscriber and there is an average of at least twenty (20) dwelling units per mile along a line extension route to the subscriber's residence, measured in linear trench or aerial strand footage along the Public Right-of-Way. The distance shall be measured beginning at the Tap of the then-existing Cable System that is closest to the address requesting service (the "Starting Point"), and ending at the point on the Public Right-of-Way nearest to the point where the requesting potential Subscriber's route of vehicular ingress or egress contacts the public right-of-way (the "End Point"). For purposes of this section, a house, apartment unit, or other residence shall only be counted as a "dwelling unit" if it is occupied and the point of cable access is located within 300 feet of the Public Right-of-Way.

3.1.2 *Service Drops:* The Franchisee shall extend its Cable System to potential Subscribers at no cost to said potential Subscribers other than the Franchisee's standard charge for a standard service drop (the "Standard Installation Fee"), provided that, if the point at which electric utility facilities enter the building (the "Entry Point") is located more than 200 feet from the Tap installed to serve that Subscriber, the Franchisee may charge an installation fee equal to the Standard Installation Fee, plus the actual cost of construction of Cable System facilities in excess of the 200 foot distance.

3.1.3. *Waiver of Density Requirement:* Notwithstanding Section 3.1.1, if the Franchisee determines that the transmission capacity of the Franchisee's plant at the Starting Point is insufficient to allow the Franchisee to deliver adequate Cable Service to a location along the route that is requesting Cable Service, and the cost of increasing such capacity would be commercially impractical, the Franchisee may request that the County Administrator waive the Franchisee's obligation to perform all or part of the line extension under this Section, and the County Administrator shall not unreasonably deny any such request. Any such request for waiver shall be submitted in writing no later than forty-five (45) days after receipt of the prospective extension request, and shall include a complete description of the reasons the Franchisee believes the line extension to be impractical, including without limitation cost estimates and route maps. Franchisee shall promptly provide the County Administrator with any additional information that may be reasonably requested by the County Administrator as part of its consideration of the waiver request. If the County Administrator determines that the Franchisee's request is reasonable, the County Administrator shall grant a waiver of the obligations of this Section. If the County Administrator denies the waiver request, the line extension shall be completed within 180

days of the County Administrator's decision, subject to Force Majeure, including the performance of make-ready work.

3.1.4. *Service to Specific Addresses:* As settlement of the line extension claims under the prior franchise, Franchisee shall extend its Cable System in order to serve the addresses identified in Exhibit E upon 180 days of receiving all necessary permits and approvals or as otherwise indicated in Exhibit E. Comcast may request additional time to complete the extension to any address where the extension is delayed for reasons beyond Franchisee's reasonable ability to control or anticipate. The County will not unreasonably refuse to grant an extension. Comcast shall make Cable Service to these addresses subject to the requirements of Section 3.1.2 herein.

3.1.5. *Cost Sharing:* The Cable System shall be further extended to all areas in the County that do not meet the requirements of Section 3.1.1 or 3.1.4 above, upon the request of one or more dwelling unit owners in such areas, based upon the following cost calculation:

3.1.5.1 The cost of extending the Cable System to serve any such area shall be calculated by (i) dividing the capital cost of extending the System to pass each of the requesting dwelling unit owners by the number of dwelling units requesting Cable Service in such area, and (ii) subtracting the average cost of extending Cable Service to dwelling units in areas of the County that meet the density requirement specified in Section 3.1.1 above. The resulting cost shall equal the per dwelling unit contribution to be paid by each dwelling unit owner requesting extension of Cable Service in that particular area of the County.

3.1.5.2. The applicable formula shall be:

$$\frac{C}{LE} - \frac{CA}{P} = SC$$

Where:

3.1.4.2.1. C equals the cost of construction of new plant from the Starting Point, as defined in Section 3.1.1;

3.1.5.2.2. LE equals the number of dwelling units requesting Cable Service in the proposed line extension area, who subsequently pay a contribution in aid;

3.1.5.2.3. CA equals the average cost of construction per mile in Stafford County;

3.1.5.2.4. P equals 20; and

3.1.5.2.5. SC equals the per dwelling unit contribution in aid of construction in the proposed line extension area, to be paid by the dwelling unit owner.

### 3.2 *Line Extension Procedures:*

3.2.1. *Time for Completing Extension:* Any potential Subscriber located in an area of the County without Cable Service may request such Cable Service from the Franchisee. In areas meeting the requirements of Section 3.1.1 above, the Franchisee shall extend Cable Service to each requesting potential Subscriber within 180 days of receiving all necessary permits, easements, and pole attachment licenses, subject to Force Majeure (including the performance of make-ready work). The Franchisee shall expeditiously seek all necessary permits and pole attachment licenses, and, subject to Section 8.1, shall promptly comply with all reasonable requests from the County for information regarding the status of any applications for such permits and licenses, and for copies of any documentation related to such applications.

3.2.2. *Survey in Low Density Areas:* In those areas with less than twenty (20) occupied dwelling units per linear trench or aerial strand mile, as measured from the existing Tap that is closest to an address requesting service, the Franchisee, shall, within forty-five (45) days following a request for Cable Service, conduct a survey to determine the number of dwelling units in the immediate area and shall provide the person who has been designated as the representative of the person or persons seeking the extension of service with information on the possible contribution in aid of construction (see Section 3.1.2 above) that would be charged. The Franchisee shall apply for all necessary permits and pole attachment licenses within ninety (90) days of receiving the contribution in aid of construction from all participating dwelling units. Cable Service(s) shall be made available and fully activated to all requesting dwelling units who made a contribution in aid of construction within one hundred eighty (180) days of receipt of all necessary permits and pole attachment licenses by the Licensee, subject to Force Majeure (including the performance of make-ready work). The Franchisee shall expeditiously seek all necessary permits and pole attachment licenses, and subject to Section 8.1, shall promptly comply with all reasonable written requests from the County for information regarding the status of any applications for such permits and licenses, and for copies of any documentation related to such applications.

3.2.3. *Long Drop Cost Estimate; Trenching:* If the Entry Point serving a dwelling unit is located more than two hundred (200) feet from the End Point, Franchisee will provide a separate cost estimate to the dwelling unit owner to extend Cable Service to the dwelling unit. Upon written request, the Franchisee shall provide the technical specifications required to be met for the dwelling unit owner to dig his own trench and install appropriate conduit, consistent with the technical specifications of the Franchisee. If the owner elects to conduct trenching and install appropriate conduit at the owner's own expense, the Franchisee's cost estimate shall be modified accordingly. The owner shall not install other facilities in the conduit, or permit any third party to do so, without first notifying Comcast in writing, and ensuring at all times that the presence of such facilities in the conduit complies with all applicable safety and technical code requirements. The Franchisee shall not be responsible for the maintenance, repair, or replacement of such conduit.

3.3. *Availability of Cable Service:* Franchisee shall make Cable Service available to all residential dwelling units within the Franchise Area in conformance with Sections 3.1 and 3.2, and Franchisee shall not discriminate between or among any individuals in the availability of Cable Service. In the areas in which Franchisee shall provide Cable Service, Franchisee shall be required to connect, at Franchisee's expense, other than a standard installation charge, all residential dwelling units that are within two hundred (200) feet of trunk or feeder lines not otherwise already served by Franchisee's

Cable System. Franchisee shall be allowed to recover, from a Subscriber that requests such connection, actual costs incurred for residential dwelling unit connections that exceed two hundred (200) feet and actual costs incurred to connect any non-residential dwelling unit Subscriber. The Franchisee shall make Cable Service available to any commercial establishment in the County that requests such service, provided that each such establishment enters into a separately negotiated contract with the Franchisee.

#### 3.4. *Cable Service to County Buildings:*

3.4.1. Subject to the terms of this Section 3.4.1, the Franchisee shall install upon request a service outlet at each facility occupied by a public office or agency in the County, to include without limitation County government agencies, fire stations, police stations, sheriff's offices, public schools, public libraries, and any other local government building as shall be designated by the County from time to time (each, a "Public Facility"). The Franchisee shall maintain, at no charge, a service outlet at each of the existing Public Facilities listed on Exhibit A. In addition, subject to subsection 3.4.2 below, within one hundred eighty (180) days after receiving a written request from the County, the Franchisee shall install and maintain a service outlet at each new Public Facility, as designated by the County from time to time. Exhibit A shall be amended to include each new Public Facility at the time of the County's request.

3.4.2. If a new Public Facility is located within two hundred (200) feet of the Public Right-of-Way, the Franchisee shall bear the cost of installation so long as such additional Public Facilities do not exceed five (5) per calendar year. If a new Public Facility is located more than two hundred (200) feet from the Public Right-of-Way, the County shall reimburse the Franchisee for the difference between the actual cost of installation and the actual cost of constructing facilities to serve up to two hundred (200) feet from the Public Right-of-Way. Under no circumstance shall the County be required to reimburse the Franchisee for construction, installation or purchase (including labor costs) of facilities or equipment not used directly and solely in connection with the transmission of signals to the Public Facilities for the purposes of this section. Should the Franchisee elect to install facilities for its own use or for the purpose of serving customers other than the government users located at the Public Facilities, the County will be responsible for reimbursing only a *pro rata* share of the cost of construction to the new Public Facility, and shall not be responsible for construction costs to serve other customers.

3.4.3. If County-owned conduit suitable for the placement of the Franchisee's facilities exists along any portion of a route capable of extending service to a Public Facility, and the County determines that it has conduit capacity available in excess of its likely needs for the foreseeable future, the parties shall meet in good faith to discuss the use of such conduit. Unless otherwise prohibited by law, the Franchisee may agree to use such conduit and the County may make such conduit available if such use would lower the cost of installation of Franchisee's facilities needed to serve a Public Facility that is more than two hundred (200) feet from the Public Rights-of-Way. If suitable County-owned conduit is available and the use of such conduit would reduce the cost of construction to serve a Public Facility, but Franchisee elects not to use such conduit, any amount that the County would be required to pay pursuant to Section 3.4.2 above shall be reduced by the amount by which the use of County conduit would reduce the total cost of the project.

3.4.4. The Franchisee shall provide Basic Service to each Public Facility.

3.4.5. There shall be no charge to the County or other entity or agency receiving service at a Public Facility for the cost of Basic Service, except for equipment costs as provided for in this section. There shall be no charge to the County or other entity or agency receiving service at a Public Facility for the cost of installation or the cost of maintenance except as provided in this Section 3.4. There also shall be no charge to the County or other entity or agency receiving service at a Public Facility for the cost of one converter or digital transport adapter at each such Public Facility.

3.4.6. The County or any public body responsible for managing a Public Facility may, at its expense, extend or install suitable wiring to permit Cable Service to be provided at multiple locations within the Public Facility. In addition, the County may request that the Franchisee install sufficient capacity and suitable equipment to ensure that all signals are provided at such additional outlets with sufficient strength to supply the entire Public Facility, taking into account the number of outlets to be served, the distance signals will be transported, and all technical factors necessary to ensure that all outlets receive a suitable signal. Upon Franchisee's request, the County shall provide specifications for serving a Public Facility in writing to the Franchisee. In constructing all facilities required under this Section 3.4.6, the Franchisee shall ensure that it meets the County's actual needs at each location. If meeting the County's needs for delivery of a suitable signal imposes costs on the Franchisee beyond the costs the Franchisee would bear in the absence of such requirements, the Franchisee may require that the County reimburse the difference, subject to Sections 3.4.2 and 3.4.3 hereof.

#### **4. SYSTEM FACILITIES**

4.1. *System Characteristics*: Franchisee's Cable System shall meet or exceed the following requirements:

4.1.1. The System shall be designed with an initial analog and digital carrier passband between 50 and 750 MHz.

4.1.2. The System shall be designed to be an active two-way plant for subscriber interaction, if any, required for selection or use of Cable Service.

