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April 9, 2013

Mr. Brad K. Connolly
c/o Sullivan, Donahoe & Ingalls, P.C.
P. O. Box 614
Fredericksburg, VA 22404

Subject: Vesting Determination, Stafford Lakes Commercial
Original Tax Map Parcels 44-47A, 44-47B and 44-47C which are part of current parcel 44R-5.
"The Property"

Dear Mr. Connolly:

This letter is in response to your request for a vesting determination for part of Tax Map Parcel 44R-5 (formerly Tax Map Parcels 44-47A, 44-47B and 44-47C, The Property). According to Section 15.2-2307 of the Virginia State Code, a landowner's vested right in a land use is valid if the following items are complied with:

1. ***A Landowner obtains or is the beneficiary of a significant affirmative governmental act shall remain in effect allow development of a specific project.***

The Property is zoned B-2, Urban Commercial (formerly known as B-2, General Commercial) and is subject to Ordinance O92-62(R) with proffered conditions approved on April 20, 1993, by the Board of Supervisors of Stafford County. No specified use is cited in the rezoning case or in the proffered conditions for this property. In addition, there is no record of an approved preliminary or finale site plan, a subdivision plat or a variance for this property. There is no record of a written order by the zoning administrator for this property. Therefore, the landowner has obtained approval for a rezoning of the property but a specific project or use was not stated and there is no basis for vesting a specific land use or project for the property.

2. ***Relies in good faith on the significant affirmative governmental act.***

There is no significant affirmative governmental act that specifies a use to rely on since the property is not vested for a specific use or project



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3. *Incurs extensive obligations or substantial expenses in diligent pursuit of the specific project in reliance on the significant affirmative a governmental act.*

According to county records, several site plans - SPR 241716 Stafford Lakes Village Commercial Retail Center and SPR210084 Stafford Lakes Village Commercial Retail Center Frontage Improvements - have been submitted for review. Due to the applicant failing to meet deadlines for submitting requested information and not replying to requests to keep the file active, the site plans were not approved and were closed. Therefore, the extensive obligation or substantial expenses in diligent pursuit of a specific project were not met.

Due to these findings, the property is not vested to a specific land use or project. Any development of the property must comply with the uses that are currently permitted and as regulated in the B-2, Urban Commercial Zoning District of the Stafford County Zoning Ordinance.

This determination may be appealed to the Board of Zoning Appeals within thirty (30) days from receipt of this letter, in accordance with 15.2-2311 of the Code of Virginia, or this decision shall be final and unappealable.

Sincerely,



Susan W. Blackburn

Zoning Administrator

sblackburn@staffordcountyva.gov

540-658-8668

cc: Jeff Harvey, Director of Planning & Zoning