
PARRISH SNEAD FRANKLIN SIMPSON, PLC

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October 25, 2022

VIA Federal Express

Jeff Harvey, Planning Director
Douglas Morgan, Zoning Administrator
1300 Courthouse Road, Second Floor
Stafford, VA 22554

RE: Zoning and Vesting Determination for Stafford County Tax Map Parcel Nos. 30-43, 30-44, 30-45, 30-46, and 30-43A (the "Property")

Dear Mr. Harvey and Mr. Morgan,

I hope you are well. I am writing on behalf of the owners of the above-referenced Property to request a zoning and vesting determination. The Property is owned by JPI-Fountain Park, LLC and JPI-Fountain Park-Q5, LLC ("JPI"). As you know, JPI entered a Memorandum of Understanding with the County dated August 24, 2020 (the "MOU"). Pursuant to the MOU the County conveyed Tax Map Parcel No. 30-43A to JPI, and JPI conveyed certain easements to the County necessary to widen the intersection at Courthouse Road and Route 1. The MOU also set forth numerous obligations and responsibilities of the parties with respect to development of the Property and the greater Downtown Stafford Project, including but not limited to:

- The parties' agreement to construct numerous entrances and grid streets on the Property (see MOU, p. 2, ¶ 3).
- The parties' agreement with respect to the construction and use of certain parking facilities to serve the Property (see MOU, p. 3, ¶ 4).
- The parties' agreement with respect to the development, utility installation, and wetland remediation on the Property (see MOU, pp. 4-6, ¶ 5).
- The parties' agreement with respect to the rezoning of the Property. Specifically, that the County will rezone the Property to the UD-5 zoning district permitting at least 50 dwelling units per acre with an FAR of 0.4 (see MOU, pp. 6-7, ¶ 6).
- JPI's agreement concerning the development of the Property including the number and type of permitted residential units, phasing, and certain requirements concerning construction of the commercial aspect of the Property.
- The parties' agreement that the design and construction of the buildings and layout of the development shall conform to the Architectural Guidelines attached as Exhibit D to the MOU, and the UD-5 guidelines (see MOU, p. 9, ¶ 8).

Pursuant to the MOU, the County initiated a rezoning of the Property from the B2 to the UD-5 zoning district. The Board of Supervisors ultimately approved the rezoning at their July 6,

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2021 Board of Supervisors' meeting. Consistent with the MOU, JPI submitted a Major Grading Plan for Fountain Park, which included a description of the work to be performed by JPI on the County's property per the MOU. The Major Grading Plan was approved by the County on May 11, 2022. Since that time my client, has in reliance on the MOU, rezoning, and approved Major Grading Plan expended funds in excess of \$400,000.00 in furtherance of the development of the Property.

Based on the foregoing, I respectfully request on behalf of my clients, that you issue a zoning determination to verify the following:

- My client has a vested right to develop the Property in accordance with the terms and conditions set forth in the MOU, and the guidelines for the UD-5 zoning district in place on July 6, 2021, including but not limited to the right to construct 309 multifamily residential units.
- That my client has a vested right to develop the Property in accordance with the terms and conditions set forth in the MOU and the guidelines for the UD-5 zoning district, including but not limited to all parking, utility, stormwater management, and design standards in place and applicable as of July 6, 2021.

Included with this letter are two exhibits germane to any analysis of the Property. Exhibit "A" is a printout from the GIS website outlining the Property. Exhibit "B" consists of the MOU. Also enclosed herein is a check for \$415.92 to cover the fee for this request, as well as the applicable completed request form. Thank you for your consideration of this matter, and please do not hesitate to reach out if I can answer any questions.

With kind regards,



Landon C. Davis, III

cc: JPI-Fountain Park, LLC
JPI-Fountain Park-Q5, LLC