4.1.3. Modern design utilizing an architecture that will permit additional improvements necessary for high quality and reliable service throughout the term of the Agreement.

4.1.4. Protection against outages due to power failures, so that back-up power is available at a minimum for at least 24 hours at the headend, and conforming to industry standards, but in no event rated for less than four hours, at each node. Such standby power supplies shall cut in automatically on failure of commercial utility AC power, and revert automatically to commercial power when it is restored.

4.1.5. Facilities and equipment sufficient to cure violations of any applicable FCC technical standards and to ensure that the Cable System remains in compliance with the standards specified in Section 4.1.18.



4.1.6. Facilities and equipment as necessary to maintain, operate, and evaluate the Cable System to comply with any applicable FCC technical standards, as such standards may be amended from time to time.

4.1.7. All facilities and equipment designed to be capable of continuous twenty-four (24) hour daily operation in accordance with applicable FCC standards except as caused by a Force Majeure event.

4.1.8. All facilities and equipment designed, built and operated in such a manner as to comply with all applicable FCC requirements regarding (i) consumer electronic equipment and (ii) interference with the reception of off-the-air signals by a subscriber.

4.1.9. All facilities and equipment designed, built and operated in compliance with all applicable safety codes.

4.1.10. Sufficient trucks, tools, testing equipment, monitoring devices and other equipment and facilities and trained and skilled personnel required to enable Franchisee to substantially comply with applicable law and its obligations under this Agreement, including applicable customer service standards.

4.1.11. All facilities and equipment required to properly test the Cable System in accordance with applicable law, conduct an ongoing and active program of preventive maintenance and quality control, and to be able to quickly respond to customer complaints and resolve system problems.

4.1.12. Design capable of interconnecting with other cable systems in the Franchise Area as set forth in Section 4.3 of this Agreement.

4.1.13. Facilities and equipment at the headend shall allow Franchisee to transmit or cablecast signals in substantially the form received, without substantial alteration or deterioration in the content and functionalities associated with the signal. For example, the headend should include equipment that will transmit color video signals received at the headend in color, stereo audio signals received at the headend in stereo, and a signal received with a secondary audio track with both audio tracks. Similarly, all closed-captioned programming retransmitted over the Cable System shall include the closed-captioned signal in a manner that renders that signal available to Subscriber equipment used to decode the captioning.

4.1.14. Shall be capable of transmitting in high definition any Channels that are received in high definition format. Actual carriage of any such high definition Channels will be at the Franchisee's sole discretion.

4.1.15. Shall offer parental control options, which will at a minimum offer as an option that a Person ordering programming must provide a personal identification number or other means provided by Franchisee only to a Subscriber. Provided, however, that Franchisee shall bear no responsibility for the exercise of parental controls and shall incur no liability for any Subscriber's or viewer's exercise or failure to exercise such controls.

4.1.16. The provision of additional channels, channel capacity, and/or upgrades of any kind to the Cable System is solely within the control and discretion of the Franchisee.

4.1.17. With the exception of any PEG Channels, all content and programming of Cable Services, including the mix, level, and/or quality of such content and programming, remains in the sole discretion of the Franchisee.

4.1.18. The Cable System must conform to or exceed all applicable FCC technical performance standards, as amended from time to time, and shall substantially conform in all material respects to applicable sections of the following standards and regulations to the extent such standards and regulations remain in effect and are consistent with accepted and applicable industry procedures:

4.1.18.1. Occupational Safety and Health Administration (OSHA) Safety and Health Standards;

4.1.18.2. National Electrical Code;

4.1.18.3. National Electrical Safety Code (NESC);

4.1.18.4. Obstruction Marking and Lighting, AC 70/7460 i.e., Federal Aviation Administration;

4.1.18.5. Constructing, Marking and Lighting of Antenna Structures, Federal Communications Commission Rules, Part 17; and

4.1.18.6. The Virginia Uniform Statewide Building Code.

4.2. *General Description:* The Cable System shall meet or exceed applicable FCC's technical standards (Subpart K of Part 76 of the FCC's Rules).

4.3. *Interconnection:* The Franchisee shall design its Cable System so that it may be interconnected with other cable systems in the Franchise Area. Interconnection of systems may be made by direct cable connection, microwave link, satellite, or other appropriate methods.

4.4. *Emergency Alert System:* Franchisee shall comply with the Emergency Alert System ("EAS") requirements of the FCC in order that emergency messages may be distributed over the System.

4.5. *Restoration of Property:* The Franchisee shall promptly repair and restore, to as good a condition as reasonably practicable before the work causing such disturbance was done, any and all Public Rights-of-Way and public or private property that is disturbed or damaged during the construction, operation or maintenance of the Cable System. If Franchisee fails to restore or repair public rights-of-way or public property that has been damaged or is disturbed within thirty (30) days, the County may perform the necessary repairs and restoration, and submit an invoice for said expense. If payment is not made within thirty (30) days, the County may obtain reimbursement from the letter of credit provided pursuant to Article 12.

4.6. *Relocation of Facilities:* In the event that a location or a grade, line, or other characteristic of a public right of way that the Franchisee is authorized to use or occupy is altered by the County, the Franchisee shall, at its sole expense, relocate or otherwise modify its Cable System to as to conform to the new location of the new grade, line or other right-of-way characteristic. If public funds are available to any other user of the Public Way for the purpose of defraying the cost of any of the foregoing, the Franchising Authority shall notify the Franchisee of the availability of such funding and make such funds available to the Franchisee. It is understood that there is no guarantee by the Franchising Authority that public funds will, in every instance, be available to defray costs of altering or relocating the cable system to conform to new grades or lines. In addition, the Franchisee shall obtain a relocation deed, if required by law.

## **5. PEG SERVICES**

### *5.1 Access Channels:*

5.1.1 The Franchisee shall continue to make available to all Subscribers on the Cable System three (3) Channels for PEG access use. The Franchisee shall continue to own the channels and will provide downstream transmission of such Access Channels on its Cable System at no charge to the County or other PEG access programmers.

5.1.2 As of the Effective Date, one of the three Access Channels set aside pursuant to Section 5.1.1 shall be used by the County government, a second Access Channel shall be used by the Stafford County Schools, and a third shall be designated for use by a public access organization approved by the Board of Supervisors.

5.1.3 In addition to the three (3) channels for PEG access programming specified in Section 5.1.1, the County may require the Franchisee to make available one (1) additional Access Channel, for PEG access programming, when there is reasonable written evidence from the County that an existing Access Channel shows at least 28 hours per week during prime time of locally or regionally produced, non-commercial, non-alphanumeric, non-automated first-run programming. Such conditions shall be met on average over a thirteen-week period.

5.1.3.1 For purposes of this subsection 5.1.3, “prime time” shall mean 6 p.m. to 11 p.m. for all Access Channels provided pursuant to subsection 5.1.1 or subsection 5.1.6, except for the Government Access Channel, for which “prime time” shall mean 7 p.m. to 12 a.m.

5.1.3.2 For purposes of this subsection 5.1.3, “first run programming” means programming that has been shown no more than twice previously in the County.

5.1.3.3 The Franchisee shall make any additional Access Channel required by the County under subsection 5.1.6 available within eighteen (18) months of the County’s written request and confirmation that the requirements of Section 5.1.3 have been met.

5.1.4 All PEG Access Channels required by subsections 5.1.1 or 5.1.3 shall be provided on the Basic Service tier, unless the County and the Franchisee otherwise mutually agree in writing.

5.1.5 The existing PEG Access Channels shall be carried on the channel numbers assigned to them in Exhibit B. Thereafter, PEG Access Channel assignments may be changed at the discretion of the Franchisee. PEG Access Channel assignments shall be the same throughout the County. If the Franchisee decides to change the channel designation for any of the PEG Access Channels, it must provide at least thirty (30) days prior written notice to the County, and shall reimburse the County, and/or designated PEG Providers for the reasonable costs incurred by the County or other designated PEG Providers, including, but not limited to, logo modifications, stationery, promotion, and advertising, not to exceed \$2,500 per channel change.

5.1.6 *PEG Interconnection:*

5.1.6.1. The Franchisee shall not interfere with the ability of any other cable operator holding a franchise issued by the County to obtain the content of any of the programming on the PEG Channels, nor shall the Franchisee object to the transmission of the PEG Access Channel signals by any Competing Operator. When not otherwise available to a franchised cable operator through direct connection to a PEG origination site, the Franchisee shall make the signals of each of the PEG Access Channels available for interconnection by a franchised cable operator, subject to the execution of a mutually agreeable interconnection agreement between the Franchisee and the franchised cable operator, or the renewal of any such existing agreement. The Franchisee shall act in good faith during negotiations with a franchised cable operator concerning the negotiation or renegotiation of any agreement between a franchised cable operator and the Franchisee. In addition, should the franchised cable operator and the Franchisee be unable to reach agreement on the terms of a new interconnection agreement, the Franchisee shall allow the franchised cable operator continued access to the programming carried on each of the Access Channels for a reasonable time sufficient to allow the franchised cable operator to obtain independent access to the programming, which time shall not exceed six months.

5.1.6.2. The Franchisee shall cooperate with the County and any franchised cable operator with respect to the installation of any compatible equipment needed to effect any interconnection between facilities owned by the County and the facilities of such franchised cable operator (the "Interconnection Equipment"), for the purpose of obtaining access to the PEG Access Channel signals and transporting such signals to the franchised cable operator's subscribers by means of its own facilities. Franchisee shall cooperate with the County and the franchised cable operator to determine the cause of any interruption or degradation of the signal output by the Interconnection Equipment, and the County may request Franchisee's assistance, at the County's expense, in troubleshooting any Interconnection Equipment owned by the County.

5.1.7 *Management of Channels:* The County may designate one (1) or more entities, including a non-profit access management corporation, to manage the use of one or more of the PEG Access Channels.

5.1.8 *Technical Standards:* The PEG Access Channels shall be carried in compliance with all applicable FCC rules. All PEG Access Channels shall meet the same technical standards applicable to the commercial channels carried on the Basic Tier, provided that the Franchisee shall not be responsible for the production quality of PEG access programming. All PEG Access Channels shall be carried in a manner providing the same signal quality as other channels Franchisee provides for on the Basic Service Tier. In addition, in the event the County desires to implement additional functionality on one or more of the PEG Access Channels comparable to additional functionality available on any other channel on the Basic Service tier, the Franchisee shall cooperate with the County to make such functionality available, provided that implementation of such functionality does

not require the use of additional capacity on the System, or impose any cost on the Franchisee. If the Franchisee makes changes to the Cable System that require improvements to PEG access facilities and equipment, Franchisee shall make any necessary changes to the Franchisee's headend and distribution facilities or equipment within thirty (30) days so that PEG access facilities and equipment may be used as intended in this Agreement. Nothing in this Section shall require the Franchisee to provide PEG Access Channels in high definition.

5.1.9 *Costs and Payments Not Franchise Fees:* The parties agree that any costs to the Franchisee associated with the provision of support for PEG access pursuant to this Franchise Agreement, and any PEG payments made to the County under, pursuant to or outside of this Agreement, do not constitute and are not part of a franchise fee, and fall within one or more of the exceptions to 47 U.S.C. § 542.

5.1.10 *Editorial Control:* Except as expressly permitted by federal law, the Franchisee shall not exercise any editorial control over the content of programming on the PEG Access Channels (except for such programming as the Franchisee may cablecast on such PEG Access Channels).

