PLANNING COMMISSION
CITY OF FREDERICKSBURG, VIRGINIA
AGENDA
August 31, 2016
7:15 P.M.
COUNCIL CHAMBERS, CITY HALL

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1. Meet And Greet Tim Baroody, City Manager
2. 7:30 P.M. Call Regular Meeting To Order
3. Pledge Of Allegiance
4. Adoption Of Minutes

   4.I. July 13, 2016 - Regular Meeting

   Documents:

   JULY 13, 2016 MINUTES.PDF

5. Public Hearing Items

   5.I. SUP2016-03 - HealthSouth Rehabilitation Hospital Of Fredericksburg

   Documents:

   SUP2016-03, HEALTHSOUTH SPECIAL USE PERMIT REQUEST.PDF

   5.II. RZ2016-03 - Hamptons At Family, LP

   Documents:

   RZ2016-03 - HAMPTONS AT FAMILY LP REZONING REQUEST.PDF

6. General Public Comment Period
7. New Business

   7.I. Code Of Virginia, Section 15.2-2302.4. "Provisions Applicable To Certain Conditional Rezoning Proffers." - Kathleen Dooley, City Attorney

   Documents:

   PROFFER DISCUSSION DOCUMENTS.PDF

8. Other Business

   8.I. DISCUSSION: Small Area Comprehensive Plans Update - Erik Nelson

Documents:

2016-08-24 STAFF REPORT TO PC.PDF

9. Planning Commissioner Comment
10. Planning Director Comment
11. Adjournment

PLANNING COMMISSION
MINUTES

July 13, 2016
7:30 p.m.
City of Fredericksburg
715 Princess Anne Street
Council Chambers

You may view and listen to the meeting in its entirety by going to the Planning Commission page on the City's website: fredericksburgva.gov

MEMBERS

Roy McAfee – Chair
Richard Dynes, Vice-Chair, Absent
Jim Pates, Secretary
Jim Beavers, Absent
Roy Gratz
Tom O'Toole
Kenneth Gantt

CITY STAFF

Erik Nelson, Deputy Director
Mike Craig, Zoning Administrator
Marne Sherman, Development Admin.

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1. **CALL TO ORDER**

The June 13, 2016 Planning Commission meeting was called to order by Chairman McAfee. Mr. McAfee explained the standard meeting procedures.

2. **PLEDGE of ALLEGIANCE**

3. **ADOPTION OF MINUTES**

- **June 8, 2016 – Regular Meeting – Adopted unanimously.**

PUBLIC HEARINGS

4. **CPCR-01: Fredericksburg City Public Schools** requests a Comprehensive Plan Compliance Review to determine if a proposed public school bus facility is substantially in accord with the 2015 Comprehensive Plan per the Code of Virginia, Section 15.2-2232. The facility is proposed to be located at 1100 Belman Road (GPIN 7778-99-5990) within the Battlefield Industrial Park and is zoned I-2, General Industrial.

Ms. Sherman presented the application and provided a brief slide presentation on the proposed project.

Mr. Gantt referenced the proposed 52-space lot and asked staff the approximate number of buses that the City currently owns, and whether the applicants are looking at this proposed facility for expected growth.

Ms. Sherman said she spoke to Mr. Leitch about this previously and she believes the Request for Proposals (RFP) that was distributed mentioned that there are approximately 40 buses and they are providing room for expansion with the subject project.

Mr. Gantt asked if there has been any discussion to purchase the property instead of leasing it.

Ms. Sherman said she is not aware of discussions relating to purchasing the property and does not believe it is contemplated at this time. She said her understanding is there will be a lease for an approximate 10 – 20 year period.

Mr. O'Toole referenced a large area on the west side of the map and asked if this area is wetlands.

Ms. Sherman said that is part of the reason why this project has been delayed in coming before the Planning Commission. That area has been verified to be critical Resource Protection Area/Chesapeake Bay Preservation Area because there is a perennial stream. The dashed line shows the 100-foot buffer that is protected.

Mr. O'Toole asked if the rest of the property then is okay to develop and asked for confirmation that there are no other streams on the property.

Ms. Sherman said this is correct. Just that area within the dashed line is a Resource Protection Area.

Mr. O'Toole asked staff to confirm the square footage of the [proposed] building on the property.

Ms. Sherman said the smaller building is approximately 2,000 square feet and the larger one is close to 8,000 square feet.

Mr. O'Toole asked if this space would be used in conjunction with the bus storage or potentially something else.

Ms. Sherman said the building is undesignated space, and she believes Mr. Leitch is preparing for the fact that it could be part of the school bus facility. She said the building is basically a shell at this point and that Mr. Leitch envisions the space potentially becoming the maintenance facility for the schools but at this point it is shown on the plan as "general building."

Mr. O'Toole asked for confirmation that the Commission is to determine that the proposed use is compatible with the Comprehensive Plan, saying it will basically be used for school use.

Ms. Sherman said Mr. O'Toole was correct.

Mr. O'Toole asked whether, if something else happens as far as use of the building goes, it would then have come back to the Commission for approval.

Ms. Sherman asked for clarification of what Mr. O'Toole means by "something else."

Mr. O'Toole said, for instance, if a welding or car maintenance shop wanted to locate there.

Ms. Sherman said there would be no additional review from the Planning Commission unless it was a Special Use Permit, Special Exception, or a Rezoning. She said the reason the Planning Commission is considering the application this evening is because it is specifically for a "public facility," and the City Code requires that the Planning Commission be involved with the planning of public facilities.

Dr. Gratz said that years ago there had been a proposed plan to construct a shopping center in this area, although it never moved forward. He asked if this approximate 10,000-foot building would/could ultimately become a shopping center.

Ms. Sherman said the subject property is zoned Industrial and only uses allowed in the Industrial zoning district would be permitted at this time.

Mr. Johnston said that the commercial activity to which Dr. Gratz referred was actually on the other side of Belman Road.

Mr. McAfee asked Mr. Leitch, in representing the application, if he had anything to add.

Mr. Leitch said he would be happy to answer questions of the Commission.

The Commission had no questions for Mr. Leitch.

Mr. McAfee opened the floor for public comment.

There was no public comment.

Mr. McAfee closed the public hearing.

Mr. O'Toole made a motion to adopt Resolution No. 16-04, approving the proposed school bus facility at 1100 Belman Road as substantially in accord with the 2015 Comprehensive Plan.

Dr. Gratz seconded the motion.

Motion carried by a vote of 5 – 0.

5. **SUP2016-02 - Catherine Dodd (owner),** requests a special use permit for a bed and breakfast (B&B) at 325 Braehead Drive (GPIN 7778-75-8585) in the R-4 Residential (R4) Zoning District. The Comprehensive Plan designates the area where the subject property is located as "Low Density Residential," which recommends residential development at four units per acre.

Mr. Craig presented the staff report on the application and provided a brief slide presentation on the proposed project.

Mr. O'Toole asked if there were other B&Bs in this area.

Mr. Craig said the City does not have any other special use permits for Braehead Woods for bed and breakfasts.

Mr. O'Toole asked that if there were other [overnight accommodations] being advertised on Airbnb, would they be non-conforming?

Mr. Craig said yes. He added that staff had recently found a few properties that were advertising on the Airbnb website and sent letters informing them that they were in violation of the City Code and needed to apply for a Special Use Permit in order to comply, but he did not recall any other Airbnb [facilities] being located in Braehead Woods.

Mr. O'Toole said he understood that there is one located in Braehead Woods. He asked if the "one-bedroom" being advertised for the subject address has a limit as to the number of people that can utilize that one bedroom.

Mr. Craig said the "Use Standards" for a bed and breakfast limit the allowable number of guests, which would be the controlling standard and would allow a maximum of 5 rooms and 10 occupants. He said if someone really wanted to cram 10 people into a one-bedroom facility, it would probably be allowed.

Mr. O'Toole asked if there would be any requirements for sprinklers, etc.

Mr. Craig responded, no.

Mr. O'Toole asked if this is because it is an existing structure.

Mr. Craig said the Building Code treats these types of uses, up to a certain amount of bedrooms, as a single-family residential dwelling and Ms. Dodd's proposed use falls into this category.

Mr. O'Toole asked whether, in a completely residential area like Braehead Woods, what would preclude everyone from doing the same thing?

Mr. Craig said that this use would require a Special Use Permit, so they would all have to apply for and get approval from City Council in order to operate an Airbnb [facility].

Mr. Johnston said that as long as [an applicant] met the requirements in terms of availability in parking and other Code stipulations, it is envisioned that this use is an appropriate activity. He noted that commercial properties allow for full-scale grocery stores, but not all commercial properties have a full-scale grocery store. He said, yes, it is possible, theoretically, that every single-family residence could [be used as] an Airbnb [facility], but is it likely? He said he did not believe so. He said if there becomes a concentration of Airbnb uses, then that would be a factor in considering why it should require a special use, why would there [need to be] a public hearing, and why should there be a [special use permit] process.

Mr. O'Toole said he can understand bed and breakfasts in the "downtown tourist area," but Braehead Woods does not seem to him to fit what he would consider a place to have a bed and breakfast.

Mr. Johnston said that the City Council, when it adopted regulations to allow bed and breakfasts in residential areas with the approval of a special use permit, did not discriminate that these residences had to be in a designated residential area. He said the subject property is near, or immediately adjacent to, the [National Park Service] Battlefield and people may chose to stay in a bed in breakfast that is located near that facility, which is a major tourist draw for the City.

Mr. Pates said these ordinances were passed long before the concept of Airbnb. He asked staff if they had any idea how many licensed Airbnb [facilities] are located in the City.

Mr. Craig said he believes most of the [Airbnb-type facilities] advertise on Airbnb, so he would put the number at about 3 to 5.

Mr. Pates asked staff if they had any idea how many unlicensed Airbnb facilities exist in the City.

Mr. Craig said that when staff recently checked the Airbnb site, it was noted that less than 10 were currently unlicensed and that staff has sent mailings informing those individuals that they are required to apply for a special use permit.

Mr. Johnston noted that some Airbnb [facilities] listed were located in the Downtown-Commercial zoning district and were not required to obtain a special use permit, as they are permitted as a by-right use in that area.

Mr. Pates asked if the staff has received any complaints from residents in the City concerned about people operating Airbnb facilities in their neighborhoods.

Mr. Craig responded, no.

Mr. Pates said that he had. He said he had heard from several citizens just recently, and that he had no idea if the facilities that they are talking about were licensed or unlicensed. He said these facilities are already having an impact in the City, and that he knows the Commissioner of the Revenue's office is struggling with this issue, as he has spoken with them as well. He said this is not a problem that is unique to Fredericksburg and he likened it to Uber and [its impact on] the taxi cab industry. He said a lot of it is designed as a way of people making money without going through all the regulation that normally would be required. He said he understands that particularly Virginia Beach is struggling with this because it is a major tourist destination and people are now able to stay at someone's house for $50.00 a night as opposed to staying at a hotel for much more money, which is adversely impacting their hospitality industry.

He said you cannot fight technology on these types of things and that he has no concerns regarding Ms. Dodd's application and what she is trying to do, but he has concerns about the overall issue and allowing these Airbnb [facilities]. He said if everyone in Braehead [Woods] started operating an Airbnb [facility], it would have a

detrimental impact on the quality of that residential neighborhood. He said he would hope that the City might develop some sort of strategy on dealing with this issue instead of just looking at it piecemeal. In particular, he said, the definition of a "Bed and breakfast inn" in the City Code is that it is *"a single-family dwelling containing sleeping and breakfast accommodations as an accessory use for transient persons, or a daily, weekly, or similar short basis of 30 days or less,"* which he said means basically anybody's house in Fredericksburg can become a haven for a lot of people on a regular basis. He said he would hope that the City would take a look at this before it starts approving these special use permits.

Mr. McAfee said he would like to comment on some of what Mr. Pates said. He said he believes if you have four bedrooms being used, then the Building Code requires that the home have a sprinkler system. He also noted that the City Code allows up to three unrelated persons to rent a home long term within the City without requiring special permits. And, in this case, we are requiring someone to have a permit just because the stay is "short," which does not make sense to him. He said he believes the City should address the issue by simply eliminating the need to have to obtain a special permit for a bed and breakfast. He added that he does not believe the City should fight technology when it brings new business to the City and that he does not see business as a problem that needs to be addressed.

Mr. Gantt said that he can appreciate the comments made by Mr. Pates. However, he said he agrees with Mr. McAfee's comments. He said he too wonders why the Commission is addressing this just because it is new technology. He said he has more concerns regarding the "Pokemon Go" craze, and the City should ask itself if it really wants a lot of people trespassing on properties that could be considered hallowed ground, such as the cemeteries. He said when he looks at the Airbnb issue, he believes people are just looking to go someplace quick, inexpensive, clean and not have to deal with issues that can arise with staying at a hotel. He said Fredericksburg is a great place to visit and the City should want to encourage individuals opening up their homes for visitors to the area.

Dr. Gratz said he also agrees with Mr. McAfee's comments that it seems unfair that a person can rent long-term to someone without any special permits, but a person can't "rent" to someone once a week or so without a special use permit. He said he does not see a problem with the request.

Ms. Catherine Dodd, applicant, 325 Braehead Drive, 22401. She said she would be utilizing a one-bedroom, one-bathroom living space in her basement, which has a private entrance, for Airbnb. She said she assures the Commission that only a maximum of four people would be permitted. She also noted that there are some safety measures that Airbnb asks that operators have put in place such as smoke detectors, both inside and outside the bedroom areas, emergency contact numbers for the area, first aid kits, etc. She said her Airbnb operation would only include the "bed" part and not the breakfast. She said at the most she would provide a coffee pot for guests.

Mr. McAfee opened the floor for public comment.

There was no public comment.

Mr. McAfee closed the public hearing on this item.

Mr. Gantt made a motion to recommend approval of the special use permit, to include the conditions, outlined by staff as follows:

1. The bed and breakfast inn shall be operated in substantial conformance with the special use permit application dated June 3, 2016.
2. The use shall commence within 24 months of the date of this resolution
3. That the use continues and is not discontinued for more than two years.

Dr. Gratz seconded the motion.

Mr. Pates said he had nothing against the application and believed Ms. Dodd would run an excellent facility. However, he said he was concerned about the larger issue and the precedent that the City would be setting for other Airbnb facilities in the City. He said he believed that there were a number of issues involved and he believed the City was going to find that the Airbnb concept presents a host of public safety and health issues. He said it would be just like Uber, where we are starting to see many problems throughout the country with Uber, and the services being rendered by Uber—sometimes they are very good and sometimes they are not. He said localities have no control, or not much control, over these uses and he believes it is extremely difficult and burdensome on localities to try to enforce the tax laws for such uses. He said he thought it encouraged people to circumvent the law.

Mr. Pates said he would make a substitute motion that a decision on this application be delayed for 30 days, and to ask the Planning Director and the City Manager to come back to the Planning Commission with a comprehensive look a these types of facilities and a recommendation on this application.

Mr. O'Toole seconded the motion.

Mr. Gantt said he thought there needed to be due diligence and that there needed to be some caution. However, he said, if we do nothing we never recognize what is going on and what we should be doing. He said Mr. Pates is saying we need to delay a decision on an application that has applied for this permit under the current regulations outlined in the City Code. He said he believed what Mr. Pates has asked can be done while this applicant moves forward.

Mr. McAfee called for the vote.

Motion failed by a vote of 3 – 2.

Mr. McAfee asked if there was any additional comment on the original motion made by Mr. Gantt -- a motion to recommend approval of the special use permit, to include the conditions, outlined by staff as follows:

1. The bed and breakfast inn shall be operated in substantial conformance with the special use permit application dated June 3, 2016.
2. The use shall commence within 24 months of the date of this resolution
3. That the use continues and is not discontinued for more than two years.

Dr. Gratz seconded the motion.

Being no additional comments, Mr. McAfee called for the vote.

Motion carried by a vote of 3 – 2.

Mr. Pates asked if it would be in order for him to make a separate motion.

Mr. McAfee said the Agenda allows for Planning Commissioner Comment later in the evening and asked that Mr. Pates address his motion at that time.

6. **RZ2016-02 - The City of Fredericksburg** requests an amendment to Ordinance 14-06 to amend the zoning on a 0.806-acre property from Residential 12 (R-12) to Residential 2 (R-2). The 0.806-acre property identified as GPIN 7870-00-3906 has no assigned address but is generally located on the west side of Wicklow Drive between the Bragg Hill townhomes fronting on Rann Court to the south and the Sunshine Ballpark to the north. The proposed rezoning is to address a property records error made with Ordinance 14-06 that led to the rezoning of this parcel from R-1 to R-12 instead of the City's intended rezoning of the parcel from R-1 to R-2. The R-2 residential zoning district permits two residential units per acre. The Comprehensive Plan designates the area for Low Density Residential, which has a general recommended density of four units per acre.

*[Due to the complexity of this application, the staff report has been attached to these Minutes (**Attachment A**)].*

Mr. Craig presented the City's application and provided a brief slide presentation.

Mr. McAfee clarified for those present that City Council requested the proposed correction.

Mr. Craig said Mr. McAfee is correct. He said City Council passed a Resolution in June in order to bring this application forward.

Dr. Gratz asked if there were any **current** projects proposed for this site.

Mr. Craig said the land owner had previously submitted a TRC pre-application for townhomes, but staff does not have any formally submitted plans that he is aware of at the moment.

Dr. Gratz asked if the City is likely to end up with a lawsuit as a result of this action.

Ms. Dooley, City Attorney, said it is hard to say if there would be a lawsuit brought forward or not. The landowners are obviously interested in the zoning of their property, and they argued to the BZA that they had R-12 zoning and the BZA agreed with the landowners. She said the City Council wishes to just correct the mistake. She added that the City feels this is a sound request and that it is appropriate to correct a mistake when it was made. She said she and Mr. Craig have spent hours reviewing this file and the history of this parcel and understand how the mistake was made. She added that she had looked at comments submitted by Commissioner Dynes, where he appears to be attempting to assign blame for the mistake, but neither she nor staff found anything to indicate that there was any ill intent whatsoever underlying this mistake. She said it

does go back to the 70's and Bragg Hill, and Spotsylvania County and some of the deeds that were going around at that time. The property was part of 9711 at one time and then it was subdivided off, so there are reasons why these mistakes made their way into the record but there was no evidence found of bad faith on any party. She said it worked its way onto the [deed's] cover sheet, to the Commissioner of the Revenue's office, into the GIS System and out again, and all of this was happening at the same time that City Council was considering this general map amendment in 2014 that was simply trying to go from R-1 to R-2 zoning. Having discovered the mistake, the City Council would like to put this 0.8 acre back to the same zoning as the other 33 acres of vacant land that it is connected to. She said it is also consistent with the Comprehensive Plan, which shows this area as low-density residential.

Mr. McAfee noted that Commissioner Dynes had brought in comments earlier in the evening as he would miss the meeting due to illness. He asked that the comments made by Mr. Dynes be made part of the official record (***Attachment B***).

Mr. Pates said this conversation had made him recall the Ordinance [No. 14-06] and he remembered distinctly the discussion at the time, and asking the question: "Would the zoning amendment change or increase the density on any of those parcels?" and he remembered distinctly the answer being "No." He said that was certainly one reason he voted for it because he did not see it as constituting any kind of change at all. Therefore, staff should be commended for correcting the error.

Mr. McAfee opened the public hearing.

Mr. Peter Busante, attorney representing the owners of the property, said he wanted to address an earlier question posed by Dr. Gratz as to whether there had been any plans to develop this property, and as Mr. Craig had noted there was a GDP that the owners had submitted in February of 2016, relying on the R-12 zoning classification. But they had also devoted a lot of effort and time toward appealing Mr. Craig's decision that it was a clerical error and that it was <u>not</u> zoned to the R-12 district, which was of course overturned by the BZA, and the City has not challenged that ruling so there is no doubt that the City Council did zone this parcel as R-12 in 2014. Now there has been a lot of presentation to staff and the landowners that this was a mistake. He said they do not doubt that there were some clerical issues but they did not see anything in the actual record when City Council did this that it was a mistake. In fact, he said, during the BZA hearing in May 2016, Ms. Paolucci, who actually made the motion approving this mass rezoning request, said she actually physically walked this property, which was posted, and she said she thought all along that this parcel was actually going to be rezoned to R-12. So, he said, the fact that on a staff level there may have been a clerical error, it does not appear that way from what the City Council did in 2014. He said the property owners have relied on this classification, first in developing the GDP, which led to the [Zoning Administrator's] determination and subsequent appeal to the BZA. As soon as the 30-day window for the City to appeal the BZA's decision lapsed sometime in June, the owners started working on a construction plan for a by-right townhome development in accordance with the R-12 classification and they are probably going to submit this to the Planning staff by the end of the week. He said they have spent thousands of dollars and conducted a lot of work in reliance of this R-12 classification.

He said once they thought they were safe and the BZA decision was no longer appealable by the City, they thought they were entitled (such as a vesting exercise) to

move forward with the R-12 classification and what they wanted to do with the property. He said he does not believe there were any bad intentions and he is sure it was an honest mistake and may have actually resulted from the property owners, but the consequence of this would not be just correcting a clerical error. The consequences are down-zoning a property and prejudicing the property owners who have spent a lot of time and effort investing in this property.

There were no questions from Commissioners and no additional public comment.

Mr. McAfee closed the public hearing.

Mr. Pates made a motion to recommend approval of the 0.806-acre property, identified as GPIN 7870-00-3906, to be rezoned from Residential R-12 to Residential R-2.

Mr. Gantt seconded the motion.

Dr. Gratz said this appears to be another case where the City screwed up and asked why the City did not appeal the decision of the BZA within the time limit. Now if we make this change, it appears that we are in bad shape.

Ms. Dooley said the City Council or the Zoning Administrator did have two options with respect to the BZA decision; one being to go to court and see what happens in litigation; but the other option was to accept the BZA's decision, acknowledge the mistake and simply correct the mistake. The second option, she said, frankly looked more straightforward. We are accepting the landowners' argument about what his zoning was and she believes that it was very clear on the record that that would have been a mistake and it would have been made by the City Council. As Mr. Pates said, and the record clearly shows, the 2014 exercise was just that – the R-1 and the R-2 districts were the same districts so the City was trying to move land from R-1 to R-2 and get rid of a redundant district. She said there were two options and one seemed difficult and one seemed simple so that is the option they chose.

Mr. McAfee asked the Planning Director and the City Attorney if he is correct in that he believes the Planning Commission is being asked to consider not the string of events and errors that occurred but whether or not it is appropriate to zone this land to R-2, per the Comprehensive Plan.
]
Mr. Johnston said Mr. McAfee is correct.

Ms. Dooley said she agrees.

Mr. McAfee said there was a motion and a second on the floor and called for the vote.

Motion carried by a vote of 4 – 1, with Dr. Gratz voting against the motion.

GENERAL PUBLIC COMMENT

7. *A general public comment period is provided at each regular meeting for comments by citizens regarding any matter* ***related to Commission business that is not listed on the Agenda for Public Hearing****. The Chair will request that speakers observe the* ***three-minute time limit*** *and yield the floor when the*

Clerk indicates that their time has expired. No dialogue between speakers will be permitted.

Mr. McAfee opened the floor for general public comment.

There were no speakers.

Mr. McAfee closed the General Public Comment period.

NEW BUSINESS

8. Mr. Bill Freehling, Asst. Director of Economic Development, provided a PowerPoint presentation and update regarding [the recently-issued] Economic Development Analysis Report ("Report") (***Attachment C***).

Mr. O'Toole noted that traffic has been a problem for many years, it's not getting better, and has become a major economic problem for people trying to get from one side of town to another. He said he understands that there is no real answer to this problem.

Mr. Freehling said certainly this has been an issue and there has been a significant amount of time and resources spent trying to improve the situation. [These include:] the news that Fredericksburg and its region is the recipient of a $165 million dollar Federal grant on the "Atlantic Gateway Project" that will extend the hot lanes down to Exit 133 and add collector-distributer roads down to Exit 130; plans to improve the interchange at Exit 130; the Fall Hill Avenue widening; the Mary Washington Boulevard widening; and the efforts to potentially add a third [rail] track through Fredericksburg and bring high-speed rail. So, he said, there have certainly been a lot of efforts made but, at the same time, there continues to be more traffic. He said it is an issue but Fredericksburg benefits by having a walkable downtown, train service and developers wanting to provide more higher-density downtown projects.

Mr. Pates said the work that has been done here on the Report is very important and directly affects what the Planning Commission is doing. He asked Mr. Freehling to elaborate on the concept of regionalism and asked, from the Economic Development Department's perspective, what prospects they see in this area.

Mr. Freehling said he believes that the City works and meets regularly with the Fredericksburg Regional Alliance (FRA), along with other economic development officers in Planning District 16. Although there is some friendly competition within the area, he said he believes there is regional cooperation to draw major businesses to the region, if not [a particular] locality. He said the FRA is the main contact for [this regional] partnership.

With respect to the Area Plans, Mr. Pates asked what the Planning Commission can do in the process to further economic development efforts.

Mr. Freehling said that the Area Plans will certainly drill down into more specifics than what is in the Report, as that is more of a broad picture of the entire City of Fredericksburg and what the entire City should be doing. The Area Plans will offer more granular detail as to how we can best move forward in these individual areas. He said he believes the City hired an excellent firm to do the work and will aid tremendously in

getting more realistic information about how we can recruit some of the best prospects, etc.

Mr. Pates said he would like to see more emphasis [in the City's economic development plans] put into the train station and the area around it, which could be a major economic driver for the City.

9. Mr. Erik Nelson, Deputy Director of Community Planning & Building, provided an update on the Small Area Comprehensive Plan process. He said staff will continue to come before the Commission each month to provide an update as the process moves forward. He informed Commissioners that they are welcome to schedule one-on-one meetings with the Small Area Comprehensive Plan consultants. He informed Commissioners of upcoming meetings for the public to meet with the consultants.

OTHER BUSINESS

10. Planning Commissioner Comment

Mr. Pates said that going back to the Airbnb issue, Mr. Gantt had said he thought it would be useful to have the City take a more comprehensive view of this concern and to report back to the Commission. Mr. Pates said he would move that the Planning Commission ask the Planning Director and the City Manager, and anybody else that the City Manager feels would be appropriate, to look at the larger issue of residences in the City being used for Airbnb facilities and to come back to the Commission at [the City Manager's] convenience with a report and recommendation on how this might affect Land Use.

Ms. Dooley commented that the Virginia Municipal League was also studying this issue and its work would probably be completed in several months. She suggested that the City staff could bring back such a report back to the Commission by October.

Mr. O'Toole seconded the motion.

Motion carried by a vote of 5 – 0.

11. Planning Director Comment

Mr. Johnston updated the Commission on recent City Council actions.
Mr. Johnston informed Commissioners of potential projects/applications that may be coming forward in the near future.

ADJOURNMENT

Meeting adjourned.

_____
Roy McAfee, Chair

Attachment A

MEMORANDUM

TO: Chairman Roy E. McAfee and Planning Commissioners
FROM: Mike Craig, Zoning Administrator
DATE: July 6, 2016 for July 13 meeting
RE: **Zoning map amendment of GPIN 7870-00-3906 (the "Property") from R-12 to R-2.**

ISSUE

Should the Planning Commission initiate a zoning map amendment of GPIN 7870-00-3906 from R-12 to R-2 to address an error made in Ordinance 14-06?

RECOMMENDATION

Recommend approval of the rezoning to the City Council.

GENERAL BACKGROUND

The proposed rezoning before the Planning Commission tonight would rezone GPIN 7870-00-3906 from R-12, Residential to R-2, Residential as shown on the attached Exhibit A and B.

GPIN 7870-00-3906 is a 0.806 acre parcel adjacent to Wicklow Drive across from the Riverwalk subdivision and between the Bragg Hill townhomes fronting on Rann Court to the south and the Sunshine Ballpark to the north. The parcel is an undeveloped, generally flat, open field. The Bragg Hill Corporation owns an adjacent vacant 33.96 acre parcel of land now known as GPIN 7860-90-3994. Neither vacant property has been assigned a street address by the City.

On February 11, 2014 the City Council adopted Ordinance 14-06, which rezoned all the remaining R-1 zoned property (1,121 acres of land) in the City.[1] As listed in the Ordinance's Exhibit A, properties with an assigned street address were rezoned by that address. Properties without street addresses were rezoned by GPINs. The rezoning included the Property; however, it was not at that time identified as an independent GPIN. The Property was at the time also owned by the Bragg Hill Corporation and was included as part of GPIN 7860-90-3994.[2] Ordinance 14-06 rezoned GPIN 7860-90-3994 from R-1 to R-2. The Property itself was not created as an independent feature on the City's GIS map and assigned its own GPIN (GPIN 7870-00-3906) until September 17, 2015, which was over a year and a half after the adoption of Ordinance 14-06.[3]

---

[1] Exhibit 1, Ordinance 14-06 including Exhibit A and maps.
[2] Exhibit 2, Memorandum from Kim Williams, GIS Analyst
[3] GPIN numbers are a representation of land updated and maintained as part of the City's Geographic Information System (GIS). The GIS system contains a disclaimer that the GIS system is neither a survey product nor replacement for appropriate deed research.

The Property was conveyed from Bragg Hill Community Corporation to Bragg Hill Corporation in October 2013.[4] The required "cover sheet" prepared for the Clerk of Court by the landowner's private attorney for recording the deed identifies the subject Parcel as GPIN 7860-90-9711. This identification was erroneous and was likely the product of an ambiguity in the land records dating back to 1976.[5]

This error was transferred from the Court Clerk's Office into the City's Real Estate records, resulting in a change in the information underlying the mapped GPIN. The real estate information (and subsequent tax bills) underpinning GPIN 7860-90-9711 became a mixture of information related to GPIN 7860-90-9711 as mapped on the City's official GIS map (which did not include what is now GPIN 7870-00-3906 according to Kim William's memo) and the Property. Ordinance 14-06 rezoned GPIN 7860-90-9711, which as the deeded "open space" associated with the Bragg Hill townhomes, from R-1 to R-12.

The result of this discrepancy was that during the rezoning process in 2014, City mapping and notification treated the Property as part of GPIN 7860-90-3994, which was rezoned from R-1 to R-2,[6] yet in December 2013, the City began to issue tax bills for the Property referring to it as GPIN 7860-90-9711 and taxing it as R-12 zoned property.

On February 29, 2016, Mark Glazebrook, one of the two owners of a 0.806 acre parcel of land, applied for a Technical Review Committee pre-application conference to discuss building townhomes on the Parcel under a purported R-12 zoning designation.[7]

On March 10, 2016, the Zoning Administrator sent the Bragg Hill Corporation a determination letter stating that the property is actually zoned R-2, Residential.[8] The R-2 district permits single family dwellings at a maximum density of 2 dwelling units per acre, but it does not permit townhouse (single family attached) development. Bragg Hill Corporation filed an appeal to the Board of Zoning Appeals, contesting the determination that the land is zoned R-2 and not R-12.

On May 16, 2016, the City's Board of Zoning Appeals (BZA) upheld the appeal finding that there was sufficient evidence that the GPIN recorded in the land records superseded the City's GPIN mapping in place in 2014 and that the Property was zoned R-12. The decision of the BZA is binding on the parties.

PURPOSE OF ORDINANCE 14-06

The purpose of Ordinance 14-06 was to make City planning and zoning more efficient. The rezoning was a City- initiated rezoning whose intent was to bring all the remaining land annexed by the City in 1984 zoned R-1 into conformance with the newly adopted Unified Development Ordinance by either transferring the land from the defunct R-1 zoning district to the R-2 zoning district or to otherwise bring the existing uses established on lands annexed by the City into zoning districts that reflect their use in accord with sound planning practices. The update was a logical step after the adoption of the Unified Development Ordinance, which was the City's first

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[4] Exhibit 3, Deed from Bragg Hill Community Corporation to Bragg Hill Corporation, dated October 31, 2013.
[5] Exhibit 4, History of the Property.
[6] GPIN 7860-90-9711 was identified correctly as shown in Kim William's memo and owned by the Bragg Hill Community Corporation.
[7] Exhibit 5, Pre-application Conference application.
[8] Exhibit 6, Zoning Administrator Determination Letter

comprehensive zoning update since 1984.

Vacant developable land was not intended to be upzoned by the ordinance. The only vacant land that was supposed to be zoned to R-12, R-16, or R-30 was the deeded open space associated with existing higher density projects. Because the intent of the ordinance was to bring development on the ground into conformance with the zoning ordinance, the impacts associated with upzoning vacant land were not studied or considered during the process leading to the adoption of 14-06.

The intensity of potential development on the 0.806 acre Property would not have changed in 2014 if the City rezoned the Property from R-1 to R-2 as intended. Increasing the density on the Property to R-12 will have external effects on surrounding land uses and neighborhoods. The only public speaker during the May 16 Board of Zoning Appeals hearing raised concerns about the impacts of more intense development on her house in the adjacent neighborhood. This correction is necessary so that if a higher intensity use is proposed on the Property in the future then the public, the Planning Commission, and the City Council will have an opportunity to properly evaluate any potential impacts and make an informed legislative decision on whether or not the increased intensity should be permitted.

The 2015 Comprehensive Plan Future Land Use Map designates the Property for "Low Density Residential," which is consistent with the intended and proposed R-2 zoning classification.

CONCLUSION:

The staff report and mapping associated with Ordinance 14-06 clearly showed the Property as being zoned from R-1 to R-2. The BZA found that there was a significant enough error that the Property was zoned instead to R-12. The proposed rezoning before the Planning Commission will correct that error.

ATTACHMENTS:

1. Proposed Ordinance
2. Exhibits A and B
3. Exhibits 1- 6

MOTION:

SECOND:

[date]
Regular Meeting
Ordinance No. 16-__

RE: **AMENDING ORDINANCE 14-06, TO REZONE APPROXIMATELY 0.806 ACRES OF LAND ADJACENT TO THE UNBUILT BAKERSFIELD LANE RIGHT OF WAY, A PORTION OF FORMER BRAGG HILL PARCEL B-5, IDENTIFIED AS GPIN 7870-00-3906, FROM R-12 TO R-2**

ACTION: **APPROVED; Ayes: 0; Nays: 0**

First read: _____ **Second read:** _____

IT IS HEREBY ORDAINED by the Fredericksburg City Council that the official zoning map of the City, established pursuant to City Code §72-30, is amended as follows:

I. Purpose and findings.

The subject parcel was included in an area of 2,963 acres of land annexed by the City effective January 1, 1984. At the time of annexation, the land was initially classified as R-1 Residential zoning with the intent to rezone the land to a more appropriate zoning district at a later date. The subject property continued to be zoned R-1 until the adoption of Ordinance 14-06 by City Council on February 11, 2014. The purpose of Ordinance 14-06 was to reclassify that portion of the annexed land which had not already been rezoned into a zoning district more suited to its existing or planned development.

At the time of the adoption of Ordinance 14-06, according to City records, the subject parcel was a portion of a larger parcel identified as GPIN 7860-90-3994. Ordinance 14-06 ostensibly rezoned the subject property from R-1 to R-2. However, in February 2016, the current owner of the property asserted an R-12 zoning of the property. The Zoning Administrator provided a written determination that the property had been zoned R-2 by Ordinance 14-06. An adjoining landowner appealed this decision to the Fredericksburg Board of Zoning Appeals

The adjoining landowner's contention was that the subject property was identified as GPIN 7860-90-9711 at the time of the adoption of Ordinance 14-06. That parcel, identified in Exhibit A to the ordinance, was rezoned from R-1 to R-12 by the ordinance. The BZA upheld the appeal, determining that the land had been zoned R-12 by Ordinance 14-06.

The purported rezoning of the subject parcel from R-1 to R-12 would have been a mistake by the governing body. At the time of adopting Ordinance 14-06, the City Council was unaware of any ambiguity or confusion as to the property identified as GPINs 7860-90-3994 and 7860-90-9711. The GIS map was subsequently revised to assign GPIN 7870-00-3906 to this 0.806 acre parcel.

In adopting this ordinance, City Council has considered the applicable factors in Virginia Code § 15.2-2284. The City Council has determined that public necessity, convenience, general welfare and good zoning practice favor the requested rezoning.

II. Official Zoning Map Amendment

The official zoning map, prepared in accordance with City Code §72-30, is hereby amended by rezoning the 0.8 acre parcel identified as GPIN 7870-00-3906, more particularly described on the plat of survey entitled "Plat of Survey Showing 0.806 Acres in the Name of Bragg Hill Community Corporation," prepared by Mark D. Goodpasture, L.S., of Bagby, Caldwell and Associates, Inc., a copy of which plat is attached as Exhibit A. Ordinance 14-06 is so amended.

III. Effective Date

This ordinance is effective immediately.

Votes:
Ayes:
Nays:
Absent from Vote:
Absent from Meeting:

Approved as to form:

_____
Kathleen Dooley, City Attorney

****

Clerk's Certificate

I, the undersigned, certify that I am Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Ordinance No. 16-_ duly adopted at a meeting of the City Council meeting held Date, 2016 at which a quorum was present and voted.