5.1.11 *Return Feed from PEG Origination Facilities:*

5.1.11.1. Beginning on the Effective Date, the Franchisee shall provide and maintain the existing fiber optic links, the necessary encoding and decoding equipment, and the support necessary to provide for the transmission of PEG access video signals that meet FCC standards for picture quality as currently exist or may be amended, from each of the following locations, for the purposes of transmitting each of the three PEG Access Channels to the Cable System headend: (i) the Stafford County Administration Center, 1300 Courthouse Road Stafford, VA 22554; and (ii) the Holbert Building, 9104 Courthouse Road, Spotsylvania, VA 22553.

5.1.11.2. If any existing or future origination site designated pursuant to this Section is moved or replaced, the Franchisee shall construct and maintain a new fiber-optic link to the new location, including, without limitation, installing new facilities, moving terminal equipment, and splicing fiber, as necessary. Subject to and except as otherwise provided in Section 5.1.11.4, the cost of installing any new link, including fiber construction and the necessary encoder and decoder required for the transmission of the PEG access video signal, shall be borne by the County. After construction of a new link, the Franchisee shall bear the cost of maintenance.

5.1.11.3. The Franchisee shall monitor the PEG Access Channels and the fiber optic return links provided pursuant to this Section 5.1.11 for technical quality, and shall ensure that the return links are maintained in accordance with the same technical standards that the Franchisee applies to the Cable System as a whole.

5.1.11.4. Within sixty (60) days after receiving a request from the County for the construction of any of the fiber links required by Section 5.1.11.2 (each, a "PEG Origination Link"), the Franchisee shall provide the County with a detailed written construction estimate of such costs, with sufficient explanation and supporting material to allow the County to verify the accuracy of the Franchisee's calculations. The construction estimate shall consist of the Actual Cost of the requested PEG Origination Link. For purposes of this section, "Actual Cost" means the direct cost to the Franchisee of materials and labor necessary to perform design, installation and construction of the

requested PEG Origination Link and related facilities. If requested, the Franchisee shall in good faith discuss the specifics of such estimate and less costly alternatives, if any, with the County.

5.1.11.4.1. If the County chooses to proceed with the project, The County may direct the Franchisee to construct the PEG Origination Link within twelve (12) months of a written request to proceed with the project, provided that the County or the entity to be served by the proposed PEG Origination Link shall pay the Franchisee the Actual Cost of the PEG Origination Link.

5.1.11.4.2. After construction of a PEG Origination Link, the Franchisee shall bear the cost of maintenance. Franchisee reserves the right to pass through costs related to PEG Access return line maintenance to Subscribers in accordance with applicable law.

5.1.11.5. If County-owned conduit suitable for the placement of the Franchisee's facilities exists along any portion of a route between a PEG origination facility and the Franchisee's headend, and the County determines that it has conduit capacity available in excess of its likely needs for the foreseeable future, the parties shall meet in good faith to discuss the use of such conduit. Unless otherwise prohibited by law, the Franchisee may agree to use such conduit and the County may make such conduit available if such use would lower the cost of installation of Franchisee's facilities. If suitable County-owned conduit is available and the use of such conduit would reduce the cost of construction to serve a PEG origination facility, but Franchisee elects not to use such conduit, any amount that the County or a PEG entity would be required to pay pursuant to Section 5.1.11.5 above shall be reduced by the amount by which the use of suitable County conduit would reduce the total cost of the project.

## *5.2. PEG Grant:*

5.2.1. *Annual Capital Grant:* Franchisee shall provide an annual grant to the County to be used in support of the production of local PEG programming (the "Annual PEG Access Capital Grant"). Such grant may be used by the County, in its sole discretion for (i) PEG access equipment, including, but not limited to, studio and portable production equipment, editing equipment and program playback equipment; and (ii) renovation or construction of PEG access facilities.

5.2.2. *Amount of Grant:* The Annual PEG Access Capital Grant provided by Franchisee hereunder shall be the sum of twenty cents (\$0.20) per month, per Subscriber in the Franchise Area. The Annual PEG Access Capital Grant payment, along with a brief summary of the Subscriber information and any supporting back-up information upon which it is based, shall be delivered to the County within sixty (60) days after the beginning of each calendar year during the Franchise Term. Calculation of the Annual PEG Access Capital Grant will commence with the first calendar month after the Effective Date.

5.3. *PEG Indemnification:* The County shall require all local producers and users of any of the PEG facilities or Channels to agree in writing to authorize Franchisee to transmit programming consistent with this Agreement and to defend and hold harmless Franchisee and the County from and against any and all liability or other injury, including the reasonable cost of defending claims or litigation, arising from or in connection with claims for failure to comply with applicable federal laws, rules, regulations or other requirements of local, state or federal authorities; for claims of libel, slander, invasion of privacy, or the infringement of common law or statutory copyright; for unauthorized use of

any trademark, trade name or service mark; for breach of contractual or other obligations owing to third parties by the producer or user; and for any other injury or damage in law or equity, which result from the use of a PEG facility or Channel. The County shall establish rules and regulations for use of PEG facilities, consistent with, and as required by, 47 U.S.C. §531.

5.4. *Itemization:* To the extent permitted by federal law, the Franchisee shall be allowed to externalize, itemize or pass through the costs of the Annual PEG Access Capital Grant or any other costs arising from the provision of PEG services from Subscribers and to include such costs as a separately billed line item on each Subscriber's bill. Without limiting the foregoing, if allowed under state and federal laws, Franchisee may externalize, line-item, or otherwise pass-through interconnection costs to Subscribers.

## **6. FRANCHISE FEES**

6.1. *Communications Tax:* The Franchisee shall comply with the provisions of Section 58.1-645 *et seq.* of the Code of Virginia, pertaining to the Virginia Communications Sales and Use Tax, as amended (the "Communications Tax"), and Sections 6.2 through 6.5 of this Agreement shall not have any effect, for so long as the Communications Tax or a successor state or local tax that would constitute a franchise fee for purposes of 47 U.S.C. § 542, as amended, is imposed on the sale of cable services by the Franchisee to subscribers in the County.

6.2. *Payment of Franchise Fee to County:* In the event that the Communications Tax is repealed and no successor state or local tax is enacted that would constitute a franchise fee for purposes of 47 U.S.C. § 542, as amended, and a franchise fee continues to be allowed pursuant to 47 U.S.C. § 542, Franchisee shall pay to the County a Franchise fee of five percent (5%) of annual Gross Revenue, or such other amount as may then be allowed under federal law, beginning on the effective date of the repeal of such tax (the "Repeal Date"). Beginning on the Repeal Date, the terms of Sections 6.2 through 6.6 of this Agreement shall take effect. In accordance with Title VI of the Communications Act, the twelve (12) month period applicable under the Franchise for the computation of the Franchise fee shall be a calendar year. Such payments shall be made no later than thirty (30) days following the end of each calendar quarter. Should Franchisee submit an incorrect amount, Franchisee shall be allowed to add or subtract that amount in a subsequent quarter, but no later than one hundred twenty (120) days following the close of the calendar year for which such amounts were applicable; such correction shall be documented in the supporting information required under Section 6.3.

6.3. *Supporting Information:* Within fifteen (15) days after submitting each Franchise fee payment, the Franchisee shall deliver to the County a brief report in the form of and containing the information required by Exhibit C, prepared by a representative of Franchisee, showing the basis for the computation. The County shall have the right to reasonably request further supporting information for each Franchise fee payment.

6.4. *Limitation on Franchise Fee Actions:* The period of limitation for recovery of any Franchise fee payable hereunder shall be five (5) years from the date on which payment by Franchisee is due.



6.5. *Bundled Services*: If the Franchisee bundles Cable Service with non-Cable Service, the Franchisee agrees that it will not intentionally or unlawfully allocate such revenue for the purpose of evading the Franchise fee payments under this Agreement. In the event that the Franchisee or any Affiliate shall bundle, or combine Cable Services (which are subject to the franchise fee) with non-Cable Services (which are not subject to the franchise fee), so that subscribers pay a single fee for more than one class of service or receive a discount on Cable Services, a *pro rata* share of the revenue received for the bundled, or combined services shall, to the extent reasonable, and in a manner consistent with GAAP be allocated to gross revenues for purposes of computing the franchise fee. To the extent there are published charges and it is reasonable, the *pro rata* share shall be computed on the basis of the published charge for each of the bundled, tied, or combined services, when purchased separately. However, the parties agree that there may be exceptions such as equipment or tariffed telecommunications services that cannot be discounted under state or federal law or regulations are excluded from the bundled allocation obligations in this section.

6.5.1. The Franchisee shall provide with each payment of the PEG Access Capital Grant information supporting its calculation of the PEG Access Capital Grant payment, including both a statement of the number of subscribers for any applicable period, and documentation demonstrating the accuracy of the number of subscribers used in the computation. The County shall preserve the confidentiality of such information to the extent permitted by applicable law.

## **7. CUSTOMER SERVICE**

7.1. *Definitions*: Except as otherwise provided in this Article 7 or elsewhere in this Agreement, the definitions and word usage set forth in 47 U.S.C. §76.309 are incorporated in this Agreement.

7.1.1. *Respond*: Franchisee's investigation of a Service Interruption by receiving a Subscriber call and opening a trouble ticket, if required.

7.1.2. *Service Call*: The action taken by the Franchisee to correct a Service Interruption, or to perform other maintenance, repair, or adjustment requested by a Subscriber (but not including installation), the effect of which is limited to an individual Subscriber.

7.1.3. *Significant Outage*: A Significant Outage shall mean any loss of picture or sound on one or more Channels lasting at least four (4) continuous hours that affects at least two thousand five hundred (2,500) Subscribers in the County.

7.1.4. *Standard Installation*: Installations where the subscriber is within two hundred (200) feet of trunk or feeder lines.

7.1.5. *Normal Business Hours*: Hours during which most similar businesses in the community are open to serve customers. In all cases, "normal business hours" must include some evening hours at last one night per week and/or some weekend hours..

7.1.6. *Service Interruption*: The loss of picture or sound on one or more cable channels.

7.1.7. *Normal Operating Conditions:* Those service conditions which are within the control of the Franchisee. Those conditions which are not within the control of the Franchisee include, but are not limited to, natural disasters, civil disturbances, power outages, telephone network outages, and severe or unusual weather. Those conditions which are ordinarily within the control of the Franchisee include, but are not limited to, special promotions, pay-per-view events, rate increases, regular peak or seasonal demand periods, and maintenance or upgrade of the cable system.

7.1.8. *Complaint:* Any written or verbal contact with the Franchisee in connection with a subscription or the Franchisee's Cable System in which a person expresses dissatisfaction with an act, omission, product or service that is (1) within the Franchisee's control; and (2) requires a corrective measure on the part of the Franchisee. Notwithstanding the foregoing, any contact from a Subscriber that is resolved in the course of a telephone call so that Franchisee does not subsequently have to perform any corrective action shall not be deemed a "Complaint."

7.2. *Telephone and Office Availability:*

7.2.1. *Local Office:* The Franchisee shall maintain an office at a convenient location in the County or in a city located in or adjacent to the County, which shall be open during Normal Business Hours to allow Subscribers to request service, pay bills, exchange equipment, and conduct other business for a minimum of three (3) years after the Effective Date of this agreement. After that three (3) year period, in the event that the Franchisee plans to relocate said office, Franchisee agrees to meet with the County to discuss said planned relocation, and shall provide appropriate notice to its Subscribers of the relocation.

7.2.2. *Telephone Inquiries:* The Franchisee shall maintain a toll-free number to receive all calls and inquiries from Subscribers in the Franchise Area and/or residents regarding Cable Service. Franchisee representatives trained and qualified to answer questions related to Cable Service in the Franchise Area must be available to receive reports of Service Interruptions twenty-four (24) hours a day, seven (7) days a week, and other inquiries during Normal Business Hours. Franchisee representatives shall identify themselves by name when answering this number.

7.2.3. *Franchisee's Telephone Number:* The Franchisee's toll-free telephone numbers will appear on subscriber bills, the Franchisee's website and in the annual notice.

7.2.4. *Telephone Answering Method:* Franchisee may at its sole discretion use an Automated Response Unit ("ARU") or a Voice Response Unit ("VRU") to distribute calls. If a foreign language routing option is provided, and the Subscriber does not enter an option, the menu will default to the first tier menu of English options.

7.2.4.1. After the first tier menu (not including a foreign language rollout) has run through three times, if customers do not select any option, the ARU or VRU will forward the call to a queue for a live representative. The Franchisee may reasonably substitute this requirement with another method of handling calls from customers who do not have touch-tone telephones.

*7.2.5. Telephone Answering Standards:* Under Normal Operating Conditions, calls received by the Franchisee shall be answered within thirty (30) seconds. The Franchisee shall meet this standard for ninety percent (90%) of the calls it receives at all call centers receiving calls from Subscribers, as measured on a quarterly basis. Measurement of this standard shall include all calls received by the Franchisee at all call centers receiving calls from Subscribers, whether they are answered by a live representative, by an automated attendant, or abandoned after 30 seconds of call waiting. If a call needs to be transferred, transfer time shall not exceed thirty (30) seconds. This standard shall be met no less than ninety percent (90%) of the time under Normal Operating Conditions, measured on a quarterly basis.

*7.2.6. Busy Signals:* Under Normal Operating Conditions, callers to the Franchisee shall receive a busy signal no more than three (3%) percent of the time during any calendar quarter, as measured on a quarterly basis.

*7.3. Installations and Service Appointments:*

*7.3.1. Compliance with Law:* All installations will be in accordance with applicable law, including but not limited to, appropriate grounding, connection of equipment to ensure reception of Cable Service, and the provision of required consumer information and literature to adequately inform the Subscriber in the utilization of the Franchisee-supplied equipment and Cable Service.

*7.3.2. Standard Installations:* Standard Installations shall be performed within seven (7) business days after an order is placed. Under Normal Operating Conditions, the Franchisee shall meet this standard for no less than ninety-five percent (95%) of the Standard Installations it performs, as measured on a calendar quarter basis.

*7.3.3. Time for Performing Service Calls:* The Franchisee shall perform Service Calls, installations, and disconnects at least during Normal Business Hours. The Franchisee shall not cancel a service or installation appointment after the close of business on the business day preceding the appointment. The Franchisee will offer Subscribers “appointment window” alternatives for arrival to perform installations, Service Calls and other activities of a maximum four (4) hours scheduled time block during appropriate daylight available hours, usually beginning at 8:00 AM unless the Franchisee deems it appropriate to begin earlier by location exception. At the Franchisee’s discretion, the Franchisee may offer Subscribers appointment arrival times other than these four (4) hour time blocks, if agreeable to the Subscriber. These hour restrictions do not apply to weekends. If at any time an installer or technician believes it impossible to make a scheduled appointment time, an attempt to contact the customer will be made prior to the end time of the appointment window and the appointment scheduled at a time convenient to the customer, if rescheduling is necessary. It is the Franchisee’s burden to prove it met an appointment.

*7.4. Service Interruptions and Outages:*

7.4.1. *Notice of Unplanned Outage:* If the Franchisee becomes aware of an unplanned Significant Outage, the Franchisee shall notify the County of the Significant Outage. The County shall provide the Franchisee with a single point of contact telephone number and email address to be used by the Franchisee in notifying the County.

7.4.2. *Planned Outages:* The Franchisee shall exercise commercially reasonable efforts to limit any planned Significant Outage necessary for the purpose of maintaining, repairing, or constructing the Cable System. Except in an emergency or other situation necessitating a more expedited or alternative notification procedure, the Franchisee may schedule a planned Significant Outage for a period of more than four (4) hours during any twenty-four (24) hour period only after the County and each affected Subscriber have been given fifteen (15) days prior notice of the planned Significant Outage. Notwithstanding the foregoing, Franchisee may perform modifications, repairs and upgrades to the System without prior notification between 12.01 a.m. and 6 a.m., which may interrupt service.

7.4.3. *Ability to Respond:* Franchisee representatives who are capable of responding to Service Interruptions must be available to Respond twenty-four (24) hours a day, seven (7) days a week.

7.4.4. *Time for Response:* Under Normal Operating Conditions, the Franchisee must Respond to a call from a Subscriber regarding a Service Interruption or other service problem within twenty-four (24) hours, including weekends, of receiving the Subscriber's call.

7.4.5. *Completion of Work:* Under Normal Operating Conditions, the Franchisee shall use best efforts to complete Service Calls within seventy-two (72) hours of the time Franchisee commences to Respond to the Service Interruption or other request for a Service Call, not including situations where the Subscriber is not reasonably available for a Service Call.

7.4.6. *Performance Standard:* The Franchisee shall meet the standard in Subsection 7.4.5 of this Section for ninety percent (90%) of the Service Calls it completes, as measured on a quarterly basis.

7.4.7. *Credit for Loss of Service:* The Franchisee shall provide a credit upon Subscriber request when all Channels received by that Subscriber are out of service for a period of four (4) consecutive hours or more. The credit shall equal, at a minimum, a proportionate amount of the affected Subscriber(s) current monthly bill. In order to qualify for the credit, the Subscriber must promptly report the problem and allow the Franchisee to verify the problem if requested by the Franchisee. If Subscriber availability is required for repair, a credit will not be provided for such time, if any, that the Subscriber is not reasonably available.

7.4.8. *Credit for Outage:* Under Normal Operating Conditions, if a Significant Outage affects all Cable Services for more than twenty-four (24) consecutive hours, the Franchisee shall issue an automatic credit to the affected Subscribers in the amount equal to their monthly recurring charges for the proportionate time the Cable Service was out. If a Significant Outage occurs during a period when Normal Operating Conditions do not apply, the Franchisee may exercise its own discretion in deciding whether to issue credits for the Significant Outage. Such credit shall be reflected on Subscriber billing statements within the next available billing cycle following the Significant Outage.

Notwithstanding the foregoing, if the Franchisee has issued an automatic credit to affected Subscribers but inadvertently fails to issue a credit to one or more Subscribers entitled to the credit, the County shall not find the Franchisee to be in violation of this requirement if the number of Subscribers who did not receive the credit is *de minimis* and the Franchisee offers the credit promptly upon being notified of the error.

*7.5. Customer Complaints:* Under Normal Operating Conditions, the Franchisee shall (i) investigate Subscriber complaints referred by the County within five (5) days; (ii) resolve Subscriber complaints referred by the County within thirty (30) days; (iii) provide a response as to the complaint resolution to the Subscriber; and (iv) provide notice to the County upon resolution of a referred complaint. Franchisee shall ensure that all such referred complaints are treated by the responsible Franchisee personnel as priority, until they are resolved. The Franchisee shall notify the County of those matters that necessitate an excess of thirty (30) days to resolve. The County may require reasonable documentation to be provided by the Franchisee to substantiate the request for additional time to resolve the problem. For purposes of this Section, “resolve” means that the Franchisee shall perform those actions, which, in the normal course of business, are necessary to investigate the Customer’s complaint and advise the Customer of the results of that investigation.

*7.6. Billing:*

*7.6.1. Content of Bills:* Subscriber bills must be itemized to describe Cable Services purchased by Subscribers and related equipment charges. Bills shall clearly delineate activity during the billing period, including optional charges, rebates, credits, and aggregate late charges. Franchisee shall, without limitation as to additional line items, be allowed to itemize as separate line items, Franchise fees, Franchise related costs, taxes and/or other governmentally imposed fees. The Franchisee shall maintain records of the date and place of mailing of bills.

*7.6.2. Payment Due Date:* Every Subscriber with a current account balance sending payment directly to Franchisee shall be given at least twenty (20) days from the date statements are mailed to the Subscriber until the payment due date.

*7.6.3. Notice of Due Date:* A specific due date shall be listed on the bill of every Subscriber whose account is current. Delinquent accounts may receive a bill which lists the due date as upon receipt; however, the current portion of that bill shall not be considered past due except in accordance with Section 7.6.2 above.

*7.6.4. Billing Disputes:* Any Subscriber who, in good faith, disputes all or part of any bill shall have the option of withholding the disputed amount without disconnect or late fee being assessed until the dispute is resolved provided that:

- (1) The Subscriber pays all undisputed charges;
- (2) The Subscriber provides notification of the dispute to Franchisee in writing within five (5) days prior to the due date; and
- (3) The Subscriber cooperates in determining the accuracy and/or appropriateness of the charges in dispute.

It shall be within the Franchisee's sole discretion to determine when the dispute has been resolved.

*7.6.5. Billing Complaints:* Under Normal Operating Conditions, the Franchisee shall initiate investigation and resolution of all billing complaints received from Subscribers within five (5) business days of receipt of the complaint. Final resolution shall not be unreasonably delayed.

*7.6.6. Contact Information:* The Franchisee shall provide a telephone number and address on the bill for Subscribers to contact the Franchisee.

*7.6.7. Bill Inserts:* The Franchisee shall forward a copy of any Cable Service related billing inserts or other mailing sent to Subscribers to the County upon written request.

*7.6.8. Method of Payment:* The Franchisee shall provide all Subscribers with option of paying for Cable Service by such means as credit card, by check or an automatic payment option where the amount of the bill is automatically deducted from a checking account designated by the Subscriber. Based on credit history, at the option of the Franchisee, the payment alternative may be limited.

#### *7.7 Deposits, Refunds and Credits:*

*7.7.1. Deposits:* The Franchisee may require refundable deposits from Subscribers 1) with a poor credit or poor payment history, 2) who refuse to provide credit history information to the Franchisee, or 3) who rent Subscriber equipment from the Franchisee, so long as such deposits are applied on a non-discriminatory basis and the amounts of such deposits are established in accordance with applicable law.

*7.7.2. Refunds and Credits:* The Franchisee shall refund or credit the Subscriber for the amount of the deposit collected for equipment, which is unrelated to poor credit or poor payment history, after one year and provided the Subscriber has demonstrated good payment history during this period. The Franchisee shall pay interest on other deposits if required by law.

*7.7.3. Timing of Refunds:* Under Normal Operating Conditions, refund checks will be issued within the next available billing cycle following the resolution of the event giving rise to the refund, (e.g. equipment return and final bill payment).

*7.7.4. Timing of Credits:* Credits for Cable Service will be issued no later than the Subscriber's next available billing cycle, following the determination that a credit is warranted, and the credit is approved and processed. Such approval and processing shall not be unreasonably delayed.

*7.7.5. Receipt of Payment:* Bills shall be considered paid when appropriate payment is received by the Franchisee or its authorized agent. Appropriate time considerations shall be included in the Franchisee's collection procedures in accordance with applicable law to assure that payments due have been received before late notices or termination notices are sent.

#### *7.8. Rates, Fees and Charges:*

*7.8.1. Late Fees:* The Franchisee shall not, except to the extent permitted by law, impose any fee or charge for Service Calls to a Subscriber's premises to perform any repair or

maintenance work related to Franchisee's plant or equipment necessary to receive Cable Service, except where such problem is caused by a negligent or wrongful act of the Subscriber (including, but not limited to a situation in which the Subscriber reconnects Franchisee equipment incorrectly), failure of Subscriber-owned equipment, or by the failure of the Subscriber to take reasonable precautions to protect the Franchisee's equipment (for example, a dog chew).