_____
Tonya B. Lacey, CMC
Clerk of Council

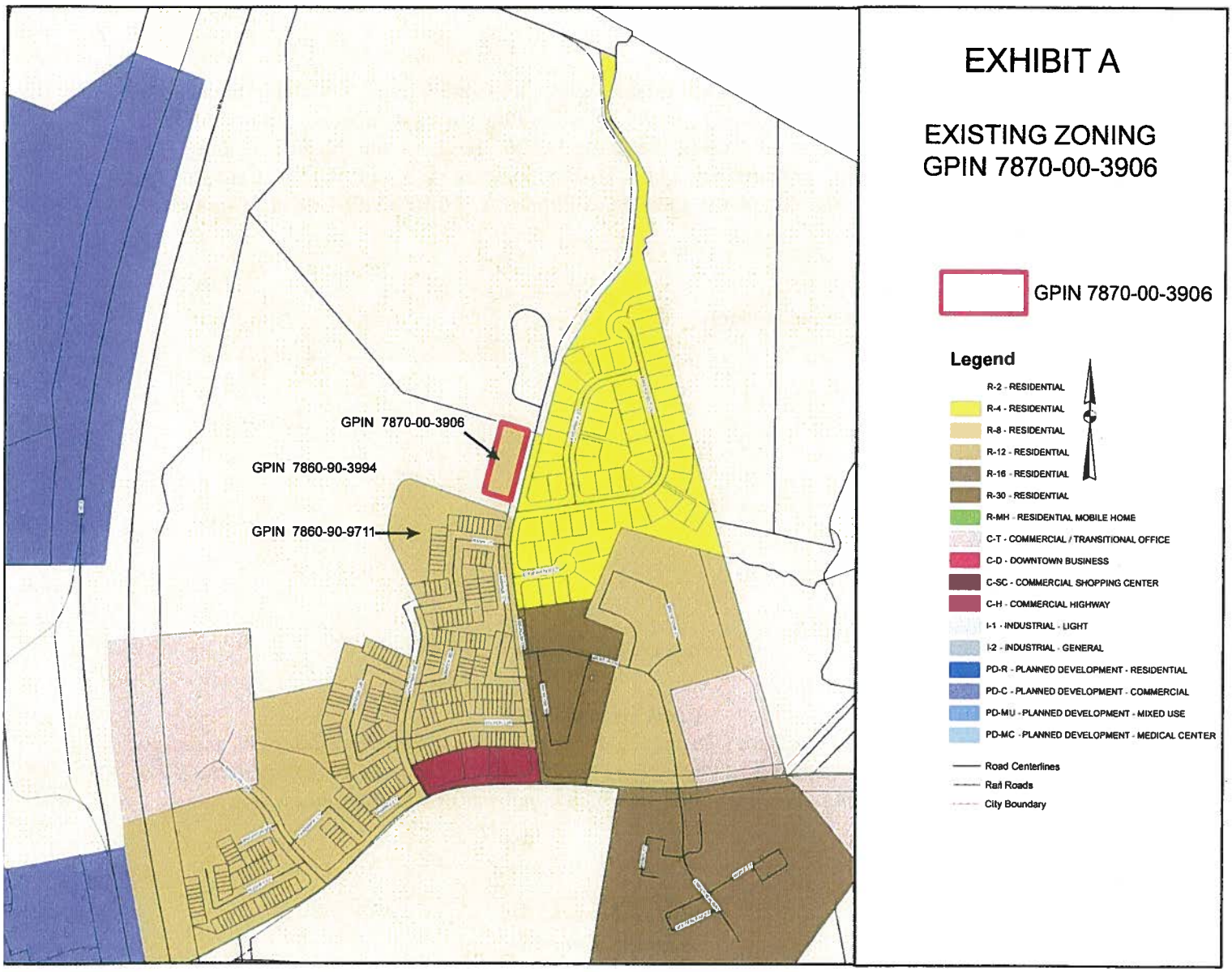


EXHIBIT A
EXISTING ZONING
GPIN 7870-00-3906
GPIN 7870-00-3906
Legend
R-2 - RESIDENTIAL
R-4 - RESIDENTIAL
R-8 - RESIDENTIAL
R-12 - RESIDENTIAL
R-16 - RESIDENTIAL
R-30 - RESIDENTIAL
R-MH - RESIDENTIAL MOBILE HOME
C-T - COMMERCIAL / TRANSITIONAL OFFICE
C-D - DOWNTOWN BUSINESS
C-SC - COMMERCIAL SHOPPING CENTER
C-H - COMMERCIAL HIGHWAY
I-1 - INDUSTRIAL - LIGHT
I-2 - INDUSTRIAL - GENERAL
PD-R - PLANNED DEVELOPMENT - RESIDENTIAL
PD-C - PLANNED DEVELOPMENT - COMMERCIAL
PD-MU - PLANNED DEVELOPMENT - MIXED USE
PD-MC - PLANNED DEVELOPMENT - MEDICAL CENTER
Road Centerlines
Rail Roads
City Boundary
GPIN 7870-00-3906
GPIN 7860-90-3994
GPIN 7860-90-9711

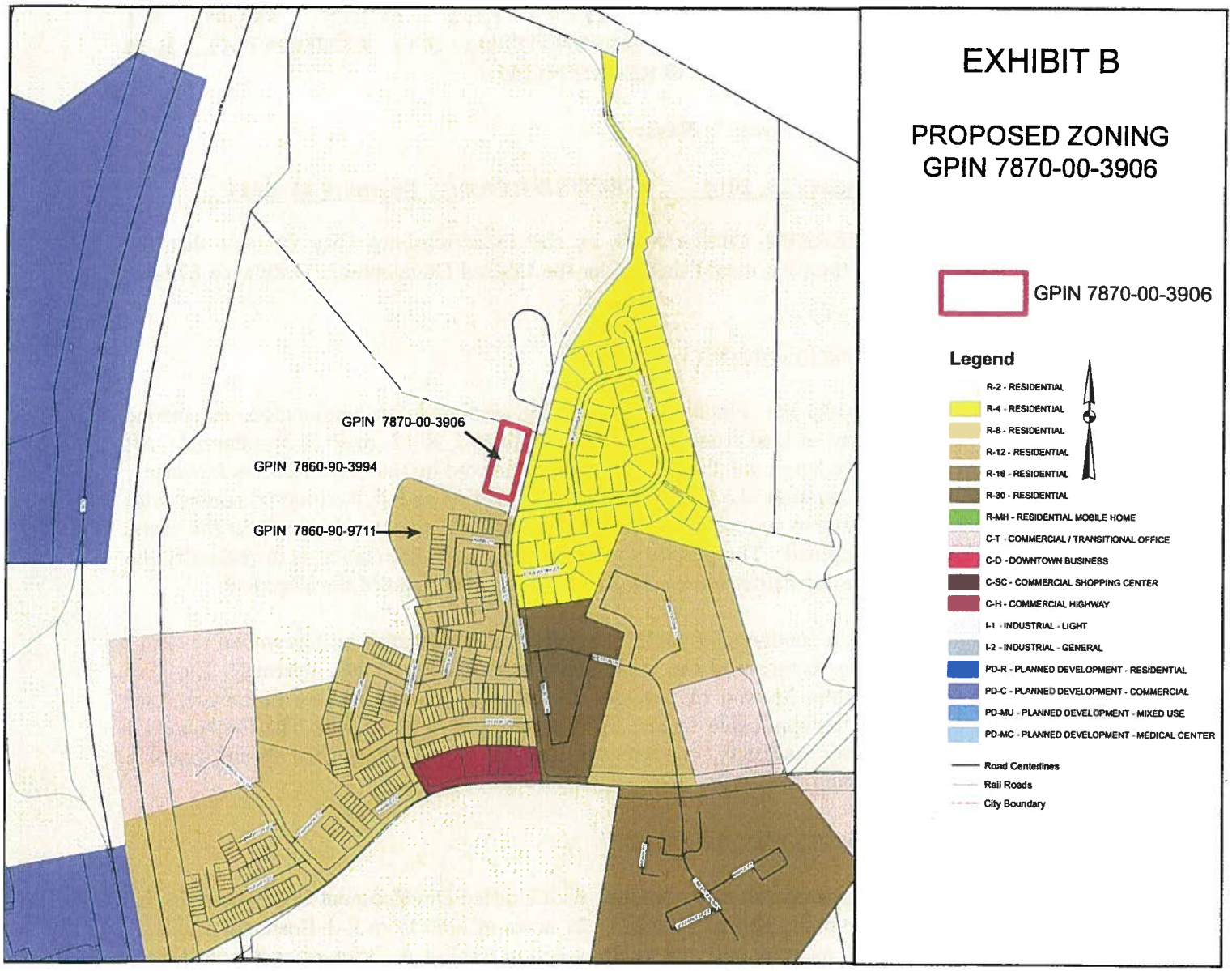


EXHIBIT B
PROPOSED ZONING
GPIN 7870-00-3906
GPIN 7870-00-3906
Legend
R-2 - RESIDENTIAL
R-4 - RESIDENTIAL
R-8 - RESIDENTIAL
R-12 - RESIDENTIAL
R-16 - RESIDENTIAL
R-30 - RESIDENTIAL
R-MH - RESIDENTIAL MOBILE HOME
C-T - COMMERCIAL / TRANSITIONAL OFFICE
C-D - DOWNTOWN BUSINESS
C-SC - COMMERCIAL SHOPPING CENTER
C-H - COMMERCIAL HIGHWAY
I-1 - INDUSTRIAL - LIGHT
I-2 - INDUSTRIAL - GENERAL
PD-R - PLANNED DEVELOPMENT - RESIDENTIAL
PD-C - PLANNED DEVELOPMENT - COMMERCIAL
PD-MU - PLANNED DEVELOPMENT - MIXED USE
PD-MC - PLANNED DEVELOPMENT - MEDICAL CENTER
Road Centerlines
Rail Roads
City Boundary
GPIN 7870-00-3906
GPIN 7860-90-3994
GPIN 7860-90-9711

EXHIBIT 1

MOTION: **PAOLUCCI**

SECOND: **KELLY**

February 11, 2014
Regular Meeting
Ordinance No. 14-06

RE: **REZONING APPROXIMATELY 1,121 ACRES FROM R-1 RESIDENTIAL TO R-2 RESIDENTIAL, R-12 RESIDENTIAL, R-16 RESIDENTIAL, OR R-30 RESIDENTIAL**

ACTION: **APPROVED; Ayes: 7; Nays: 0**

FIRST READ: **January 28, 2014** **SECOND READ:** **February 11, 2014**

IT IS HEREBY ORDAINED by the Fredericksburg City Council that the Official Zoning Map of the City, established under the Unified Development Ordinance §72-30, is amended as follows:

I. Background Information

On November 13, 2013, the Planning Commission initiated an application to rezone approximately 1,121 acres of land from R-1 Residential to R-2, R-12, or R-16 Residential. All of the subject land is included in the 2,963 acres of land annexed by the City effective January 1, 1984. At the time of annexation, the land was initially classified as R-1 Residential zoning with the intent to rezone the land to a more appropriate zoning district at a later date. Over the years, 1,842 acres have been rezoned. The purpose of this zoning map amendment is to reclassify the remaining land into a zoning district more suited to its existing or planned development.

The Planning Commission conducted a public hearing on this ordinance on December 11, 2013 and adopted a motion to recommend the zoning map amendment at that meeting. The City Council conducted a public hearing on January 28, 2014. In adopting this ordinance, City Council has considered the applicable factors in Virginia Code § 15.2-2284. The City Council has determined that public necessity, convenience, general welfare and good zoning practice favor the requested rezoning.

II. Official Zoning Map Amendment

The Official Zoning Map, prepared in accordance with Unified Development Ordinance §72-30, is hereby amended by rezoning approximately 1,121 acres of land from R-1 Residential to R-2, R-12 or R-16 Residential, as more particularly described in Exhibit A, "Properties Rezoned from R-1 Residential to R-2, R-12, or R-16 Residential by Ordinance 14-06, Adopted by the Fredericksburg City Council February 11, 2014."

III. Effective Immediately

This ordinance is effective immediately.

EXHIBIT 1

Approved as to form:

Kathleen Dooley, City Attorney

****

Clerk's Certificate

I, the undersigned, certify that I am Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Ordinance No. 14-06 duly adopted at a meeting of the City Council meeting held February 11, 2014 at which a quorum was present and voted.

Tonya B. Lacey, CMC
Clerk of Council

EXHIBIT 1

PROPERTIES REZONED FROM R-1 RESIDENTIAL TO R-2, R-12, OR R-16 RESIDENTIAL

BY ORDINANCE 14-06

ADOPTED BY THE FREDERICKSBURG CITY COUNCIL FEBRUARY 11, 2014

1. **The following properties are rezoned from R-1, Residential to R-2, Residential:**

300-501 Altoona Dr.,

2-27 Apache Terr.,

1000-1014 Black Oak Ct.,

6-44 Briscoe Ln.,

1000-1210 Century Oak Dr.,

10-40 Curtis Est.,

3219-3468 Fall Hill Av.,

301-304 Falling Creek Rd.,

1800-1829 Genther Ln.,

6400 Gordon W. Shelton,

1002-1200 Great Oaks Ln.,

2101-2207 Hays St.,

1001-1019 Hickory Ct.,

1000-1021 Jami's Pl.,

2231 Jeff Davis Hwy.,

1000-1008 Jessi's Av.,

1002-1014 Jill's Pl.,

1002-1006 Jon's Pl.,

1000-1009 Julia's Pl.,

1109 Mahone St.,

1-9 Matoca Ct.,

1002-1005 Oakwood Ct.,

1005-1101 Oakwood St.,

2-32 Pawnee Dr.,

1-8 Peace Pipe Ln.,

104-125 Poplar Dr.,

1303-1428 Preserve Ln.,

5321-5517 River Rd.,

10-43 Seneca Terr.,

3403 Vidalia St.,

1102-1109 Westwood Dr.,

1200 Wicklow Dr.,

1711-1805 A-D William St.,

101-142 Woodland Rd.,

GPIN #s

7769-77-8378 (no address),

7769-16-0941 (no address),

7769-26-0788 (no address),

7769-47-1903 (no address),

7779-24-2528 (no address),

7870-11-7643 (no address),

7870-11-1775 (no address),

EXHIBIT 1

7870-10-4269 (no address),

7870-21-0133 (no address),

7870-10-4527 (no address),

7870-20-6853 (no address),

7870-21-8644 (no address),

7870-21-4459 (no address),

7870-30-5391 (no address),

7779-29-6826 (no address),

7779-29-2738 (no address),

7769-94-7825 (no address),

7779-15-3264 (no address),

7779-15-1314 (no address),

7779-05-9510 (no address),

7779-05-5551 (no address),

7870-03-1000 (no address),

7860-90-3994 (no address),

7779-22-4866 (no address),

7779-33-3632 (no address),

7779-34-8153 (no address),

7779-33-7697 (no address),

7779-23-5833 (no address),

7779-23-6834 (no address),

7779-23-7980 (no address),

7779-32-4817 (no address),

7778-16-6891 (no address),

7779-24-4390 (no address),

7779-04-4091 (no address),

7779-05-7004 (no address),

7860-52-1115 (no address),

7860-72-2838 (no address),

7779-07-7560 (no address),

7769-98-2024 (no address),

7779-17-0369 (no address),

7779-06-2534 (no address),

7769-96-4560 (no address),

7779-14-5535 (no address),

7779-08-6240 (no address),

7779-06-4427 (no address),

7779-07-1395 (no address),

7779-00-6239 (no address),

7778-06-2695 (no address),

7779-59-0836 (no address), and

7779-08-2325 (no address).

EXHIBIT 1

2. The following properties are rezoned from R-1, Residential to R-12, Residential:

200-222 Brighton Sq.,

317-343 Brock Sq.,

400-416 Chadwick Ct.,

600-817 Denton Cir.,

501-517 Harris Ct.,

100-322 Hickok Cir.,

100-152 Hughey Ct.,

218-241 Ivanhoe Ct.,

400-445 Rann Ct.,

900-1009 Roffman Rd.,

GPIN #

7769-99-0343 (no address),

7769-99-7765 (no address),

7769-99-4595 (no address),

7779-09-1846 (no address),

7870-00-2360 (no address), and

7860-90-9711 (no address),.

EXHIBIT 1

3. **The following properties are rezoned from R-1, Residential to R-16, Residential:**

   1000 Heritage Park Dr.

   1009 Heritage Park Dr.

   GPIN # 7769-98-1474 (no address)

4. **The following property is rezoned from R-1, Residential to R-30, Residential:**

   1099 Wicklow Dr.

EXHIBIT 1

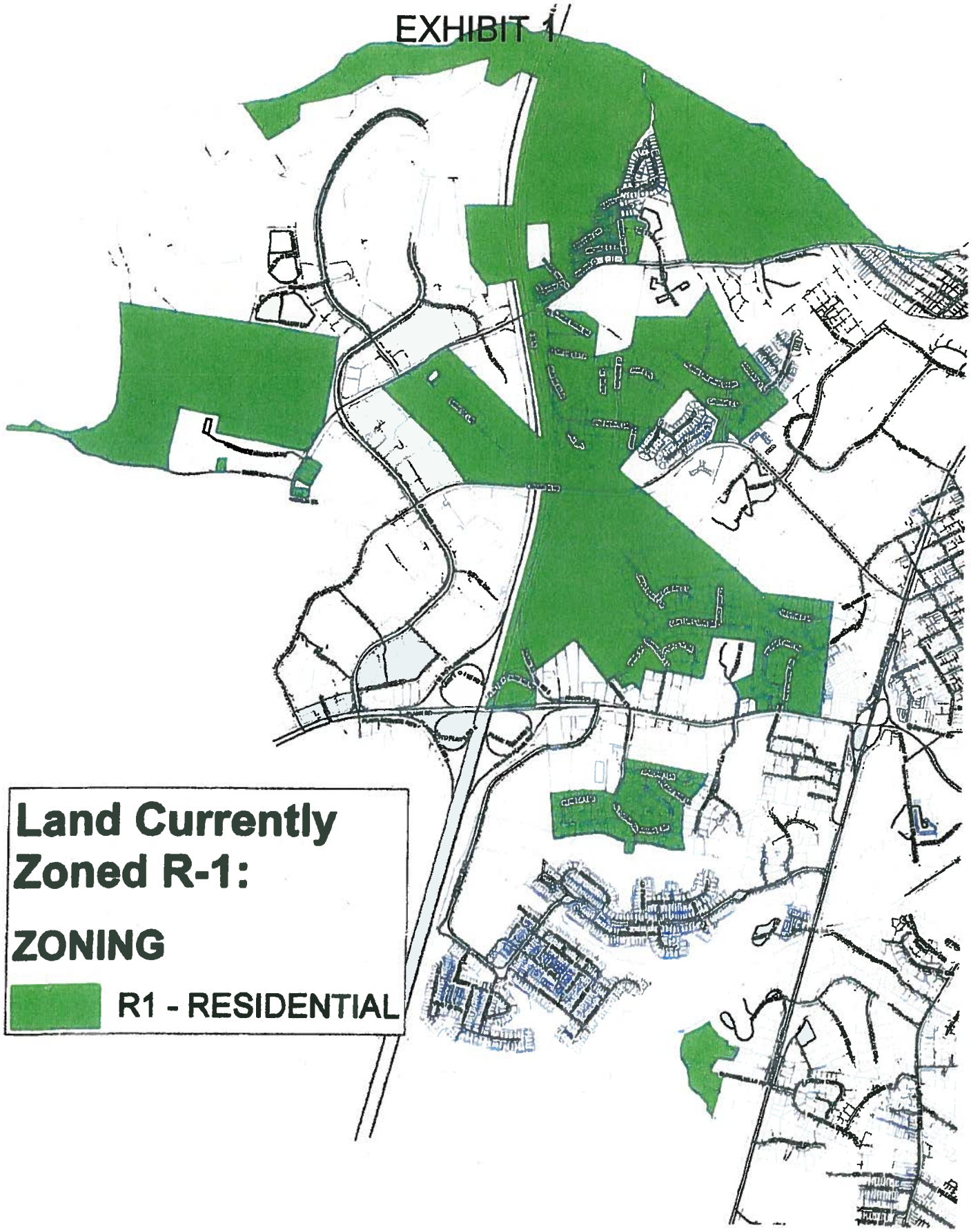


EXHIBIT 1

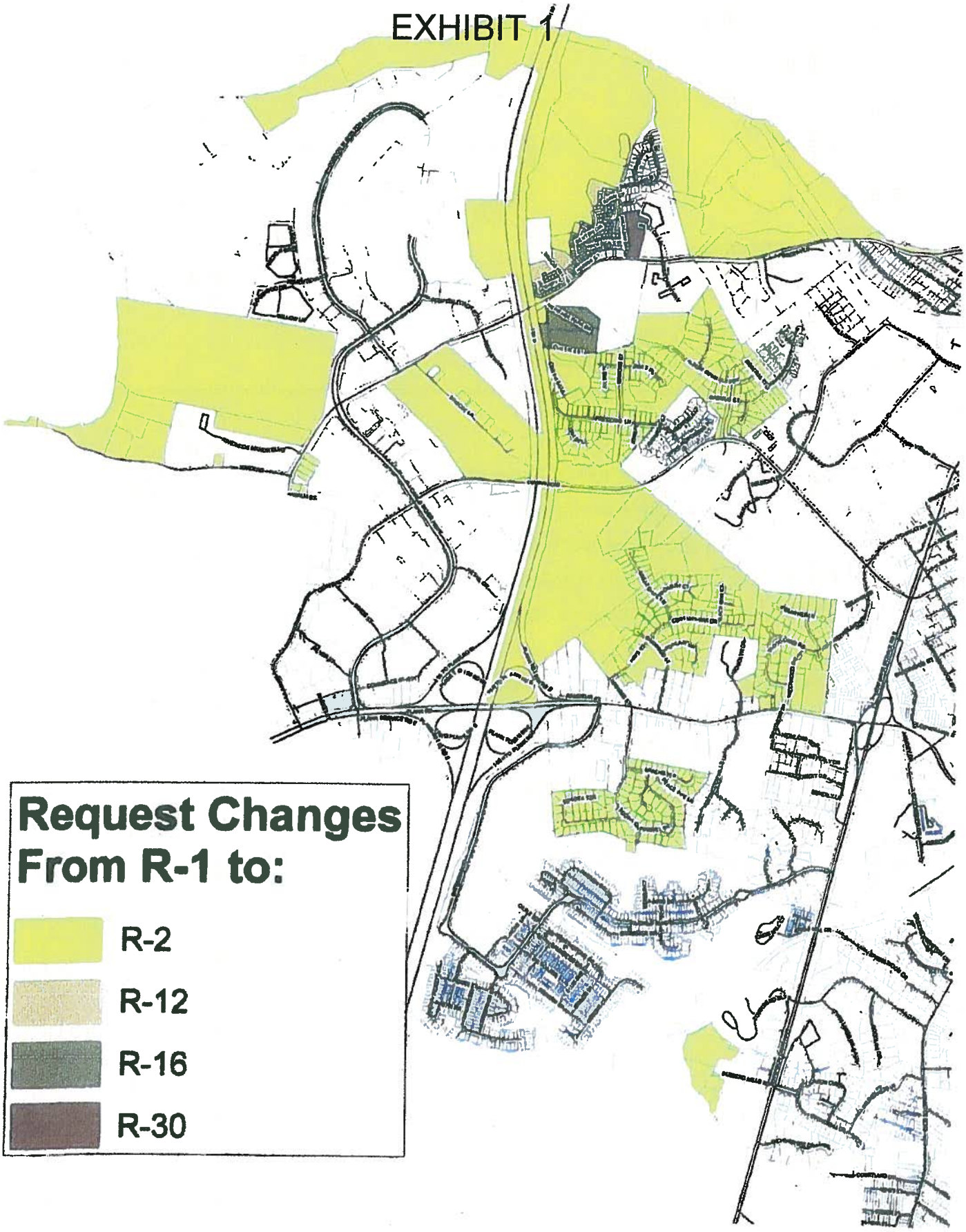


EXHIBIT 2

MEMORANDUM

TO: Mike Craig, Zoning Administrator and Kathleen Dooley, City Attorney
FROM:
DATE: May 10, 2016 (for May 16 meeting)
RE: Board of Zoning Appeals – GPIN 7870-00-3906

BACKGROUND

The City of Fredericksburg built its Geographic Information System (GIS) in 2009-2010. Property lines in the City were drawn based on property lines shown in Tax Maps at that time. The section of the City now in question was drawn based on 2009 Tax Map page A19, attached. The 2009 Tax Map included the subject parcel in A19-84A. The whole Tax Map parcel A19-84A became 7860-90-3994 in the new GIS system.

Therefore, on February 11, 2014, the GIS did not represent the .806 acre piece of land now identified as 7870-00-3906 as its own parcel due to the fact that this piece of land was part of the larger 33.962 acre parcel identified as 7860-90-3994 on the City tax maps.

The .806 acre parcel identified as 7870-00-3906 was created in the GIS on September 17, 2015 in response to a request from Real Estate. Attached are renditions of both how this area of the City appeared in the City of Fredericksburg GIS prior to September 17, 2015, and after the September 2015 edits were completed.

Thank you,

Kim B. Williams

Kim B. Williams

EXHIBIT 2

Property Lines and GPINs
Prior to September 17, 2015

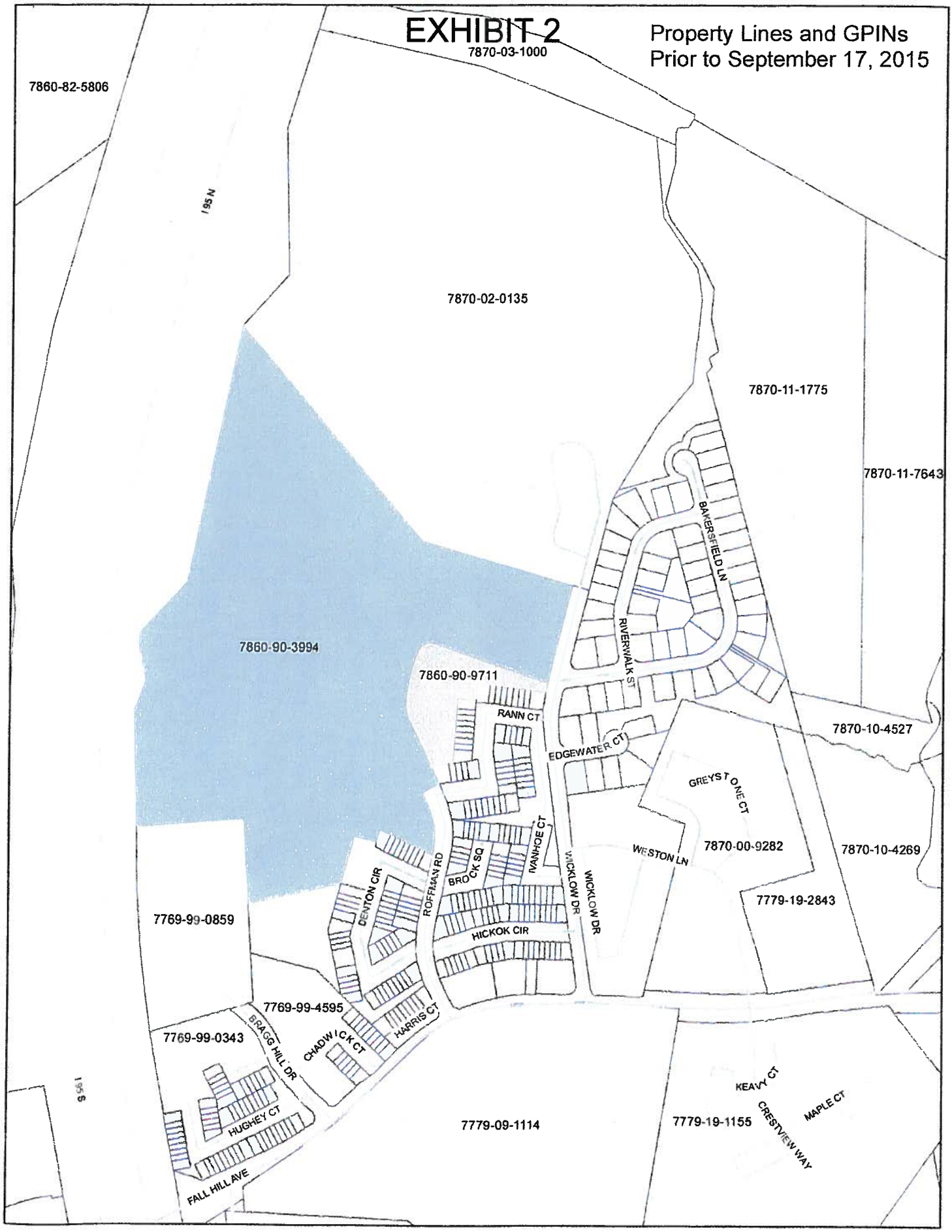
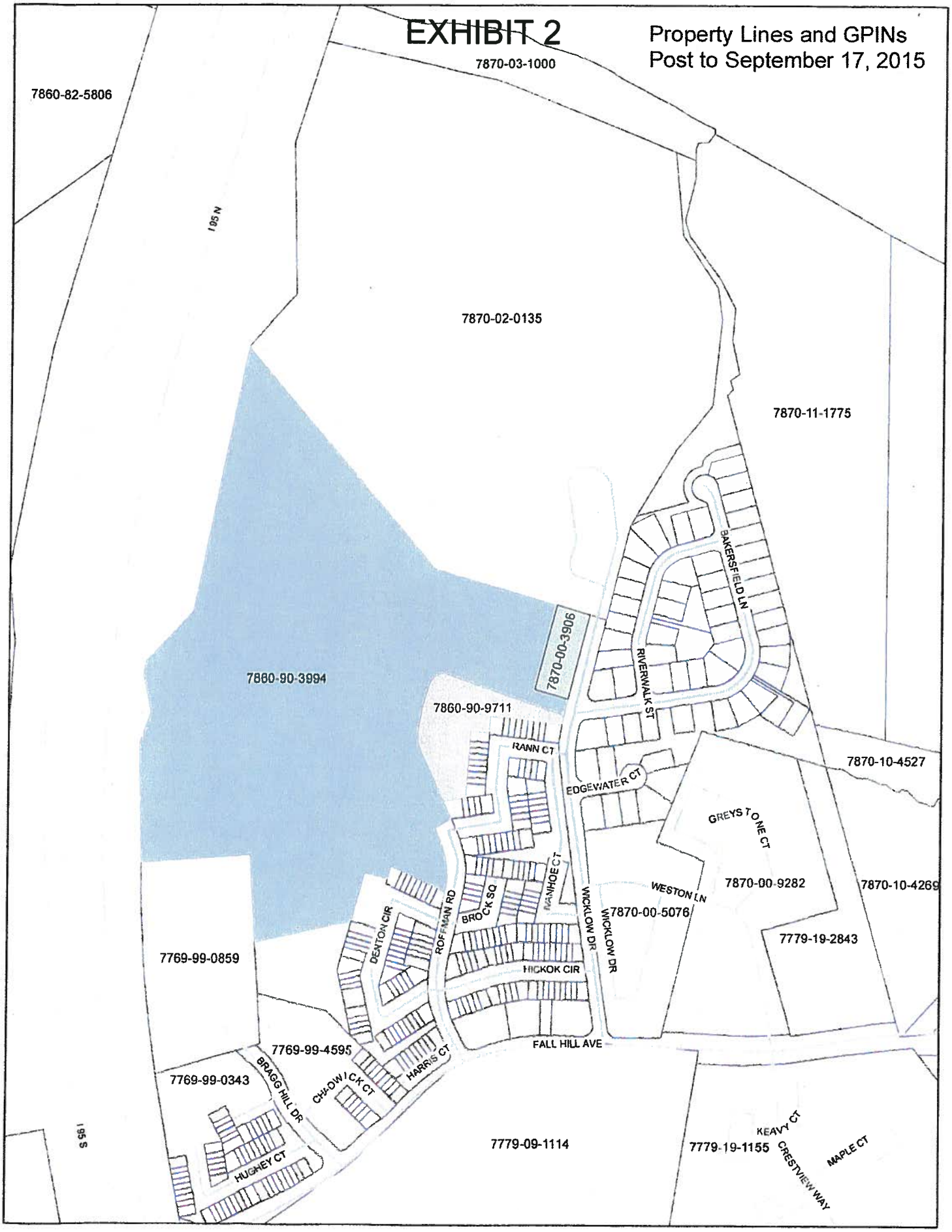
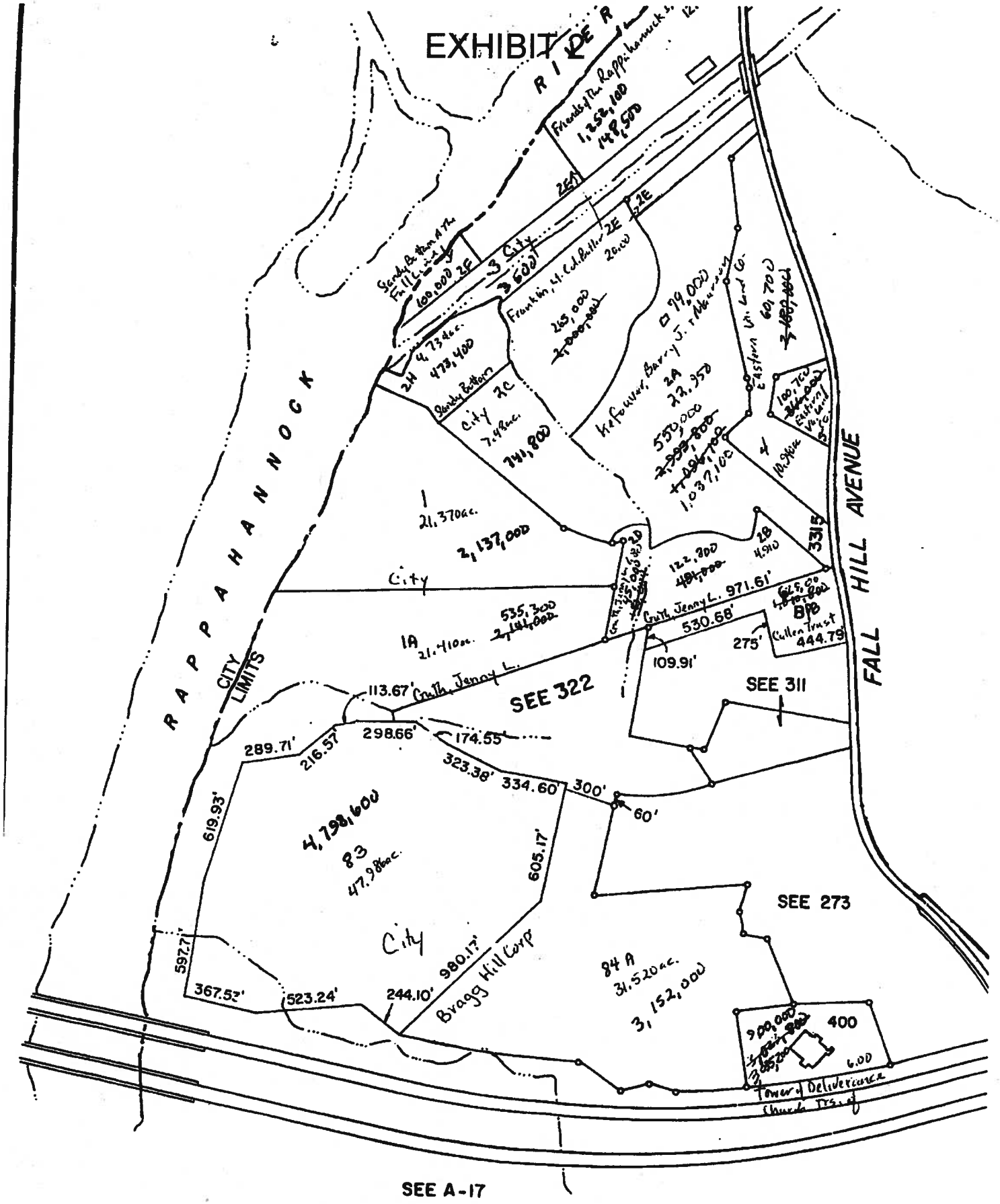


EXHIBIT 2

Property Lines and GPINs
Post to September 17, 2015



EXHIBIT



SEE A-17

Instrument Control Number

EXHIBIT 3

Commonwealth of Virginia
Land Record Instruments
Cover Sheet - Form A

[ILS VLR Cover Sheet Agent 1.0.66]

INSTRUMENT #130002978
RECORDED IN THE CLERK'S OFFICE OF
FREDERICKSBURG CITY ON
NOVEMBER 1, 2013 AT 01:15PM
$115.00 GRANTOR TAX WAS PAID AS
REQUIRED BY SEC 58.1-802 OF THE VA. CODE
STATE: $57.50 LOCAL: $57.50

JEFFREY S. SMALL, CLERK
RECORDED BY: JLS

(Box for Deed Stamp Only)

TAX EXEMPT	CORP		
		Date of Instrument:	[11/1/2013]
		Instrument Type:	[DBS]
		Number of Parcels	[1]
		Number of Pages	[3]
		City [x] County [ ]	[City Of Fredericksburg]

First and Second Grantors

Last Name	First Name	Middle Name or Initial	Suffix
[BRAGG HILL COMMUN]	[ ]	[ ]	[ ]
[ ]	[ ]	[ ]	[ ]

First and Second Grantees

Last Name	First Name	Middle Name or Initial	Suffix
[BRAGG HILL CORPO]	[ ]	[ ]	[ ]
[ ]	[ ]	[ ]	[ ]

Grantee Address (Name) [BRAGG HILL CORPORATION]
(Address 1) [1206 WASHINGTON AVE]
(Address 2) [ ]
(City, State, Zip) [FRED] [VA] [22401]

Consideration [115,000.00] Existing Debt [0.00] Assumption Balance [0.00]

Prior Instr. Recorded at: City [ ] County [ ] [ ] Percent. in this Juris. [100]
Book [ ] Page [ ] Instr. No [ ]
Parcel Identification No (PIN) [7860-90-9711]
Tax Map Num. (If different than PIN) [7860-90-9711]
Short Property Description [0.806 AC]
[ ]
Current Property Address (Address 1) [UNKNOWN]
(Address 2) [ ]
(City, State, Zip) [FRED] [VA] [22401]

Instrument Prepared by [M J BARRETT]
Recording Paid for by [M J BARRETT]
Return Recording to (Name) [M J BARRETT]
(Address 1) [816 WILLIAM ST]
(Address 2) [ ]
(City, State, Zip) [FRED] [VA] [22401]
Customer Case ID [13-1427] [239-13B] [ ]

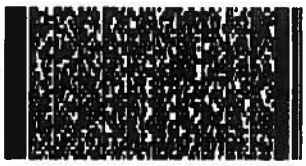


EXHIBIT 3

TITLE INSURANCE UNDERWRITER: FIDELITY NATIONAL TITLE INSURANCE COMPANY

Prepared by M. J. Barrett, Esq.
(Virginia State Bar #20674)
816 William St.
Fredericksburg, Virginia 22401

Return to Grantee
Grantee's Address:
1206 WASHINGTON AVENUE
FREDERICKSBURG, VA 22401

Consideration: $115,000.00
Assessed Value: $ 0.00

Tax Parcel # 7860-90-9711

THIS DEED, made and entered into this 31ST day of OCTOBER, 2013, by and between **BRAGG HILL COMMUNITY CORPORATION**, a Virginia non-stock corporation, GRANTOR; and **BRAGG HILL CORPORATION**, a Virginia corporation, GRANTEE.

WITNESSETH:

That for and in consideration of the sum of Ten Dollars ($10.00), cash in hand paid, and other valuable consideration, the receipt of which is hereby acknowledged, the Grantor does hereby bargain, sell, grant and convey unto the Grantee, with General Warranty and English covenants of Title, in fee simple, the following described real estate, to-wit:

> All that certain lot or parcel of land with all improvements thereon and all rights and privileges appurtenant thereto, lying and being in the City of Fredericksburg, Virginia (formerly Courtland Magisterial District of Spotsylvania County, Virginia), described as **containing 0.806 acre,** more or less, on that certain plat of survey dated October 22, 2008, entitled "Plat of Survey Showing 0.806 Acres in the Name of Bragg Hill Community Corporation," prepared by Mark D. Goodpasture, L.S., of Bagby, Caldwell and Associates, Inc., a copy of which plat is attached hereto as **Exhibit A.**
>
> Being a portion of the 6.25 acres conveyed to Bragg Hill Community Corporation by deed dated April 28, 1976, from Hickok Construction Corporation, which deed is recorded among the land records of the Clerk's Office of the Circuit Court of Spotsylvania County, Virginia, in Deed Book 389, at Page 349.

MICHAEL J. BARRETT
ATTORNEY AT LAW
816 WILLIAM STREET
REDERICKSBURG, VA 22401
(540) 371-2444

EXHIBIT 3

This conveyance is made subject to all easements, restrictions and reservations of record validly affecting the property conveyed herein.

WITNESS the following signature(s) and seal(s):

BRAGG HILL COMMUNITY CORPORATION

By: _____(SEAL)
JOHN RICE, President

STATE OF VIRGINIA

CITY/COUNTY OF FREDERICKSBURG, to-wit:

The foregoing Deed was acknowledged before me this 31ST day of OCTOBER, 2013, by JOHN RICE, who is the President of BRAGG HILL COMMUNITY CORPORATION.