7.8.2. *Notice of Late Fee:* The Franchisee shall provide reasonable notice to Subscribers of the possible assessment of a late fee on bills or by separate notice.

7.9. *Disconnection / Denial of Service:*

7.9.1. *Disconnection:* The Franchisee shall not terminate Cable Service for nonpayment of a delinquent account unless the Franchisee mails a notice of the delinquency and impending termination prior to the proposed final termination. The notice shall be mailed to the Subscriber to whom the Cable Service is billed. The notice of delinquency and impending termination may be part of a billing statement.

7.9.2. *Restoration of Service:* Cable Service terminated in error must be restored without charge within twenty-four (24) hours of notice. If a Subscriber was billed for the period during which Cable Service was terminated in error, a credit shall be issued to the Subscriber if the Service Interruption was reported by the Subscriber.

7.9.3. *Denial of Service:* Nothing in these standards shall limit the right of the Franchisee to deny Cable Service for non-payment of previously provided Cable Services, refusal to pay any required deposit, theft of Cable Service, damage to the Franchisee's equipment, abusive and/or threatening behavior toward the Franchisee's employees or representatives, or refusal to provide credit history information or refusal to allow the Franchisee to validate the identity, credit history and credit worthiness via an external credit agency.

7.10. *Communications with Subscribers:*

7.10.1. *Identification of Franchisee Personnel:* All Franchisee personnel, contractors and subcontractors contacting Subscribers or potential Subscribers outside the office of the Franchisee shall wear a clearly visible identification card bearing their name and photograph. The Franchisee shall make reasonable effort to account for all identification cards at all times. In addition, all Franchisee representatives shall wear appropriate clothing while working at a Subscriber's premises. Every service vehicle of the Franchisee and its contractors or subcontractors shall be clearly identified as such to the public. Specifically, Franchisee vehicles shall have the Franchisee's logo plainly visible. The vehicles of those contractors and subcontractors working for the Franchisee shall have the contractor's / subcontractor's name plus markings (such as a magnetic door sign) indicating they are under contract to the Franchisee.

7.10.2. *Contacts with Subscribers:* All contact with a Subscriber or potential Subscriber by a Person representing the Franchisee shall be conducted in a courteous manner.



7.10.3. *Notice of County's Role in Complaint Process:* The Franchisee shall send annual notices to all Subscribers informing them that any complaints or inquiries not satisfactorily handled by the Franchisee may be referred to the County.

7.10.4. *Form of Notice:* All notices identified in this Section shall be by either:

(1) A separate document that is either mailed directly to the customer, included with a billing statement, or included on the portion of the monthly bill that is to be retained by the Subscriber; or

(2) A separate electronic notification.

7.10.5. *Notice of Changes in Rates and Services:* The Franchisee shall provide reasonable notice to Subscribers and the County of any pricing changes or additional charges (excluding sales discounts, new products or offers) and, subject to the foregoing, any significant changes in Cable Services, including channel line-ups. Such notice must be given to Subscribers a minimum of thirty (30) days in advance of such changes if within the control of the Franchisee, and the Franchisee shall provide a copy of the notice to the County including how and where the notice was given to Subscribers.

7.10.6. *Annual Notice to Subscribers:* In accordance with applicable law, the Franchisee shall provide information to all Subscribers about each of the following items at the time of installation of Cable Services, annually to all Subscribers, at any time upon request, and, subject to Section 7.10.5, at least thirty (30) days prior to making significant changes in the information required by this Section if within the control of the Franchisee:

(1) Products and Cable Service offered;

(2) Prices and options for Cable Services and condition of subscription to Cable Services. Prices shall include those for Cable Service options, equipment rentals, program guides, installation, downgrades, late fees and other fees charged by the Franchisee related to Cable Service;

(3) Installation and maintenance policies including, when applicable, information regarding the Subscriber's in-home wiring rights during the period Cable Service is being provided;

(4) Channel positions of Cable Services offered on the Cable System;

(5) Complaint procedures, including the name, address and telephone number of the County, but with a notice advising the Subscriber to initially contact the Franchisee about all complaints and questions;

(6) Procedures for requesting Cable Service credit;

(7) The availability of a parental control device;

(8) Franchisee practices and procedures for protecting against invasion of privacy; and

(9) The address and telephone number of the Franchisee's office to which complaints may be reported.

Where reasonably possible, the Franchisee shall give the County advance copies of the notices required in this subsection prior to distribution to subscribers if the reason for notice is due to a change that is within the control of Franchisee and as soon as possible if not within the control of Franchisee.

7.10.7. *Content of Notice of Rate Changes:* Notices of changes in rates shall indicate the Cable Service new rates and old rates, if applicable.

7.10.8. *Channel Changes:* Notices of changes of Cable Services and/or Channel locations shall include a description of the new Cable Service, the specific channel location, and the hours of operation of the Cable Service if the Cable Service is only offered on a part-time basis. In addition, should the channel location, hours of operation, or existence of other Cable Services be affected by the introduction of a new Cable Service, such information must be included in the notice.

7.10.9. *Termination Notices:* Every notice of termination of Cable Service shall include the following information:

- (1) The name and address of the Subscriber whose account is delinquent;
- (2) The amount of the delinquency for all services billed;
- (3) The date by which payment is required in order to avoid termination of Cable Service; and
- (4) The telephone number for the Franchisee where the Subscriber can receive additional information about their account and discuss the pending termination.

## **8. REPORTS AND RECORDS**

8.1. *Open Books and Records:* Upon reasonable written notice to the Franchisee, the County shall have the right to inspect and copy Franchisee's books and records pertaining to Franchisee's provision of Cable Service in the Franchise Area, as reasonably necessary to ensure compliance with the terms of this Franchise. Such notice shall specifically reference the section or subsection of the Franchise which is under review, so that Franchisee may organize the necessary books and records for appropriate access by the County. Franchisee shall not be required to maintain any books and records for Franchise compliance purposes longer than five (5) years. Notwithstanding anything to the contrary set forth herein, Franchisee shall not be required to disclose any of its or an Affiliate's books and records not relating to the provision of Cable Service in the Franchise Area. Franchisee shall not be required to provide Subscriber information in violation of Section 631 of the Communications Act, 47 U.S.C. §551. Books and records shall be accorded confidential treatment to the extent provided by and in accordance with Section 8.4 hereof.

8.1.1. *Voluminous Materials.* Books and records shall be made available at Franchisee's office in the County during Normal Business Hours, or at such other reasonable time and place as the parties may agree, including electronic submission. If any books, records, maps or plans, or other requested documents are too voluminous, or for security reasons cannot be copied and moved, then the Franchisee may request that any inspection take place at some other location, provided that (1) the

Franchisee shall make necessary arrangements for copying documents selected by the County after review; and (2) electronically transmitting said documents to the County. The parties agree that any payments made by the Franchisee hereunder are not a franchise fee.

8.1.2. *Audit Provision:* The County shall have the right to conduct an audit or review of the books and records of the Franchisee under the procedures specified in Section 8.1 of this Agreement for purposes of verifying and recomputing any amounts determined to be payable by the Franchisee to the County under this Agreement, including, without limitation, the PEG Capital Grant. The Franchisee shall bear the County's reasonable expenses of any such audit or review performed by a qualified, independent third-party expert, up to a maximum of seven thousand five hundred dollars (\$7,500), if such audit or review discloses an underpayment by the Franchisee of more than three percent (3%) of any quarterly payment and five thousand dollars (\$5,000) or more. The County shall not conduct such an audit or review of the Franchisee more frequently than once every twenty-four (24) months. The County shall have no more than five (5) years from the time the Franchisee delivers a payment to initiate an audit or review of that payment pursuant to this Section 8.1.2. In the event that the Franchisee disputes any underpayment discovered as the result of an audit or review conducted by the County, the County shall work together with the Franchisee in good faith to promptly resolve such dispute. The County and the Franchisee maintain all rights and remedies available at law regarding any disputed amounts.

8.2. *Records Required:* Franchisee shall at all times maintain:

8.2.1. Records of unplanned Significant Outages for a period of four (4) years after occurrence, indicating date, duration, area, cause and the number of Subscribers affected;

8.2.2. Records of service calls for repair and maintenance for a period of four (4) years after resolution by Franchisee, indicating the date and time service was required, the date of acknowledgment and date and time service was scheduled (if it was scheduled), and the date and time service was provided, and (if different) the date and time the problem was resolved; and

8.2.3. Records of installation/reconnection and requests for service extension for a period of four (4) years after the request was fulfilled by Franchisee, indicating the date of request, date of acknowledgment, and the date and time service was extended.

8.3. *Maps:* Upon fifteen (15) days' written notice, the Franchisee shall make updated, as-built design maps of the Cable System available for examination by the County at the Franchisee's office in the County, or at another mutually acceptable location. The Franchisee shall also provide the County with updated strand maps of the Cable System at the following times: (i) within thirty (30) days of the effective date of this Agreement; and (ii) annually, within thirty (30) days after written request from the County. Such strand maps shall be provided in a CAD (computer-aided design) or other electronic format approved by the County, such as ESRI or AutoCAD. Maps shall be accorded confidential treatment to the extent provided by and in accordance with Section 8.4 hereof.

8.4. *Proprietary and Confidential Information:* Notwithstanding anything to the contrary set forth herein, Franchisee shall not be required to disclose information that it reasonably deems to be proprietary or confidential in nature except in accordance with the Virginia Freedom of Information Act, Code of Virginia §§ 2.2-3700-3714, and the following procedures, or to disclose any of its or an Affiliate's books and records not relating to the provision of Cable Service in the Service Area. If Franchisee believes that any requested information is confidential and proprietary, Franchisee must provide the following documentation to the County: (i) specific identification of the information; (ii) a statement attesting to the reason(s) Franchisee believes the information is confidential and/or proprietary; and (iii) a statement that the document(s) are available for inspection by the County. Such inspection shall take place at a location within the County or at a mutually agreed upon location no greater than thirty (30) miles from the County. Franchisee shall be responsible for clearly and conspicuously stamping the word "Confidential" on each page that contains any "confidential" or "proprietary" information. Unless otherwise ordered by a court or agency of competent jurisdiction, the County agrees that, to the extent permitted by applicable law, it shall deny access to any of Franchisee's information marked "Confidential" as set forth in this Section 8.3 to any Person or governmental entity. If, in the course of enforcing this Franchise or for any other reason, the County believes it must disclose any information marked "Confidential" as set forth in this Section 8.4, the County shall provide reasonable advance notice of such disclosure so that Franchisee can take appropriate steps to protect its interests. If the County receives a demand from any Person or governmental entity for disclosure of any information identified as "Confidential" pursuant to this Section 8.4, the County shall, so far as consistent with applicable law, advise Franchisee and provide Franchisee with a copy of any written request prior to granting the Person or governmental entity access to such information.

## **9. INSURANCE AND INDEMNIFICATION**

### ***9.1. Insurance:***

9.1.1. Franchisee shall maintain in full force and effect, at its own cost and expense, during the Franchise Term, the following insurance coverage:

9.1.1.1. Commercial General Liability Insurance in the amount of one million dollars (\$1,000,000) combined single limit for property damage and bodily injury. Such insurance shall cover the construction, operation and maintenance of the Cable System, and the conduct of Franchisee's Cable Service business in the County.

9.1.1.2. Automobile Liability Insurance in the amount of one million dollars (\$1,000,000) combined single limit for bodily injury and property damage coverage.