My commission expires: DECEMBER 31, 2014

_____
Notary Public
Printed Name: RHONDA J. EDWARDS

Va. Notary Registration No. 170730

RHONDA J. EDWARDS
COMMONWEALTH OF VIRGINIA
REGISTRATION NO. 170730
MY COMM. EXPIRES
NOTARY PUBLIC

MICHAEL J. BARRETT
ATTORNEY AT LAW
816 WILLIAM STREET
FREDERICKSBURG, VA 22401
(540) 371-2444

EXHIBIT "A" EXHIBIT 3

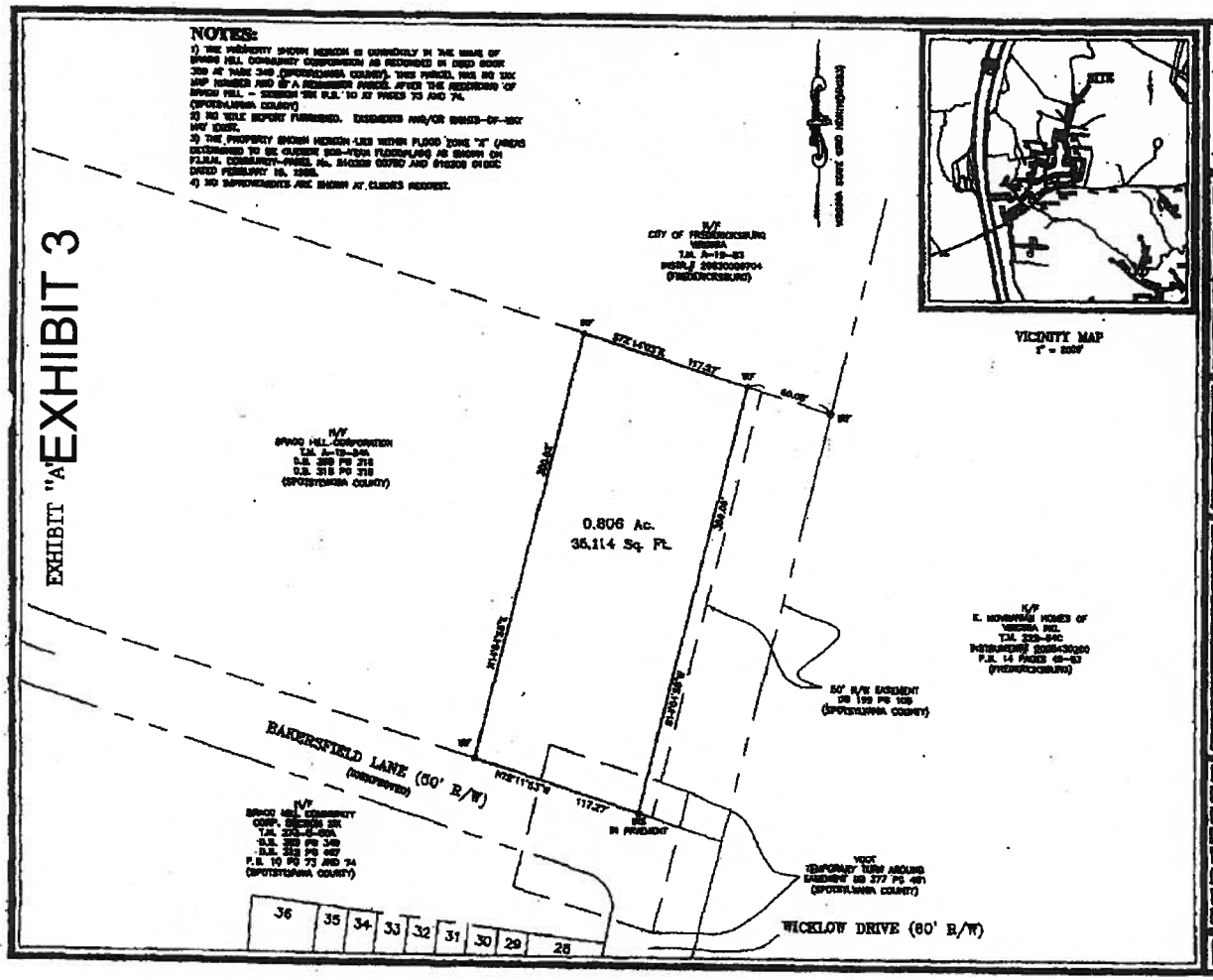
NOTES:

1) THE PROPERTY SHOWN HEREON IS CURRENTLY IN THE NAME OF BRIAR HILL COMMUNITY CORPORATION AS RECORDED IN DEED BOOK [illegible] AT PAGE 340 (SPOTSYLVANIA COUNTY). THIS PARCEL HAS NO TAX MAP NUMBER AND IS A REMAINDER PARCEL AFTER THE RECORDING OF BRIAR HILL – SECTION [illegible] P.B. 10 PAGES 73 AND 74. (SPOTSYLVANIA COUNTY)

2) NO TITLE REPORT FURNISHED. EASEMENTS AND/OR RIGHTS-OF-WAY MAY EXIST.

3) THE PROPERTY SHOWN HEREON LIES WITHIN FLOOD ZONE "X" (AREAS DETERMINED TO BE OUTSIDE 500-YEAR FLOODPLAIN) AS SHOWN ON F.I.R.M. COMMUNITY-PANEL No. 5102300 0070D AND 5102300 0105C DATED FEBRUARY 18, 1988.

4) NO IMPROVEMENTS ARE SHOWN AT CLIENT'S REQUEST.



PLAT OF SURVEY

SHOWING 0.806 ACRES OWNED BY THE BOARD OF BRIAR HILL COMMUNITY CORPORATION

SITUATED IN SECTION 19 OF THE CITY OF FREDERICKSBURG, VIRGINIA

1 OF 1

EXHIBIT 3

INSTRUMENT #130002978
RECORDED IN THE CLERK'S OFFICE OF
FREDERICKSBURG CITY ON
NOVEMBER 1, 2013 AT 01:15PM
$115.00 GRANTOR TAX WAS PAID AS
REQUIRED BY SEC 58.1-802 OF THE VA. CODE
STATE: $57.50 LOCAL: $57.50

JEFFREY S. SMALL, CLERK
RECORDED BY: JLS

EXHIBIT 4, HISTORY OF THE PARCEL

The history of the Parcel goes back to an October 1972 plat of "Parcel B-5," a portion of "Parcel B." At that time, this land was located in Spotsylvania County, so the plat was recorded in the land records of the Spotsylvania County Clerk of Circuit Court, in Deed Book 312, page 469.[1] At roughly the same time, the landowner recorded a subdivision plat for Bragg Hill Section 6. Bragg Hill Section 6 was comprised of a portion of Parcel B-5 and Parcel B-3, as shown on an October 1972 subdivision plat.[2] The subdivision plat shows 50 townhouse lots, plus public rights of way and "Green Area." The subject Parcel is part of Parcel B-5, but it is not shown on the subdivision plat for Bragg Hill Section 6. It lies across "Bakersfield Lane," as shown on the subdivision plat. The confusion as to the identification of the subject property probably dates back to this time, when the property was part of the parent parcel B-5 of Bragg Hill Section 6, but was dropped off of the subdivision plat.

In 1976, Hickok Construction Corporation conveyed to the Bragg Hill Community Corporation the "Green Area" of Bragg Hill Section 6 and the subject Parcel:

> "all that certain tract or parcel of land which comprises the Common Area of Section Six (6) of the subdivision of Bragg Hill . . . as shown on plat of Elliott & Associates dated October 1972, and recorded in the Clerk's Office . . . in Plat Book 10, pages 73 and 74, and being all the property designated as 6.25000 acres as shown on plat of Elliott & Associates, dated October 1972 and recorded in the aforesaid Clerk's Office in Deed Book 312, page 469."[3]

This property description reflects the confusion created by the 1972 subdivision plat – the tract or parcel of land which comprises the Common Area of Section Six as shown on the subdivision plat does not include the subject Parcel. But it is part of the property designated as the 6.25 acres on the plat of the parent parcel.

The area was annexed into the City boundaries in 1984.

In 2008, surveyor Mark D. Goodpasture prepared a survey of "0.806 Acres in the name of Bragg Hill Community Corporation."[4] This survey simply shows the boundary lines of the subject Parcel; it is not a subdivision plat. It also shows that the Parcel abuts land that had been conveyed to the Bragg Hill Corporation while the land was still in Spotsylvania County, identified on the City's tax map as parcel A19-84A.

In 2009, the City of Fredericksburg converted from paper tax maps (maintained by the Commissioner of Revenue) to a digital Geographic Information System, maintained by the IT department. The 2009 paper tax map identified the subject Parcel as a portion of a 31.520 acre parcel A19 84A. The subject Parcel was identified in the new GIS system as GPIN 7860-90-3994. The "Green Area" shown on the Bragg Hill Section 6 subdivision plat was assigned GPIN 7860-90-9711. Kim Williams, the City's GIS

---

[1] Appendix A, "Plat of Parcel B-5, a portion of Parcel B, Property of Bragg Hill," dated October 1972, recorded at Deed Book 312 page 469, in Spotsylvania County.

[2] Appendix B, "Plat of Subdivision, Section 6, Bragg Hill," dated October 1972, recorded in Spotsylvania County Plat Book 10.

[3] Appendix C, Deed recorded in Spotsylvania County Deed Book 389 page 349.

[4] Appendix D, "0.806 Acres in the Name of Bragg Hill Community Corporation."

Analyst has included a memo detailing the history of the GPIN numbers assigned to the Parcel for reference.[5]

The subject Parcel was conveyed from Bragg Hill Community Corporation to Bragg Hill Corporation in October 2013.[6] The required "cover sheet" prepared for the Clerk of Court for recording the deed identifies the subject Parcel as GPIN 7860-90-9711. This identification was erroneous. It probably arose from the 1976 identification of the Parcel as being a part of the Green Area or "Common Area" of Bragg Hill Section 6. The erroneous identification created a discrepancy between the City's GIS records and the land records.

The City sent notice of the proposed City led rezoning of the subject Parcel in November and December 2013. The GPIN identifiers listed in Kim William's memo applied to the land at the time of the 2014 City Council adoption of Ordinance 14-06, as shown on the map exhibit to the ordinance. City records indicate that notice of the rezoning of GPIN 7860-90-3994 (which included the subject Parcel) was sent to the Bragg Hill Corporation and that notice of the rezoning of GPIN 7860-90-9711 was sent, correctly, to the Bragg Hill Community Corporation.[7]

Exhibit A to the ordinance shows that GPIN 7860-90-3994 (which included the subject Parcel and was owned entirely by the Bragg Hill Corporation) is rezoned from R-1 to R-2. GPIN 7860-90-9711 (the Bragg Hill Section 6 "Green Area" owned by the Bragg Hill Community Corporation) is rezoned R-1 to R-12.[8]

In February 2014, Downtown Properties, Inc., applied for the rezoning of GPIN 7860-90-3994 from R-1 to R-12. The Generalized Development Plan attached to the rezoning application correctly shows the subject Parcel as being located within 7860-90-3994, with the "tract line to be vacated."[9] Downtown Properties, Inc. was the contract purchaser for the property. The owner of the property, Bragg Hill Corporation signed the proffer statement, by the signature of Mike Degen, a member of the corporation.

The May 15, 2015 real estate tax bill for the property incorrectly identifies it as GPIN 7860-90-9711.[10] This error by the Commissioner of Revenue was probably the result of the incorrect GPIN identification on the cover sheet for the 2013 deed. Prior to the 2014 tax cycle, GPIN 7860-90-9711 was not taxed.[11]

The GIS system was revised to identify the subject parcel as GPIN 7870-00-3906 on September 17, 2015.[12] This revision was made in response to a request by Mike Degen to the Commissioner of Revenue. He brought in the 2008 survey of the property and asked the Real Estate department to make sure to send the real estate tax bill to him. The Real Estate department conveyed the request to the GIS Analyst, who made the change in the GIS system.

---

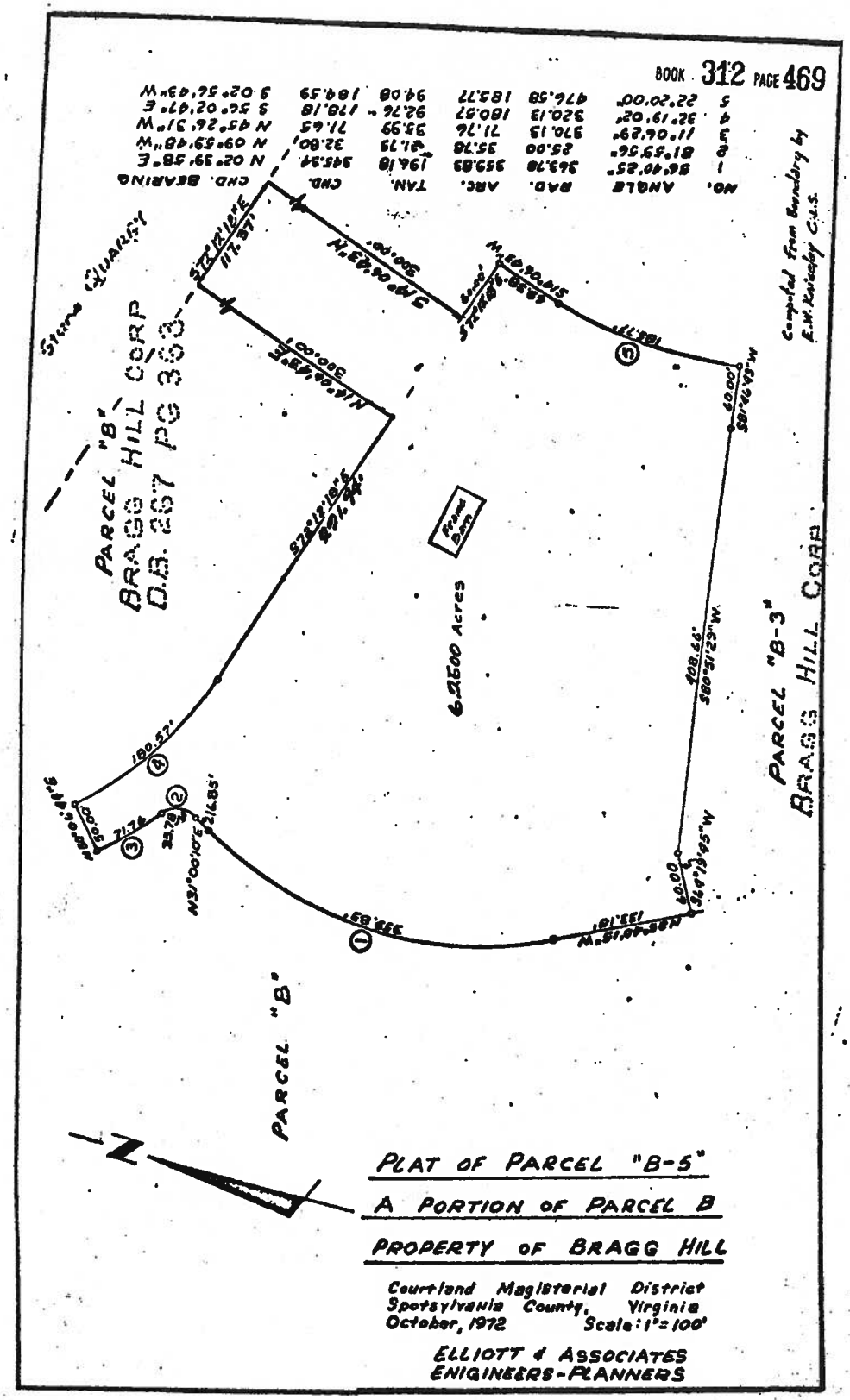
[5] Appendix E, memorandum from Kim Williams, GIS Analyst
[6] Appendix F, deed from Bragg Hill Community Corporation to Bragg Hill Corporation, dated October 31, 2013.
[7] Appendix G, excerpt from City's notification access file.
[8] Appendix H, Ordinance 14-06, with Exhibit A and map.
[9] Appendix I, Downtown Properties, Inc. rezoning application.
[10] Appendix J, tax bill submitted by the Property Owner.
[11] Appendix K, printouts from City's real estate tax billing service for GPIN 7860-90-9711.
[12] Appendix E, memorandum from Kim Williams, GIS Analyst

The January 11, 2016 GIS record, submitted by the appellant, identifies GPIN 7860-90-9711 as 0.806 acres of land. However, the copy of the map in the GIS system shows that this parcel is the "Green Area" for Section 6 of Bragg Hill. It does not show the subject Parcel as being identified with this GPIN.

On January 19, 2016, Bragg Hill Corporation conveyed the subject Parcel to Mark Glazebrook and Mike Degen, again using the GPIN 7860-90-9711 on the recordation cover sheet.[13] Mr. Glazebrook submitted the February 29, 2016 Pre-Application Conference application using this GPIN identification.

[13] Appendix L, Deed from Bragg Hill Corporation to Mark Glazebrook and Mike Degen

EXHIBIT 4 - APPENDIX A



PLAT OF PARCEL "B-5"

A PORTION OF PARCEL B

PROPERTY OF BRAGG HILL

Courtland Magisterial District
Spotsylvania County, Virginia
October, 1972 Scale: 1"=100'

ELLIOTT & ASSOCIATES
ENGINEERS-PLANNERS

PLAT BOOK- 10 -

1

[illegible] OF [illegible]

KNOW ALL MEN BY THESE PRESENTS, THAT THE SUBDIVISION OF LAND AS SHOWN ON THIS PLAT, CONTAINING 6.25 ACRES, WHICH ON [illegible] DESIGNATED AS SECTION 6, BRAGG HILL, SITUATED IN THE COURTLAND MAGISTERIAL DISTRICT IN THE COUNTY OF SPOTSYLVANIA, VIRGINIA, IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNER; THEREBY THAT ALL STREETS SHOWN ON SAID PLAT ARE HEREBY DEDICATED TO THE PUBLIC USE, AND THAT ALL LOTS THERE THE SUBDIVISION ARE SUBJECT TO CERTAIN RESTRICTIONS, RESERVATIONS, STIPULATIONS AND COVENANTS AS CONTAINED IN A WRITING EXECUTED BY THE UNDERSIGNED, UNDER DATE OF FEBRUARY 19, 1973, AND RECORDED IN THE CLERK'S OFFICE OF SPOTSYLVANIA COUNTY, IN DEED BOOK 314, PAGE 224. THE SAID 6.25 ACRES OF LAND HEREBY SUBDIVIDED WAS A PORTION OF 10.4AC ACRES CONVEYED TO HICKOK CONSTRUCTION CORPORATION BY BRAGG HILL CORPORATION BY DEED DATED 3-5-72, AND RECORDED IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF SPOTSYLVANIA COUNTY, VIRGINIA, IN DEED BOOK 298, PAGE 270; AND A PORTION OF 6.25 ACRES CONVEYED TO HICKOK CONSTRUCTION CORPORATION BY BRAGG HILL CORPORATION BY DEED DATED 2-6-73, AND RECORDED IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF SPOTSYLVANIA COUNTY, VIRGINIA, IN DEED BOOK 312, PAGE 467.

GIVEN UNDER MY HAND THIS 13th DAY OF November, 1978

BY: [signature]
Z. W. HICKOK
PRESIDENT, HICKOK CONSTRUCTION CORPORATION

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL OF THE REQUIREMENTS OF THE BOARD OF SUPERVISORS AND ORDINANCES OF THE COUNTY OF SPOTSYLVANIA, VIRGINIA, REGARDING THE PLATTING OF SUBDIVISIONS WITHIN THE COUNTY HAVE BEEN COMPLIED WITH, AND THE FOREGOING RECORD DATA IS CORRECT.

GIVEN UNDER MY HAND THIS 13th DAY OF November, 1978

BY: [signature]
WILLIS L. ELLIOTT
STATE CERTIFIED ENGINEER, [illegible] VA.

COMMONWEALTH OF VIRGINIA
WILLIS L. ELLIOTT
No. 6000
PROFESSIONAL ENGINEER

CERTIFICATE OF APPROVAL

THIS SUBDIVISION, KNOWN AS SECTION 6, BRAGG HILL, IS APPROVED BY THE UNDERSIGNED IN ACCORDANCE WITH EXISTING SUBDIVISION REQUIREMENTS AND MAY BE COMMITTED TO RECORD.

(SIGNED) _____
(DATE) CHAIRMAN, PLANNING COMMISSION

(SIGNED) [signature]
(DATE) HEALTH OFFICER

(SIGNED) _____
(DATE) HIGHWAY DEPARTMENT ENGINEER

(SIGNED) [signature]
(DATE) CHAIRMAN OR AGENT
BOARD OF SUPERVISORS

THE FOREGOING PLAT IS NOT APPROVED UNTIL ALL SIGNATURES HAVE BEEN OBTAINED.

I, Jane Hart, A NOTARY PUBLIC IN AND FOR THE CITY OF Fredericksburg, VIRGINIA, DO HEREBY CERTIFY THAT Z. W. HICKOK, WHOSE NAME IS SIGNED TO THE FOREGOING PLAT, HAS ACKNOWLEDGED THE SAME TO ME IN MY CITY AND STATE AFORESAID.

GIVEN UNDER MY HAND THIS 13th DAY OF November, 1978

MY COMMISSION EXPIRES August 20th, 1980.

Jane Hart
NOTARY PUBLIC

314-224
OB. 10-73-74

PLAT OF SUBDIVISION
SECTION 6
BRAGG HILL
Courtland Magisterial District
Spotsylvania County, Virginia
October 1978. Scale: 1"=50'
ELLIOTT & ASSOCIATES
ENGINEER-PLANNERS
Sh 1 of 2

PLAT BOOK- 10

NO	ANGLE	RADIUS	ARC	TAN	CHORD	CHORD BEARING
1	37 51' 44"	291.56	192.47	100.00	189.18	N 6 44' 22" W
2	54 40' 25"	333.78	330.14	180.00	317.46	N 24 54' 5" E
3	19 6' 34"	345.13	115.11	58.09	114.58	S 49 26' 33" E
4	13 18' 28"	345.13	79.56	39.96	79.36	S 65 36' 4" E
5	28 20' 0"	506.58	197.46	100.00	196.21	S 56 43' 7" E
6	13 26' 40"	506.58	118.80	59.69	118.50	S 43 30' 57" E
7	5 28' 86"	381.56	36.41	18.21	36.40	S 33 33' 57" E
8	56 40' 25"	303.78	300.48	163.88	288.39	S 28 58' 5" E
9	81 59' 56"	25.00	35.78	21.73	32.80	S 72 0' 4" E
10	6 11' 24"	370.13	33.64	16.83	33.68	S 69 30' 40" E
11	46 17' 0"	370.13	298.45	158.43	290.15	S 45 25' 40" E
12	1 57' 15"	534.58	18.61	9.31	18.61	S 13 5' 14" E
13	10 83' 30"	381.56	56.53	28.31	56.25	S 14 59' 0" E
14	8 54' 13"	538.56	64.05	32.07	64.61	S 38 29' 29" E

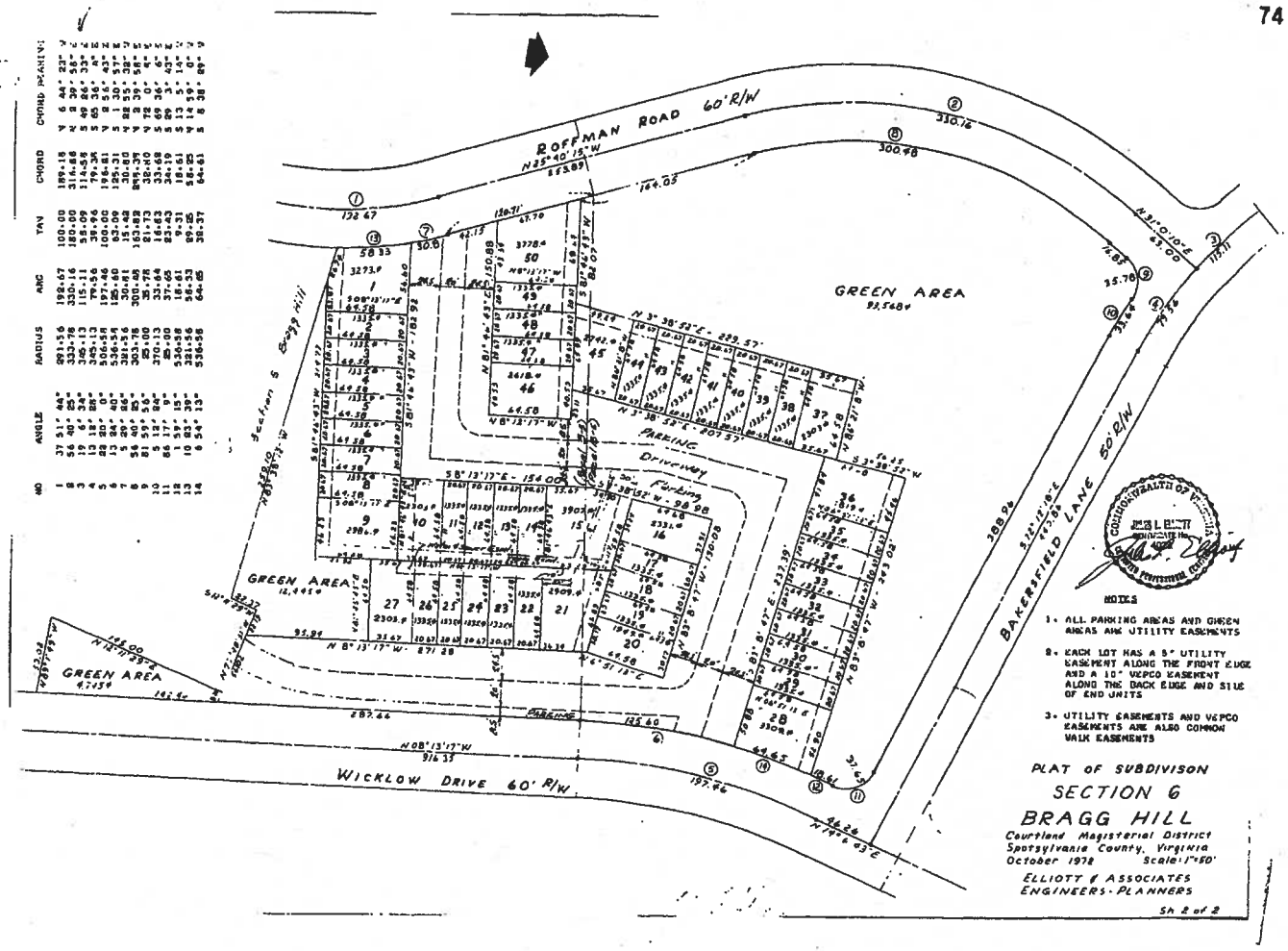


EXHIBIT 4 - APPENDIX B

EXHIBIT 4 - APPENDIX C

BOOK 389 PAGE 349

1609

THIS DEED, made and entered into this 28th day of April, 1976, by and between HICKOK CONSTRUCTION CORPORATION, a Virginia corporation, GRANTOR and BRAGG HILL COMMUNITY CORPORATION, GRANTEE.

WITNESSETH: That for $10.00 and other valuable consideration paid by the Grantee to the Grantor, receipt of which is hereby acknowledged, the Grantor hereby bargains, sells, grants and conveys with General Warranty and with English covenants of title unto the Grantee, Bragg Hill Community Corporation, in fee simple, the following described real estate, to-wit:

All that certain tract or parcel of land which comprises the Common Area in Section Six (6) of the subdivision of Bragg Hill as duly dedicated, platted and recorded among the land records of the Circuit Court of Spotsylvania County, Virginia as shown on plat of Elliott & Associates, dated October 1972, and recorded in the Clerk's Office of the Circuit Court of Spotsylvania County, Virginia in Plat Book 10, Pages 73 and 74, and being all the property designated as 6.2500 acres as shown on plat of Elliott & Associates, dated October 1972 and recorded in the aforesaid Clerk's Office in Deed Book 312, Page 469.

LESS AND EXCEPT: Lots 1 thru 50, inclusive, Section Six (6), Bragg Hill Subdivision, as shown on the first plat mentioned above and LESS AND EXCEPT those 60-foot rights-of-way across said property dedicated to public street purposes, also shown on said plat.

This conveyance is made subject to the temporary turn circle easements shown on said subdivision plat.

WITNESS the following signature and seal:

HICKOK CONSTRUCTION CORPORATION

BY: Eugene W. Hickok (SEAL)
President

HICKOK CONSTRUCTION CORPORATION VIRGINIA CORPORATE SEAL 1968

STATE OF VIRGINIA

CITY OF RICHMOND, to-wit:

The foregoing instrument was acknowledged before me this 29 day of April, 1976, by Eugene W. Hickok, President.

My commission expires: My Commission Expires January 6, 19

Shirley C. Proctor
NOTARY PUBLIC

HICKS and BAKER
ATTORNEYS AT LAW
FREDERICKSBURG, VA.

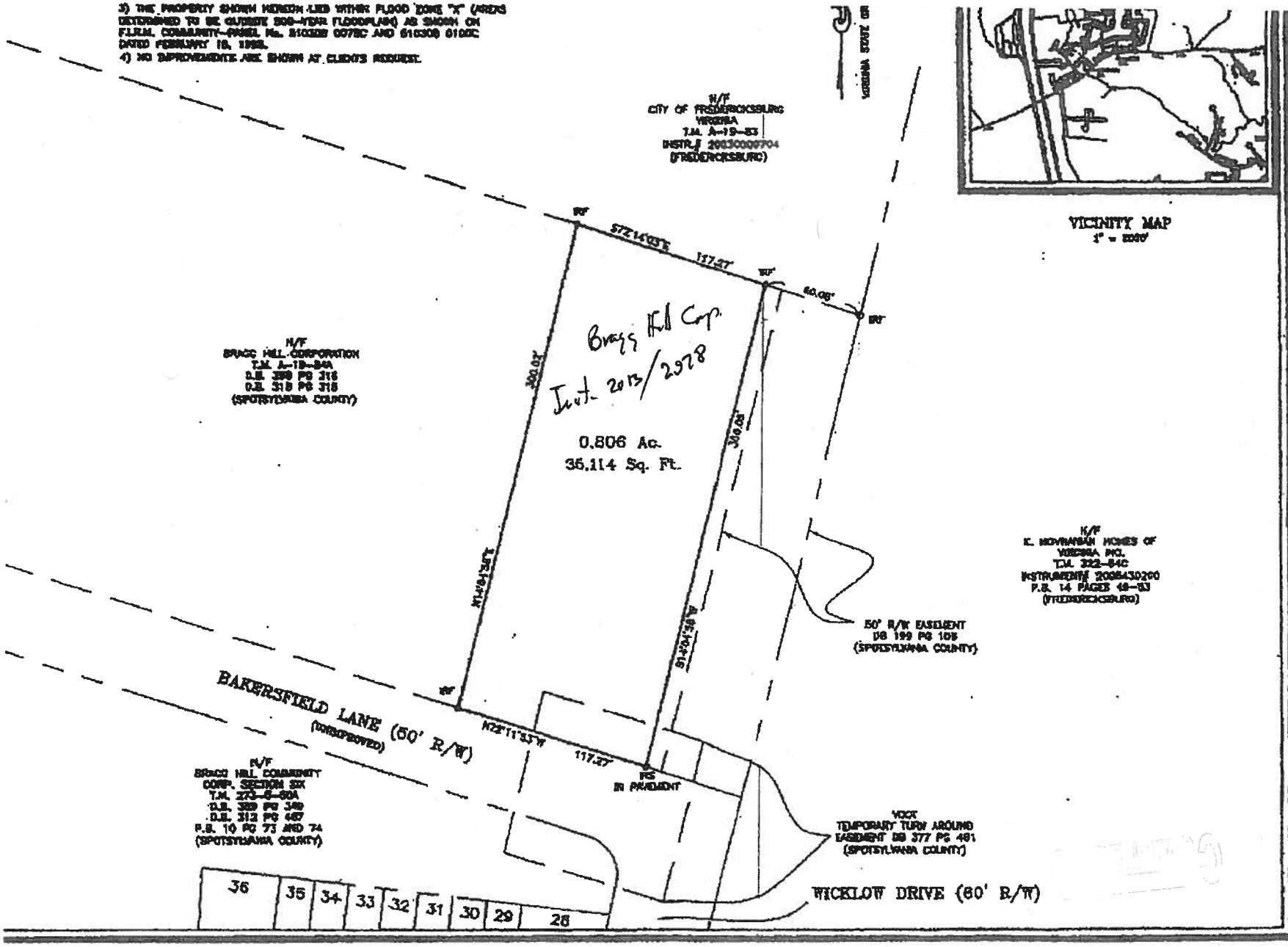
SPOTSYLVANIA COUNTY CIRCUIT COURT CLERK'S OFFICE, VIRGINIA, May 5, 1976, This Deed was this day received in this office together with the certificate thereon admitted to record at 4:30 o'clock. AM.

Teste: Margaret M. Cooke, Clerk.

State Tax	1.00
County Tax	.50
Transfer	1.00
Recording	5.00
Add. Tax	1.00
Total	13.00

3) THE PROPERTY SHOWN HEREON LIES WITHIN FLOOD ZONE "X" (AREAS DETERMINED TO BE OUTSIDE 500-YEAR FLOODPLAIN) AS SHOWN ON F.I.R.M. COMMUNITY-PANEL No. 510309 0078C AND 510309 0100C DATED FEBRUARY 18, 1993.

4) NO IMPROVEMENTS ARE SHOWN AT CLIENT'S REQUEST.



PLAT OF SURVEY

SHOWING 0.806 ACRES IN THE NAME OF BRAGG HILL COMMUNITY CORPORATION

CITY OF FREDERICKSBURG VIRGINIA

DATE: OCT. 22, 2009

SCALE: 1"=40'

DESIGNED BY:

DRAWN BY: JF

CHECKED BY: MG

FILE NAME: 2009-3-FP

JOB NO. 2009-3

PLAN NO.

1 OF 1

Instrument Control Number

EXHIBIT 4 - APPENDIX E

Commonwealth of Virginia
Land Record Instruments
Cover Sheet - Form A

[ILS VLR Cover Sheet Agent 1.0.66]

INSTRUMENT #130002978
RECORDED IN THE CLERK'S OFFICE OF
FREDERICKSBURG CITY ON
NOVEMBER 1, 2013 AT 01:15PM
$115.00 GRANTOR TAX WAS PAID AS
REQUIRED BY SEC 58.1-802 OF THE VA. CODE
STATE: $57.50 LOCAL: $57.50

JEFFREY S. SMALL, CLERK
RECORDED BY: JLS
(Box for Deed Stamp Only)

TAX EXEMPT [ ] CORP [x]

Date of Instrument: [11/1/2013]
Instrument Type: [DBS]

Number of Parcels [1]
Number of Pages [3]

City [x] County [ ] [City Of Fredericksburg]

First and Second Grantors

Last Name	First Name	Middle Name or Initial	Suffix
[BRAGG HILL COMMUN]	[ ]	[ ]	[ ]
[ ]	[ ]	[ ]	[ ]

First and Second Grantees

Last Name	First Name	Middle Name or Initial	Suffix
[BRAGG HILL CORPO]	[ ]	[ ]	[ ]
[ ]	[ ]	[ ]	[ ]

Grantee Address (Name) [BRAGG HILL CORPORATION]
(Address 1) [1206 WASHINGTON AVE]
(Address 2) [ ]
(City, State, Zip) [FRED] [VA] [22401]

Consideration [115,000.00] Existing Debt [0.00] Assumption Balance [0.00]

Prior Instr. Recorded at: City [ ] County [ ] [ ] Percent. in this Juris. [100]
Book [ ] Page [ ] Instr. No [ ]
Parcel Identification No (PIN) [7860-90-9711]
Tax Map Num. (If different than PIN) [7860-90-9711]
Short Property Description [0.806 AC]
[ ]
Current Property Address (Address 1) [UNKNOWN]
(Address 2) [ ]
(City, State, Zip) [FRED] [VA] [22401]

Instrument Prepared by [M J BARRETT]
Recording Paid for by [M J BARRETT]
Return Recording to (Name) [M J BARRETT]
(Address 1) [816 WILLIAM ST]
(Address 2) [ ]
(City, State, Zip) [FRED] [VA] [22401]
Customer Case ID [13-1427] [239-13B] [ ]

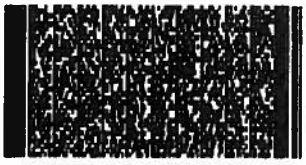


EXHIBIT 4 - APPENDIX E

TITLE INSURANCE UNDERWRITER: FIDELITY NATIONAL TITLE INSURANCE COMPANY

Prepared by M. J. Barrett, Esq.
(Virginia State Bar #20674)
816 William St.
Fredericksburg, Virginia 22401

Return to Grantee
Grantee's Address:
1206 WASHINGTON AVENUE
FREDERICKSBURG, VA 22401

Consideration: $115,000.00
Assessed Value: $ 0.00

Tax Parcel # 7860-90-9711

THIS DEED, made and entered into this 31ST day of OCTOBER, 2013, by and between **BRAGG HILL COMMUNITY CORPORATION**, a Virginia non-stock corporation, GRANTOR; and **BRAGG HILL CORPORATION**, a Virginia corporation, GRANTEE.

WITNESSETH:

That for and in consideration of the sum of Ten Dollars ($10.00), cash in hand paid, and other valuable consideration, the receipt of which is hereby acknowledged, the Grantor does hereby bargain, sell, grant and convey unto the Grantee, with General Warranty and English covenants of Title, in fee simple, the following described real estate, to-wit:

> All that certain lot or parcel of land with all improvements thereon and all rights and privileges appurtenant thereto, lying and being in the City of Fredericksburg, Virginia (formerly Courtland Magisterial District of Spotsylvania County, Virginia), described as **containing 0.806 acre,** more or less, on that certain plat of survey dated October 22, 2008, entitled "Plat of Survey Showing 0.806 Acres in the Name of Bragg Hill Community Corporation," prepared by Mark D. Goodpasture, L.S., of Bagby, Caldwell and Associates, Inc., a copy of which plat is attached hereto as **Exhibit A.**
>
> Being a portion of the 6.25 acres conveyed to Bragg Hill Community Corporation by deed dated April 28, 1976, from Hickok Construction Corporation, which deed is recorded among the land records of the Clerk's Office of the Circuit Court of Spotsylvania County, Virginia, in Deed Book 389, at Page 349.

MICHAEL J. BARRETT
ATTORNEY AT LAW
816 WILLIAM STREET
FREDERICKSBURG, VA 22401
(540) 371-2444

EXHIBIT 4 - APPENDIX E

This conveyance is made subject to all easements, restrictions and reservations of record validly affecting the property conveyed herein.

WITNESS the following signature(s) and seal(s):

BRAGG HILL COMMUNITY CORPORATION

By: _____(SEAL)
JOHN RICE, President

STATE OF VIRGINIA

CITY/COUNTY OF FREDERICKSBURG, to-wit:

The foregoing Deed was acknowledged before me this 31ST day of OCTOBER, 2013, by JOHN RICE, who is the President of BRAGG HILL COMMUNITY CORPORATION.

My commission expires: DECEMBER 31, 2014

_____
Notary Public
Printed Name: RHONDA J. EDWARDS

Va. Notary Registration No. 170730

RHONDA J. EDWARDS
COMMONWEALTH OF VIRGINIA
REGISTRATION NO. 170730
MY COMM. EXPIRES
NOTARY PUBLIC

MICHAEL J. BARRETT
ATTORNEY AT LAW
818 WILLIAM STREET
FREDERICKSBURG, VA 22401
(540) 371-2444

EXHIBIT 4 - APPENDIX E

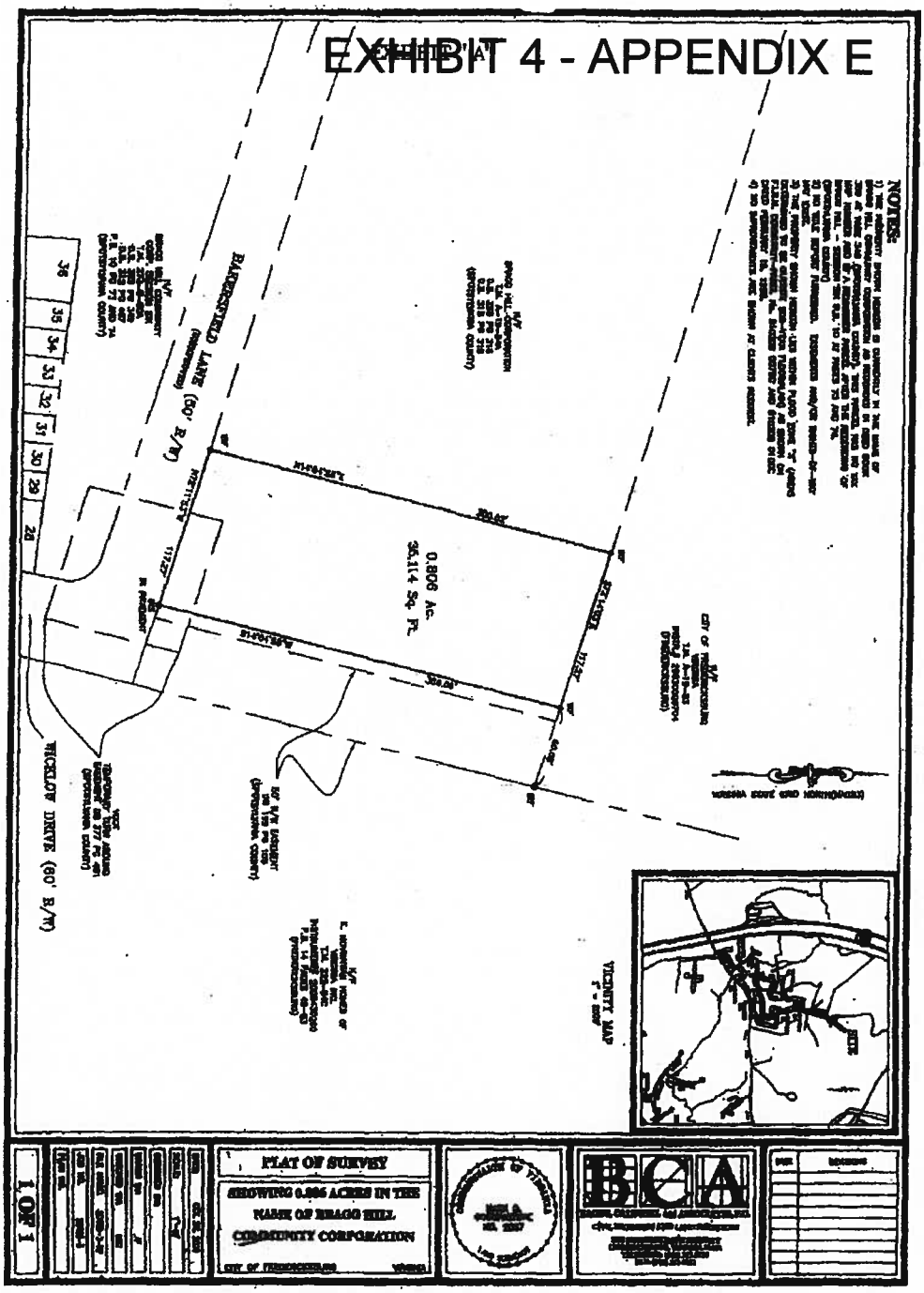


EXHIBIT 4 - APPENDIX E

INSTRUMENT #130002978
RECORDED IN THE CLERK'S OFFICE OF
FREDERICKSBURG CITY ON
NOVEMBER 1, 2013 AT 01:15PM
$115.00 GRANTOR TAX WAS PAID AS
REQUIRED BY SEC 58.1-802 OF THE VA. CODE
STATE: $57.50 LOCAL: $57.50

JEFFREY S. SMALL, CLERK
RECORDED BY: JLS

EXHIBIT 4 - APPENDIX F

ID	Field1	Field2	Field3	Field4	Field5	Field6	Field9	Field7	Field10	Field8
85	81.	145	7769-99-1149	Hughey Ct.	BMJ Trust		1768 Bristol Mine Rd.	Colonial Beach, VA	22443	Residential
649	644.	1010	7779-07-8734	Jami's Pl.	Bradford & Victoria Ellis		1010 Jami's Pl.	Fredericksburg, VA	22401	Residential
128	124.	718	7769-99-5857	Denton Cir.	Bradley & Lucy Brown		2 Fairfield Cir.	Fredericksburg, VA	22407	Residential
89	85.	115	7769-99-2203	Hughey Ct.	Bradley & Lucy Brown		2 Fairfield Cir.	Fredericksburg, VA	22407	Residential
608	603.	1109	7779-04-6526	Great Oaks Ln.	Bradley & Trinette Steigleder		1109 Great Oaks Ln.	Fredericksburg, VA	22401	Residential
54	50.		7769-99-0343	None	Bragg Hill Community Corp.		P.O. Box 7266	Fredericksburg, VA	22404	Green space
109	105.		7769-99-7765	None	Bragg Hill Community Corp.		P.O. Box 7266	Fredericksburg, VA	22404	Residential
189	185.		7779-09-1846	None	Bragg Hill Community Corporation		P.O. Box 7266	Fredericksburg, VA	22404	Vacant land
275	271.		7870-00-2360	None	Bragg Hill Community Corporation		P.O. Box 7266	Fredericksburg, VA	22404	Vacant land
173	169.		7769-99-4595	None	Bragg Hill Community Corporation		P. O. Box 7266	Fredericksburg, VA	22404	Vacant land
326	322.		7860-90-9711	None	Bragg Hill Community Corporation		P.O. Box 7266	Fredericksburg, VA	22404	Vacant land
30	27.		7860-90-3994	None	Bragg Hill Corporation	c/o M F. Glazebrook	1236 Jeff Davis Hwy.	Fredericksburg, VA	22401	Vacant land
601	596.	1002	7779-14-2381	Hickory Ct.	Brenda Bradshaw		1002 Hickory Ct.	Fredericksburg, VA	22401	Residential
385	381.		7779-33-3632	None	Brenda Hines		138 Woodland Rd.	Fredericksburg, VA	22401	Vacant land
384	380.	138	7779-33-2655	Woodland Rd.	Brenda Hines		138 Woodland Rd.	Fredericksburg, VA	22401	Residential
373	369.	115	7779-33-0525	Woodland Rd.	Brian & Mary Miller		115 Woodland Rd.	Fredericksburg, VA	22401	Residential
663	658.	1303	7779-06-8900	Preserve Ln.	Brian Gudmundsson		1303 Preserve Ln.	Fredericksburg, VA	22401	Residential
642	637.	1013	7779-07-9904	Jami's Pl.	Brian Medved		1013 Jami's Pl.	Fredericksburg, VA	22401	Residential
448	444.	11	7769-90-9870	Seneca Ter.	Bryan & Joann Josemans		11 Seneca Ter.	Fredericksburg, VA	22401	Residential
447	443.	13	7769-90-8798	Seneca Ter.	Bryan Metts	Gail Dove	6230 Overlook Dr.	King George, VA	22485	Residential
284	280.	416	7870-00-1371	Rann Ct.	Bryan Stelmok		P.O. Box 3186	Fredericksburg, VA	22402	Residential
323	319.	405	7860-90-9493	Rann Ct.	Bryan Stelmok		P.O. Box 3186	Fredericksburg, VA	22402	Residential
280	276.	408	7870-00-0380	Rann Ct.	Bryan Stelmok		P.O. Box 3186	Fredericksburg, VA	22402	Residential
322	318.	407	7870-00-0413	Rann Ct.	Bryan Stelmok		1413 Prince Edward St.	Fredericksburg, VA	22401	Residential
17	14.		7870-20-6853	None	Butler Franklin	Ingleside Apts. #630	3050 Military Rd., NW	Washington, DC	20015	Vacant land
257	253.	327	7870-00-1135	Brock Sq.	Candlelight Homes, LLC		11207 Ascot Ct.	Fredericksburg, VA	22407	Residential
668	663.	1002	7779-06-4779	Jon's Pl.	Carilto & Mariel Flores		1002 Jon's Pl.	Fredericksburg, VA	22401	Residential
393	389.	1803	7779-34-6135	Genther Ln.	Carl & Beryl Henne		1803 Genther Ln.	Fredericksburg, VA	22401	Residential
51	47.		7769-77-8378	None	Carol Coleman, Bonnie Carter	Gloria Whittaker	30 Briscoe Ln.	Fredericksburg, VA	22401	Vacant land
48	44.	44	7769-87-3295	Briscoe Ln.	Carol Coleman, Bonnie Carter	Gloria Whittaker	30 Briscoe Ln.	Fredericksburg, VA	22401	Residential
440	436.	18	7769-90-7507	Seneca Ter.	Carolee Harlin		18 Seneca Ter.	Fredericksburg, VA	22401	Residential
269	265.	241	7870-00-1221	Ivanhoe Ct.	Carolyn Gregg		9527 Burning Branch Rd.	Burke, VA	22015	Residential

EXHIBIT 4 - APPENDIX G

HIRSCHLER FLEISCHER
ATTORNEYS AT LAW

Charles W. Payne, Jr. • Fredericksburg Office
540.604.2108 • cpayne@hf-law.com
www.hf-law.com

April 1, 2014

BY HAND

Mr. Charles R. Johnston
Director of Community Planning
& Building Department
City of Fredericksburg
715 Princess Anne St., Room 209
PO Box 7447
Fredericksburg VA, 22404

Re: Downtown Properties, Inc.
Rezoning Application – Embrey Hills

Dear Chuck:

I hope this finds you well. Please find enclosed a fully executed Voluntary Proffer Statement for the above-referenced matter. Feel free to contact me with any questions and/or comments.

Respectfully,

Charles W. Payne, Jr.

5631652-1 039718.00001

The Edgeworth Building
2100 East Cary Street
Richmond, VA 23223
Phone: 804.771.9500
Fax: 804.644.0957

Mailing address:
Post Office Box 500
Richmond, VA 23218

Mill Race North
725 Jackson Street
Suite 200
Fredericksburg, VA 22401
Phone: 540.604.2100
Fax: 540.604.2101

EXHIBIT 4 - APPENDIX G

VOLUNTARY PROFFER STATEMENT

Applicant: Downtown Properties, Inc.

Project Name: Embrey Hills

Property: GPIN, 7860-90-3994, consisting of 34.055 acres GPIN, 7860-90-9711, consisting of 0.86 acres (part thereof), consisting of approximately 34.055 Acres

Rezoning Request: R-1, Residential to R-12, Residential

Case Number: _____

Date: February 24, 2014

OVERVIEW:

The undersigned hereby proffer that the use and development of the above referenced Property shall be in conformance with the following conditions. In the event the above-referenced rezoning, including the requested waivers and modifications, is not granted as applied for by the Applicant, then these proffers shall be withdrawn and be null and void. The headings of the proffers set forth below have been prepared for convenience or reference only and shall not control or affect the meaning or be taken as an interpretation of any provision of the proffers. Any improvements proffered herein below shall be provided at the time of development of the portion of the site adjacent to the improvement, unless otherwise specified. The terms "Applicant" and "Developer" shall include all future owners, assignees and successors in interest of the Property. Upon approval of this rezoning and these proffers, any and all prior proffers affecting the Property shall be null and void and of no further force and effect, and the proffers provided herein shall be in full force and effect.

References in this Proffer Statement to plans and exhibits shall include the following:

- General Development Plan, Sheets 1 – 10 prepared by Bagby Caldwell and Associates, P.C., dated December 16, 2013, as last revised and entitled "Embrey Hills GPIN 7860-90-3994 GPIN Application for Zoning Map Amendment" ("GDP").
- Photo Architectural Features Exhibit, attached hereto and marked as Exhibit A .

1. **LAND USE**

A. The Property, consisting of approximately 34.055 Acres, shall be developed as R-12 Residential District, for single family attached uses (townhomes), all as generally depicted on the GDP.

B. The maximum number of townhomes will not exceed 99 units and will be generally located in the areas depicted on the GDP.

C. Development of the Property will be in general conformance with the GDP with respect to the approximate number and location of right-of-way entrances, building and parking configuration, setbacks from public rights-of-way, overall site coverage and preservation areas, subject to reasonable modifications as determined by the Applicant to be necessary due to final engineering, road alignment and design and/or stormwater management at the time of final site plan preparation for the project. For purposes of this Proffer Statement, the final approved city site plan shall supersede the GDP, except as otherwise provided hereunder.

D. The Out Parcel, as depicted on the GDP, and including approximately seven (7) acres, located on the western boundary of the Property, shall not be developed for residential purposes and the land use for this area shall be limited to recreational, community center, and institutional, or religious purposes nor shall there be vehicular access to this area from the development. However, nothing in this proffer shall be construed to prevent other recreational uses that are permitted in the portion of the property that is Chesapeake Bay Resource Protection Area, or in those areas outside of the Resource Protection Area, for recreational uses such as picnic areas and shelters, play equipment and nature studies and enhancements

2. TRANSPORTATION

A. Wicklow Drive Improvements. Applicant agrees to improve Wicklow Drive, including the widening of the existing pavement and to add curb, gutter and sidewalk improvements from the Ripken Park entrance to Fall Hill Avenue, all as generally shown on the GDP ("Wicklow Improvements"). Due to certain right of way constraints, the Wicklow Improvements will include certain construction modifications equivalent to one half section of City street standards. The aforesaid improvements shall be constructed prior to the issuance of the first townhouse certificate of occupancy permit located off of Ripken Drive.

B. Roffman Road Improvements. The Applicant agrees to construct, relocate and extend Roffman Road to the Property and further improve Roffman Road to Fall Hill Avenue, all as generally depicted on the GDP ("Roffman Improvements"). The Roffman Improvements include the widening and overlay of the existing pavement on Roffman Road, and the addition of curb, gutter and sidewalk improvements on both sides of Roffman Road, all as generally depicted on the GDP. Roffman Improvements shall be initially constructed, but not necessarily off bond, prior to issuance of the first occupancy permit on Camden Court.

C. Ripken Drive Dedication. The Applicant hereby agrees to construct and dedicate necessary right of way for the new proposed Ripken Drive (which replaces the prior Bakerfield Lane) which connects to Wicklow Drive and Camden Court, and extends within the Property, all as generally depicted on the GDP. Said right-of-way shall be

dedicated to the Fredericksburg City Council with the recordation of the final subdivision plat (as phased) of the lots on Ripken Drive.

D. **Camden Court Dedication**. The Applicant hereby agrees to construct and dedicate necessary right of way for the new proposed Camden Court, which connects to Ripken Drive and Roffman Road (as extended), and extends within the Property, all as generally depicted on the GDP. Said right-of-way shall be dedicated to the Fredericksburg City Council with the recordation of the final subdivision plat (as phased) of the lots on Camden Court.

3. FAÇADE TREATMENTS

A. To ensure quality in the construction of all townhouses, the facades of all townhouses (except openings in the building's façade, doors, windows, etc.) shall include the following:

1. Material on all townhouses will include brick, stone, stucco, vinyl or fiber cement siding, all in general accordance with attached Exhibit A .

2. All windows, doorways and building corners (on elevations with siding) will be finished with trim board.

3. The end unit of each townhouse building shall have full brick or natural stone front elevations.

B. Buildings shall have a pitched roof, with a minimum 3 to 12 pitch with asphalt shingles.

4. SITE DESIGN

A. All landscaping provided shall be in accordance with the Unified Development Ordinance.

B. Freestanding parking lot and street lighting shall consist of fixtures that are compatible with the architectural theme of buildings on the Property and shall have a maximum height of 24 feet. The location and spacing of lighting shall be determined at the time of final site plan review for each site to assure consistent light levels for security and energy efficiency.

5. ENVIRONMENT

A. The Applicant shall establish open space areas on the Property in substantial conformance with the GDP, subject to minor modifications required by preliminary or final site engineering. Said open space shall be shown on the Final Site Plan and shall consist of the preservation area, buffers, and like areas generally as depicted on the GDP and shall be in accordance with the applicable zoning requirements.

B. Site development shall comply with all requirements for Resource Protection Area, as generally depicted on the Plan. Such area shall be preserved in accordance with all applicable State and Federal regulations. The RPA shall be preserved in its natural state except for stream mitigation and preservation measures, utilities necessary for development of the Property or adjoining properties, road construction or existing utility easements, pedestrian trail access, and any temporary disturbance necessary for above activities approved in accordance with applicable State and Federal requirements.

6. WATER AND SEWER

Acceptance and approval of the zoning reclassification application by the Fredericksburg City Council shall authorize extension and construction of water and sewer lines, including any required wastewater pumping station, and facilities necessary to serve the Property pursuant to the Virginia Code Section 15.2-2232.

7. MISCELLANEOUS

A. Applicant, upon the approval of the owner of commercial property located along Fall Hill Avenue as GPIN # 7779-09-3723 aka "7-11" hereby agrees to make cosmetic improvements to the 7-11 property located at the corner of Fall Hill Avenue and Wicklow Drive, which improvement will include new fencing between the 7-11 and existing Bragg Hill townhomes and improved landscaping on said property, all in accordance with City requirements. Provided that the Applicant is granted a temporary sign license by the 7-11 owners, the City agrees to grant approval of a temporary sign permit for marketing townhomes within Embrey Hills. Said sign shall not exceed 4 feet by 8 feet and shall be removed by the applicant within 3 months of the last home sold in Embrey Hills.

B. To the extent not in violation with applicable fair housing laws, regulations and requirements, all townhouse units shall be marketed "for sale".

C. The Applicant, prior to developing the Property, shall encumber the Property with a declaration of conditions, covenants, restrictions, and easements for the purpose of (a) protecting the value and desirability of the Property; (b) facilitating the planning and development of the development in a unified and consistent manner; and (c) providing for the installation, maintenance, and repair for all landscaping, on-site amenities, open space, and other common areas. The Applicant will also create a property or homeowner's association as a non-stock corporation under the laws of Virginia that will provide and ensure oversight and structure for services provided, quality standards, intercampus relationships, and common area maintenance.

This Proffer Statement supersedes any proffer statement and proffers previously made or submitted in connection with this application and with this Property.

EXHIBIT 4 - APPENDIX G

WITNESS the following agreement and acknowledgement of this proffer statement:

Applicant/Contract Purchaser
Downtown Properties, Inc., a Virginia Corporation

By: _____
Douglas F. Brown
President

COMMONWEALTH OF VIRGINIA,
CITY OF FREDERICKSBURG, to wit:

I, the undersigned, a Notary Public in and for the jurisdiction aforesaid, do hereby certify that Douglas F. Brown, in his capacity as President of Downtown Properties, Inc., has personally acknowledged the same before me in my aforesaid jurisdiction.

GIVEN under my hand and seal this 27th day of March 2014.

_____
Notary Public

Print Name: Joanne Hughes
My Commission Expires: 8/31/2014
Registration No.: 7037936
[SEAL]

JOANNE HUGHES
NOTARY PUBLIC
REG # 7037936
MY COMMISSION EXPIRES
08/31/2014
COMMONWEALTH OF VIRGINIA

EXHIBIT 4 - APPENDIX G

Owner
Bragg Hill Corporation,
a Virginia Corporation

By: _____
Print Name: MIKE DEGER
Title: Owner

COMMONWEALTH OF VIRGINIA,
CITY OF FREDERICKSBURG, to wit:

I, the undersigned, a Notary Public in and for the jurisdiction aforesaid, do hereby certify that Mike Deger, in his capacity as Owner of Bragg Hill Corporation, has personally acknowledged the same before me in my aforesaid jurisdiction.

GIVEN under my hand and seal this 31st day of March 2014.

Betty J. Miller
Notary Public

Print Name: Betty J. MILLER
My Commission Expires: 8/31/2014
Registration No.: 4060695
[SEAL]

BETTY J. MILLER
NOTARY PUBLIC
REG # 4060695
MY COMMISSION EXPIRES 8/31/2014
COMMONWEALTH OF VIRGINIA

EXHIBIT 4 - APPENDIX G

EXHIBIT A

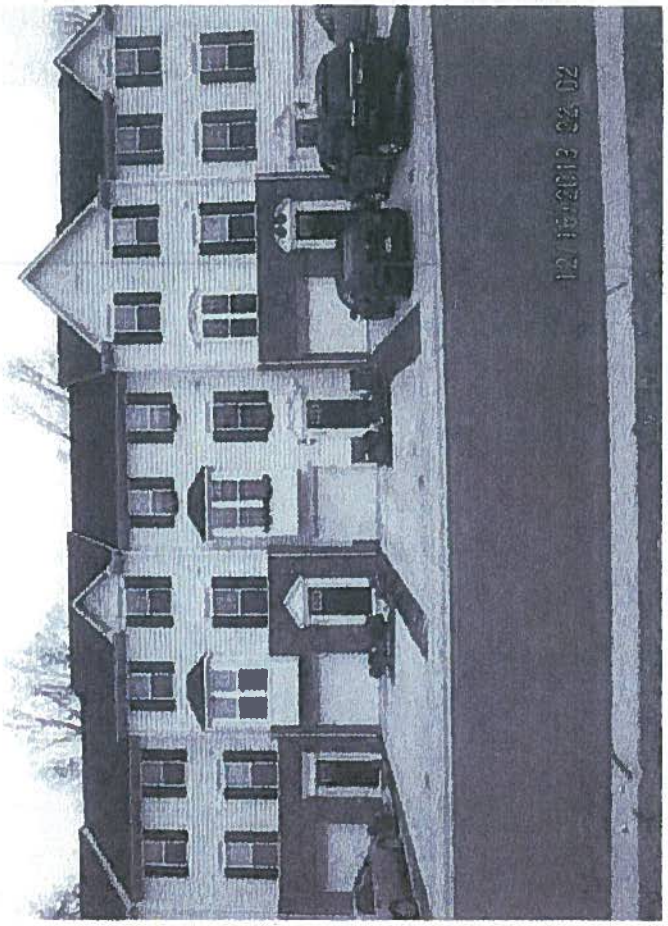
General Architectural Features

5621758-1 039718.00001

EXHIBIT 4 - APPENDIX G

EXHIBIT

A



EMBREY HILLS

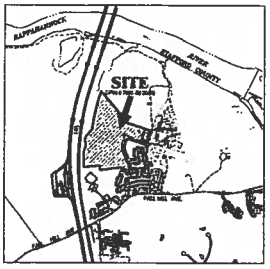
G.P.I.N. # 7860-90-3994

APPLICATION FOR ZONING MAP AMENDMENT

SITE STATISTICS

EXISTING ZONING:	R-1 (PROPOSED R-2 PER CITY INITIATED MAP AMENDMENTS)
SITE AREA:	
G.P.I.N. # 7860-90-3994	34.055 ACRES
OUT PARCEL:	7.00 ACRES (PER PROFFER 1.D)
REMAINING AREA:	27.055 ACRES (PER PROFFER 1.D)
STEEP SLOPES:	
AREA IN STEEP SLOPES:	7.66 ACRES
% AREA IN STEEP SLOPES:	22.49% (7.66 AC/34.055 AC)
% ALLOWABLE DENSITY IN STEEP SLOPES:	75%
ZONING DISTRICT COMPARISONS:	
EXISTING ZONING:	R-1/R-2 (RESIDENTIAL DISTRICT)
ALLOWABLE RESIDENTIAL DENSITY:	2 UNITS/ACRE
ALLOWABLE DENSITY CALCULATION:	
LOTS = {2 X (33.962 AC. – 7.66 AC)} + {2 X (7.66 AC X .75)}	= 64 LOTS
TRAFFIC GENERATION:	
64 SINGLE FAMILY DWELLINGS @ 10 VTE/LOT	= 640 VTE
SUGGESTED ZONING PER COMPREHENSIVE PLAN:	PDR (PLANNED DEVELOPMENT-RESIDENTIAL DISTRICTS)
ALLOWABLE RESIDENTIAL DENSITY:	6 UNITS/ACRE
ALLOWABLE DENSITY CALCULATION:	
LOTS = {6 X (33.962 AC. – 7.66 AC)} + {6 X (7.66 AC X .75)}	= 192 LOTS
TRAFFIC GENERATION:	
32 SINGLE FAMILY DWELLINGS @ 10 VTE/LOT	= 320 VTE
160 TOWNHOUSE DWELLINGS @ 6 VTE/LOT	= 960 VTE
TOTAL VTE	=1280 VTE
PROPOSED ZONING MAP AMENDMENT:	
PROPOSED ZONING:	R-12 (RESIDENTIAL DISTRICT)
ALLOWABLE RESIDENTIAL DENSITY:	12 UNITS/ACRE
ALLOWABLE DENSITY CALCULATION:	
LOTS = {12 X (33.962 AC. – 7.66 AC)} + {12 X (7.66 AC X .75)}	= 384 LOTS
PROPOSED NUMBER OF LOTS:	99 LOTS
TRAFFIC GENERATION:	
99 TOWNHOUSE DWELLINGS @ 6 VTE/LOT	594 VTE
PROPOSED PHASING:	
PHASE I:	20 LOTS
PHASE II:	28 LOTS
PHASE III:	51 LOTS
TOTAL:	99 LOTS
PROPOSED DENSITY:	
DENSITY AT 34.055 ACRES:	2.91 UNITS PER ACRE (99 LOTS/34.055 ACRES)
DENSITY AT 27.055 ACRES:	3.65 UNITS PER ACRES (99 LOTS/27.055 ACRES)
IMPERVIOUS AREA:	
BUILDING FOOTPRINT:	86,080 SF (1.976 ACRES)
SIDEWALKS AND DRIVEWAYS:	47,159 SF (1.082 ACRES)
PARKING AREAS AND TRAVELWAYS:	184,590 SF (4.237 ACRES)
TOTAL:	317,829 SF (7.296 ACRES)
OPEN SPACE:	
REQUIRED OPEN SPACE:	25%
OPEN SPACE PROVIDED AT 34.055 ACRES:	34.055 ACRES - 7.296 ACRES = 26.759 ACRES
OPEN SPACE RATIO AT 34.055 ACRES:	26.759 ACRES/34.055 ACRES X 100 = 78.5%
OPEN SPACE PROVIDED AT 27.055 ACRES:	26.055 ACRES – 7.296 ACRES = 18.759 ACRES
OPEN SPACE RATIO AT 27.055 ACRES:	18.759 ACRES/27.055 ACRES X 100 = 69.3%
PARKING SPACES:	
REQUIRED PARKING SPACES:	1.5 PER DU + 1 PER EVERY 5 UNITS = 169 SPACES
PARKING SPACES PROVIDED:	
DRIVEWAY SPACES:	51 SPACES
PARKING SPACES:	175 SPACES
ON STREET PARKING SPACES:	47 SPACES
TOTAL:	273 SPACES
BUILDING HEIGHT:	
ALLOWED:	50'
PROPOSED:	48'

CITY OF FREDERICKSBURG



VICINITY MAP

1" = 1000'

INDEX

SHEET NO.	TITLE
1	TITLE SHEET
2	PLAT OF SUBDIVISION
3	EXISTING CONDITIONS PLAN (1)
4	EXISTING CONDITIONS PLAN (2)
5	GENERALIZED DEVELOPMENT PLAN
6	GDP – UTILITIES
7	GDP – STORMWATER MANAGEMENT
8	GDP – LIGHTING AND LANDSCAPING
9	WICKLOW DRIVE IMPROVEMENTS
10	ROFFMAN ROAD IMPROVEMENTS

OWNER

BRAGG HILL CORPORATION
C/O MIKE DEGEN, MEMBER
P.O. BOX 7103
FREDERICKSBURG, VIRGINIA 22404
PHONE: 540-809-3400
MDDSS@AOL.COM

APPLICANT

DOWNTOWN PROPERTIES
C/O DOUGLAS F. BROWN
5 FRANTZ COURT
FREDERICKSBURG, VIRGINIA 22405
PHONE: 540-760-6707
dfbrown@cox.net

FLOOD PLAIN

THE PROPERTY SHOWN HEREON LIES WITHIN FLOOD ZONE "X" (AREAS DETERMINED TO BE OUTSIDE OF 500 YEAR FLOOD PLAIN) AS INDICATED ON FIRM COMMUNITY PANEL 510065009C & 510065002BC, DATED SEPTEMBER 19, 2007.

CITY OF FREDERICKSBURG, VIRGINIA

REVISIONS

DATE

BCA

MARTY CALLOWHILL and ASSOCIATES, P.C.
CIVIL ENGINEERING AND LAND SURVEYING
PROFESSIONAL ENGINEERS & SURVEYORS
1400 JEFFERSON DAVIS HIGHWAY
FREDERICKSBURG, VIRGINIA 22401
(540) 899-7212 (540) 373-2891

COMMONWEALTH OF VIRGINIA
MARTY S. CALLOWHILL
Lic. No. 11798
PROFESSIONAL ENGINEER

TITLE SHEET

EMBREY HILLS
G.P.I.N. # 7860-90-3994
APPLICATION FOR ZONING MAP AMENDMENT

FREDERICKSBURG VIRGINIA

DATE:	12-14-11
SCALE:	
DESIGNED BY:	MMF
DRAWN BY:	LT
CHECKED BY:	MSB
FILE NAME:	20-CONDEMNED
JOB NO.	2047-2
PLAN NO.	

1

ADJACENT PROPERTIES OWNERS (TO BE NOTIFIED OF PUBLIC HEARING)

BRAGG HILL CENTRAL PARK TOWNHOMES (ZONED R-4)
PROPOSED REZONING TO R-13 BY CITY OF FREDERICKSBURG

BRAGG HILL CORPORATION
SECTION SIX
INSTR# 20132878
GPIN# 7860-90-9711
T.M. 273-5-50A

BRAGG HILL COMMUNITY CORP.
COMMON AREA BLOCK 273-1
T.M. 273-5-A
GPIN# 7860-00-1360

BRAGG HILL COMMUNITY CORP.
SECTION FOUR
GREEN SPACE
T.M. 273-1-A
INSTR# 20132035
GPIN# 7860-80-9442

LOT 50
ROSSTEX PROPERTIES LLC
INSTR# 20132030
GPIN# 7860-90-9442

LOT 1
3337 LLC
INSTR# 2013432
GPIN# 7860-90-0291

LOT 63
RAMIREZ EUDURRDOA
& MILAGRO DEL
INSTR# 20004447
GPIN# 7870-00-0202

LOT 62
COOPER ROBERT M SR
GPIN# 7870-00-0107

LOT 61
HANSEN KAREN MARIE
INSTR# 20082049
GPIN# 7860-90-9199

LOT 60
COOPER ROBERT M SR
GPIN# 7860-90-9183

LOT 59
COOPER ROBERT M SR
GPIN# 7860-90-9181

LOT 58
BONES-GONZALES ALICE
INSTR# 2004466
GPIN# 7860-80-9068

LOT 33
SUNRISE PROPERTIES LLC
DB 329, PG. 853
GPIN# 7860-80-8183

LOT 32
SUNRISE PROPERTIES LLC
INSTR# 3009133N
GPIN# 7860-90-8184

LOT 31
3337 LLC
INSTR# 2013424
GPIN# 7860-00-8144

LOT 30
ABADI PARSA & ABADI NASRI
INSTR# 20082616
GPIN# 7860-90-8125

LOT 29
JABAC HOLDING LLC
INSTR# 20121134
GPIN# 7860-90-8116

LOT 28
VALUE INVESTMENTS LLC
INSTR# 20102342
GPIN# 7860-80-7187

LOT 27
SANDHAR MANDEPINDER
INSTR# 20041148
GPIN# 7860-90-7178

LOT 26
NICAR ECUMENICAL MINISTRIES
INSTR# 3013739
GPIN# 7860-80-7158

LOT 25
ANDRUS DARNL
INSTR# 2004716
GPIN# 7860-90-7230

RIVER WALK (ZONED R-4)

LOT 1
LONG GREGORY
INSTR# 20111348
GPIN #7870-00-4409

LOT 8
PHILLIPS AUDREY L
INSTR# 2011975
GPIN #7870-00-3546

LOT 9
JOHNS GARRY M JR
INSTR# 20072278
GPIN #7870-00-4817

LOT 52
ARELLANO ARMEL
INSTR# 20132256
GPIN# 7870-01-5243

LOT 53
RODRIGUEZ MONTINEZ
& SHERREA
INSTR# 2008770
GPIN# 7870-01-5148

RIVERWALK HOME OWNERS ASSOCIATION
4000-A LAFAYETTE CENTER DR.
C/O MOHAMPAM HOMES OF VIRGINA INC
CHANTILLY, VA 20151

LOT 54
BROWN DOMINGUS J & SHERRY D
INSTR# 2006992
GPIN# 7870-01-3111

LOT 55
WALZ SARAH ELIZABETH
& JOHN W
INSTR# 20092803
GPIN# 7870-01-4086

LOT 56
PRICE FAITH D
INSTR# 20082373
GPIN# 7870-01-4090

LOT 57
ROLLIS KATHERINE A & ROBERT
INSTR# 20102701
GPIN# 7870-00-4873

LOT 39
COLLEN JOHN JR
INSTR# 20061290
GPIN #7870-00-4834

TOWER OF DELIVERANCE
CHURCH, THE
INSTR# 20020002025
GPIN# 7769-99-0859

CITY OF FREDERICKSBURG
CAL REFORM PARK
INSTRUMENT# 20000000704
GPIN #7870-02-0135

INTERSTATE 95
(LIMITED ACCESS)
(VARIABLE WIDTH R/W)

NORTH ROAD LINES

ORIGINAL PARCEL (T.M. A-19-84A)- 31.747 ACRES
AREA IN NON DEDICATED ROADWAY - 1.502 ACRES
AQUIRED FROM T.M. 273-5-50A (PART) - .806 ACRES
TOTAL AREA - 34.055 ACRES
GPIN # 7860-90-3994

CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA	TANGENT	BEARING	CHORD
C1	188.57'	120.13'	37°11'53"	97.7'	N76°00'22"W	178.18'
C2	72.65'	370.13'	11°13'28"	36.39'	S42°28'48"E	72.45'
C3	35.81'	23.00'	82°07'16"	21.78'	S10°03'04"E	32.84'
C4	338.83'	353.78'	54°54'25"	186.18'	S62°40'23"E	325.24'
C5	173.84'	261.48'	37°31'44"	89.71'	S64°43'38"E	170.72'
C6	309.69'	5618.56'	4°22'46"	155.03'	N52°55'35"E	309.61'
C7	49.03'	5618.56'	0°30'01"	24.52'	N50°43'04"E	49.03'
C8	634.33'	5679.56'	6°45'07"	317.39'	N47°48'18"E	633.99'
C9	37.88'	23.00'	94°19'17"	33.38'	N07°07'15"W	34.13'
C10	32.84'	370.13'	5°05'29"	16.43'	S89°38'22"E	32.83'
C11	33.73'	25.00'	81°32'34"	21.66'	S71°56'52"W	32.78'
C12	300.49'	303.78'	56°40'35"	163.82'	S42°49'32"W	288.38'

SHADING INDICATES ADJOINING PROPERTY OWNER TO BE NOTIFIED OF PUBLIC HEARINGS (TYP.)

CITY OF FREDERICKSBURG
CAL REFORM PARK
INSTRUMENT# 20020000704
GPIN #7870-02-0135
CURRENT ZONING: R-1
PROPOSED ZONING: R-2

RIGHT OF WAY TO BE RELOCATED, CURRENT LOCATION TO BE VACATED

TRACT LINE (TO BE VACATED)

NON DEDICATED ROADWAY

CURRENT ZONING: R-1
PROPOSED ZONING: R-13

CURRENT ZONING: R-1
PROPOSED ZONING: R-2

RIVERWALK
ZONED: R-4

GRAPHIC SCALE

PRELIMINARY PLAT
EMBREY HILLS
GPIN# 7860-90-3994
APPLICATION FOR ZONING MAP AMENDMENT
CITY OF FREDERICKSBURG
VIRGINIA

DATE: 2-27-14
SCALE: 1" = 100'
DESIGNED BY:
DRAWN BY:
CHECKED BY:
FILE NAME: 20471-3PLAT
JOB NO. 20471-3
PLAN NO.