9.1.1.3. Workers' Compensation Insurance meeting all legal requirements of the Commonwealth of Virginia.

9.1.1.4. Employers' Liability Insurance in the following amounts: (A) Bodily Injury by Accident: one hundred thousand dollars (\$100,000); and (B) Bodily Injury by Disease: one hundred thousand dollars (\$100,000) employee limit; five hundred thousand dollars (\$500,000) policy limit.

9.1.2. The County shall be designated as additional insured under each of the insurance policies required in this Article 9 except Workers' Compensation and Employers' Liability Insurance.

9.1.3. Franchisee shall not cancel any required insurance policy without obtaining alternative insurance in conformance with this Agreement.

9.1.4. All policies shall be issued by companies qualified to write insurance in the Commonwealth of Virginia and which maintain throughout the policy term a general rating of A-VII and a financial size category of "A:X" as determined by AM Best Rating Company.

9.1.5. Franchisee shall deliver to the County Certificates of Insurance showing evidence of the required coverage within thirty (30) days after the Effective Date, and upon written request thereafter.

## *9.2. Indemnification:*

9.2.1. Franchisee agrees to indemnify, save and hold harmless, and defend the County, its officers, agents, boards and employees, from and against any liability for damages or claims resulting from tangible property damage or bodily injury (including accidental death), to the extent caused by Franchisee's negligent construction, operation, or maintenance of its Cable System, provided that the County shall give Franchisee written notice of its obligation to indemnify the County within ten (10) days of receipt of a claim or action pursuant to this subsection. Notwithstanding the foregoing, Franchisee shall not indemnify the County, for any damages, liability or claims resulting from the willful misconduct or negligence of the County, its officers, agents, employees, attorneys, consultants, independent contractors or third parties or for any activity or function conducted by any Person other than Franchisee in connection with PEG Access Channels or EAS, or the distribution of any Cable Service over the Cable System.

9.2.2. With respect to Franchisee's indemnity obligations set forth in Section 9.2.1, Franchisee shall provide the defense of any claims brought against the County by selecting counsel of Franchisee's choice to defend the claim, subject to the consent of the County, which shall not unreasonably be withheld. Nothing herein shall be deemed to prevent the County from cooperating with the Franchisee and participating in the defense of any litigation by its own counsel at its own cost and expense, provided however, that after consultation with the County, Franchisee shall have the right to defend, settle or compromise any claim or action arising hereunder, and Franchisee shall have the authority to decide the appropriateness and the amount of any such settlement. In the event that the terms of any such proposed settlement includes the release of the County and the County does not consent to the terms of any such settlement or compromise, Franchisee shall not settle the claim or action but its obligation to indemnify the County shall in no event exceed the amount of such settlement.

9.2.3. The County shall be responsible for its own acts of willful misconduct or negligence, or breach of obligation committed by the County for which the County is legally responsible, subject to any and all defenses and limitations of liability provided by law. The Franchisee shall not be required to indemnify the County for acts of the County which constitute willful misconduct or negligence on the part of the County, its officers, employees, agents, attorneys, consultants, independent contractors or third parties.

## **10. TRANSFER OF FRANCHISE**

10.1. *Approval Required.* No Transfer of the Franchise shall occur without the prior consent of the Board of Supervisors, provided that such consent shall not be unreasonably withheld, delayed or conditioned. No application for the approval of a Transfer shall be approved by the Board unless the transferee agrees in writing that it will abide by and accept all terms of this agreement, and that it will assume the obligations, liabilities and responsibility for all acts and omissions, known and unknown, of the incumbent franchisee under this agreement, for all purposes, including renewal, unless the Board, in its discretion, expressly waives all or part of this requirement.

10.2. *No Consent Required.* No such consent shall be required, however, for the following:

10.2.1. A transfer in trust, by mortgage, by other hypothecation, by assignment of any rights, title, or interest of the Franchisee in the Franchise or Cable System in order to secure indebtedness; or

10.2.2. Transfer of an ownership or other interest in Franchisee to the parent of Franchisee or to another Affiliate of Franchisee; transfer of an interest in the Franchise or the rights held by the Franchisee under the Franchise to the parent of Franchisee or to another Affiliate of Franchisee; any action which is the result of a merger of the parent of the Franchisee; or any action which is the result of a merger of another Affiliate of the Franchisee.

10.3. *Preservation of County's Rights.* In the case of any Transfer, regardless of whether consent of the Board of Supervisors is required, the transferee shall assume the obligations, liabilities and responsibility for all acts and omissions, known and unknown, of the incumbent franchisee under this agreement, for all purposes, including renewal, and agree to be bound by the terms of this Franchise.

10.4. *Approval does not constitute waiver of rights.* Approval by the Board of a Transfer, or consummation of a Transfer permitted by Section 10.2, does not constitute a waiver or release of any of the rights of the Board under this agreement against the transferor franchisee, whether arising before or after the date of the Transfer.

## **11. RENEWAL OF FRANCHISE**

11.1. *Federal Law*: The County and Franchisee agree that any proceedings undertaken by the County that relate to the renewal of this Franchise shall be governed by and comply with the provisions of Section 626 of the Communications Act, 47 U.S.C. § 546.

11.2. *Needs Assessment*: The County agrees that if the County issues a request for a proposal under 47 U.S.C. § 546(b), the County shall provide the Franchisee with copies of any assessments of future cable-related needs and interests or the past performance of the Franchisee that were relied upon by the County in preparing the request for proposal..

11.3. *Informal Renewal*: Notwithstanding anything to the contrary set forth herein, Franchisee and the County agree that at any time during the term of the then current Franchise, while affording the public appropriate notice and opportunity to comment, the County and Franchisee may agree to undertake and finalize informal negotiations regarding renewal of the then current Franchise and the County may grant a renewal thereof.

11.4. *Consistent with Law*: Franchisee and the County consider the terms set forth in this Article 12 to be consistent with the express provisions of 47 U.S.C. § 546 and Virginia Code Section 15.2-2108.30.

## **12. ENFORCEMENT AND TERMINATION OF FRANCHISE**

12.1. *Notice of Violation*: If at any time the County believes that Franchisee has not complied with the terms of the Franchise, the County shall make a good faith effort to informally discuss the matter with Franchisee.

12.2. *Franchisee's Right to Cure or Respond*: Before seeking enforcement of the Franchise, the County shall notify the Franchisee in writing of the exact nature of the alleged noncompliance (the "Noncompliance Notice"). Franchisee shall have twenty (20) business days from receipt of the Noncompliance Notice to: (i) respond to the County, if Franchisee contests (in whole or in part) the assertion of noncompliance; (ii) cure such noncompliance; or (iii) in the event that, by its nature, such noncompliance cannot be cured within such twenty (20) day period, initiate reasonable steps to remedy such noncompliance and notify the County of the steps being taken and the date by which cure is projected to be completed. Upon cure of any noncompliance, County shall provide written confirmation that such cure has been effected. The foregoing 20-day cure period shall not apply to customer service obligations measured on a quarterly basis ("Quarterly Standards"), which shall be governed by Section 12.2.1. Upon written request from the County, no later than thirty (30) days after the end of each calendar quarter, the Franchisee shall provide the County a written report demonstrating the Franchisee's level of compliance with each of the Quarterly Standards.

12.2.1. *Quarterly Standards*: If the Franchisee fails to meet any Quarterly Standard in calendar quarter, the County shall have the right to begin the process of assessing liquidated damages pursuant to Section 12.3.4 by sending a Noncompliance Notice notifying the Franchisee that the Franchisee failed to comply with the Quarterly Standard in question, in order to inform the Franchisee that the Franchisee is not in compliance with such Quarterly Standard. Receipt of the Noncompliance Notice shall be deemed opportunity to cure. Upon submitting any report to the County that demonstrates that the Franchisee has not complied with a Quarterly Standard, or within twenty (20) business days after



receipt of a Noncompliance Notice, the Franchisee may submit information to the County describing any extenuating circumstances related to any such noncompliance, and may request that the County waive liquidated damages, as provided in Section 12.5. If the Franchisee fails to meet the same Quarterly Standard in the immediately succeeding calendar quarter, the County shall have the right to assess liquidated damages pursuant to Section 12.3.4 by sending a Notice of Assessment in accordance with Section 12.7.

12.3. In the event the County finds Franchisee in non-compliance after the notice and cure provisions as set forth in this Section 12.1 and 12.2, prior to the County assessing Liquidated Damages against the Franchisee pursuant to Section 12.4, Franchisee may request a meeting before the Communications Commission to demonstrate compliance. At the designated meeting, Franchisee shall be provided a fair opportunity for full participation including an opportunity to state its position.

12.4. *Enforcement:* Subject to applicable federal and state law and the terms and conditions of this Agreement, including Section 12.2, the County may apply one or more of the following remedies if the County determines that Franchisee is in default of any provision of this Franchise:

12.4.1. Seek specific performance of any provision, which reasonably lends itself to such remedy, as an alternative to damages; or

12.4.2. Commence an action at law for monetary damages or seek other equitable relief; or

12.4.3. In the case of a default of a material provision of the Franchise, seek to revoke the Franchise in accordance with Section 12.9; or

12.4.4. Assess and collect liquidated damages as set forth in Section 12.4 of this Agreement; or

12.4.5. Apply any other remedy provided for in this Agreement or applicable federal, state or local laws.

12.5. *Liquidated Damages:* Because the Franchisee's failure to comply with provisions of this Franchise may result in injury to the County, because it may be difficult to quantify the extent of such injury, and in full satisfaction for the term of this Agreement of the obligations set forth in this Agreement, the County and the Franchisee agree that, subject to the procedures in Section 12.7, liquidated damages as set forth herein may be assessable against the Franchisee for certain violations of provisions of this Franchise. On an annual basis from the Effective Date of this Franchise, liquidated damages in total will not exceed twenty thousand dollars (\$20,000). The Franchisee hereby waives any defense as to the validity of any liquidated damages stated in this Franchise Agreement on the grounds that such liquidated damages are void as penalties or are not reasonably related to actual damages. The liquidated damages shall not apply when caused by Force Majeure events and shall only apply from the date of the Notice of Assessment as provided for in Section 12.7.

12.5.1. Failure to materially comply with reporting requirements set forth in Section 8 of this Agreement: Two hundred dollars (\$200) per day for each day the violation continues.

12.5.2. Failure to materially comply with requirements related to (i) the technical quality and reliability of the PEG channels, including without limitation downstream signal quality and reliability of return feeds from PEG origination sites to the headend, and (ii) provision of channel capacity for use as PEG channels: Two hundred fifty dollars (\$250) for each violation for each day the violation continues.

12.5.3. Failure to materially comply with Customer Service Standards set forth in Section 7 of this Agreement, other than Quarterly Standards: One hundred dollars (\$100) for the first violation; two hundred fifty dollars (\$250) for any violation within 12 months after the first violation; and five hundred dollars (\$500) for any violation within 12 months after the second or any subsequent violation.

12.5.4. For violation of a Quarterly Standard: One thousand five hundred dollars (\$1500);

12.5.5. For violation of applicable FCC technical standards: Two hundred fifty dollars (\$250) per day for each for each day the violation continues;

12.5.6. For failure to file, obtain, maintain or replenish the security fund in a timely fashion: two hundred fifty dollars (\$250) per day for each day the violation continues; and

12.5.7. For any other material violation of this Agreement for which actual damages may not be ascertainable: Two hundred dollars (\$200) per day for each violation for each day the violation continues.

12.6. *Waiver:* The County may reduce or waive any of the above-listed liquidated damages if the County determines that such waiver is in the best interests of the County.

12.7. *Single Violation:* For purposes of any liquidated damages assessments, all similar violations or failures from the same factual events affecting multiple Subscribers shall be assessed as a single violation, and a violation or a failure may only be assessed under any single one of the above-referenced categories.

12.8. *Assessment of Liquidated Damages:* In order to assess the liquidated damages set forth herein, the County, following provision to the Franchisee of a written Noncompliance Notice as set forth in Section 12.2, a meeting of the Communication Commission as set forth in Section 12.3, and the expiration of applicable cure periods, shall issue to the Franchisee, by certified mail or other comparable means, a notice of intention to assess liquidated damages ("Notice of Assessment"). The Notice of Assessment shall set forth the basis of the assessment, and shall inform the Franchisee that liquidated damages will be assessed from the date of the notice. Unless the County indicates to the contrary, or the violation is for a Quarterly Standard, liquidated damages shall be assessed beginning with the date on which the County sent the Notice of Assessment and continuing thereafter until such time as the violation ceases as determined by the County. Payment by the Franchisee of any assessment of liquidated damages shall be due thirty (30) days after the date of the Notice of Assessment. If Franchisee objects to the Notice of Assessment, Franchisee shall have the right to challenge the assessment in the Circuit Court for Stafford County, or the United States District Court for the Eastern District of Virginia, and in no other courts, in which case the assessment will be stayed until the issue is decided by such court, or the parties resolve the matter in some other fashion. If Franchisee does not, within the thirty-

day period, make full payment or challenge the assessment in court, the County may withdraw from Franchisee's Letter of Credit the amount due. The County may make one or more withdrawals from the Letter of Credit during and after any period in which a violation remains uncured, provided that the total withdrawn does not exceed the amount due for the period between the date of the Notice of Assessment and the date on which the violation is deemed cured by the County.

12.9. *Letter of Credit:*

12.9.1. Franchisee shall obtain within thirty (30) days of executing this Agreement, and maintain thereafter throughout the Agreement term, an irrevocable letter of credit in the amount of fifty thousand dollars (\$50,000) (the "Letter of Credit") from a federally insured lending institution licensed to do business in Virginia ("Lending Institution"). The Letter of Credit shall be in a form substantially the same as the form attached hereto as Exhibit D and that is acceptable to the County. The Letter of Credit shall be used to ensure Franchisee's compliance with the material terms and conditions of this Agreement.

12.9.2. Franchisee shall file with the County a complete copy of the Letter of Credit (including all terms and conditions applying to the letter of credit), and keep such copy current with respect to any changes over the term of the Agreement.

12.9.3. If the County notifies the Franchisee of any amounts due to the County pursuant to this Agreement or applicable law, including, without limitation, liquidated damages assessed pursuant to Section 12.4, and the PEG Capital Grant provided for in Section 5.2, and the Franchisee does not make such payment within thirty (30) days, the County may draw upon the Letter of Credit by presentation of a draft at sight drawn on the Lending Institution, accompanied by a written certificate signed by the County Administrator certifying that Franchisee has failed to comply with this Agreement and stating the specific reason therefor and the basis for the amount being withdrawn.

12.9.4. In the event the Lending Institution serves notice to the County that it elects not to renew the Letter of Credit, the Franchisee shall provide a substitute Letter of Credit, in substantially the same form as that attached hereto as Exhibit D, from a Lending Institution approved by the County, before the effective Letter of Credit expires.

12.9.5. No later than thirty (30) days after mailing of notification to the Franchisee by certified mail, return receipt requested, of a withdrawal under the Letter of Credit, the Franchisee shall restore the amount of the Letter of Credit to the total amount specified herein, unless the Franchisee has disputed the basis for the original withdrawal, in which case the obligation to restore shall be suspended until a final non-appealable decision on the dispute has been issued by a court of competent jurisdiction authority as provided in Section 12.7.

12.9.6. The rights reserved to the County with respect to the Letter of Credit are in addition to all other rights of the County, whether reserved by this Agreement or otherwise authorized by law, and no action, proceeding or right with respect to the Letter of Credit shall affect any other right the County has or may have.

12.9.7. No recovery by the County of any sum by reason of the Letter of Credit required in Section 12.8.1 of this Agreement shall be any limitation upon the liability of Franchisee to the County under the terms of this Agreement, except that any sums so received by the County shall be

deducted from any recovery which the County shall establish against Franchisee under the terms of this Agreement.

12.10. *Revocation:* Should the County seek to revoke this Franchise after following the procedures set forth above in Section 12.2 of this Article, the County shall give written notice to Franchisee of such intent. The notice shall set forth the specific nature of the noncompliance. The Franchisee shall have ninety (90) days from receipt of such notice to object in writing and to state its reasons for such objection. In the event the County has not received a satisfactory response from Franchisee, it may then seek termination of the Franchise at a public hearing before the Board of Supervisors. The County shall provide the Franchisee, at least ninety (90) days written notice of such public hearing, specifying the time and place of such hearing and stating its intent to revoke the Franchise.

12.10.1. At the designated hearing, Franchisee shall be provided a fair opportunity for full participation in accordance with applicable law, including the right to be represented by legal counsel.

12.10.2. In making any decision to revoke the Franchise, the County shall apply the standards provided by applicable law. Franchisee shall have the right to appeal any revocation in the Circuit Court for Stafford County, or the United States District Court for the Eastern District of Virginia, and no other courts.

12.10.3. The County may, at its sole discretion, take any lawful action which it deems appropriate to enforce the County's rights under the Franchise in lieu of revocation of the Franchise. The County may also, in lieu of revocation, grant additional time to the Franchisee to effect a cure of any default.

### **13. MISCELLANEOUS PROVISIONS**

13.1. *Actions of Parties:* In any action by the County or Franchisee that is mandated or permitted under the terms hereof, such party shall act in a reasonable and timely manner. Furthermore, in any instance where approval or consent is required under the terms hereof, such approval or consent shall be provided in good faith and not withheld, delayed or conditioned in a manner inconsistent with applicable law.

13.2. *Binding Acceptance:* This Agreement shall bind and benefit the parties hereto and their respective heirs, beneficiaries, administrators, executors, receivers, trustees, successors and assigns, and the promises and obligations herein shall survive the expiration date hereof.

13.3. *Preemption:* In the event that federal or state law, rules, or regulations preempt a provision or limit the enforceability of a provision of this Agreement, the provision shall be read to be preempted to the extent, and for the time, but only to the extent and for the time, required by law. In the event such federal or state law, rule or regulation is subsequently repealed, rescinded, amended or otherwise changed so that the provision hereof that had been preempted is no longer preempted, such provision shall thereupon return to full force and effect, and shall thereafter be binding on the parties hereto, without the requirement of further action on the part of the County.

13.4. *Force Majeure*: Franchisee shall not be held in default under, or in noncompliance with, the provisions of the Franchise, nor suffer any enforcement or penalty relating to noncompliance or default, where such noncompliance or alleged defaults occurred or were caused by a Force Majeure.

13.5. *Notices*: Unless otherwise expressly stated herein, notices required under the Franchise shall be mailed first class, postage prepaid, to the addressees below. Each party may change its designee by providing written notice to the other party.

13.5.1. Notices to Franchisee shall be mailed to:

Director of Government and Regulatory Affairs  
Comcast  
2707 Wilson Boulevard  
Arlington, Virginia 22201

13.5.2. with a copy to:

Vice President of Government and Regulatory Affairs  
Comcast  
7850 Walker Drive Suite 200  
Greenbelt, MD 20770

13.5.3. Notices to the County shall be mailed to:

County Administrator  
P.O. Box 99 Stafford, Virginia 22553

13.5.4. with copies to:

County Attorney  
[Insert Address]

and

[Insert title and address]

13.6. *Entire Agreement*: This Franchise and the Exhibits hereto constitute the entire agreement between Franchisee and the County, and it supersedes all prior or contemporaneous agreements, representations or understanding (whether written or oral) of the parties regarding the subject matter hereof. Any ordinances or parts of ordinances that conflict with the provisions of this Agreement are superseded by this Agreement.

13.7. *Amendments*: Amendments to this Franchise shall be mutually agreed to in writing by the parties.

13.8. *Captions*: The captions and headings of articles and sections throughout this Agreement are intended solely to facilitate reading and reference to the sections and provisions of this Agreement. Such captions shall not affect the meaning or interpretation of this Agreement.

13.9. *Severability*: If any section, subsection, sentence, paragraph, term, or provision hereof is determined to be illegal, invalid, or unconstitutional, by any court of competent jurisdiction or by any state or federal regulatory authority having jurisdiction thereof, such determination shall have no effect on the validity of any other section, subsection, sentence, paragraph, term or provision hereof, all of which will remain in full force and effect for the term of the Franchise.

13.10. *Recitals*: The recitals set forth in this Agreement are incorporated into the body of this Agreement as if they had been originally set forth herein.

13.11. *Independent Review*: The County and Franchisee each acknowledge that they have received independent legal advice in entering into this Agreement.

13.12. *No Third Party Beneficiary*: Nothing in this Agreement is intended to confer third-party beneficiary status on any member of the public, Person or private entity not a party to this Franchise Agreement and any such member of the public, Person or private entity shall not have third party status hereunder to enforce the terms of this Franchise.

**[SIGNATURE PAGE FOLLOWS]**

AGREED TO THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2016.

**County of Stafford, Virginia**

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

Interim County Administrator

Approved as to Form:

\_\_\_\_\_  
County Attorney, County of Stafford

**Comcast of California/Maryland/Pennsylvania/Virginia/West Virginia, LLC**

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

Mary McLaughlin  
Regional Vice President

**EXHIBITS**

Exhibit A: County Buildings to be Provided Free Cable Service  
Exhibit B: PEG Channel Assignments  
Exhibit C: Franchise Fee Payment Report  
Exhibit D: Letter of Credit Form



## **EXHIBIT A**

### **COUNTY BUILDINGS TO BE PROVIDED FREE CABLE SERVICE**

**EXHIBIT B**  
**PEG CHANNEL ASSIGNMENTS**

## EXHIBIT C

### FRANCHISE FEE PAYMENT REPORT FORMAT

Stafford County  
FRANCHISE FEE CALCULATION  
Quarter Ended: XX/XX/XXXX

Director  
Information Services  
PO Box 865  
Stafford, VA 225553

Basic	_____
Pay	_____
Digital	_____
PPV & VOD	_____
Equipment	_____
Installation	_____
Net Ad Sales	_____
Shopping	_____
Other	_____
 Total Revenue	 _____
 Bad Debt/Write Offs	 _____
 Total Franchise Fee Base	 _____
Franchise Fee Percentage	_____
 Total Payment Due	 _____
 Basic Subscribers	 _____

To the best of my knowledge and belief, the above information of the ledgers and records of Comcast of California/Maryland/Pennsylvania/Virginia/West Virginia LLC, is true and factual.

Regulatory Compliance Manager  
Northeast Division

## **EXHIBIT D**

JP Morgan Chase Bank, N.A.  
Global Trade Services

### **IRREVOCABLE STANDBY LETTER OF CREDIT**

**Issue Date:**

**L/C No.:**

**Amount: USD50,000 (Fifty Thousand and 00/100 United States Dollars)**

Beneficiary: County of Stafford	Applicant: Comcast of California/Maryland/
Dir of Information Services	Pennsylvania/Virginia/W. Virginia LLC
8800 Courthouse Road	Attn: Treasury
Stafford, VA 22553	1701 John F. Kennedy Boulevard
	Philadelphia, PA 19103

**TO:** County of Stafford

We hereby establish this irrevocable standby Letter of Credit No. \_\_\_\_\_ in your favor, for an aggregate amount not to exceed the amount indicated above, expiring at JPMorgan Chase Bank, N.A. Tampa, Florida, at our close of business on \_\_\_\_\_.