2

EXHIBIT 4 - APPENDIX G

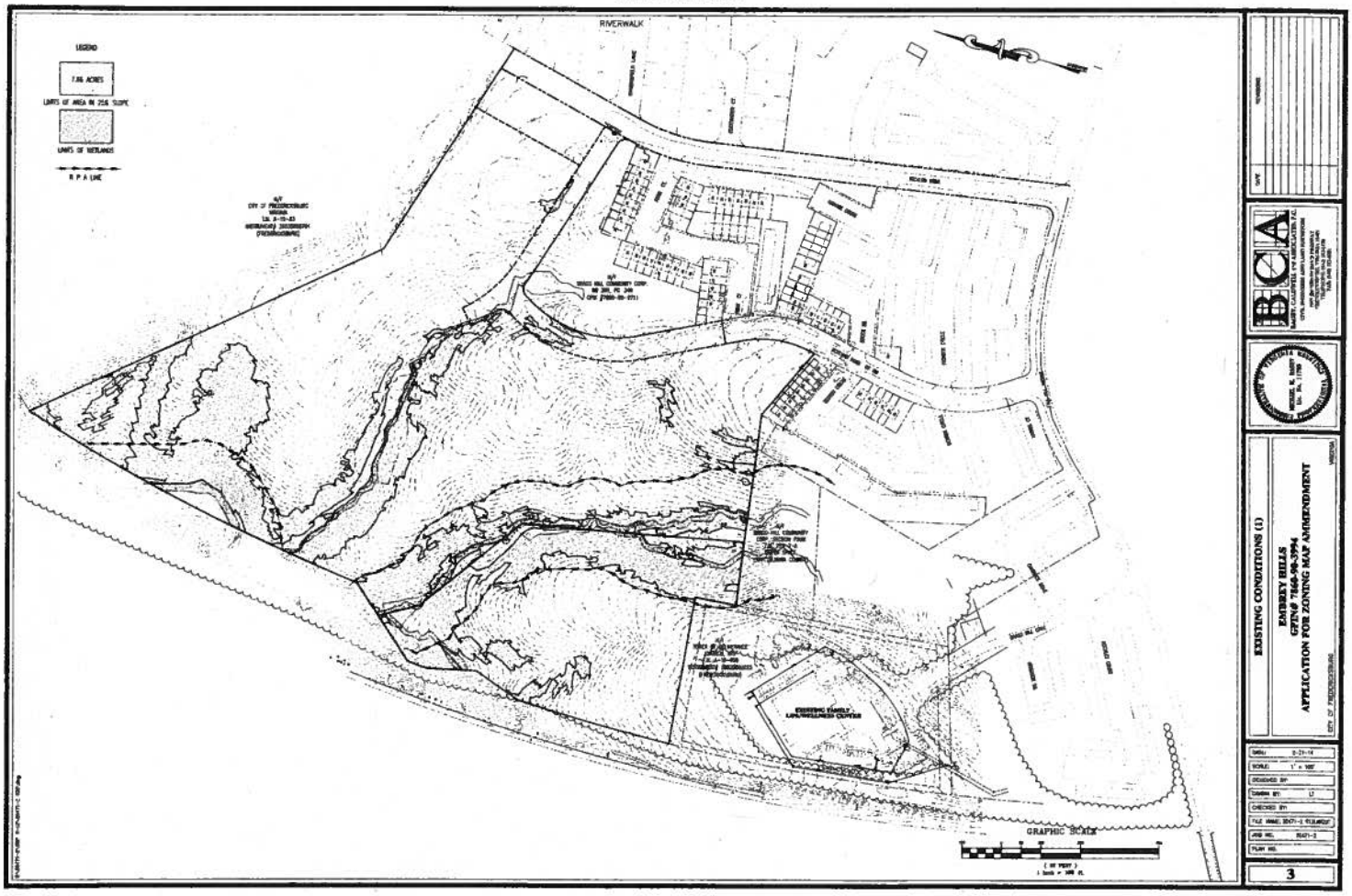


EXHIBIT 4 - APPENDIX G

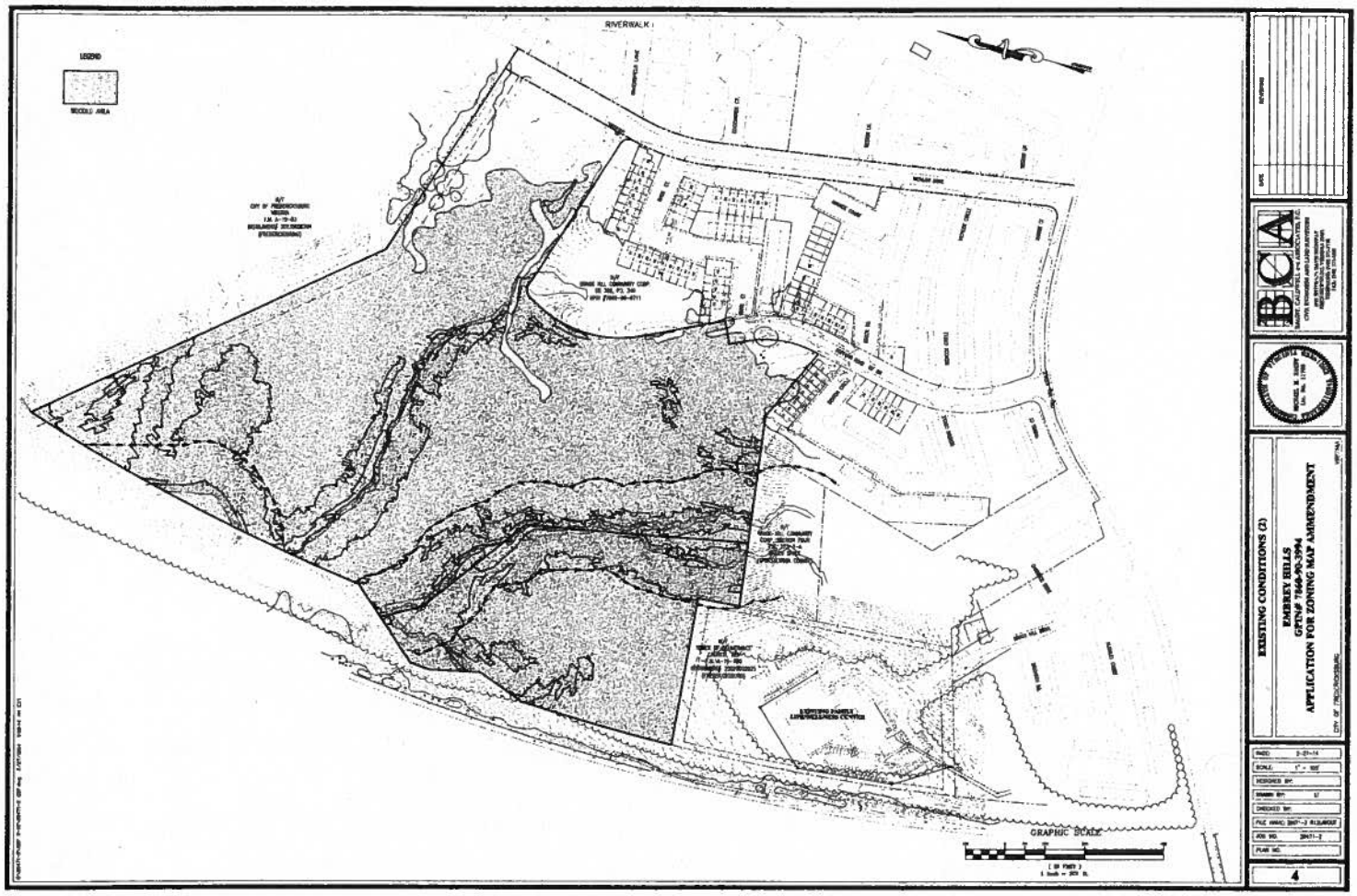
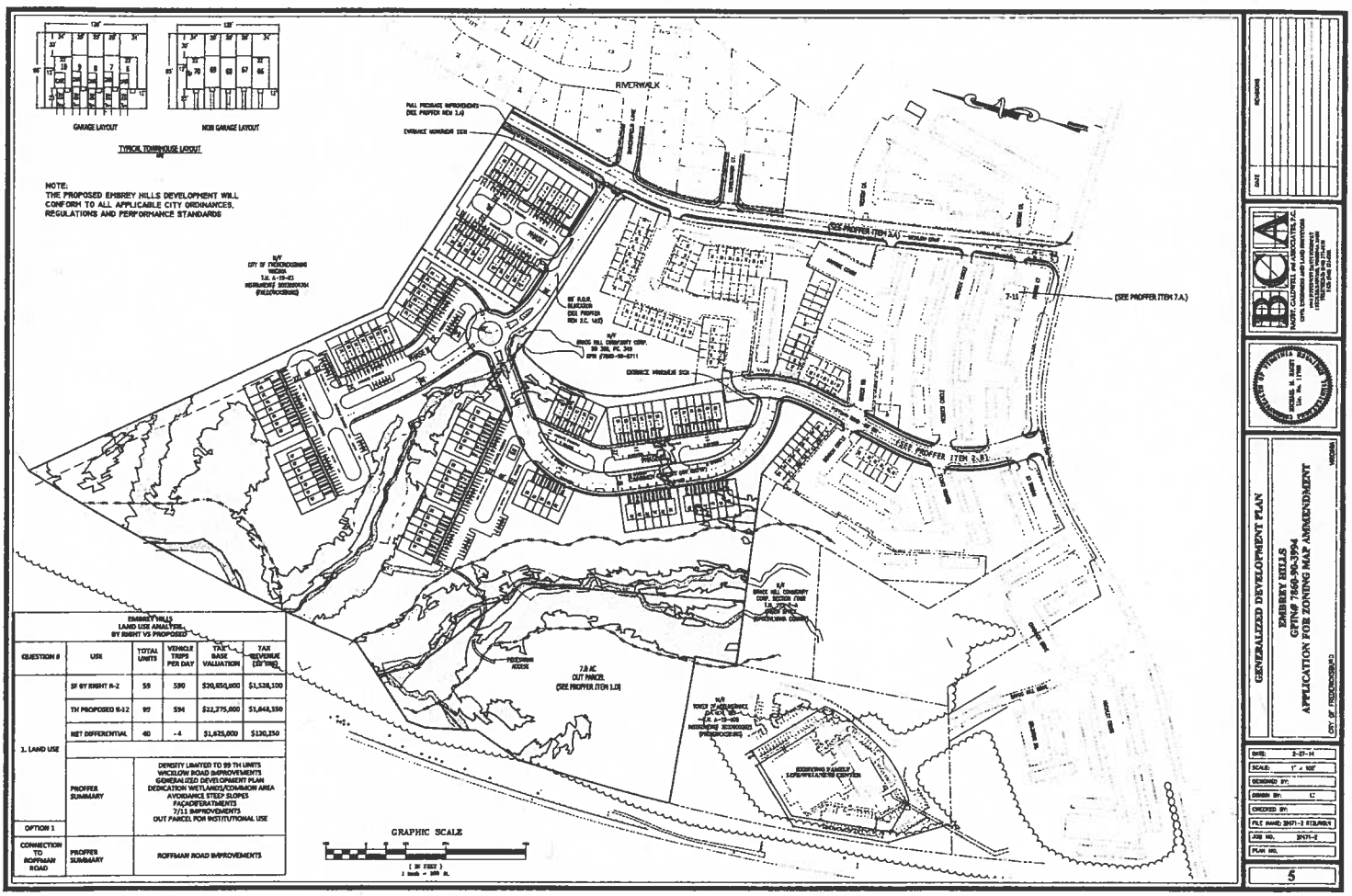


EXHIBIT 4 - APPENDIX G



EMBREY HILLS LAND USE ANALYSIS BY RIGHT VS PROPOSED					
QUESTION #	USE	TOTAL UNITS	VEHICLE TRIPS PER DAY	TAX BASE VALUATION	TAX REVENUE (10 YRS)
1. LAND USE	SF BY RIGHT R-2	59	590	$20,650,000	$1,528,100
	TH PROPOSED R-12	99	594	$22,275,000	$1,648,350
	NET DIFFERENTIAL	40	-4	$1,625,000	$120,250
	PROFFER SUMMARY	DENSITY LIMITED TO 99 TH UNITS WICELOW ROAD IMPROVEMENTS GENERALIZED DEVELOPMENT PLAN DEDICATION WETLANDS/COMMON AREA AVOIDANCE STEEP SLOPES FAÇADE/ERATMENTS 7/11 IMPROVEMENTS OUT PARCEL FOR INSTITUTIONAL USE			
OPTION 1					
CONNECTION TO ROFFMAN ROAD	PROFFER SUMMARY	ROFFMAN ROAD IMPROVEMENTS			

EXHIBIT 4 - APPENDIX G

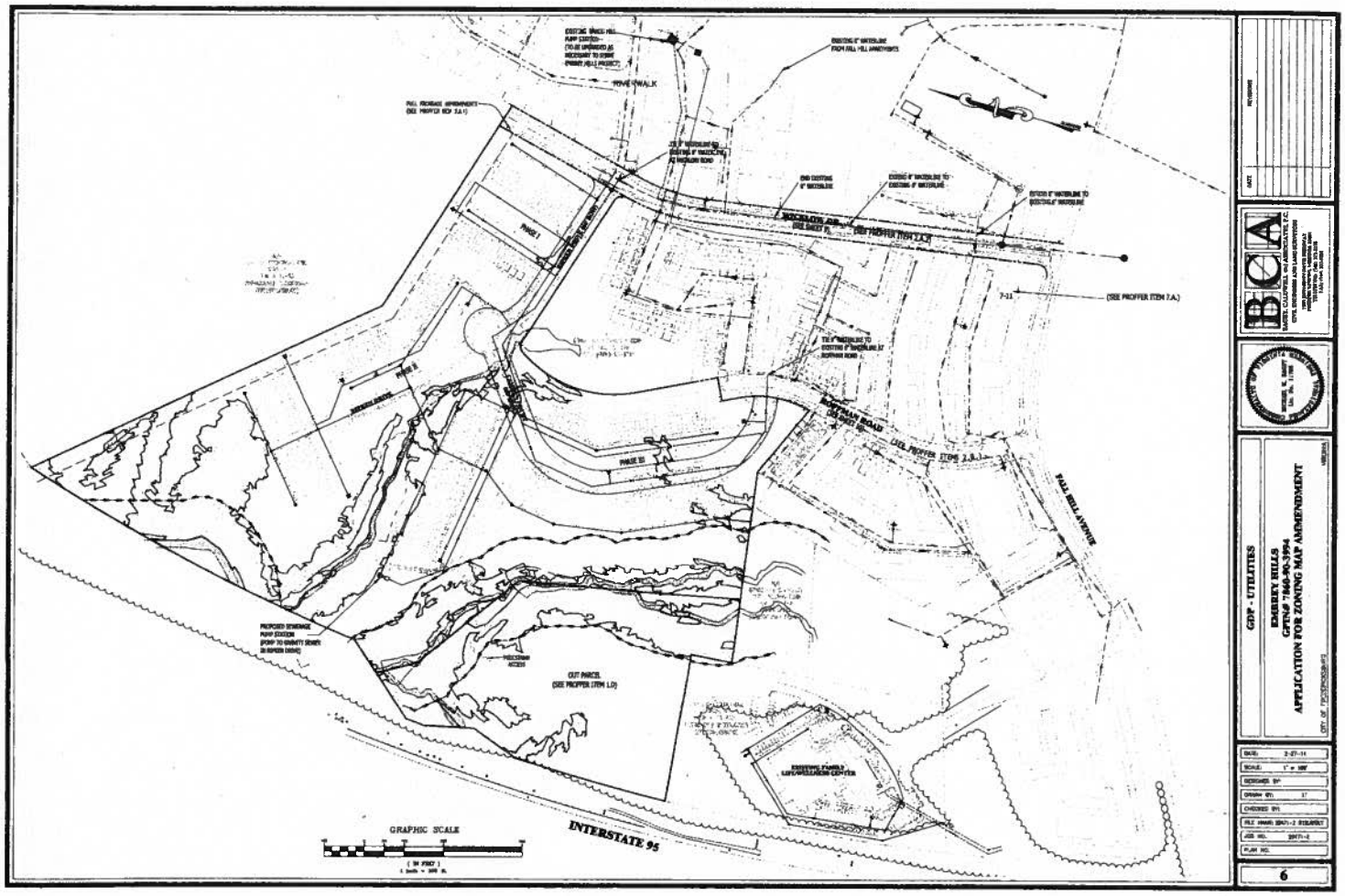


EXHIBIT 4 - APPENDIX G

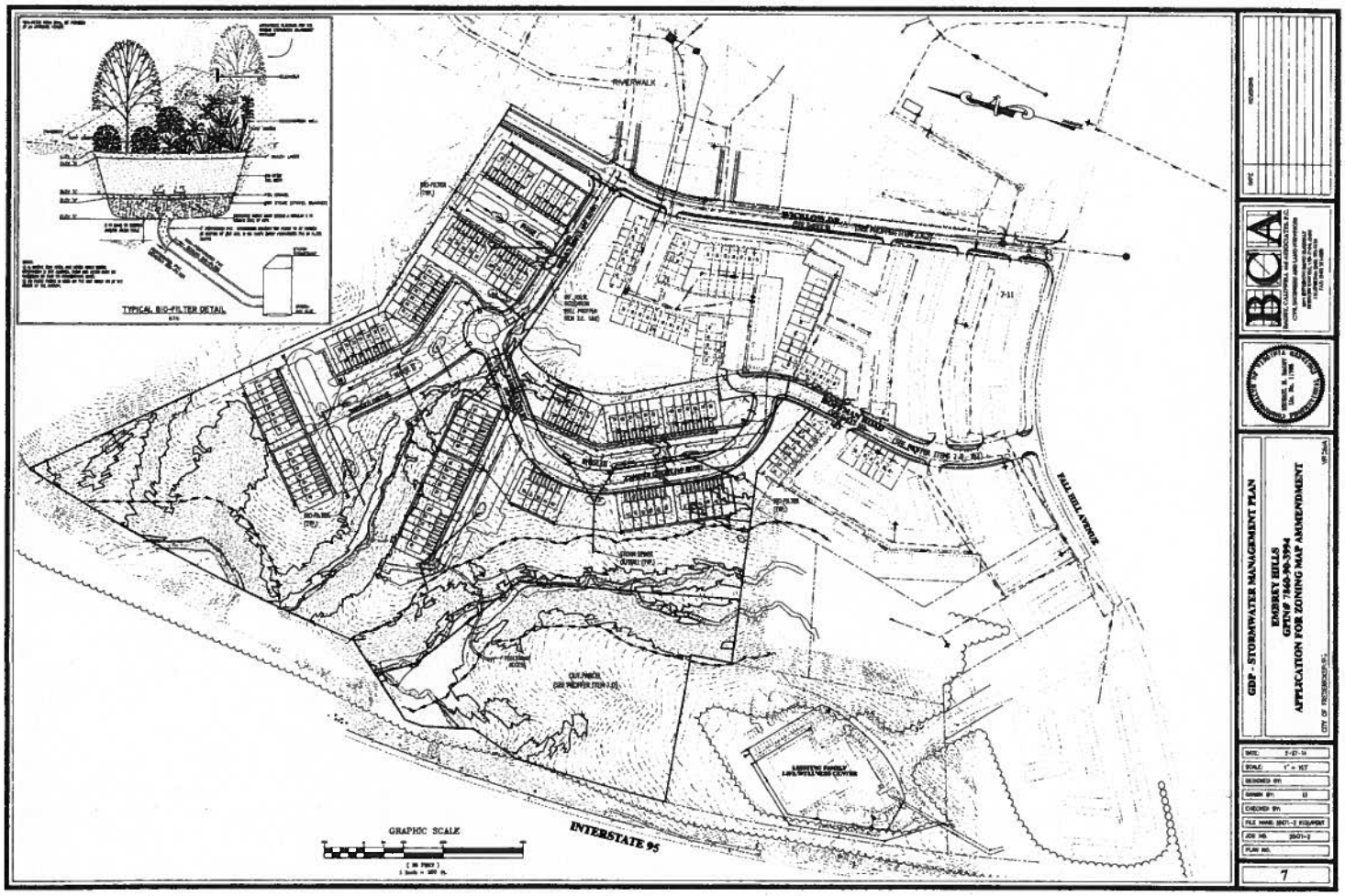


EXHIBIT 4 - APPENDIX G

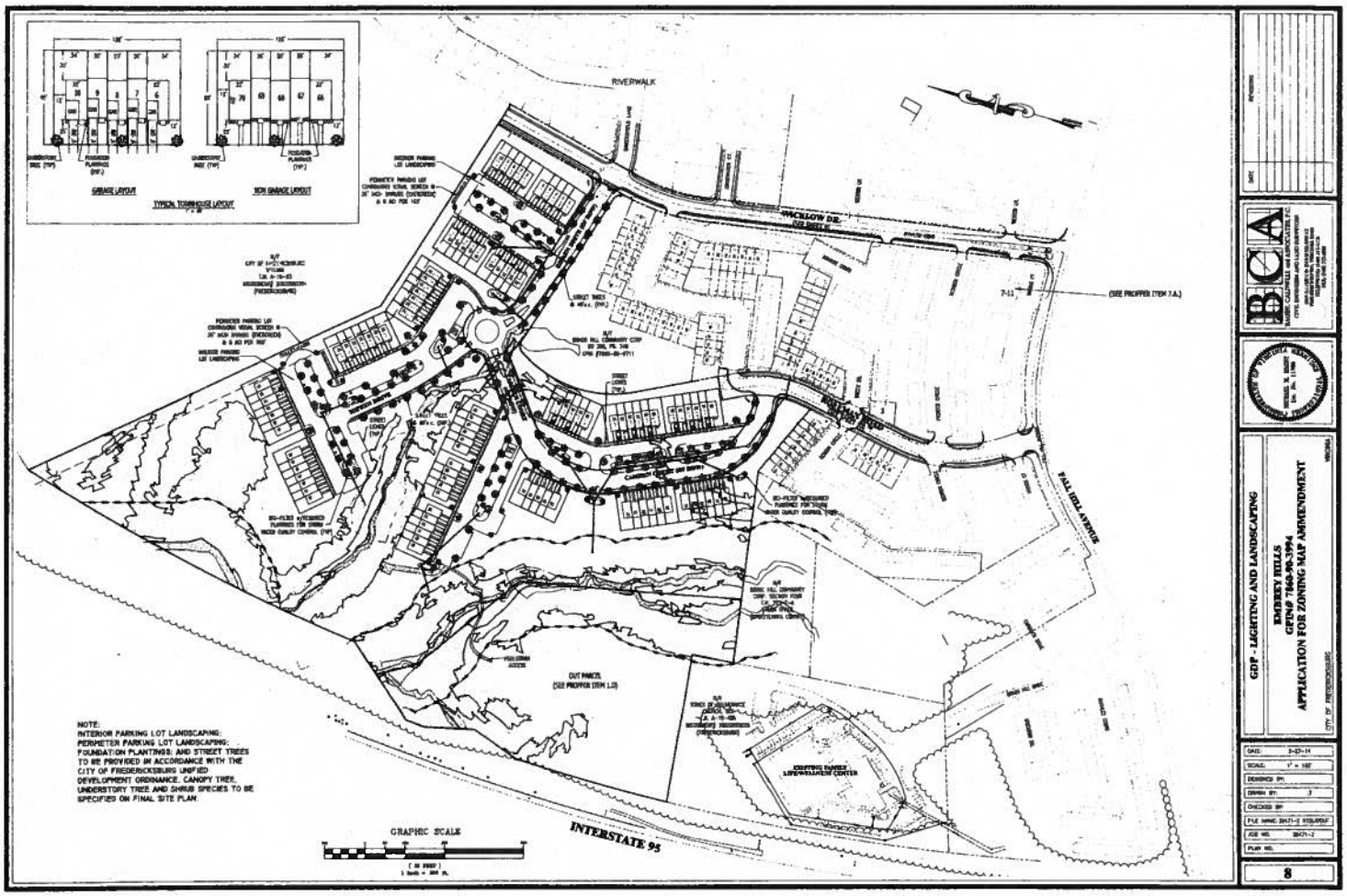


EXHIBIT 4 - APPENDIX G

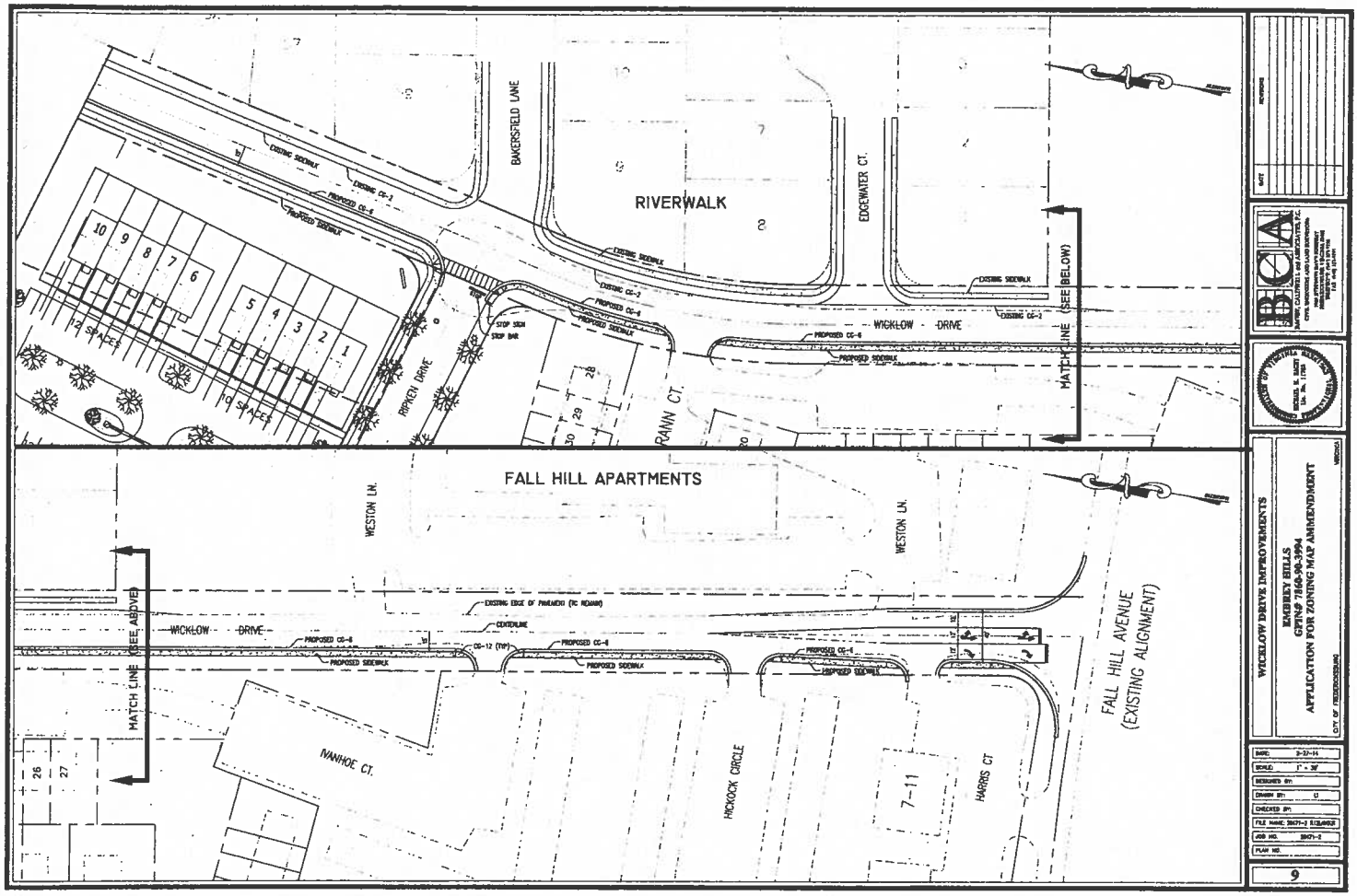


EXHIBIT 4 - APPENDIX G

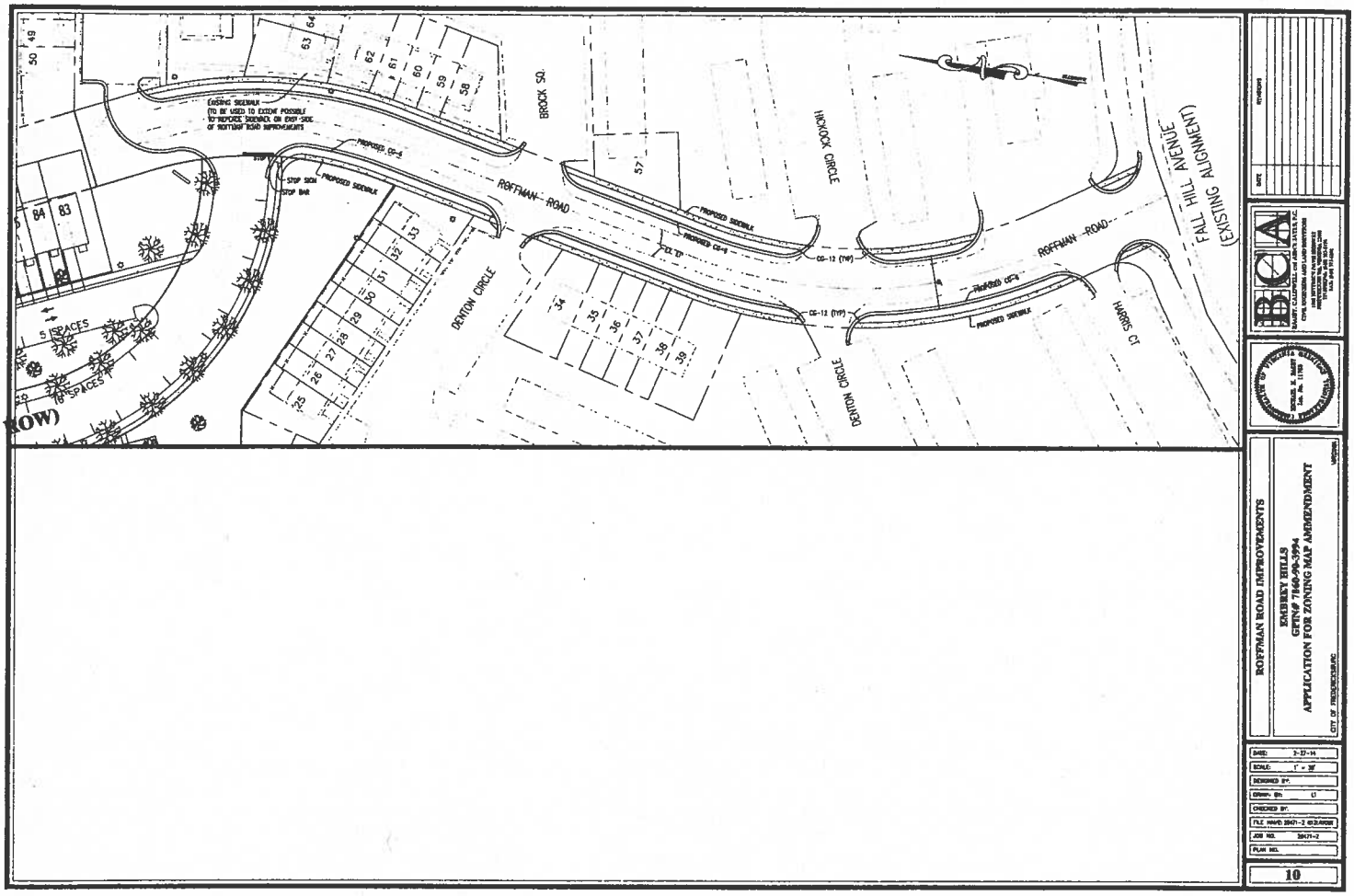


EXHIBIT C

EXHIBIT 4 - APPENDIX H

Real Estate Maintenance UPDATE
CITY OF FREDERICKSBURG

User MARILLA
L-Chg 7/13/2015
Batch 15205MM
SSN#2: 000000000

...OD, TREASURER
...EDERICKSBURG
...X 267
...EDERICKSBURG VA 22404-0267

ADDRESS SERVICE REQUESTED

CITY OF FREDERICKSBURG
IMPORTANT--PLEASE READ

2014/2015 REAL ESTATE TAX

ELDERLY OR DISABLED MAY BE ELIGIBLE FOR A REAL ESTATE EXEMPTION IF THEY ARE AGE 65 OR OLDER OR PERMANENTLY DISABLED AND MEET FINANCIAL CRITERIA ESTABLISHED BY LOCAL ORDINANCE. FOR FURTHER INFORMATION CONTACT THE COMMISSIONER OF REVENUE AT (540)372-1004.

THE TREASURER COLLECTS TAXES, DOES NOT ASSESS PROPERTY, FIX VALUATIONS, SET RATES OR GRANT EXEMPTIONS AND HAS NO AUTHORITY TO MAKE CHANGES TO THE TAX ROLL.

003017
***AUTO**MIXED AADC 280 3017 T11:16
BRAGG HILL CORPORATION
11541 GRANARY HILLS DR
AMELIA COURT HOUSE VA 23002-4285

016514

INFORMATION INQUIRIES

Commissioner of Revenue 540-372-1004
Payments 540-372-1001

YEAR	DEPT.#/TICKET#	PARCEL NUMBER/GPIN
2015	RE 2015: 679	7860-90-9711

DUE DATE: 5/15/2015
After 5/15/2015 add 47.76 penalty
After 6/01/2015 add 4.38 interest per month

DESCRIPTION	RATE	TOTAL VALUE	TOTAL TAX CHARGES
0.806AC S6 BL 273-5-50A WICKLOW DR IMPROVEMENTS ANNUAL TAX-REGULAR ASSESSMENT	.790	120,900	955.12
AC .81		TOTAL NOW DUE	477.56

PD 4/25/15 #1169

IT IS THE OBLIGATION OF THE TAXPAYER TO SEE THAT THE PROPER TAX BILL IS RECEIVED AND PAID ON TIME.

DETACH AND RETAIN THIS PORTION FOR YOUR RECORDS

192 APR06.01302014

EXHIBIT 4 - APPENDIX I

2016 Real Estate Tax Bill

CITY OF FREDERICKSBURG

P. O. BOX 267
FREDERICKSBURG, VA 22404-0267
BRENDA A. WOOD, TREASURER

BRAGG HILL COMMUNNITY CORP
PO BOX 7266
FREDERICKSBURG VA 22404-7268

Department: RE2016 **Ticket No:** 741
Account No: 5888
Property ID: 7860-90-9711

Property Description	Acres	Land Value	Land Use	Improvements	Mineral Value	Total Taxable Assessed	Tax Due 05/16/2016
0.806AC S6 BL 273-5-50A WICKLOW DR	2.54	120,900				120,900	$495.69

Tax Rate per $100: .8200
Annual Tax: $991.38
Total Due on 05/16/2016: $495.69

Version: 2015-12-10-16.18.01.629230

EXHIBIT 4 - APPENDIX I

2016 Real Estate Tax Bill

CITY OF FREDERICKSBURG

P. O. BOX 267
FREDERICKSBURG, VA 22404-0267
BRENDA A. WOOD, TREASURER

BRAGG HILL CORPORATION
11541 GRANARY HILLS DR
AMELIA COURT HOUSE VA 23002

Department: RE2016 **Ticket No:** 741
Account No: 5888
Property ID: 7860-90-9711

Property Description	Acres	Land Value	Land Use	Improvements	Mineral Value	Total Taxable Assessed	Tax Due 11/16/2015
0.806AC S6 BL 273-5-50A WICKLOW DR	.81	120,900				120,900	$495.69

Tax Rate per $100: .8200
Annual Tax: $991.38
Total Due on 11/16/2015: $495.69

Version: 2015-12-10-16.18.01.629230

EXHIBIT 4 - APPENDIX I

2015 Real Estate Tax Bill

CITY OF FREDERICKSBURG

P. O. BOX 267
FREDERICKSBURG, VA 22404-0267
BRENDA A. WOOD, TREASURER

BRAGG HILL CORPORATION
1206 WASINGTON AVE
FREDERICKSBURG VA 22401

Department: RE2015 **Ticket No:** 679
Account No: 5888
Property ID: 7860-90-9711

Property Description	Acres	Land Value	Land Use	Improvements	Mineral Value	Total Taxable Assessed	Tax Due 11/17/2014
0.806AC S6 BL 273-5-50A WICKLOW DR	.81	120,900				120,900	$477.56

Tax Rate per $100: .7900
Annual Tax: $955.12
Total Due on 11/17/2014: $477.56

Version: 2015-12-10-16.18.01.629230

EXHIBIT 4 - APPENDIX I

2014 Real Estate Tax Bill

CITY OF FREDERICKSBURG

P. O. BOX 267
FREDERICKSBURG, VA 22404-0267
BRENDA A. WOOD, TREASURER

BRAGG HILL CORPORATION
1206 WASINGTON AVE
FREDERICKSBURG VA 22401

Department: RE2014 **Ticket No:** 7917
Account No: 5888 **Supplement No:** 04
Property ID: 7860-90-9711

**** This is a supplemental bill ****

Property Description	Acres	Land Value	Land Use	Improvements	Mineral Value	Total Taxable Assessed	Tax Due 05/15/2014
0.806AC S 6 BL 273-5-50A WICKLOW DR	.81			60,450		60,450	$447.33

Annual Tax: $447.33
Total Due on 05/15/2014: $447.33

Version: 2015-12-10-16.18.01.629230

EXHIBIT 4 - APPENDIX I

2014 Real Estate Tax Bill

CITY OF FREDERICKSBURG

P. O. BOX 267
FREDERICKSBURG, VA 22404-0267
BRENDA A. WOOD, TREASURER

BRAGG HILL CORPORATION
1206 WASINGTON AVE
FREDERICKSBURG VA 22401

Department: RE2014 **Ticket No:** 7882
Account No: 5888 **Supplement No:** 02
Property ID: 7860-90-9711

**** This is a supplemental bill ****

Property Description	Acres	Land Value	Land Use	Improvements	Mineral Value	Total Taxable Assessed	Tax Due 01/31/2014
0.806AC S 6 BL 273-5-50A WICKLOW DR	.81			20,196		20,196	$149.45

Annual Tax: $149.45
Total Due on 01/31/2014: $149.45

Version: 2015-12-10-16.18.01.629230

EXHIBIT 5

Community Planning
and Building Department
Planning Services Division

City of Fredericksburg
715 Princess Anne Street
P.O. Box 7447
Fredericksburg, VA 22404-7447
Telephone: 540 372-1179
Fax: 540 372-6412

PRE-APPLICATION CONFERENCE APPLICATION

DATE: FEBRUARY 29, 2016

LOCATION OF PROPERTY: END OF WICKLOW DRIVE

APPLICANT: MARK GLAZEBROOK

MAILING ADDRESS: 11541 GRANDBY HILLS DRIVE
AMELIA COURTHOUSE, VA. 23002

PHONE: 540-226-1618 E-MAIL ADDRESS: MWGLAZE@gmail.com

ZONING OF PROPERTY: R-12 GPIN #: 7860-90-9711

PREVIOUS USE: VACANT PROPOSED USE: TOWNHOUSES (10)

PLEASE DESCRIBE THE PURPOSE FOR ATTENDING THE PRE-APPLICATION CONFERENCE.

DISCUSS DEVELOPMENT OF TEN (10) TOWNHOUSES ON 0.806 ACRE PARCEL ON WICKLOW DRIVE. PARCEL IS ADJACENT TO SECTION 6 OF BRAGG HILL AND CAL RIPKEN PARK to NORTH.

☒ SITE PLAN, PLAT, OR TAX MAP ATTACHED

SIGNATURE OF APPLICANT

2-29-16
DATE

DATE RECEIVED: _____ DATE OF MEETING _____

If you have questions, please contact Marne Sherman in Planning Services Division at (540) 372-1179 or Debby Hall in Building Services Division at (540) 372-1080.

For Office Use:

CHECK IF APPLICABLE:
☐ SITE PLAN SUBMITTAL
☐ SPECIAL USE PERMIT REQUIRED
☐ REZONING REQUIRED
☐ PLAT/SUBDIVISION SUBMITTAL
☐ SPECIAL EXCEPTION REQUIRED
☐ OTHER

NO FEE REQUIRED

EXHIBIT 5

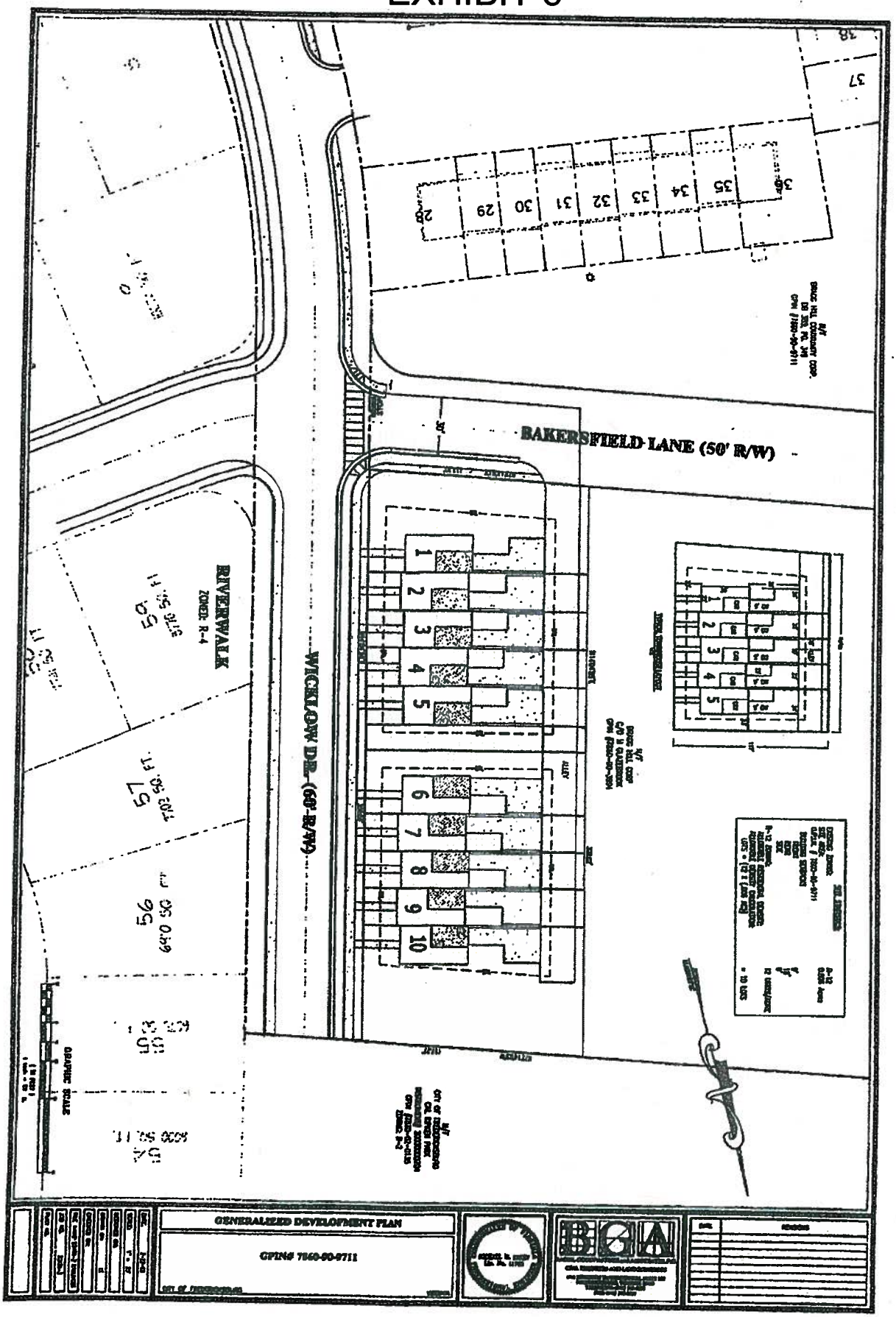

BAKERSFIELD LANE (50' R/W)
WICKLOW DR. (60' R/W)
RIVERWALK
ZONE: R-4
GENERALIZED DEVELOPMENT PLAN
GPIN# 7660-00-9711

EXHIBIT 6

Mike Craig
Zoning Administrator

City of Fredericksburg
PO Box 7447
Fredericksburg, VA22404-7447
Telephone: 540-372-1179
Fax: 540-372-6412
mjcraig@fredericksburgva.gov

012-16D

March 10, 2016

Bragg Hill Corporation
C/O Mr. Mark Glazebrook
11541 Granary Hills Dr.
Amelia Courthouse, Va 23002

Re: Technical Review Committee Application regarding GPIN 7870-00-3906

Dear Mr. Glazebrook:

We received your Technical Review Committee (TRC) application regarding the development of a portion of your property now identified as GPIN 7870-00-3906 into 10 ten townhomes. The zoning on the application is listed as R-12, Residential. The City's official zoning map shows that this property is zoned R-2, Residential.

The City Council rezoned 1,121 acres from R-1 to R-2 Residential, R-12 Residential, R-16 Residential, and R-30 Residential by ordinance #14-06 on February 11, 2014. A copy of the ordinance is attached to this letter. GPIN 7870-00-3906 was not individually identified on the exhibit maps at the time of the rezoning, however, I've sketched it onto the attached map for illustrative purposes. The portion of the property now identified as GPIN 7870-00-3906 was rezoned from R-1 Residential to R-2 Residential by Ordinance 14-06.

Any person aggrieved by this determination may have the right to appeal to the Board of Zoning Appeals within 30 days of the date of this determination. Such appeal shall be in writing to the Zoning Administrator, specify the grounds for the appeal and include an appeal fee of $400.00.

Sincerely,

Mike Craig
Zoning Administrator

ENC: Ordinance 14-06
Technical Review Committee Application

CC: Bagby, Goodpasture, and Associates, P.C.
1985 Jefferson Davis Highway
Suite 102
Fredericksburg, Virginia 22401

Attachment B

From Richard Dynes, Planning Commissioner
13 July 2015

All,

I have a stomach flu and am unable to attend tonight. If calling in is an option call me at 703 969 0552.

I will share some of my thoughts regarding the GPIN 7870-00-3906 zoning issue on tonights agenda. As I do not feel well I will be brief. My thanks to all of the staff, from Mr. Craig, Kim Williams through I assume the city attorney's office in preparing these materials.

First a question:
Regarding Exhibit 4, page 3, top paragraph, which starts with: The January 11. 2016 GIS record, submitted by the applicant...

I did not happen to find the referenced document in the package and while the language is plain and understandable it suggests that there was not a reproducible error in the city's GIS because the two documents, sourced from the same system yield two different results. Is my reading correct?
- Would a similar report run by city staff now or at the same time (January 11, 2016), or now would not duplicate the submitted report?
- What are the a logical explanations for this other than 'software error'? I think that is unlikely unless there are repeated instances across all of the thousands of records.

There are many details and a complex time line but I have distilled this for my purposes to the following points:

1. The original mis-identification was created by documents submitted under affidavit by Bragg Hill Corporation.
2. Bragg Hill Corporation partners individually stand to gain from the propagation of their error.
3. A review of city ordinance 14-06 supports Mr. Craig's statement that all other up-zones to bring existing non-conforming uses into conformance. By implication the city did not intend to pluck out this one property for up-zoning.
4. Bragg Hill Corporation likely had constructive knowledge of the error:
 - See Exhibit 4: The Embry Hills proffer statement, dated February 24 2014 makes this plain
 There is no mention of the incorrect GPIN in the text; Contrast this with the Govenor's Row project.
 Appendix G of the exhibit, first two pages again have the GPIN containing the subject property (ending in -3994) without mention of the incorrect GPIN.

The zero dollar transfer of the property from the corporation to the individual owners of the corporation begs many questions as to its timing and purpose.

Errors, clerical or otherwise, should not result in a rezoning. This is particularly true when the party creating the error would benefit. I believe the BZA was in error, and my recommendation is for council to correct it.

Respectfully,

Richard

Fredericksburg's Economic Development Master Plan

Presentation to Fredericksburg Planning Commission

July 13, 2016

Attachment C

Background

- City Council made development of ED master plan a top goal at biennial retreat in 2014
- EDT puts out RFP, receives eight proposals
- Garner Economics of Atlanta selected
- Focus groups, windshield tour, survey (469 responses)
- Numerous discussions with EDT staff
- May 5 presentation to City Council
- Competitive Realities Report, Master Plan

Common comments and concerns

- Desire for more streamlined interaction with the City
- Pride in and desire to protect the City's historic/ small-town aspects
- Desire to attract more jobs and stem out-commuting patterns
- Need for improved traffic/accessibility along I-95 & the rail corridor
- Desire for more, true regionalism
- Need to optimize the use of the Rappahannock River
- Desire for an easier mechanism to deal with the City
- Optimism about Fredericksburg's future

Fredericksburg's strengths

- Access to markets
- Labor pool
- Workforce training options
- Access to capital (including incentives)
- Quality of place
- Multi-modal transportation

Fredericksburg's weaknesses

- Lack of skilled industrial workers
- Inadequate funding for EDT program
- Lack of available industrial sites
- Lack of venture capital
- Burdensome regulatory environment
- Traffic
- Cost of living
- Property crime

Targeted industries

- Tourism, hospitality and specialty retail
- Science and technology, R&D, contracting
- Professional and corporate office users
- Education and health services

Recommendation Category 1: Product Improvement

- Create a tourism product development fund
- Update JumpStart! plan of 2006
- Create culinary institute at Germanna
- Provide free public WiFi
- Improve gateways with better signage
- Attract upscale, boutique hotel downtown
- Create riverfront master plan
- Update parking study

Recommendation Category 2: Organizational Enhancements

- Create an ombudsman position in CMO
- Create one-stop permitting office
- Create a culture of "yes"
- Move ED office to corporate environment
- Conduct third-party review of UDO
- Promote entrepreneurship
- Keep ED, tourism together in one department
- Develop sustainable incentive policy

Recommendation Category 3: Tell the Story

- Create unified Fredericksburg brand
- Enhance lead generation, site-consultant, familiarization efforts
- Enhance EDT website

MEMORANDUM

TO: Chairman Roy E. McAfee and Planning Commission Members
FROM: Mike Craig, Zoning Administrator
DATE: August 24, 2016 for the August 31 meeting
RE: SUP-2016-03, HealthSouth (Lessee) requests an amended special use permit for the 6 bedroom expansion of the HealthSouth Rehabilitation Hospital at 300 Park Hill Drive (GPIN 7779-38-5555).

ISSUE

Should the Planning Commission recommend approval of the special use permit to expand the HealthSouth Rehabilitation Hospital?

RECOMMENDATION

Recommend to the City Council approval of the Special Use Permit subject to following conditions (taken from the existing Special Use Permit and updated):

1. The proposed facility shall be limited to a maximum of 58 beds.
2. The special use permit permits comprehensive acute medical rehabilitation services.
3. The proposed addition shall match the exterior elevations of the existing building, in both design and materials.
4. The proposed use of the property shall be permitted only so long as it continues and is not discontinued for more than two years.
5. The expansion shall commence within two years of the date of the adoption of this resolution.
6. The development of the property shall be in general conformance with the application and supporting materials dated June 13, 2016 and the HealthSouth Fredericksburg Expansion, Special Use Permit General Development Plan dated June 13, 2016 by the Timmons Group.
7. The common property line between the applicant's property and units addressed as 900, 902, 904, 906, and 908 Cadmus Drive, shall be landscaped in accordance with the Type B buffer type as shown on the General Development Plan.

BACKGROUND

HealthSouth Rehabilitation Hospital is located at 300 Park Hill Drive. The property was part of the Snowden Office Park conditional rezoning to Commercial / Transitional Office in 1992. Snowden Office Park is one component of a medical campus centered on Mary Washington Hospital. HealthSouth was originally permitted by SUP2004-29, which permitted a 40 bed rehabilitation hospital. The facility expanded in 2012 after the approval of an amended special use permit that allowed 12 additional beds (for a total of 52 patient beds).

300 Park Hill Drive is adjacent to other portions of the medical campus to the north, east, and south but is adjacent to the Villas at Snowden to the west.

SPECIAL USE PERMIT ANALYSIS

Special use permits are evaluated according to the criteria contained in the UDO, Section 72-22.6, as follows:

(1) The proposed special use at a specified location shall be:

(a) In harmony with the adopted Comprehensive Plan;

The future land use map calls for this area to be Commercial - Transitional / Office, which is designated for "limited retail uses and small scale offices, with appropriate landscaping and screening, to provide a transition between quiet residential areas and more intense commercial districts."

The property is within Land Use Planning Area 4. Two of the Land Use Area 4 Opportunities relevant to the HealthSouth expansion:

- Support the continued development of the MWH Medicorp / Mary Washington Hospital medical campus and surrounding supportive services.
- Protect established residential neighborhoods from existing and proposed commercial development, through transitional uses and design standards that minimize adverse impacts.

Chapter 4 Public Services, Public Facilities, and Preserved Open Space contains a discussion of the City's Private Health Services (pg 51). Chapter 4 Goal 1 is "Provide the City's public services in an efficient and effective manner to all City residents," and Goal 2 is "Provide a safe and secure environment for those who live, work, and visit the City, through high-quality public safety facilities and systems."

(b) In harmony with the purpose and intent of the zoning district regulations;

The purpose of the CT zoning district is "*to provide for the location of predominantly nonresidential commercial uses in a low-intensity manner such that they can be employed as transitional land uses between residential neighborhoods and higher-intensity uses….*"

§ 72-41.2(D) contains principal use standards for the operation of a Hospital:

(1) Be located on a parcel with an area of at least five acres.
The hospital site is 6 acres.

(2) Be located on a parcel that fronts or has direct access to a major arterial or collector street.
The hospital has direct access to Hospital Drive, which is a minor collector.

(3) Locate the emergency vehicle entrance on a major arterial or collector street.
All site entrances are off of Park Hill Drive which has direct access to Hospital Drive.

(4) Not locate an emergency vehicle entrance in an area across the street from a residential zoning district.
No site entrances are adjacent to the residential zoning district.

(5) Ensure that principal structures are located at least 100 feet from any lot line.
The principal structure currently is within 65 feet of the southern property line (adjacent to a parcel containing an ancillary parking lot serving the hospital) and is

within 95 feet of the northern property line (adjacent to an open CT zoned parcel with steep slopes and environmental features). The expansion as proposed will occur on the southern side of the building but will maintain the current 65' distance off the property line and will not increase the extent of the non-conformity with this use standard.

(c) In harmony with the existing uses or planned uses of neighboring properties.
The hospital is an existing use in the City's medical campus area. There is an adjacent townhome and duplex neighborhood adjacent to the property to the east. The use is currently buffered from the neighborhood by 44 shrubs. The Applicant has proposed to add 11 2.5" trees and 12 shrubs to the buffer, which would exceed the required Type B buffer requirement by 12 shrubs.

In considering an application for a Special Use Permit, the Planning Commission and City Council shall consider potential adverse impacts including:

1. **Traffic or parking congestion;**
   The addition of six beds will result in 44 additional trips to the site per day (8 during the AM Peak Hour and 9 during the PM Peak Hour). The traffic network in place around the hospital is sufficient for this additional traffic.

   The addition of six beds results in an increase in the amount of required spaces from 18 required parking spaces to 20 required parking spaces. There are 131 spaces available on-site.

2. **Noise, lights, dust, odor, fumes, vibration, and other factors which adversely affect the natural environment;**
   The hospital is an existing use and this expansion will occur on a portion of the site that is adjacent to other medical uses. The proposal includes upgrading the existing buffer between the hospital and the adjacent townhome neighborhood to Unified Development Standards.

3. **Discouragement of economic development activities that may provide desirable employment or enlarge the tax base;**
   The use constitutes economic development.

4. **Undue density of population or intensity of use in relation to the community facilities existing or available;**
   There are sufficient public utilities to serve the site.

5. **Reduction in the availability of affordable housing in the neighborhood;**
   Not applicable, this Special Use application is for a use in an existing commercial building.

6. **Impact on school population and facilities;**
   Not applicable, this Special Use application is commercial in nature.

7. **Destruction of or encroachment upon conservation or historic districts;**
   Not applicable, this Special Use application is not within the City's historic district.

8. **Conformity with federal, state and local laws, as demonstrated and certified by the applicant; and**
   The applicant has, to our knowledge, conformed to all federal, state, and local laws.

9. **Massing and scale of the project.**
   The addition proposed is a total of 2,200 square feet and is one story. A condition is proposed with staff's recommendation that the proposed addition shall match the exterior elevations of the existing building, in both design and materials.

CONCLUSION:

Recommend approval with conditions listed.

ATTACHMENTS:

1. Proposed Resolution.
2. Application and Supporting Materials

MOTION:

SECOND:

Date
Regular Meeting
Resolution No. 16-__

RE: **TITLE**

ACTION: **APPROVED; Ayes: 0; Nays: 0**

WHEREAS, by Resolution 04-88 adopted November 23, 2004, the Council granted to Lincoln Property Commercial Services, Inc., a special use permit to operate a hospital, medical care facility on property located on Park Hill Drive. A condition of the permit was that the facility would be limited to a maximum of forty beds.

WHEREAS, by Resolution 12-01 adopted on January 10, 2012, the Council granted an amended special use permit to FGG Rehab Care Fredericksburg, LLC and others to expand a 40 bed rehabilitation facility by adding 12 new beds on property located at 300 Park Hill Drive.

WHEREAS, the current landowner, RI McLoughlin MC, LLC seeks to amend the terms of the special use permit in order to expand the facility to add 6 new beds.

WHEREAS, the Council after notice and public hearing thereon, has considered the application in light of its conformity with the City's Comprehensive Plan, its harmony with the purposes and standards of the zoning district regulations, its compatibility with existing or planned uses of neighboring properties, and whether the proposed special use and related improvements will be designed, sited, landscaped and otherwise configured such that the use will not hinder or discourage the appropriate development or use of adjacent, neighboring or community land and structures, or impair the economic, social or environmental value thereof.

NOW, THEREFORE, BE IT RESOLVED:

1. Based on the above considerations, Council finds: (a) the request as submitted or modified does conform to the City's Comprehensive Plan, or to specific elements of such plan and to official policies adopted pursuant thereto (b) the request is in harmony with the purpose and intent of the zoning district regulations, (c) this request will not have an undue adverse impact on the surrounding neighborhood, in terms of public health, safety or general welfare; and (d) this request is appropriately designed, sited, landscaped and otherwise configured.

2. This Council grants to RI McLoughlin MC, LLC an amendment to the special use permit granted in Resolution 12-01, to permit the expansion of the facility to add 6 new beds, subject to the following conditions:

   a. The facility shall be limited to a maximum of 58 beds.
   b. The special use permit allows comprehensive acute medical rehabilitation services.
   c. The proposed addition shall match the exterior elevations of the existing building in both design and materials.
   d. The use of the property shall be permitted only so long as it continues and is not discontinued for more than two years.
   e. The proposed expansion of the facility shall commence within two years of the date of the adoption of this resolution.
   f. The expansion of the facility shall be in general conformance with the application and supporting materials dated June 13, 2016 and the "HealthSouth Fredericksburg Expansion, Special Use Permit General Development Plan" dated June 13, 2016 by the Timmons Group.
   g. The common property line between the applicant's property and the residential units addressed as 900, 902, 904, and 908 Cadmus Drive shall be landscaped in accordance with the Type B buffer type as shown in the general development plan.

Votes:
Ayes:
Nays:
Absent from Vote:
Absent from Meeting:

****

Clerk's Certificate

I, the undersigned, certify that I am Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Resolution No. 16-_ duly adopted at a meeting of the City Council meeting held Date, 2016 at which a quorum was present and voted.

_____

Tonya B. Lacey, CMC
Clerk of Council

Application #SUP: _____
Date: _____
Fee/Check#: _____

APPLICATION
SPECIAL USE PERMIT

APPLICANT NAME: John D. Hash, PE Timmons Group

MAILING ADDRESS: 608 Preston Ave. Suite 200

TELEPHONE: 434-295-5924 **E-MAIL:** john.hash@timmons.com

THE UNDERSIGNED HEREBY APPLIES FOR A SPECIAL USE FOR: _____

Expansion project to add 6 net new beds; enlarge dinning room; enlarge therapy gym.

THE SUBJECT PROPERTY IS DESCRIBED AS FOLLOWS:

Property Location 300 Park Hill Drive, Fredericksburg, VA 22401

Property Owned By R.I. McLoughlin MC, LLC C/O Road Investments

Owner's Mailing Address 7600 NE 41st Street, Suite 330, Vancover, WA 98662

Proposed Use of Property (*be specific*) Inpatient Physical Rehabilitation Hospital

HOURS OF OPERATION 24hrs Day/365 Days Per Year **NUMBER OF EMPLOYEES** 196

Anticipated Number of Patrons or Clients 1,397 Admissions in 2016

Description of the development's impact on neighboring and adjacent properties (please submit a complete and accurate description on a separate sheet of paper):

1. **Compliance with Comprehensive Plan:**
2. **In harmony with the purpose and intent of the zoning district regulations:**
3. **In harmony with the existing uses or planned use of the neighboring properties:**
4. **Traffic Impact:**

Special Use Permit Request
(Application Continued)

I do hereby make oath or affirmation that to the best of my knowledge, the foregoing information contained in this application is true.

John D Hash
Signature of Applicant

6/13/2016
Date

PRINT NAME OF APPLICANT John D. Hash

The above oath or affirmation was signed before me and witnessed by me this 13th **day of** June, 2016 **in the County/City of** Charlottesville **in the state of Virginia.**

Notary Signature Pamela C Graves

Notary Registration # 310059 **Commission Expires** 4/30/2017

N. Cole
Signature of Owner

6/9/2016
Date

PRINT NAME OF OWNER RI McLoughlin MC, LLC

The above oath or affirmation was signed before me and witnessed by me this 9th **day of** June, 2016 **in the County/City of** Clark **in the state of ~~Virginia.~~** Washington

Notary Signature Lorna M. Cole

Notary Registration # 148601 **Commission expires** June 11, 2018

LORNA M COLE
Notary Public, State of Washington
My Commission Expires
June 11, 2018

Pamela C. Graves
Commonwealth of Virginia
Notary Public
Commission No. 310059
My Commission Expires 4/30/2017

TIMMONS GROUP
YOUR VISION ACHIEVED THROUGH OURS

608 Preston Avenue
Suite 200
Charlottesville, VA 22902

P 434.295.5624
F 434.295.8317
www.timmons.com

June 13, 2016

Zoning Administrator
City of Fredericksburg
Community Development
715 Princess Anne St #209
Fredericksburg, Va. 22401

RE: **HealthSouth Fredericksburg Expansion Special Use Permit**

To whom it may concern:

The purpose of this project is to expand the HealthSouth Fredericksburg rehabilitation facility; a 2,530 square foot patient wing addition, housing 4 additional private rooms. In addition to the expansion an interior renovation that will add 2 bedrooms will be undertaken. The total number of bedrooms to be added is 6.The existing facility operates 24 hours/day all year; this will be maintained after the expansions are built. The facility will employ 196 personal once the expansion is complete. It is expected that the number of clients in 2016 will be at least 1300. The overall intent of this plan is to allow the facility to handle a more patients with the addition of 6 rooms. The ability to handle a high number of patients will be beneficial to Fredericksburg and the surrounding areas. It is not expected that this development will adversely affect adjacent properties. The expansion will encroach into the 100 foot setback on the northeast corner of the site. The encroachment will be similar to the current encroachment situation. While the expansions and associated site work are reducing the amount of open space on site the property will still meet all open space and landscaping requirements will still be met. Additionally storm water quality and quantity shall be provided to control the additional flow off the site and to provide phosphorous reduction.

Sincerely,

John D Hash

John Hash, P.E.,
Senior Project Manager

R:\103\38300-HealthSouth Narrative

AFFIDAVIT OF C. RICHARD BYRD, III

State of Alabama

County of Jefferson

I, C. Richard Byrd, III, having been first duly sworn make the following statement:

1. This Affidavit is being provided in response to the submittal requirements for the Application Special Use Permit attached hereto as Exhibit A (the "Application") for the real property located at 300 Park Hill Drive, Fredericksburg, Virginia 22401 (the "Property").

2. To my actual knowledge, the owner of the Property is RI McLoughlin MC, LLC (the "Owner"), whose mailing address is c/o Rood Investments, 7600 NE 41st Street, Suite 330, Vancouver, Washington 98662.

3. The Property is leased by Owner to HealthSouth Rehabilitation Hospital of Fredericksburg, LLC, a Delaware limited liability company (f/k/a Rehabilitation Hospital of Fredericksburg, Inc.) ("HealthSouth of Fredericksburg"), whose mailing address is c/o HealthSouth Corporation, 3660 Grandview Parkway, Suite 200, Birmingham, Alabama 35243, Attention: Real Estate Department.

4. HealthSouth of Fredericksburg is a wholly owned subsidiary of HealthSouth Corporation, a Delaware corporation ("HealthSouth"), whose mailing address is 3660 Grandview Parkway, Suite 200, Birmingham, Alabama 35243, Attention: Real Estate Department.

5. John D. Hash, PE, of the Timmons Group is authorized to serve as applicant for HealthSouth of Fredericksburg in connection with the Application.

6. I am the Authorized Representative of HealthSouth of Fredericksburg and am fully authorized to swear to the facts contained herein. I am over 18 years of age and am familiar with the corporate structure of HealthSouth and its subsidiaries. The facts in this affidavit are personally known to me.

7. To my actual knowledge, no member of the City of Fredericksburg's City Council or Planning Commission or any member of their immediate household or family owns or has any financial interest in the Property or in the outcome of the decision made on the Application; provided, however, that HealthSouth is a publicly traded company on the New York Stock Exchange and no investigation has been made into the ownership of any capital stock of HealthSouth in connection with this Affidavit.

FURTHER THE AFFIANT SAITH NOT.

C. Richard Byrd, III

C. Richard Byrd, III

DATE: June 7, 2016

Sworn to and subscribed before me this 7th day of June, 2016.

AMY J ELMER
MY COMMISSION EXPIRES
APRIL 18, 2020
NOTARY PUBLIC
STATE OF ALABAMA

NOTARY PUBLIC

My Commission Expires:
April 18, 2020

{HS198655.1}

HEALTHSOUTH FREDERICKSBURG EXPANSION

SPECIAL USE PERMIT (GENERAL DEVELOPMENT PLAN)

CITY OF FREDERICKSBURG, VIRGINIA

06/13/2016

SITE DATA:
ENGINEER: TIMMONS GROUP
608 PRESTON AVE STE 200
CHARLOTTESVILLE, VA 22903
TELEPHONE: 434-295-5624
CONTACT: JOHN HASH, P.E.
JOHN.HASH@TIMMONS.COM

PROJECT DESCRIPTION: THE PURPOSE OF THIS PROJECT IS TO EXPAND THE HEALTHSOUTH FREDERICKSBURG REHABILITATION FACILITY. THE EXPANSION WILL RESULT IN A NET GAIN OF 6 ADDITIONAL ROOMS. THE ADDITIONS WILL BLEND SEAMLESSLY INTO THE EXISTING BUILDING MATCHING THE SCALE AND MATERIALS OF THE CURRENT DESIGN.

TAX MAP PARCEL: 303-2-300
ZONING: CT-COMMERCIAL/TRANSITIONAL
PROPOSED USE: MEDICAL
SOURCE OF BOUNDARY AND TOPOGRAPHY: TIMMONS GROUP
1001 BOULDERS PARKWAY, SUITE 300
RICHMOND, VA 23225
M. DWAYNE DUNEVANT, L.S.
(804) 200-6500

TOTAL SITE AREA: 6.001 ACRES

EXISTING BUILDING AREA: 48,811 SF

NEW BUILDING AREA: 2,530 SF

FLOOR AREA RATIO: 19.64%

OPEN SPACE PROVIDED: 2.43 ACRES

LOT COVERAGE: 59.51%

PARKING REQUIRED: 1 PARKING SPACES PER 3 BEDS*58 BEDS = 20 SPACES

PARKING PROVIDED: 131 SPACES

SETBACK: 100 FT

LANDSCAPING: THE AREAS AROUND THE BUILDING EXPANSION SHALL BE LANDSCAPED TO MATCH CITY OF FREDERICKSBURG STANDARDS.

WETLAND IMPACTS: NONE

CRITCAL SLOPES: ALL SLOPES IN EXCESS OF 25% ARE SHOWN ON SHEET C1.0. ALL CRITICAL SLOPES DISTURBED WERE MANMADE AS A PART OF A CITY APPROVED PROJECT.

PUBLIC FACILITIES ASSEMENT:

WATER TRANSMISSION: PER VA DEPT OF HEALTH 172 GPD/BED, VA DESIGN FLOW 300 GPD THEREFORE 300 GPD * 6 NEW BEDS = 1800 GPD
SEWAGE TRANSMISSION: PER VA DEPT OF HEALTH 172 GPD/BED, VA DESIGN FLOW 300 GPD THEREFORE 300 GPD * 6 NEW BEDS = 1800 GPD
STREETS AND PUBLIC TRANSPORATION: SEE TRAFFIC ANALYSIS THIS SHEET.
STORM SEWERAGE: STORMWATER MANAGEMENT (QUALITY AND QUANTITY) SHALL BE PROVIDED ON SITE
PUBLIC SCHOOLS, LIBARIES, AND OTHER EDUCATIONAL INSTITUTIONS: NA
PUBLIC PARKS AND RECREATION FACILITIES: NA

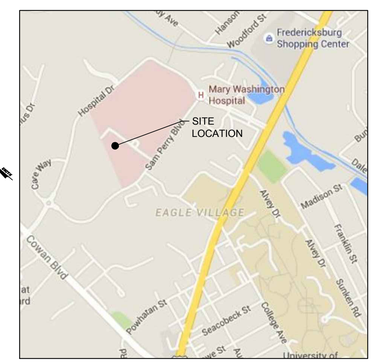
THIS PROPERTY DOES NOT LIE IN A FEMA DEFINED FLOOD HAZARD AREA AS DEFINED BY THE FEMA FLOOD INSURANCE RATE MAP, COMMUNITY PARCEL NO. 5100650036C, DATED SEPTEMBER 19, 2007, WHERE IT IS SHOWN IN ZONE X.

THE USE AND DEVELOPMENT OF THIS PROPERTY AND ALL IMPROVEMENTS HEREON ARE SUBJECT TO THE FINAL GENERAL DEVELOPMENT PLAN AS WELL AS THE GENERALLY APPLICABLE REGULATIONS SET FORTH IN UDO SECTION 72-33

TRAFFIC ANALYSIS

VEHICULAR CIRCULATION IS BEING MAINTAINED AROUND THE ENTIRE BUILDING. AN ADA ACCEPTABLE PATH IS BEING PROVIDED FROM PARKHILL DRIVE TO THE BUILDING ENTRANCE.

LAND USE	ITE CODE	AMOUNT	UNITS	TRIP TYPE	%	WEEKDAY						
							AM PEAK HOUR			PM PEAK HOUR		
						ADT	IN	OUT	TOTAL	IN	OUT	TOTAL
Hospital (Existing)	610	52	Beds	New	100%	2,595	49	19	69	24	49	74
Hospital (Proposed)	610	58	Beds	New	100%	2,639	55	21	77	27	55	82
						44	**6**	**2**	**8**	**3**	**6**	**9**



VICINITY MAP
SCALE: 1" = 1,000'

Sheet List Table	
Sheet Number	Sheet Title
C0.0	COVER
C1.0	EXISTING CONDITIONS
C2.0	SITE PLAN
L1.0	LANDSCAPE PLAN
L1.1	LANDSCAPE PLAN

OF SHEETS=5

OWNER:
RI MCLOUGHLIN MC, LLC
C/O ROOD INVESTMENTS
7600 NE 41ST ST, SUITE 330
VANCOUVER, WA 98662

LEESEE:
HEALTHSOUTH
3660 GRANDVIEW PARKWAY, SUITE 200
BIRMINGHAM, AL 35243
TELEPHONE: (205) 970-7850

ENGINEER OF RECORD:
TIMMONS GROUP
608 PRESTON AVE STE 200
CHARLOTTESVILLE, VA 22903
CONTACT: JOHN HASH, PE
TELEPHONE: (434) 327-1691
EMAIL: JOHN.HASH@TIMMONS.COM

COMMONWEALTH OF VIRGINIA
JOHN D. HASH
Lic. No. 31371
8/15/16
PROFESSIONAL ENGINEER

THIS DRAWING PREPARED AT THE
CHARLOTTESVILLE OFFICE
608 Preston Avenue, Suite 200 | Charlottesville, VA 22903
TEL 434.295.5624 | FAX 434.295.8317 www.timmons.com

YOUR VISION ACHIEVED THROUGH OURS.

DATE	REVISION DESCRIPTION
8/15/16	REVISED PER COMMENTS

DATE 6/13/16
DRAWN BY J. WILSON
DESIGNED BY J. WILSON
CHECKED BY J. HASH
SCALE N/A

TIMMONS GROUP

HEALTHSOUTH FREDERICKSBURG EXPANSION
CITY OF FREDERICKSBURG
COVER

JOB NO. 38300
SHEET NO. C0.0

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R:\103\38300-HSF_Expansion\DWG\Sheet\SUP\C1.0 EXISTING CONDITIONS.dwg | Plotted on 8/15/2016 2:54 PM | by John Wilson

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COMMONWEALTH OF VIRGINIA
JOHN D. WILSON
Lic. No. 33701
8/15/16
PROFESSIONAL ENGINEER

SHEET NO.	C1.0
JOB NO.	38300

HEALTHSOUTH FREDERICKSBURG EXPANSION

CITY OF FREDERICKSBURG

EXISTING CONDITIONS

SCALE	1"=30'
CHECKED BY	J. HASH
DESIGNED BY	J. WILSON
DRAWN BY	J. WILSON
DATE	6/13/16

DATE	REVISION DESCRIPTION
8/15/16	REVISED PER COMMENTS

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4.1

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COMMONWEALTH OF VIRGINIA
JOHN D. HASH
Lic. No. 31371
8/15/16
PROFESSIONAL ENGINEER

REVISION DESCRIPTION	DATE
REVISED PER COMMENTS	8/15/16

DATE	6/13/16
DRAWN BY	J. WILSON
DESIGNED BY	J. WILSON
CHECKED BY	J. HASH
SCALE	1"=30'

TIMMONS GROUP

HEALTHSOUTH FREDERICKSBURG EXPANSION

CITY OF FREDERICKSBURG

SITE PLAN

JOB NO.	SHEET NO.
38300	C2.0

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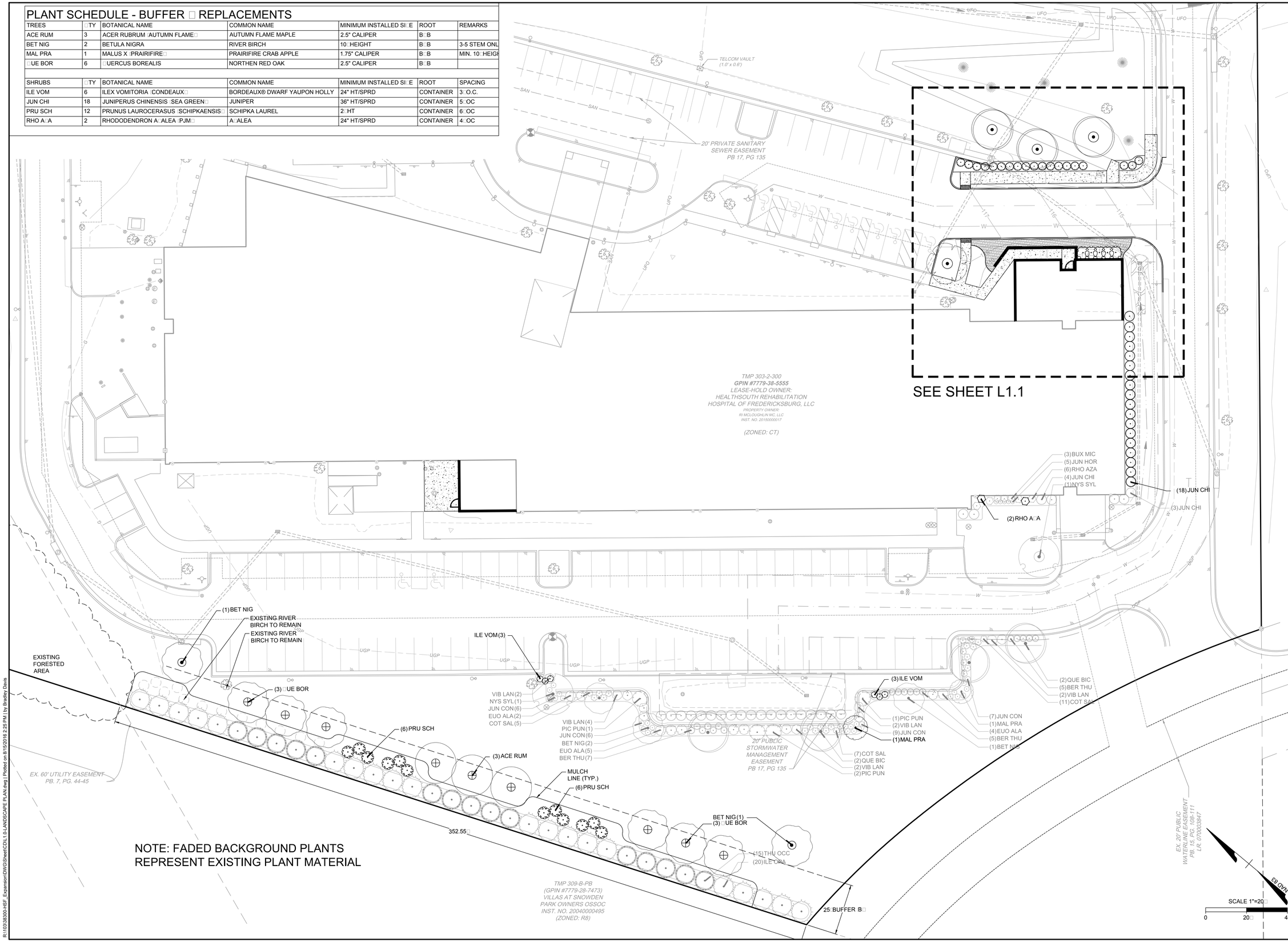
PLANT SCHEDULE - BUFFER □ REPLACEMENTS

TREES	□TY	BOTANICAL NAME	COMMON NAME	MINIMUM INSTALLED SI□E	ROOT	REMARKS
ACE RUM	3	ACER RUBRUM □AUTUMN FLAME□	AUTUMN FLAME MAPLE	2.5" CALIPER	B□B	
BET NIG	2	BETULA NIGRA	RIVER BIRCH	10□HEIGHT	B□B	3-5 STEM ONL
MAL PRA	1	MALUS X □PRAIRIFIRE□	PRAIRIFIRE CRAB APPLE	1.75" CALIPER	B□B	MIN. 10□HEIGH
□UE BOR	6	□UERCUS BOREALIS	NORTHEN RED OAK	2.5" CALIPER	B□B	

SHRUBS	□TY	BOTANICAL NAME	COMMON NAME	MINIMUM INSTALLED SI□E	ROOT	SPACING
ILE VOM	6	ILEX VOMITORIA □CONDEAUX□	BORDEAUX® DWARF YAUPON HOLLY	24" HT/SPRD	CONTAINER	3□O.C.
JUN CHI	18	JUNIPERUS CHINENSIS □SEA GREEN□	JUNIPER	36" HT/SPRD	CONTAINER	5□OC
PRU SCH	12	PRUNUS LAUROCERASUS □SCHIPKAENSIS□	SCHIPKA LAUREL	2□HT	CONTAINER	6□OC
RHO A□A	2	RHODODENDRON A□ALEA □PJM□	A□ALEA	24" HT/SPRD	CONTAINER	4□OC



NOTE: FADED BACKGROUND PLANTS REPRESENT EXISTING PLANT MATERIAL

COMMONWEALTH OF VIRGINIA
FRANK W. HANCOCK III
No. 1401
LANDSCAPE ARCHITECT
08/15/16

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608 Preston Avenue, Suite 200 | Charlottesville, VA 22903
TEL 434.295.5624 FAX 434.295.8317 www.timmons.com

YOUR VISION ACHIEVED THROUGH OURS.

REVISION DESCRIPTION	DATE

DATE	□/25/16
DRAWN BY	T.□/□D.
DESIGNED BY	T. □□□□.E□
CHECKED BY	□H./N.□
SCALE	1" = 20□

TIMMONS GROUP

HEALTHSOUTH FREDERICKSBURG EXPANSION

CITY OF FREDERICKSBURG

LANDSCAPE PLAN

JOB NO.	SHEET NO.
38300	L1.0

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#070002207

PLAT BOOK 15 PAGE 55

CERTIFICATE OF TITLE

I HEREBY CERTIFY THAT THE SAID 7.961 ACRES OF LAND (TAX MAP No. 303-2-300) SHOWN HEREON WAS CONVEYED TO REHABILITATION HOSPITAL OF FREDERICKSBURG, INC. FROM PRATT MEDICAL CENTER L.C. BY DEED DATED MAY 27, 2005 AND RECORDED IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF THE CITY OF FREDERICKSBURG, VIRGINIA IN INSTRUMENT #20050001961.