This Letter of Credit is available with JPMorgan Chase Bank, N.A., by payment, against presentation of your draft, payable at sight drawn on JPMorgan Chase Bank, N.A. when accompanied by Beneficiary's dated statement purportedly signed by one of its officials reading as follows:

"The amount of this drawing USD50,000.00, under JPMorgan Chase Bank, N.A. Letter of Credit No. \_\_\_\_\_ represents funds due us as Comcast of California/Maryland/Pennsylvania/Virginia/West Virginia LLC has failed to perform its duties pursuant to the Cable Franchise Agreement between the County of Stafford, and Comcast of California/Maryland/Pennsylvania/Virginia/West Virginia, LLC, dated \_\_\_\_\_, 2013."

This Irrevocable Letter of Credit shall be automatically extended without amendment for additional one year periods from the present or each future expiration date, unless at least 30 days prior to such date, we send you notice in writing by overnight carrier or hand delivery at the above address that we elect not to extend this Letter of Credit for such additional period.

Upon such notice of non-extension to you, you may draw drafts on us at sight for an amount not to exceed the balance remaining in this Letter of Credit within the then applicable expiry date, accompanied by your dated statement purportedly signed by one of your officials reading as follows:

“The amount of this drawing USD50,000.00 under JPMorgan Chase Bank, N.A. Letter of Credit number \_\_\_\_\_ represents funds due us as we have received notice from JPMorgan Chase Bank, N.A. of their decision not to extend Letter of Credit Number \_\_\_\_\_ for an additional year.”

All correspondence hereunder is to be directed to JPMorgan Chase Bank, N.A., c/o JPMorgan Treasury Services, Standby Letter of Credit Dept., 4<sup>th</sup> FL, 10420 Highland Manor Drive, Tampa, Florida 33610. DEMAND(S) FOR PAYMENT MAY ALSO BE MADE BY FACSIMILE TRANSMISSION TO \_\_\_\_\_ OR SUCH OTHER FAX NUMBER AS JPMORGAN CHASE BANK N.A. MAY IDENTIFY IN A WRITTEN NOTICE TO YOU. TO THE EXTENT PRESENTATION IS MADE BY FACSIMILE TRANSMISSION YOU MUST PROVIDE TELEPHONE NOTIFICATION THEREOF TO JPMORGAN CHASE BANK N.A. AT TELEPHONE NUMBER: (800) 634-1969 OPTION 1 OR (813) 432-6339 PRIOR TO OR SIMULTANEOUSLY WITH THE SENDING OF SUCH FACSIMILE TRANSMISSION. HOWEVER, THE ABSENCE OF SUCH TELEPHONE CONFIRMATION AS DESCRIBED ABOVE DOES NOT AFFECT OUR OBLIGATION TO HONOR SUCH DRAWING, IF SUCH DRAWING IS OTHERWISE IN COMPLIANCE WITH THE TERMS AND CONDITIONS OF THIS STANDBY LETTER OF CREDIT. IF DEMAND FOR PAYMENT IS MADE BY FAX, PRESENTATION OF ORIGINAL DOCUMENTS IS NOT REQUIRED.

We hereby agree with you that drafts drawn under and in compliance with the terms and conditions of this Letter of Credit will be duly honored.

This Letter of Credit shall be subject to the International Standby Practices (ISP98), International Chamber of Commerce Publication No. 590 and shall be governed and construed in accordance with the laws of the Commonwealth of Virginia, without regard to principles of conflict of laws. In the event of any dispute between ISP98 and the laws of the Commonwealth of Virginia, the laws of the Commonwealth of Virginia will control.

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Authorized Signature (Bank)

## **EXHIBIT E**

### **ADDRESSES TO RECEIVE SERVICE**

The following addresses shall be served by the Cable System under and subject to the requirements of Section 3.1.2 and 3.1.4 of the Franchise Agreement.

- 28 Sentry Court, Stafford, VA 22554 – coming from Crestwood Lane and Brook.Road to Camp Geary Lane to Brook Crest Lane to Sentry Court.
- 190 Spotted Tavern Road, Fredericksburg, VA 22406 – coming down Spotted Tavern Road.
- 16 Stony Hill Road, Fredericksburg, VA 22406 – coming from Hartwood Road.
- 435 Mt Olive Road, Fredericksburg, VA 22406 - heading east on Mt Olive Road.
- 227 Juggins Road, Stafford, VA 22556 (build will be completed in conjunction with the school system's build of the Anne E. Moncure Elementary School) -- heading north from the school.

## Deferred Business 12/13/16

	Issue for Consideration	Date	Status
1.	Authorize PH for No Shooting Zones	9/16/14 12/16/14 6/2/15 9/15/15 (PCS)	PH 12/16/14 on Noise and Weapons - referred to Public Safety committee to discussion on 16 year old restriction, BB guns – weapons ord. discussed by PSC on 4/21/15; no shooting zones to be discussed at PSC meeting 5/19/15; Weapons Ordinance amendments passed 6/2/15 – Following Public Safety Committee discussion, public information meeting to be scheduled
2.	Three Plat Vacations @ Crow's Nest Harbour	9/16/14	Public hearing cancelled (no reschedule date specified)
3.	Endorse a Multi-cultural Coalition	1/19/16	CEDC discussed on 7/6/16, no action taken
4.	Outdoor Vehicle Display/Sales	1/19/16	Deferred (no date specified) 6 – 1
5.	Upgraded database for CAD	5/17/16 12/13/16	Consent Agenda 12/13/16
6.	Revoke SUP on TMP 48-68	6/7/16 12/13/16	Unfinished Business 12/13/16
7.	Consider a Reclassification from R-1 Suburban Residential to B-2, Urban Commercial to allow a Commercial Retail Building	10/18/16 12/13/16	Deferred to 11/22/16 PM/MB 7 – 0 Unfinished Business 12/13/16
8.	JLUS Update on State-wide Strategy	11/01/16	Deferred to BOS meeting to follow 11/30 QRESC meeting



# Board Committees

## 12/13/16

	Issue for Consideration	Committee	Status
1	Armed Services Memorial Commission	Mr. Snellings, Mr. Dudenhefer, Lt. Gen. Ron Christmas <i>Mark Osborne</i> <i>Dan Chichester</i> <i>John Cox</i> <i>Sue Henderson</i> <i>Elizabeth Davis</i> <i>Charlie Jett</i> <i>Frank White</i> <i>Billy Shelton</i> <i>James Brown</i>	10/1/12 - \$25k awarded to Committee to retain architect to begin working on Memorial concept drawings - Proclamations awarded to contest winners on 6/4/13. Met 5/13, 3:00 p.m. in the County Admin. Conference Room - 5/19/15 - BOS approved formation of committee to plan memorial. Formation of Planning Committee and 501c3 application approved 6/2/15. Meets on Tuesdays, 3:00 p.m., ABC Conf. Room <i>Note: names in italics are members of the ASMC Working Group;</i> Fund Raising breakfast held 5/26; Major donors recognized at 8/16/16 BOS meeting. Donor recognized 11/1/16.
2	Pump and Haul Committee	Paul Milde	Amendments to policy passed 6/2/15 - consideration of loans to Subsidized P & H users, PH 6/7/16 -passed
3	At-Risk Youth Partnership Opportunities Public Day Care Committee	Laura Sellers	LS toured w/ Donna Krauss, met in Richmond, Commission on Youth, 6/15/15; met 8/18/15

### Standing Committee Structure

Standing Committee	2016 Members	Status
Community & Economic Development	Wendy Maurer/Bob Thomas/ Gary Snellings	1 <sup>st</sup> Tuesday of each month at 12:00 Noon in Conference Room A/B/C
Infrastructure Committee	Jack Cavalier/Paul Milde/ Laura Sellers	1 <sup>st</sup> Tuesday of each month at 1:30 p.m. in Conference Room A/B/C - meeting on 9/7 to discuss water quality/quantity issues in the area of Mt. Olive Road
Finance, Audit, and Budget Committee	Jack Cavalier/Wendy Maurer/ Bob Thomas	2 <sup>nd</sup> Tuesday of each month at 1:30 p.m. in Conference Room A/B/C
Public Safety Committee	Meg Bohmke/Jack Cavalier/ Laura Sellers	3 <sup>rd</sup> Tuesday of each month at 12:00 Noon in Conference Room A/B/C
Joint Schools Committee  Cavalier/Hirons elected Co-Chairs at 6/13/16 meeting.	Jack Cavalier/Gary Snellings/ Laura Sellers (BOS) Patricia Healy/Scott Hirons/ Dewayne McOsker	Next meeting scheduled for 10/24/16, 6:00 p.m. in the A/B/C Conference Room. Previous meetings held 6/13/16; 8/22/16; 10/24/16- next meeting tentatively scheduled 1/23/17
Legislative Committee	Wendy Maurer/Laura Sellers	Recurring meetings on Fridays thru end of GA session, 3:30 p.m. County Admin. Conference Room (meeting concluded for 2016); Met with Eckert Seamons, new consultants, on 10/4/16 - discussion of 2017 priorities 10/18/16, new business, with a vote scheduled for 11/01/16. Weekly meetings to resume on Fridays, 3:00 p.m., once the GA is in session. Legislative Initiatives adopted 11/1/16-Legislative dinner scheduled for 12/6/16 4:30 p.m.
Bylaws Committee/FOIA Committee	Meg Bohmke/Bob Thomas	Met on 2/4/16 - Discussion at 3/01/16 BOS meeting; discussion 6/7/16 re. voting on New Business items, conflict with bylaws; Bylaws committee met 6/21/16 - Amended bylaws voted on 8/16/16, approved 7 - 0.

Referred to the Planning Commission  
12/13/16

	Issue for Consideration	Date	Status
1.	Consider Amendments to the Terminal Reservoir Ordinance 009-14	5/05/09	Will be scheduled with the Reservoir Overlay public hearing – Board referred to PC
2.	Terminal Reservoir District/ Reservoir Overlay District	6/16/09 9/15/09	Referred to CEDC for review before going before the full Board – no date specified for return to BOS
3.	Rappahannock and Potomac River Overlay District	4/6/10	Referred to PC, consider w/ Potomac River Overlay. PC requested additional time; Awaiting BOS direction/action – FAB reviewed on 3/18, CS/PM did not agree with PC recommendations; referred back to PC for additional review
4.	Cluster Ordinance	6/18/13 7/2/13 9/17/13 10/01/13 4/21/15	Approved 9/17/13; Returned to PC with task to review smaller lot sizes – 10/1/13, referred to PC with 90 day turn around for review and recommendation(s). PC recommended not changing lot size in cluster developments – PC recommendations given to the CEDC, no date scheduled for return to the full BOS. At MB request, R15-123 referred back to PC
5.	Transfer of Development Rights	7/1/14 10/21/14 1/20/15 2/24/15	Referred to Planning Commission 2/24/15
6.	Recreational Business Campus (RBC)	9/15/15	Amendment to the RBC w/ 90-day turn around – 11/17/15 additional time granted for PC review
7.	Revision of Sign Regulations in the Zoning Ordinance	9/7/16	Public Hearing scheduled for 12/13/16
8.	Amendment to the Cemetery Ordinance	9/20/16	Public Hearing scheduled for 12/13/16
9.	Integrated Corporate and Technology Park Overlay District	9/20/16	Referred to Planning Commission 9/20/16
10.	Ordinance Amendment to Code, Chapter 22, “Subdivisions;” and to the U/C Chapter 25, “Water, Sewers, and Sewage Disposal.”	10/18/16	100 day turn-around with addition to R16-320 to provide recommendations in accordance with State law (WM)
11.	Creation of a R-5 Zoning District for Age-Restricted Apartments	11/22/16	Referred to PC 11/22/16