CERTIFICATE OF APPROVAL

THE PLATTING OF LAND SHOWN HEREON KNOWN AS "PLAT OF SUBDIVISION 7.961 ACRES OF LAND BEING TAX MAP PARCEL 303-2-300" IS APPROVED BY THE UNDERSIGNED IN ACCORDANCE WITH THE EXISTING SUBDIVISION REGULATIONS OF THE CITY OF FREDERICKSBURG AND MAY BE COMMITTED TO RECORD.

Raymond L. Ott — 06-20-07
ZONING ADMINISTRATOR — DATE

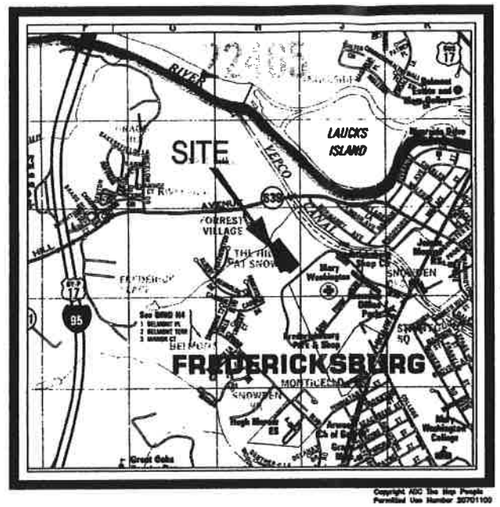
Phillip L. Rodenberg — June 25, 2007
CITY MANAGER — DATE

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL OF THE REQUIREMENTS OF THE CITY OF FREDERICKSBURG, VIRGINIA REGARDING THE PLATTING OF SUBDIVISIONS WITHIN THE CITY HAVE BEEN COMPLIED WITH.

GIVEN UNDER MY HAND THIS 4TH DAY OF April, 2007.

Mark D. Goodpasture
MARK D. GOODPASTURE, L.S. #2057



VICINITY MAP

1" = 2000'

OWNER

REHABILITATION HOSPITAL OF FREDERICKSBURG, INC.
c/o HEALTHSOUTH CORPORATION
ONE HEALTHSOUTH PARKWAY
BIRMINGHAM, AL 35243

SITE STATISTICS

EXISTING PARCEL

TAX MAP PARCEL 303-2-300	7.961 ACRES

PROPOSED PARCELS

TAX MAP PARCEL 303-2-300 PARCEL 1	6.000 ACRES
TAX MAP PARCEL 303-2-300 PARCEL 2	1.961 ACRES
TOTAL	7.961 ACRES

OWNER'S CONSENT AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS, THAT THE PLATTING OF LAND SHOWN ON THIS PLAT CONTAINING 7.961 ACRES, AND DESIGNATED AS "PLAT OF SUBDIVISION 7.961 ACRES OF LAND BEING TAX MAP PARCEL 303-2-300", SITUATED IN THE CITY OF FREDERICKSBURG, VIRGINIA, IS WITH FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS THEREOF.

THE SAID 7.961 ACRES OF LAND (TAX MAP No. 303-2-300) SHOWN HEREON WAS CONVEYED TO REHABILITATION HOSPITAL OF FREDERICKSBURG, INC. FROM PRATT MEDICAL CENTER L.C. BY DEED DATED MAY 27, 2005 AND RECORDED IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF THE CITY OF FREDERICKSBURG, VIRGINIA IN INSTRUMENT #20050001961.

GIVEN UNDER MY HAND THIS 5 DAY OF April, 2007.

Art Wilson Jr.
ART WILSON, JR. VICE PRESIDENT-REAL ESTATE

NOTARY PUBLIC

STATE/COMMONWEALTH OF ALABAMA
CITY/COUNTY OF JEFFERSON, TO WIT:
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY:

ART WILSON, JR. VICE PRESIDENT-REAL ESTATE

GIVEN UNDER MY HAND AND SEAL THIS 5 DAY OF April 2007.

Mary E. McCarty
NOTARY PUBLIC

MY COMMISSION EXPIRES 9-6-09

MARY E. McCARTY NOTARY PUBLIC ALABAMA STATE AT LARGE

VIRGINIA:
CIRCUIT COURT OF THE CITY OF FREDERICKSBURG
RECEIVED and FILED this 28th day of June 2007, at 3:20 o'clock P m.
Teste: Sherron S. Mitchell, Clerk
by [signature] DEPUTY CLERK
DATE: 6-28-2007

DATE	REVISIONS
3/15/07	CLIENT COMMENTS

BAGBY, CALDWELL and ASSOCIATES, P.C.
CIVIL ENGINEERS AND LAND SURVEYORS
1903 JEFFERSON DAVIS HIGHWAY
FREDERICKSBURG, VIRGINIA 22401
TELEPHONE: (540) 373-5178
FAX: (540) 373-6281

COMMONWEALTH OF VIRGINIA
MARK D. GOODPASTURE
NO. 2057
LAND SURVEYOR

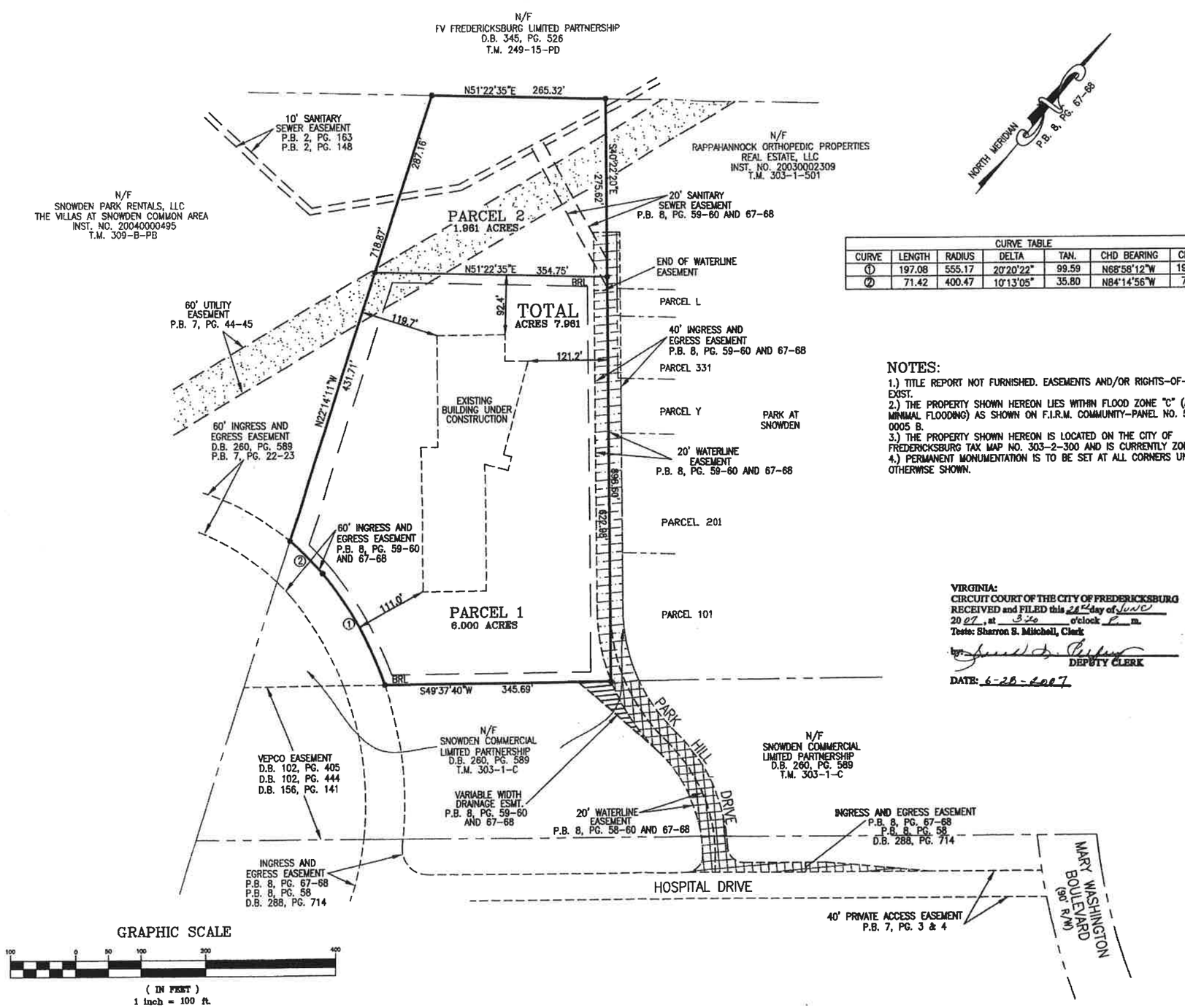
PLAT OF SUBDIVISION

7.961 ACRES OF LAND BEING TAX MAP PARCEL 303-2-300

CITY OF FREDERICKSBURG, VIRGINIA

DATE:	FEBRUARY 2005
SCALE:	1" = 100'
DESIGNED BY:	
DRAWN BY:	TLY
CHECKED BY:	CJH
FILE NAME:	418-1POS
JOB NO.	20418-1
PLAN NO.	

#070002207 PLAT BOOK 15 PAGE 56



CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA	TAN.	CHD BEARING	CHORD
①	197.08	555.17	20°20'22"	99.59	N68°58'12"W	196.05
②	71.42	400.47	10°13'05"	35.80	N84°14'56"W	71.32

NOTES:

1.) TITLE REPORT NOT FURNISHED. EASEMENTS AND/OR RIGHTS-OF-WAY MAY EXIST.
2.) THE PROPERTY SHOWN HEREON LIES WITHIN FLOOD ZONE "C" (AREA OF MINIMAL FLOODING) AS SHOWN ON F.I.R.M. COMMUNITY-PANEL NO. 510065 0005 B.
3.) THE PROPERTY SHOWN HEREON IS LOCATED ON THE CITY OF FREDERICKSBURG TAX MAP NO. 303-2-300 AND IS CURRENTLY ZONED CT.
4.) PERMANENT MONUMENTATION IS TO BE SET AT ALL CORNERS UNLESS OTHERWISE SHOWN.

VIRGINIA:
CIRCUIT COURT OF THE CITY OF FREDERICKSBURG
RECEIVED and FILED this 28th day of June
2007, at 3:40 o'clock P m.
Teste: Sharron S. Mitchell, Clerk
by: DEPUTY CLERK
DATE: 6-28-2007

REVISIONS	
DATE	CLIENT COMMENTS
3/15/07	

BAGBY, CALDWELL and ASSOCIATES, P.C.
CIVIL ENGINEERS AND LAND SURVEYORS
1965 JEFFERSON DAVIS HIGHWAY
FREDERICKSBURG, VIRGINIA 22401
TELEPHONE (540) 373-5178
FAX (540) 373-5861

COMMONWEALTH OF VIRGINIA
MARK D. GOODPASTURE
NO. 2057
LAND SURVEYOR
4-4-2007

PLAT OF SUBDIVISION

7.961 ACRES OF LAND BEING TAX MAP PARCEL 303-2-300

CITY OF FREDERICKSBURG, VIRGINIA

DATE:	FEBRUARY 2005
SCALE:	1" = 100'
DESIGNED BY:	
DRAWN BY:	TLY
CHECKED BY:	CJH
FILE NAME:	418-1POS
JOB NO.	20418-1
PLAN NO.	

CITY OF FREDERICKSBURG LANDSCAPING RE□UIREMENTS

ORDINANCE	RE□UIREMENT	RATIO	CALCULATION	RE□UIRED □UANTITY	EXISTING □UANTITY	PROPOSED □UANTITY
§75-55.2 A.3	VEHICULAR USE AREA: INTERIOR LANDSCAPING	IN EACH ISLAND, 2 ACI OF CANOPY TREES PER 180 SF OF ISLAND	ONE ISLAND 214 SF / 180 SF = 1.1□ 1.19 × 2 = 2.38 ACI CANOPY TREES	2.5 ACI OF CANOPY TREES	N/A	2.5 ACI OF CANOPY TREES (1 × 2.5" CAL. TREE)
§75-55.2 B.1, 4-5	VEHICULAR USE AREA: PERIMETER LANDSCAPING STRIPS	MINIMUM 8 FT. WIDE STRIP CONTINUOUS VISUAL SCREEN OF EVERGREEN SHRUBS AT LEAST 36 IN. HT. 8 ACI OF CANOPY TREES PER 100 LF (UNDERSTORY TREES UNDER POWERLINES)	88 LF / 100 LF = 0.88 0.88 × 8 = 7.04 ACI CANOPY TREES	CONTINUOUS 3□HT. EVERGREEN SCREEN 7 ACI OF CANOPY TREES	N/A	CONTINUOUS 3□HT. EVERGREEN SCREEN 7.5 ACI (3 × 2.5" CAL. TREES)
§72-55.3 D.1	FOUNDATION PLANTINGS	LARGE SHRUBS 5 FT. O.C. ALONG FULL EXTENT OF BUILDING FACADES FACING A STREET (FOR BUILDING ADDITIONS)	22 LF / 5 FT O.C. SHRUBS = 4.4 SHRUBS	5 SHRUBS	N/A	5 SHRUBS 4□O.C.
§72-55.-4C	TYPE B BUFFER	8 ACI OF CANOPY TREES □12 SHRUBS PER 100 LF.	352 LF / 100 LF = 3.52 3.52 × 8 = 28.16 ACI CANOPY TREES 352 LF/ 100 = 3.52 3.52 × 12 = 42.24 SHRUBS	28 ACI OF CANOPY TREES 42 SHRUBS	44 SHRUBS	28 ACI (11 x 2.5" CAL. TREES) 12 SHRUBS

GENERAL NOTES

PRE-CONSTRUCTION

- CONTRACTOR IS RESPONSIBLE FOR CONTACTING "MISS UTILITY" AT 1.800.552.7001 FOR LOCATION OF ALL UTILITY LINES.TREES SHALL BE LOCATED A MINIMUM OF 5 FEET FROM SEWER/WATER CONNECTIONS. NOTIFY LANDSCAPE ARCHITECT OF CONFLICTS.
- VERIFY ALL PLANT MATERIAL □UANTITIES ON THE PLAN PRIOR TO BIDDING, PLANT LIST TOTALS ARE FOR CONVENIENCE ONLY AND SHALL BE VERIFIED PRIOR TO BIDDING.
- PROVIDE PLANT MATERIALS OF □UANTITY, SI□E, GENUS, SPECIES, AND VARIETY INDICATED ON PLANS. ALL PLANT MATERIALS AND INSTALLATION SHALL COMPLY WITH RECOMMENDATIONS AND RE□UIREMENTS OF ANSI □60.1 "AMERICAN STANDARD FOR NURSERY STOCK". IF SPECIFIED PLANT MATERIAL IS NOT OBTAINABLE, SUBMIT PROOF OF NON AVAILABILITY TO THE ARCHITECTS, TOGETHER WITH PROPOSAL FOR USE OF E□UIVALENT MATERIAL.
- PROVIDE AND INSTALL ALL PLANTS AS IN ACCORDANCE WITH DETAILS AND CONTRACT SPECIFICATIONS

CONSTRUCTION/INSTALLATION

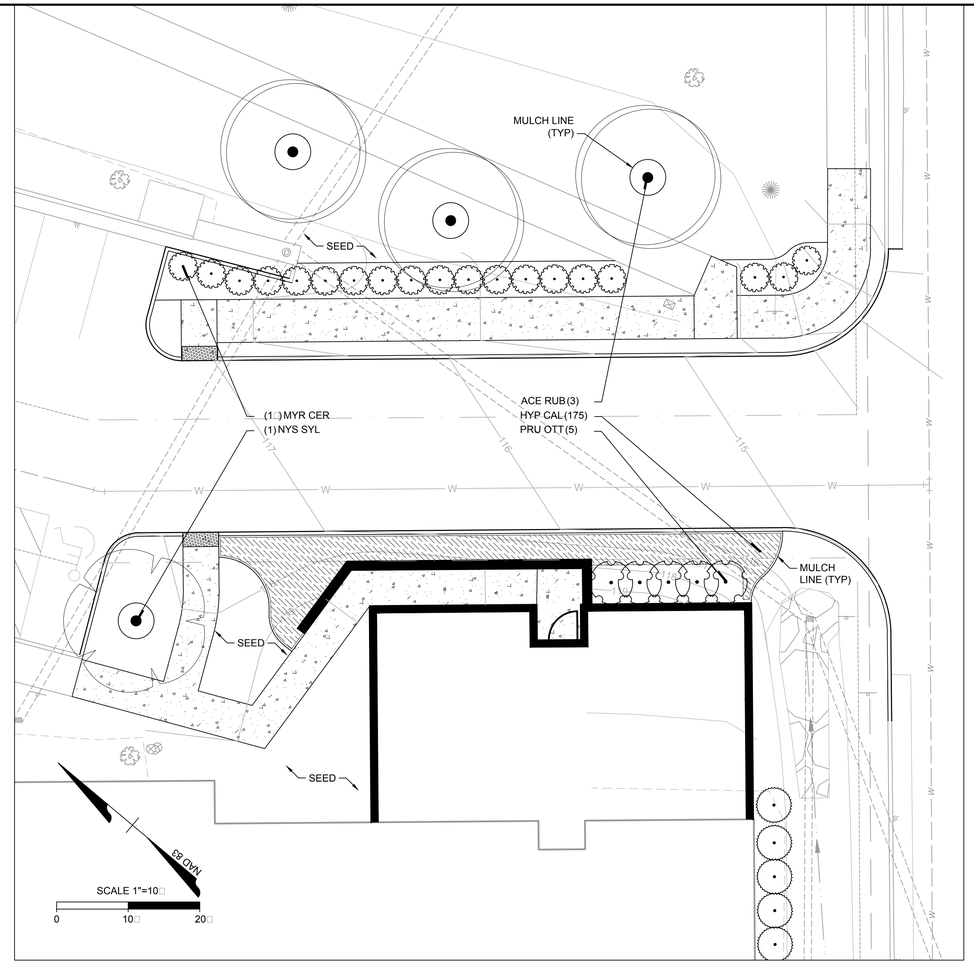
- LANDSCAPE ARCHITECT RESERVES THE RIGHT TO REJECT ANY PLANTS AND MATERIALS THAT ARE IN AN UNHEALTHY OR UNSIGHTLY CONDITION, AS WELL AS PLANTS AND MATERIALS THAT DO NOT CONFORM TO ANSI □60.1 "AMERICAN STANDARD FOR NURSERY STOCK"
- LABEL AT LEAST ONE TREE AND ONE SHRUB OF EACH VARIETY AND CALIPER WITH A SECURELY ATTACHED, WATERPROOF TAG BEARING THE DESIGNATION OF BOTANICAL AND COMMON NAME.
- INSTALL LANDSCAPE PLANTINGS AT ENTRANCES/EXITS AND PARKING AREAS ACCORDING TO PLANS SO THAT MATERIALS WILL NOT INTERFERE WITH SIGHT DISTANCES.
- CONTRACTOR IS RESPONSIBLE FOR WATERING ALL PLANT MATERIAL DURING INSTALLATION AND UNTIL FINAL INSPECTION AND ACCEPTANCE BY OWNER. CONTRACTOR SHALL NOTIFY OWNER OF CONDITIONS WHICH AFFECTS THE GUARANTEE.

INSPECTIONS/GUARANTEE

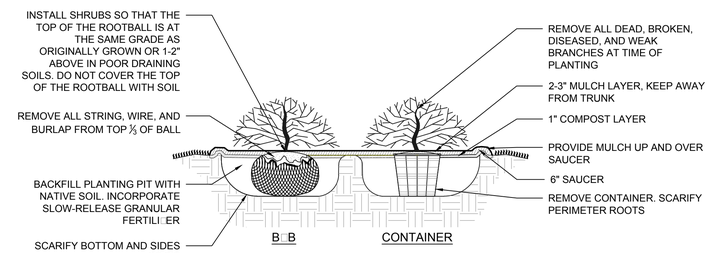
- UPON COMPLETION OF LANDSCAPE INSTALLATION, THE LANDSCAPE CONTRACTOR SHALL NOTIFY THE GENERAL CONTRACTOR WHO WILL VERIFY COMPLETENESS, INCLUDING THE REPLACEMENT OF ALL DEAD PLANT MATERIAL. CONTRACTOR IS RESPONSIBLE FOR SCHEDULING A FINAL INSPECTION BY THE LANDSCAPE ARCHITECT.
- ALL EXTERIOR PLANT MATERIALS SHALL BE GUARANTEED FOR ONE FULL YEAR AFTER DATE OF FINAL INSPECTION AGAINST DEFECTS INCLUDING DEATH AND UNSATISFACTORY GROWTH. DEFECTS RESULTING FROM NEGLECT BY THE OWNER, ABUSE OR DAMAGE BY OTHERS, OR UNUSUAL PHENOMENA OR INCIDENTS WHICH ARE BEYOND THE CONTRACTORS CONTROL ARE NOT THE RESPONSIBILITY OF THE CONTRACTOR
- PLANT MATERIAL □UANTITIES AND SI□ES WILL BE INSPECTED FOR COMPLIANCE WITH APPROVED PLANS BY A SITE PLAN REVIEW AGENT OF THE PLANNING DEPARTMENT PRIOR TO THE RELEASE OF THE CERTIFICATE OF OCCUPANCY.
- REMOVE ALL GUY WIRES AND STAKES 12 MONTHS AFTER INSTALLATION.

PLANT SCHEDULE - FOUNDATION

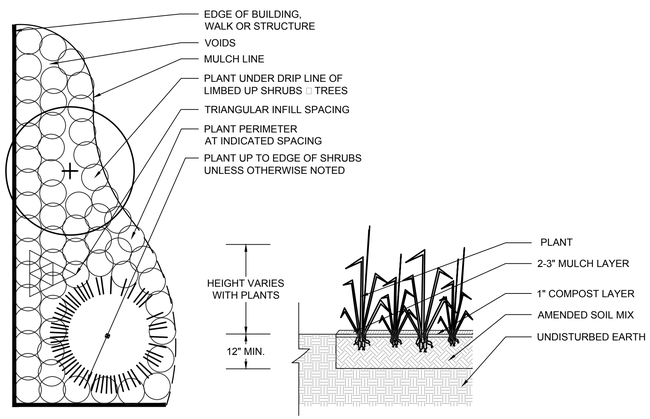
TREES	□TY	BOTANICAL NAME	COMMON NAME	MINIMUM INSTALLED SI□E	ROOT	REMARKS
ACE RUB	3	ACER RUBRUM □AUTUMN GLORY□	RED MAPLE	2.5" CAL.	B□B	
NYS SYL	1	NYSSA SYLVATICA □WILDFIRE□	BLACK GUM	2.5" CAL.	B□B	
SHRUBS	□TY	BOTANICAL NAME	COMMON NAME	MINIMUM INSTALLED SI□E	ROOT	SPACING
MYR CER	1□	MYRICA CERIFERA □COMPACTA□	DWARF WAX MYRTLE	36" HT.	CONTAINER	4□O.C.
PRU OTT	5	PRUNUS LAUROCERASUS □OTTO LUYKEN□	ENGLISH LAUREL	24" HT/SPRD.	CONTAINER	4□O.C.
GROUND COVERS	□TY	BOTANICAL NAME	COMMON NAME	MINIMUM INSTALLED SI□E	ROOT	SPACING
HYP CAL	175	HYPERICUM CALYCINUM	CREEPING ST. JOHN□S WORT	1 GAL	CONTAINER	18" O.C.



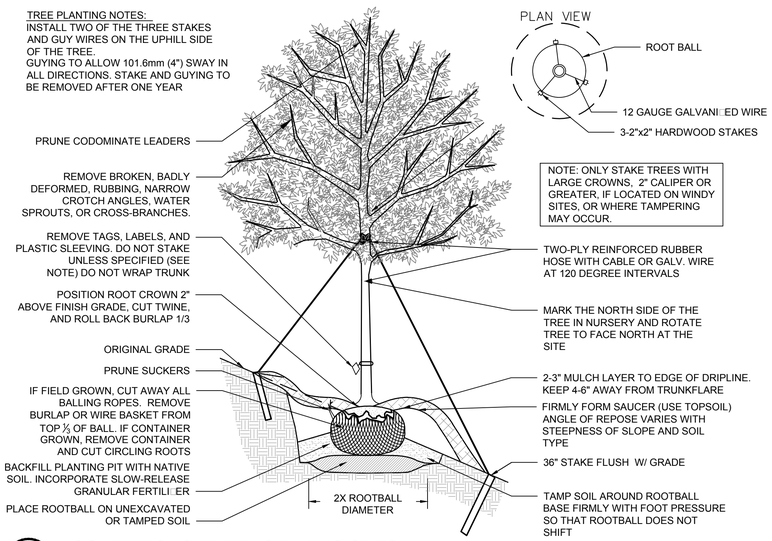
PLAN VIEW



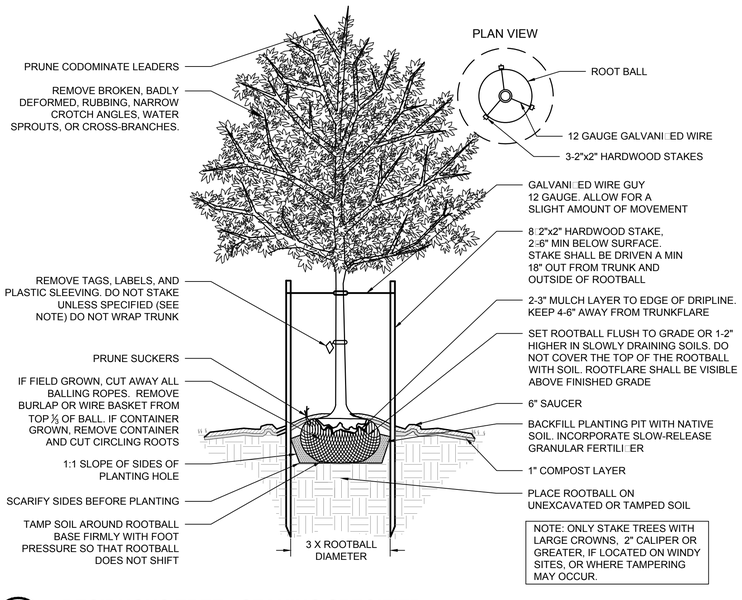
1 **SHRUB PLANTING**
NOT TO SCALE



4 **GROUNDCOVER/PERENNIAL PLANTING**
NOT TO SCALE



3 **CONIFEROUS TREE - STAKING SPECIFIED**
NOT TO SCALE



2 **DECIDUOUS TREE - STAKING SPECIFIED**
NOT TO SCALE

COMMONWEALTH OF VIRGINIA
FRANK W. HAYCOCK III
No. 1401
08/15/16
LANDSCAPE ARCHITECT

THIS DRAWING PREPARED AT THE
CHARLOTTESVILLE OFFICE
608 Preston Avenue, Suite 200 | Charlottesville, VA 22903
TEL 434.295.5624 FAX 434.295.8317 www.timmons.com

YOUR VISION ACHIEVED THROUGH OURS.

REVISION DESCRIPTION	DATE

DATE □/25/16
DRAWN BY T.□/□D.
DESIGNED BY T. □□□□.E□
CHECKED BY □H./N.□
SCALE

TIMMONS GROUP

HEALTHSOUTH FREDERICKSBURG EXPANSION
CITY OF FREDERICKSBURG
LANDSCAPE PLAN

JOB NO. 38300
SHEET NO. L1.1

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MEMORANDUM

TO: Roy E. McAfee, Chair of the Planning Commission
FROM: Mike Craig, Zoning Administrator
DATE: August 24, 2016 for the August 31 meeting
SUBJECT: RZ2016-03 – Hamptons at Family, L.P. (Contract Purchaser) requests a rezoning of GPIN 7769-77-8378 and a portion of GPIN 7769-87-3295 (the "Property" totaling 20.840 acres) from R2, Residential to Commercial Highway (CH) and R12, Residential (R12).

CODE OF VIRGINIA

Virginia Code § 15.2-2284 provides the criteria to consider when evaluating a zoning map amendment:

> "Zoning ordinances and districts shall be drawn and applied with reasonable consideration for
> - the existing use and character of property,
> - the comprehensive plan,
> - the suitability of property for various uses,
> - the trends of growth or change,
> - the current and future requirements of the community as to land for various purposes as determined by population and economic studies and other studies,
> - the transportation requirements of the community,
> - the requirements for airports, housing, schools, parks, playgrounds, recreation areas and other public services,
> - the conservation of natural resources, the preservation of flood plains, the protection of life and property from impounding structure failures,
> - the preservation of agricultural and forestal land,
> - the conservation of properties and their values, and
> - the encouragement of the most appropriate use of land throughout the locality."

EXISTING USE AND CHARACTER OF THE PROPERTY

The Property is a 20.84 acre parcel located between the Noble Car Dealerships and the 128 unit Hamptons at Noble apartment project under construction to the north (zoned Commercial Highway/Conditional), Interstate 95 to the east, Briscoe Lane, farmed fields, and five single family homes and a 34 acre farm to the south (zoned R2), and Fall Hill Avenue and Wegmans grocery store to the west (zoned PD-C). The Property was annexed into the City in 1984.

Topographically, the Property is generally flat with very few trees and is currently a corn field. The Property has a high point in the middle which splits site drainage. In the south east corner of the site is a 0.11 acre farm pond. South of the pond is a roughly 175 linear foot stream that drains to the south and ends at Interstate 95 where it enters a culvert and flows under the roadway.

On the other side of the highpoint are 0.52 acres of non-tidal wetlands in the middle of the property as shown on the attached wetland delineation map. The wetlands are currently in the middle of the cornfield and drain to the north.

Fall Hill Avenue is the primary public road serving the project. The City is currently widening Fall Hill Avenue in the vicinity of the project from two to four lanes with a curb median. Access to the project from Fall Hill Avenue is or will be provided from:

- Noble Way – an existing four lane local street that will have a full movement intersection with Fall Hill Avenue once the Fall Hill Avenue project has been concluded. Public access across the Hamptons at Noble project via a private roadway aligning with and connecting to the proposed Islip Lane is being developed as part of the apartment complex currently under construction.
- The intersection of Noble Way and Fall Hill Avenue will be signalized after the completion of the VDOT Fall Hill Avenue project using money dedicated to the City through the Noble rezonings (in both 2004 and 2015) and the side agreement with Celebrate Virginia South.
- Briscoe Lane – a two lane local street under a right-of-way easement, shoulder and ditch sections and no pavement markings.

As part of the Fall Hill Avenue widening project, the City is building a trail on the north side of Fall Hill Avenue and a sidewalk along the south side.

Public water and sewer are available on the site.

PROPOSED ZONING MAP AMENDMENT

1. *Proposed use:*

The 20.84 acre Property is proposed to be rezoned to two different zoning districts.

A 4.31 acre portion of the Property adjacent to Fall Hill Avenue is proposed as a commercial vehicle sales site zoned Commercial Highway (CH), separated from Fall Hill Avenue and the vehicle sales establishment by a proposed extension of the landscape buffer and berm proffered and constructed with the two Noble car dealerships. The buffer will be 20’ wide from the edge of any future right of way, will contain a meandering two and a half foot tall berm, will have three and a half inch caliper trees on 30 foot centers, and four ornamental shrubs between each 30 foot tree section.

Within the 4.31 acre commercial area, the GDP currently shows a 20,300 square foot vehicle sales building, vehicle display area, and parking lot. While the GDP estimates a 0.11 Floor Area Ratio, the GDP notes that the square footage and display area proposed may vary at the time of site plan approval up to the maximum allowable Floor Area Ratio of 0.70.

A proposed public street, Shadmoor Drive, separates the project’s residential and commercial sites. A Type “D” Buffer meeting the standards of the Unified Development Ordinance will be located on the residential side of Shadmoor Drive between the car dealership and a proposed 16.53 acre mixed

residential site proposed to be zoned R12, Residential (R12). The R12 area consists of 198 total residential units designed around an integrated network of streets and sidewalks and integrated open space and recreational areas. The 198 units would be built at 11.96 units per acre, which is close to the maximum of 12 units per acre.

78 of the units are townhomes. The townhomes front on either public or private streets and have rear alley access. A 0.36 acre open space is proposed between townhomes 13-22 and the vehicle sales use and a 0.37 acre "mews /open space" is proposed between townhomes 23-34 and Sag Harbor Lane. The townhome block between Briscoe Lane, Shadmoor Drive, and Islip Lane (consisting of townhomes 35 – 78) is proposed between existing single family homes.

A 0.53 acre central open square is proposed in the middle of the residential portion of the site. The green contains open space, a +/- 3,575 square foot clubhouse complex, and a pool.

120 of the units are multi-family. The units are proposed in five three-story buildings that contain 24 units apiece. Parking for the units is either perpendicular or parallel and is adjacent to each building. A Type "D" Buffer is proposed between the apartment units and the existing single family homes to the west. The buffer exceeds the requirements of the UDO. Access to the multi-family portion of the project is from Noyack Lane, Sag Harbor Lane, and Islip Lane.

The application narrative discusses "affordable rental prices," "rental rates at least twenty percent (20%) less" than average rental rates, and household income ranges for tenants. None of these proposals are proffered. The proposed units should be considered market rate.

As proposed, both the commercial and residential uses conform to the standards in Article 3 (generally, bulk regulations, setbacks, open space, and other dimensional standards), Article 4 (the use table and the use standards, specifically those found in § 72-41.2.E regarding Multi-Family Dwellings or § 72-41.2.F regarding Townhomes), and Article 5 (generally, access, parking, utilities, landscaping, etc.).

2. *Transportation:*

The development provides an integrated network of complete streets in accordance with the vision and policy established in the Comprehensive Plan and Unified Development Ordinance. The development will produce a combined 2,023 vehicles per day including 144 vehicles during the a.m. peak and 196 vehicles during the p.m. peak hour. The Applicant produced a traffic analysis which showed that the new Fall Hill Avenue construction, the proposed signalization of the Noble Way and Fall Hill Avenue intersection, and the improvements proposed with this application are sufficient to handle the increase in traffic.

In regards to transportation, the proffers include:

- The upgrading of the north side of Briscoe Lane to include curbs, on-street parking, and sidewalk where adjacent to the project.
- The building and dedication of Shadmoor Drive, which is a new public road parallel to Fall Hill Avenue and will be built by the applicant through the site, as well as across right-of-way dedicated to the City in conjunction with the Hamptons at Noble project.
- The VDOT Fall Hill Avenue widening project will extend the public sidewalk to end 70 feet

short of the existing sidewalk adjacent to Central Park. The Applicant either will construct the additional 70 feet or pay the City a cash proffer to build a connection in the public right-of-way.

- The construction of a FRED stop, including applicable signage and shelter, within the property.
- The construction of a crosswalk across Fall Hill Avenue at its intersection with Gordon Shelton Boulevard (essentially a connection to Wegmans).
- The construction of turn lane and taper improvements in the public right of way along Fall Hill Avenue at Noyack Lane.
- The continued development of Islip Lane. The proffer is to complete the on-site extension of a private street with public access that connects Noble Way to Briscoe Lane. The first leg of the connection is under construction with the Hamptons at Noble site.
- The development of Noyack Lane, which is a new proposed two lane private street with public access serving the project.

As proposed, the site layout also provides for future connections that can be made on the adjacent Graves site to help further the City's goal of creating an integrated grid network between Fall Hill Avenue, Gordon Shelton Boulevard, Cowan Boulevard, and Carl D. Silver Parkway.

The road type labeling on the GDP needs to be revised to match the proffer statement. According to the proffer statement, Noyack and Islip Lanes are proposed to be private streets with public access which is the City's preference. Also, the parking lot lanes within the apartment complex do not meet street standards and should not be labeled as streets.

3. *Public Facilities:*

Fredericksburg City Schools Operation staff estimates that apartments will generate approximately 0.217 school age children per multi-family unit and 0.458 school age children per townhome unit. Based on this ratio, this project will generate approximately 62 school age children. By right, the 20.84 acres of R2 zoned property could produce 14 school age children (42 single family homes at 0.32 students per unit). The Applicant has proffered $900,010 ($4,545.50 per unit) to offset the capital impacts of these additional students on the school system.

The proposed project is in the service boundary for proposed Fire Station #3. Fire Station #3 is projected to cost $7 million and is in the five-year Capital Improvement Program, but was not included in the Fiscal Year 2016 Capital Budget. The Applicant has proffered $99,990 ($505 per unit) to offset their impacts on fire and rescue services.

The Applicant has proffered $4,000 to the City for two wayside panels for purposes of identifying a historic civil war battlefield to be located within the Fall Hill Avenue right of way to be maintained by the City.

4. *Proposed Environmental Changes:*

The site is within the Chesapeake Bay Preservation Area. The Applicant has undertaken a perennial streams analysis and determined that the on-site streams are intermittent. As such, the streams are not protected features under the Chesapeake Bay Preservation Act.

The 0.11 acre farm pond is proposed to be moved into a larger proposed storm water facility between the proposed multi-family buildings and Interstate 95 that will treat the stormwater from the development. The pond is conceptually shown over a portion of the intermittent stream.

The Applicant proposes to develop non-tidal wetlands in the middle of the site, which will require coordination with the U.S. Army Corps of Engineers during the land disturbance portion of this proposed project. During that process the Corps of Engineers will determine what if any mitigation is required to offset the impact of developing those wetlands. This may be done through the purchase of off-site offsets. From a local compliance standpoint, the wetlands are not contiguous and connected to a resource (like a perennial stream or the River) and are not a protected feature under the Chesapeake Bay Preservation Ordinance.

5. *Architectural Proffers:*

The Applicant proposes architectural proffers for the project's buildings. The proffers reference architectural elevations depicting the general character and materials to be used on the residential buildings. The materials include asphalt shingles, PVC trim, vinyl shake siding, vinyl lap siding, and brick. The townhomes will be no less than 18 feet in width. The general features and materials for the commercial project shall be generally similar to the adjoining Mercedes and Volvo commercial car dealerships.

COMPLIANCE WITH THE COMPREHENSIVE PLAN

1. *Land Use:*

The Future Land Use Map (FLUM) in the 2015 Comprehensive Plan shows the Property as Planned Development - Commercial (PD-C). The PD-C land use "category is reserved for large scale development near major transportation routes," "encourages a wide range of commercial retail and service uses oriented to serve a regional market," and "encourages employment centers that combine office and professional business development within a landscaped, high quality setting" (pg. 116). The project is within Sub Planning Area 1E, which in addition to the designated land use states that, "planned traffic signals on Fall Hill Avenue fall outside this property's frontage so access is limited to right-in, right-out. Cross connections across the adjoining property should be considered to gain access to a signalized intersection" (pg. 122).

The "opportunities" listed under Land Use Planning Area 1 (pg. 118) include:

- The redevelopment of Central Park as a regional commercial activity center, through higher levels of mixed use development, and an improved roadway network and bicycle / pedestrian access.
- Construct Fire Station #3 in Celebrate Virginia.
- Protect residential neighborhoods from existing and proposed commercial development through transitional uses and design standards that minimize adverse impacts.
- Enhance this gateway to the City, which is highly visible to travelers in the Interstate-95 corridor, to provide a distinctive and appealing sense of arrival.

The “roads” section of Land Use Planning Area 1 states that “if redevelopment at higher densities is to be feasible, this internal network will need to be reconfigured for greater efficiency. As an example, a cross connection from Carl D. Silver Boulevard to Sub Planning Areas 1D and 1E would provide a transportation link consistent with good urban design” (pg. 123). The “land use potential” discussion relates the Fall Hill Avenue widening project to “intense commercial development” (pg. 121).

Both the Noble car dealerships and Celebrate Virginia have berms and landscaping buffering the development from Fall Hill Avenue. This proposal includes a continuation of the berm and landscaping in front of the Noble car dealerships along the proposed car dealership adjacent to Fall Hill Avenue.

A total of 884.15 acres of land are designated for current or future PD-C development, in the Future Land Use Map. Currently, residential uses (the Seasons / Havens and Hamptons at Noble) occupy 41.27 acres (5%) of this area. Adding the 16.53 acres of residential use proposed with this project would bring the total to 57.80 acres or 6.5% of the total land area designated as PD-C in the Future Land Use Map.

Currently, 625 dwelling units are located on the 41.27 acres of residential development within the areas designated PD-C Area in the FLUM. Of these, 617 are multi-family units at the Seasons (Havens) and 8 are single family homes on parcels zoned R2. Adding the proposed 78 townhomes and 120 multi-family units would bring the total to 823 units overall (8 single family detached, 78 townhomes, and 737 multi-family units. There are 3,000,000 square feet of non-residential space in the PD-C Area of the FLUM.

2. *Promoting and Sustaining a Liveable Community:*

a. Transportation:

The Transportation chapter emphasizes a coordinated hierarchy of streets and a multi-modal transportation network including networks of sidewalks, trails, and bicycle facilities (pg. 27). The Comprehensive Plan emphasizes “complete streets” (pg. 31). The Plan also establishes a vision for FRED service, VRE services, and other commuting services like GWRideConnect! (pg. 36-37). The Comprehensive Plan emphasizes a connection between transportation and land use and calls for certain principles to be incorporated into new growth including:

- Pedestrian friendly road design.
- Interconnection of new streets with existing streets.
- Connectivity of road and pedestrian networks.
- Preservation of natural areas.
- Mixed use neighborhoods, to include both commercial and residential uses as well as affordable housing and a mix of housing types.
- Reduction of front and side setbacks.
- Reduction of subdivision street widths and turning radii at intersections (pg. 40).

Conformance to this vision may be measured by compliance with the Transportation chapter’s Goals (pg. 41). The proposal is consistent with Goals 1. Surface Transportation, 3. Reduce Congestion, 4. Walkability, 5. Complete Streets, and 7. Transportation Safety. The plan would

provide a network of complete streets that is scaled appropriately to be safe and functional for pedestrians, bicyclists, drivers, and riders. The plan provides connections to existing development and future development, including to Celebrate Virginia and Central Park. The plan extends a publically accessible road and sidewalk network along Islip Lane, Shadmoor Drive, and out to Fall Hill Avenue along Noyack and Briscoe Lanes. The plan includes the construction of a FRED stop.

b. Public services, public facilities, and preserved open space:

The City of Fredericksburg provides many key public services including, a uniquely unified school system where all City students in a single grade attend the same schools throughout their academic years (pg. 47). The City participates in the Central Rappahannock Regional Library system (pg. 48) and provides water and sewer as well as solid waste and recycling services (pg. 49). The City has its own public safety services made up of Fire and Rescue, the Fredericksburg Police Department, and a General District and Circuit Court (pg. 49-50). The City is planning the development of a new Fire Station (Fire Station 3) to serve developing areas of the City including the project site. The City also maintains a network of recreational parks and open space that protect valuable natural resources and provide recreational amenities and quality of life for its residents (pg. 51-55).

A project's affect on these facilities may be measured by compliance with the Public services, public facilities, and preserved open space chapter's Goals (pg. 57). The project is consistent with Goals 1. Efficient and Effective Public Services, 2. Safe and Secure Environment, 3. Educational Facilities, 4. Educational System, and 5. Parks and Open Space. The plan provides an inter-connected development pattern which will make the provision of any services dependent on motor vehicles (i.e. school busses, fire trucks, trash trucks, etc.) more efficient. The proposal contains a $1,000,000,000 cash proffer to offset impacts on the Fredericksburg school system and the City's Fire and Rescue services. The proposal provides 1.26 acres of parks for the residents of the development and has aligned those improved recreational areas with open spaces on the adjacent Hamptons at Noble site.

c. Environmental protection:

The environmental protection chapter lays out the City's vision regarding its soils, flood boundaries, streams, storm sewer management programs, woodlands and tree preservation, Rappahannock River, and Wetlands (pg. 62-69). The chapter also discusses the role of Chesapeake Bay Preservation Areas in the City including Resource Protection Areas and Resource Management Areas (pg. 70-71). The environmental chapter also details the City's Green Infrastructure and how it relates to the Regional Green Infrastructure Plan and the Climate, Environment & Readiness Plan (pg. 72-73).

Conformance to this vision may be measured by compliance with the Environmental Protection chapter's Goals (pg. 75). This project is in conformance with Goal 4. Water Quality, 5. Sustainability, and 6. Livability. The proposal will be required to implement best management practices for stormwater management, erosion and sediment control, and wastewater treatment that meet or exceed the Commonwealth of Virginia's regulatory requirements. The project also enhances City sustainability due to the location of the proposed development, which is adjacent to several large business districts and the interconnectivity of its proposed multi-modal transportation network.

The proposal is inconsistent with Goal 3. Natural Functions of Rivers and Streams. The development plan proposes to put stormwater management facilities on top of the existing intermittent stream on-site and to redevelop non-tidal wetlands.

The quality of these features (the stream's intermittent character, its short run, and its termination at a culvert under Interstate 95 as well as the wetland's agricultural nature) should be balanced against the opportunity to locate high density development adjacent to the City's second commercial core in Central Park and Celebrate Virginia, making it more mixed use in nature.

d. Business Opportunities:

The Business Opportunities chapter lays out the City's vision for its Corridors including Fall Hill Avenue (pg. 83) as well as its Business Opportunity Districts (pg. 85). The Plan states that west of I-95 "there are additional large parcels across Fall Hill Avenue from Celebrate Virginia that will also be intensely developed" (pg. 83). The Plan also states that to keep the Central Park and Celebrate Virginia campus economically viable, "the City encourages the progression of these areas to the next level of intensity that includes a more urban mix of uses and promotes high-quality development and redevelopment that is sustainable and attractive within these business opportunity districts" (pg. 85).

Conformance to this vision may be measured by compliance with the Business Opportunity chapter's Goals (pg. 86). The proposal is consistent with Business Opportunity Goals 4. Community Character, 5. Mixed-Uses in Corridors, 6. Complementary and Connected Business Districts. The proposal has a strong urban design centered on complete streets (that are planned to continue into Central Park). The proposal contains commercial and residential uses as appropriate and puts needed residential density next door and interconnected with the City's major retail and office developments.

Goal 3. Business Development states that the City should accommodate and capture its projected share of regional economic growth by providing for retail and office space development in areas identified for growth. The proposal contains an extension of the existing vehicle sales uses along Fall Hill Avenue. However, three quarters of the proposal is residential use.

e. Residential Neighborhoods and Housing:

The Residential Neighborhoods and Housing chapter encourages "neighborhood design" based on a pedestrian-friendly environment (pg. 90). The chapter addresses existing housing inventory, housing conditions, homeownership, the impact of the University of Mary Washington on housing stocks, and affordable housing (pg. 92-93).

A project's affect on City housing may be measured by compliance with the Residential Neighborhoods and Housing chapter's Goals (pg. 95). The proposal is consistent with Residential Neighborhoods Goals 1. Neighborhood Character, 2. Neighborhood Quality, 4. Adequate Public Services and Facilities, 5. Enhanced Connections, 6. Compatible Design and Functionality, 8. Variety of Housing, and 9. Homeownership. The design of the project is based on a quality "neighborhood design" that will be attractive to residents and will make the provision of public

services efficient. The design is accessible and multi-modal. The proposal contains both townhouses and multi-family dwellings.

Goal 7. Affordable Housing states that all persons should have the opportunity to rent or purchase safe, decent, and accessible housing within their means. The Applicant has stated that the housing built on this site will be affordable; however, no proffer has been put in place ensuring that it will be.

COMPLIANCE WITH THE UNIFIED DEVELOPMENT ORDINANCE

1. *Existing zoning:*

The Property is currently zoned R2 and is surrounded by CH zoning to the east, R2 zoning to the south and west, and Planned Development-Commercial (PD-C) zoning to the north. The Property was part of the acreage annexed to the City in 1984. At that time it was assigned an R1 zoning designation, which was a holding zone until a property was deemed ready for development. The property was part of the City initiated rezoning in 2014 that rezoned all remaining R1 zoned land to the R2 zoning district.

§ 72-31.2.A states that the purpose of the R2 zoning district is "to provide for single-family detached dwellings in suburban-style subdivisions at a density not to exceed two dwelling units per acre. The district also allows selected uses which are compatible with the low density residential character of the district, and to implement the stated purposes and intent of the Comprehensive Plan."

R2 permits two single family homes per acre on minimum 15,000 square foot lots. The 20.84 acres could yield 42 single family homes by-right. The Future Land Use Map of the City's Comprehensive Plan calls for the area to be Planned Development-Commercial (pg 121). The Comprehensive Plan also calls for Mixed Use in Corridors and Complementary and Connected Business Districts (pg 86). The City is also upgrading Fall Hill Avenue to four lanes with a curb median. This vision contemplates a level of intense development that exceeds, in use and density, what may be built in the R2 zoning district.

2. *Proposed zoning:*

a. Commercial Highway.

§ 72-32.4.A states that the purpose of the CH zoning district is "to provide locations on heavily traveled collector and arterial highways for those commercial and service uses which are oriented to the automobile and require good access but not dependence on adjacent uses or pedestrian trade." The purpose also states that "the district shall generally be considered inappropriate in those parts of the City where individual uses can be grouped in preplanned concentrations and in newly developing areas, such as those in areas that have been annexed to the City."

The Property is within a newly developing area of the City that was annexed in 1984. The area proposed to be zoned CH is 4.31 acres adjacent to CH zoned land. The 4.31 acres is proposed to be a Vehicle Sales establishment and would be part of a concentration of Vehicle Sales establishments already developed along Fall Hill Avenue. Only two zoning districts permit vehicle sales by-right, the CH zoning district and the Planned Development-Commercial zoning district.

b. R-12, Residential.

§72-31.5.A states that the purpose of the R12 District is to "provide for a planned mixture of single-family attached and multifamily dwelling types at a density not to exceed 12 dwelling units per acre. Development in this district shall be sensitive to existing land physiography, adequate public facilities and infrastructure, transportation access requirements and vulnerable environmental features in achieving optimal siting of dwellings, open space, recreational and community facilities, and transportation systems."

The proposal is a mixture of single family attached and multifamily dwelling types at 11.96 units per acre. There are adequate public facilities and infrastructure serving the site. The proposal includes optimal open space, recreational and community facilities. The transportation infrastructure proposed with the project is a major positive. The storm water management area of the project, however, is proposed to encroach on an intermittent stream.

c. Comprehensive Plan proposed zoning.

The Comprehensive Plan's FLUM envisions this parcel of land being rezoned to Planned Development-Commercial.

§ 72-33.2.A, purpose of the Planned Development – Commercial District states in part, "the district should be reserved for development on contiguous land areas of at least 150 acres under single ownership or control capable of containing an aggregate gross floor area in excess of 500,000 square feet." This site is only 20.84 acres.

§ 72-33.2.D.4 limits residential uses to ten percent of the overall PD-C district and 24 units per acre. As stated above, overall residential use in the PD-C designated area of the FLUM would be 57.80 acres or 6.5% of the total 884.15 acres. Adding the proposed 78 townhomes and 120 multi-family units would bring the total to 823 units overall (8 single family detached, 78 townhomes, and 737 multi-family units. The total units per acre in the FLUM PD-C area would be 0.93 units per acre if this project were approved. There are 3,000,000 square feet of non-residential space in the PD-C Area of the FLUM.

Townhomes are a special use in the PD-C zoning district and multi-family units are permitted by-right.

CONCLUSION AND RECOMMENDATION

The Planning Commission should recommend approval of this rezoning to the City Council.

The Property is proposed to be intensely developed and is well suited to handle a high density. The Property is also in an area where the City is investing in infrastructure to support more use. The Property is currently a cornfield and is located in the middle of arguably the City's most intense growth area. This is a conclusion drawn while balancing the location and character of the site against the impact the proposed development would have on the sites two minor environmental features.

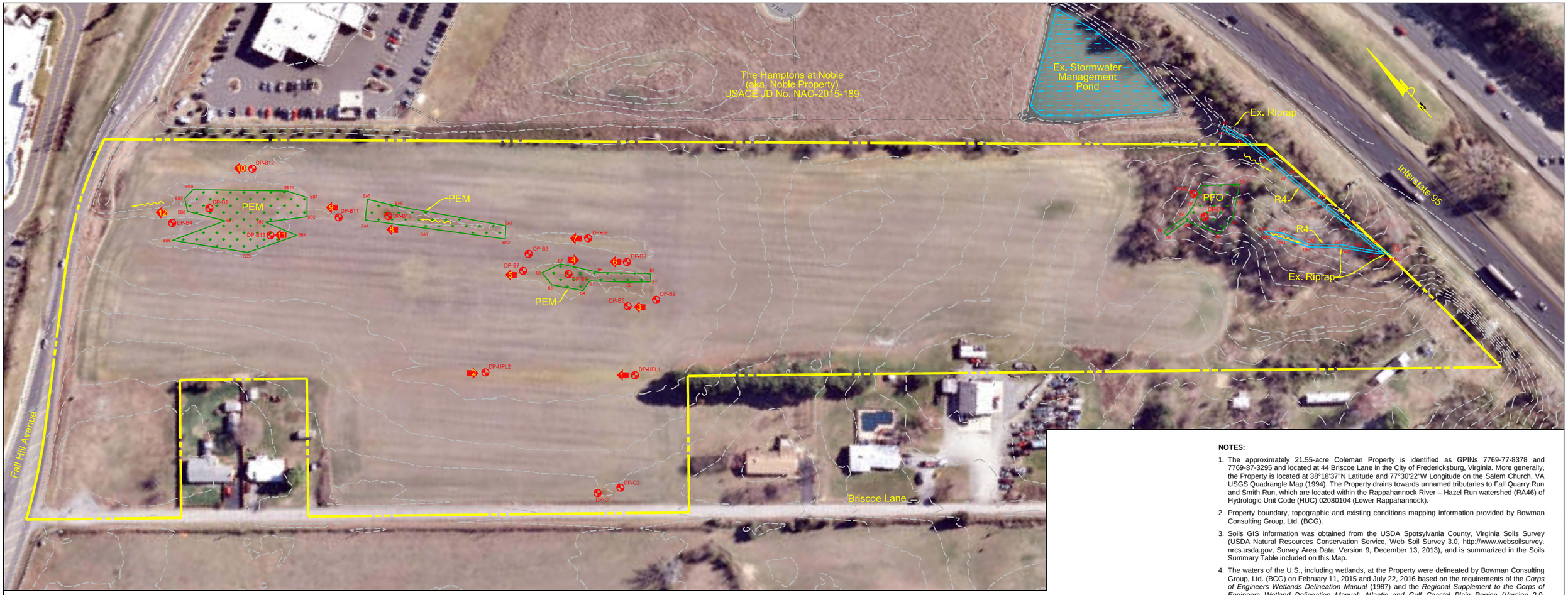
The proposed zoning districts do not match the color on the Future Land Use Map. This area of the City is designated for commercial and office development. However, the urban pattern proposed is consistent with the City's vision of a more intense mixed-use core developing in this area. Similarly, if the 884 acre area shown on the Future Land Use Map was all one planned unit development zoned PD-C, this type of residential use may be the most appropriate on this particular property. The property's frontage on Fall Hill Avenue is proposed to be part of a larger vehicle sales cluster. The property has relatively limited access from Fall Hill Avenue and is not at a signalized intersection where more intense commercial activity would be appropriate. The proposed use and layout conform to adjacent land uses to the north, east, and west and the area. The R2 zoned land to the south is planned to be even more intense development. The use types, development pattern, urban design and the proposed mitigation to the impacts the development would have on public facilities also meets the intent of the Comprehensive Plan.

The existing zoning R2 zoning on the property is not sufficient to meet the intent of the Comprehensive Plan or the level of infrastructure investment the City has committed to along the Fall Hill Avenue corridor west of Interstate 95. In order to prevent the proliferation of strip retail development, CH zoning is not envisioned to be expanded into the developing areas of the City. However, this proposal is to expand an existing CH zoned area to provide for an expansion of an existing vehicle sales cluster. The residential portions of the property meet the intent of the R12 zoning district in that they are well designed, provide multi-modal transportation opportunities, and ample open and recreational space for residents. Finally, the PD-C zoning district is meant for sites of 150 contiguous acres.

The Applicant's proposal is to use two zoning districts to accomplish a complimentary, well-connected and designed development program that fits into its surroundings, context, and City planning and vision.

ATTACHMENTS

1. Proposed ordinance.
2. Application and supporting materials.
3. Wetland Delineation Map.



Legend

- Property Boundary
- Index Contours
- Contours (CI=2')
- Intermittent Streams (R4)
- Palustrine Wetlands (PEM, PFO)
- A1 Flags
- DP-UPL1 Data Points
- Photographs

150 0 150 300

GRAPHIC SCALE

FOR INFORMATION PURPOSES ONLY

Data Point Summary Table

Data Point	Mapped Soil Unit	Hydrophytic Vegetation	Hydric Soils	Wetland Hydrology	Community ID
DP-B1*	5	Yes	Yes	Yes	PEM Wetland
DP-B2*	36B	No	Yes	Yes	Upland Field
DP-B3*	5	No	No	No	Upland Field
DP-B4*	5	No	Yes	No	Upland Field
DP-B5*	36B	No	Yes	No	Upland Field
DP-B6*	5	Yes	Yes	Yes	PEM Wetland
DP-B7*	5	No	Yes	No	Upland Field
DP-B8*	5	No	Yes	No	Upland Field
DP-B9*	5	No	Yes	No	Upland Field
DP-B10*	5	Yes	Yes	Yes	PEM Wetland
DP-B11*	5	No	Yes	No	Upland Field
DP-B12*	5	No	No	No	Upland Field
DP-B13*	5	Yes	Yes	Yes	PEM Wetland
DP-C1	36B	No	Yes	Yes	Upland Field
DP-C2	36B	No	Yes	No	Upland Field
DP-D1	W	Yes	Yes	Yes	PFO Wetland
DP-D2	W	No	No	No	Upland
DP-UPL1*	36B	No	No	No	Upland Field
DP-UPL2*	36B	No	No	No	Upland Field

** Data Points updated/added by BCG during the field investigation conducted on July 22, 2016.*

Waters of the U.S. and Wetlands Summary Table[1]

Classification[2]	Length (LF)	Area (SF)	Area (Ac)
Intermittent Streams (R4)	465	N/A	N/A
Palustrine Emergent Wetlands (PEM)	N/A	23,185	0.53
Palustrine Forested Wetlands (PFO)	N/A	4,712	0.11
Total Waters of the U.S.	**465**	**27,897**	**0.64**

[1] The amount of waters of the U.S. and wetlands indicated in the table reflects the amount located within the Property limits.
[2] Stream classifications are based on a field assessment by BCG on February 11, 2015 using the NCDWQ Identification Methods for the Origins of Intermittent and Perennial Streams (Version 4.11, September 2010).

Soils Summary Table

Map Unit	Map Unit Name	Drainage Class [1]	National & Local Hydric Soils Lists [2]	Hydric Component
1B	Abell sandy loam, 2 to 7 percent slopes	MWD	No	N/A
5	Aquults, clayey subsoil	PD	Yes	Aquults (80%)
18B	Emporia sandy loam, 2 to 7 percent slopes	WD	No	N/A
21B	Faceville-Varina complex, 2 to 7 percent slopes	WD	No	N/A
21C2	Faceville-Varina complex, 7 to 15 percent slopes, eroded	WD	No	N/A
24	Goldsboro sandy loam	MWD	No	N/A
36B	Savannah sandy loam, 2 to 7 percent slopes	MWD	No	N/A
W	Water	N/A	No	N/A

[1] MWD – Moderately Well Drained; PD – Poorly Drained; WD – Well Drained, N/A - Not Applicable
[2] Per National Hydric Soils List for Spotsylvania County, Virginia published by USDA Natural Resources Conservation Service.

NOTES:

1. The approximately 21.55-acre Coleman Property is identified as GPINs 7769-77-8378 and 7769-87-3295 and located at 44 Briscoe Lane in the City of Fredericksburg, Virginia. More generally, the Property is located at 38°18'37"N Latitude and 77°30'22"W Longitude on the Salem Church, VA USGS Quadrangle Map (1994). The Property drains towards unnamed tributaries to Fall Quarry Run and Smith Run, which are located within the Rappahannock River – Hazel Run watershed (RA46) of Hydrologic Unit Code (HUC) 02080104 (Lower Rappahannock).
2. Property boundary, topographic and existing conditions mapping information provided by Bowman Consulting Group, Ltd. (BCG).
3. Soils GIS information was obtained from the USDA Spotsylvania County, Virginia Soils Survey (USDA Natural Resources Conservation Service, Web Soil Survey 3.0, http://www.websoilsurvey.nrcs.usda.gov, Survey Area Data: Version 9, December 13, 2013), and is summarized in the Soils Summary Table included on this Map.
4. The waters of the U.S., including wetlands, at the Property were delineated by Bowman Consulting Group, Ltd. (BCG) on February 11, 2015 and July 22, 2016 based on the requirements of the *Corps of Engineers Wetlands Delineation Manual* (1987) and the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Atlantic and Gulf Coastal Plain Region* (Version 2.0, November 2010), and represent those areas that are most likely within the regulatory purview of the U.S. Army Corps of Engineers (USACE); refer to the Waters of the U.S. and Wetlands Summary Table included on this Map.
5. In response to comments received from the USACE on July 18, 2016, BCG revisited the Property on July 22, 2016 to more accurately delineate and map wetlands in the agricultural field that would be considered jurisdictional by the USACE. Based on this supplemental information, Wetlands B, BA, and BB were identified on the Property. These additional flagged wetland boundaries were field located by BCG in July 2016 using a handheld GPS capable of sub-meter accuracy. Survey information is provided at NAD83, Virginia State Plane, North Zone, - 4501, NAVD88, US Survey Feet.
6. The flagged boundaries should be considered preliminary until approved by the USACE during a Jurisdictional Determination.
7. Refer to the Updated Coleman Property Wetland Delineation and Jurisdictional Determination Letter, and updated Wetland Delineation Map Letter for more detailed information.

WETLAND DELINEATION MAP
COLEMAN PROPERTY

City of Fredericksburg, Virginia

SCALE: 1"=150'

DATE: April 14, 2016
REVISED: July 25, 2016

Bowman CONSULTING

Bowman Consulting Group, Ltd.
3863 Centerview Drive, Suite 300
Chantilly, Virginia 20151

Phone: (703) 464-1000
Fax: (703) 481-8410
www.bowmanconsulting.com

MOTION:

SECOND:

[date]
Regular Meeting
Ordinance No. 16-__

RE: **REZONING 20.84 ACRES OF LAND LOCATED ON THE SOUTH SIDE OF FALL HILL AVENUE, BETWEEN BRISCOE LANE AND I-95, FROM RESIDENTIAL R-2 TO COMMERCIAL HIGHWAY AND R-12, WITH CONDITIONS**

ACTION: **APPROVED; Ayes: 0; Nays: 0**

First read: _____ **Second read:** _____

IT IS HEREBY ORDAINED by the Fredericksburg City Council that the official zoning map of the City, established pursuant to City Code §72-30, is amended as follows:

I. Background Information

This is a request to rezone 20.84 acres of land from Residential R-2 to Commercial Highway and R-12 with proffered conditions. The property is identified on the City's Geographic Information System as GPIN 7769-77-8378 and a portion of GPIN 7769-87-3295. The property is owned by Carol B. Coleman, Bonnie B. Carter, and Gloria B. Whittaker. The applicant is Hamptons at Family, L.P., a Virginia limited partnership, the contract purchaser. The property is located on the south side of Fall Hill Avenue, west of I-95 and east of Briscoe Lane. The applicant proposes to develop 4.31 acres as Commercial Highway, and the remaining 16.53 acres as single family attached and multi-family residential.

In connection with the application, the applicant has submitted a General Development Plan entitled "The Hamptons Phase II," by Bowman Consulting, dated May 2016, last revised 6/20/16, comprising sheets 1 through 8; and a Voluntary Proffer Statement dated August 9, 2016.

In adopting this ordinance, City Council has considered the applicable factors in Virginia Code § 15.2-2284. The City Council has determined that public necessity, convenience, general welfare and good zoning practice favor the requested rezoning.

II. Official Zoning Map Amendment

The official zoning map, prepared in accordance with City Code §72-30, is hereby amended by rezoning the following described land, as shown more particularly on a plat of survey entitled "Rezoning Plat, The Hamptons Phase II," by Kevin D. Early, Land Surveyor, included in the General Development Plan as sheet 3 of 8:

A. GPIN 7769-77-8378, consisting of +/- 0.987 acres of land, is rezoned from Residential R-2 to Residential R-12.
B. A +/- 19.853 acre portion of GPIN 7769-87-3295 is rezoned from Residential R-2 to Commercial Highway CH and Residential R-12.

The new zoning district lines are shown on sheet 4 of the General Development Plan.

III. Proffered Conditions

This is a conditional rezoning. The voluntary proffers contained in the Voluntary Proffer Statement are accepted and shall govern the use and development of this land.

IV. Effective Date

This ordinance is effective immediately. The applicant shall record a certified copy of this ordinance with a notice of conditional zoning, in a form approved by the City Attorney, in the land records of the Fredericksburg Circuit Court Clerk, with the owner as the "grantor" and the City as the "grantee," within 30 days of the adoption of this ordinance.

Votes:
Ayes:
Nays:
Absent from Vote:
Absent from Meeting:

Approved as to form:

_____
Kathleen Dooley, City Attorney

****

Clerk's Certificate

I, the undersigned, certify that I am Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Ordinance No. 16- duly adopted at a meeting of the City Council meeting held Date, 2016 at which a quorum was present and voted.

_____
Tonya B. Lacey, CMC
Clerk of Council

Application #RZ_____
Date:_____
Fee/Check #:_____

APPLICATION
ZONING MAP AMENDMENT

APPLICANT NAME: Hamptons at Family, L.P., a Virginia limited partnership

MAILING ADDRESS: Attn: Richard Counselman 440 Monticello Avenue, Suite 1700, Norfolk, VA 23510

TELEPHONE #: 757-640-2299 E-MAIL: rcounselman@slnusbaum.com

INTEREST IN PROPERTY: Contract Purchaser

If the Applicant is not the Owner, indicate the nature of Applicant's authority to apply and attach appropriate documentation of Owner's consent.

NAME OF PROPERTY OWNER
(if different from applicant): Carol B. Coleman, Bonnie B. Carter & Gloria B. Whittaker

MAILING ADDRESS: 30 Briscoe Lane, Fredericksburg, VA 22401

TELEPHONE #:_____ E-MAIL:_____

THE PROPERTY IN QUESTION IS DESCRIBED AS FOLLOWS:

STREET ADDRESS: 44 Briscoe Lane & 0 Briscoe Lane

GPIN #: GPIN# 7769-87-3295 (portion of) & GPIN# 7769-77-8378

TOTAL AREA OF PROPERTY (Acreage or Square Feet) 20.84 acres

PRESENT USE OF PROPERTY: R-2; residence/portion of property in land use.

PROPOSED USE OF PROPERTY:
Rezoning of the property from R-2 to Commercial Highway zoning district ("CH") and R-12 zoning district to develop a commercial and residential project as described more particularly in the enclosed proffer statement and zoning map narrative amendment.

Zoning Map Amendment
(Application Continued)

I (we), the applicant(s) petition the Planning Commission and the City Council of Fredericksburg, Virginia to amend the Zoning Map of the City of Fredericksburg, Virginia by reclassifying the property described above from the R-2 District to the CH & R-12 District.

Has any previous application or appeal been filed in connection with this property?
____ No X Yes

If yes, what type of application Rezoning Application RZ2014-05 & RZ2015-01 Date June 2014 March 2015

I do hereby make oath or affirmation that to the best of my knowledge, the foregoing information contained in this application is true and that no member of the City Council of Fredericksburg, Virginia has any interest in the land to be rezoned or has any interest in the outcome of the decision.

Richard T. Counselman 6/22/16
Signature of Applicant **Date**

PRINT NAME OF APPLICANT Hamptons at Family, L.P., a Virginia limited partnership
By: Hamptons at Family GP, L.L.C., General Partner
By: Richard T. Counselman Its Manager

The above oath or affirmation was signed before me and witnessed by me this 28nd day of June, 2016 in the County / City of Norfolk in the state of Virginia.

I was commissioned a notary public as Katrina Yasmeen Andrews.

Notary Signature Katrina Andrews Parham

Notary Registration # 7559299 Commission Expires 3/31/2017

_____ _____
Signature of Owner **Date**

PRINT NAME OF OWNER _____

The above oath or affirmation was signed before me and witnessed by me this _____ day of _____, _____ in the County / City of _____ in the state of Virginia.

Notary Signature _____

Notary Registration # _____ Commission expires _____

Zoning Map Amendment
(Application Continued)

I (we), the applicant(s) petition the Planning Commission and the City Council of Fredericksburg, Virginia to amend the Zoning Map of the City of Fredericksburg, Virginia by reclassifying the property described above from the R-2 District to the CH & R-12 District.

Has any previous application or appeal been filed in connection with this property?
_____ No X Yes

If yes, what type of application Rezoning Application RZ2014-05 & RZ2015-01 Date June 2014 March 2015

I do hereby make oath or affirmation that to the best of my knowledge, the foregoing information contained in this application is true and that no member of the City Council of Fredericksburg, Virginia has any interest in the land to be rezoned or has any interest in the outcome of the decision.

Signature of Applicant _____ Date 6/22/16

PRINT NAME OF APPLICANT Hamptons at Family, L.P., a Virginia limited partnership
By: Hamptons at Family GP, L.L.C., General Partner
By: Thomas G. Johnson, III, Its Manager

The above oath or affirmation was signed before me and witnessed by me this 22nd day of June, 2016 in the County / City of Norfolk in the state of Virginia.

Notary Signature Katrina Andrews Durham

I was commissioned a notary public as Katrina Yasmeen Andrews.

Notary Registration # 7559299 Commission Expires 3/31/2017

Signature of Owner _____ Date _____

PRINT NAME OF OWNER _____

The above oath or affirmation was signed before me and witnessed by me this _____ day of _____, _____ in the County / City of _____ in the state of Virginia.

Notary Signature _____

Notary Registration # _____ Commission expires _____

Zoning Map Amendment
(Application Continued)

I (we), the applicant(s) petition the Planning Commission and the City Council of Fredericksburg, Virginia to amend the Zoning Map of the City of Fredericksburg, Virginia by reclassifying the property described above from the R-2 District to the CH & R-12 District.

Has any previous application or appeal been filed in connection with this property?
_____ No X Yes

If yes, what type of application Rezoning Application RZ2014-05 & RZ2015-01 Date June 2014 March 2015

I do hereby make oath or affirmation that to the best of my knowledge, the foregoing information contained in this application is true and that no member of the City Council of Fredericksburg, Virginia has any interest in the land to be rezoned or has any interest in the outcome of the decision.

_____ _____
Signature of Applicant Date

PRINT NAME OF APPLICANT _____

The above oath or affirmation was signed before me and witnessed by me this _____ day of _____, _____ in the County / City of _____ in the state of Virginia.

Notary Signature _____

Notary Registration # _____ Commission Expires _____

Carol B. Coleman 6-24-16
Signature of Owner Date

PRINT NAME OF OWNER Carol B. Coleman

The above oath or affirmation was signed before me and witnessed by me this 24 day of June, 2016 in the County / City of Fredericksburg in the state of Virginia.

Notary Signature Dianna L. Graves

Notary Registration # 7506179 Commission expires 8-31-18

DIANNA L. GRAVES
NOTARY PUBLIC
REGISTRATION # 7506179
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES
8-31-18

Zoning Map Amendment
(Application Continued)

I (we), the applicant(s) petition the Planning Commission and the City Council of Fredericksburg, Virginia to amend the Zoning Map of the City of Fredericksburg, Virginia by reclassifying the property described above from the R-2 District to the CH & R-12 District.

Has any previous application or appeal been filed in connection with this property?
_____ No X Yes

If yes, what type of application Rezoning Application RZ2014-05 & RZ2015-01 Date June 2014 March 2015

I do hereby make oath or affirmation that to the best of my knowledge, the foregoing information contained in this application is true and that no member of the City Council of Fredericksburg, Virginia has any interest in the land to be rezoned or has any interest in the outcome of the decision.

_____ _____
Signature of Applicant Date

PRINT NAME OF APPLICANT _____

The above oath or affirmation was signed before me and witnessed by me this _____ day of _____, 2016 in the County / City of _____ in the state of Virginia.

Notary Signature _____

Notary Registration # _____ Commission Expires _____

Bonnie B. Carter 6.24.16
Signature of Owner Date

PRINT NAME OF OWNER Bonnie B. Carter

The above oath or affirmation was signed before me and witnessed by me this 24 day of June, 2016 in the County / City of Fredericksburg in the state of Virginia.

Notary Signature Dianna L. Graves

Notary Registration # 7506179 Commission expires 8.31.18

DIANNA L. GRAVES
NOTARY PUBLIC
REGISTRATION # 7506179
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES
8.31.18

Zoning Map Amendment
(Application Continued)

I (we), the applicant(s) petition the Planning Commission and the City Council of Fredericksburg, Virginia to amend the Zoning Map of the City of Fredericksburg, Virginia by reclassifying the property described above from the R-2 District to the CH & R-12 District.

Has any previous application or appeal been filed in connection with this property?
_____ No X Yes

If yes, what type of application Rezoning Application RZ2014-05 & RZ2015-01 Date June 2014 March 2015

I do hereby make oath or affirmation that to the best of my knowledge, the foregoing information contained in this application is true and that no member of the City Council of Fredericksburg, Virginia has any interest in the land to be rezoned or has any interest in the outcome of the decision.

_____ _____
Signature of Applicant Date

PRINT NAME OF APPLICANT _____

The above oath or affirmation was signed before me and witnessed by me this _____ day of _____, 2016 in the County / City of _____ in the state of Virginia.

Notary Signature _____

Notary Registration # _____ Commission Expires _____

Gloria B. Whittaker 24 Jun 16
Signature of Owner Date

PRINT NAME OF OWNER Gloria B. Whittaker

The above oath or affirmation was signed before me and witnessed by me this 24 day of June, 2016 in the County / City of Fredericksburg in the state of Virginia.

Notary Signature Dianna L Graves

Notary Registration # 7506179 Commission expires 8.31.18

DIANNA L. GRAVES
NOTARY PUBLIC
REGISTRATION # 7506179
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES
8.31.18

CITY OF FREDERICKSBURG
ZONING MAP AMENDMENT NARRATIVE

Project Name:	"The Hamptons Phase II"
Applicant:	Hamptons at Family, L.P., a Virginia limited partnership 440 Monticello Avenue, Suite 1700 Norfolk, VA 23510 Attn: Richard Counselman
Owner:	Carol B. Coleman, Bonnie B. Carter & Gloria B. Whittaker
Representative:	Charles W. Payne, Jr., Hirschler Fleischer, 725 Jackson Street; STE 200 Fredericksburg, VA 22401 (540) 604-2108 Fax (540) 604-2101 cpayne@hf-law.com
Engineer:	Bowman Consulting Group, Ltd. 650-A Nelms Circle Fredericksburg, VA 22406 (540) 371-0268 Fax (540) 371-3479
Architect:	TS3 Architects 1789 London Bridge Road Virginia Beach, Virginia 23453
Property:	GPIN# 7769-87-3295 (portion of) & GPIN# 7769-77-8378, commonly known as 44 Briscoe Lane, City of Fredericksburg, Virginia ("City"), and consisting of approximately 20.840 acres, located between Fall Hill Avenue and I-95, all as generally depicted on that certain generalized development plan prepared by the Engineer and entitled "The Hamptons Phase II General Development Plan" dated May, 2016, as last revised June 20, 2016 and marked as Exhibit A ("GDP")
Request:	Rezoning from R-2 to Commercial Highway zoning district ("CH") and Residential-12 ("R-12") zoning district accordance with Section 72-22.4, et al., of the City's Uniform Development Code ("UDO")
Date:	June 20, 2016

OVERVIEW

This Rezoning has been submitted in accordance with Sections 72-22.4, 72-31.5, 72-32.4 and 72-40.2, et al. of the City's UDO. The uses proposed herein are authorized as a permitted use under 72-40.2. The Project is further consistent with the City's September 8, 2015, comprehensive plan ("Comp Plan"), all as provided in more detail below.

The Applicant, headquartered in Norfolk, Virginia, is an affiliated company of S.L. Nusbaum Realty Co, which has been in the residential and commercial development business for over 100 years. S.L. Nusbaum Realty Co. is considered an industry leader in developing, constructing and managing multifamily housing and commercial properties. S.L. Nusbaum Realty Co. has developed over 7,000 apartment units and currently manages approximately 20,000 apartment units in the Southeastern United States of which 578 are in the Fredericksburg region (for more information, please go to: http://www.slnusbaum.com/) .

In addition, an affiliate of the Applicant (Hamptons at Noble, L.P.) recently obtained approval for a proffer amendment (Ordinance No. 15-16, dated 8-11-16) to develop one hundred and twenty-eight (128) multifamily units on City GPIN# 7769-87-5772, which parcel is adjacent to the subject parcels referenced under this application. Construction has commenced for this adjacent project and owner has obtained all necessary permits regarding the same.

The Property consists of approximately 20.840 acres, and stretches from Fall Hill Avenue to Interstate 95, and is surrounded by both commercial and residential properties. To the east of the site is commercial zoned property utilized for car dealership purposes (Rosner Mercedes and Volvo), and the aforesaid multifamily development, and to the north is Celebrate Virginia South and to the west and south are Central Park shopping center and I-95. There are a cluster of small single family lots between the site, Central Park and the Graves property farm. Within Celebrate Virginia South is a similar multifamily use named the "Seasons at Celebrate" and there are several townhouse and multifamily uses located both to the east and west along Fall Hill Avenue. The difference between those multifamily uses and the Project is that the Project is conveniently and strategically located in the center of two significant commercial centers notably Central Park and Celebrate Virginia South.

The Applicant is requesting a zoning map amendment to the Property from R-2 to CH (for commercial component) and from R-2 to R-12 (for multifamily and single family attached component) for purposes of developing a mixed use residential and commercial development project (collectively the "Project"). As noted, the current zoning of the Property is R-2, which allows two (2) dwelling single family detached units per acre within a suburban style subdivision setting. The portion of the Project designated as CH zoning is proposed for a car sales dealership, as shown on the GDP. The portion of the project designated as a R-12 zoning district allows up to twelve (12) units to the acre, and for purposes of this application will include no more than 78 single family attached (SFA) dwelling units along with five (5) multifamily buildings, each containing twenty four (24) units, for a total of one hundred and twenty (120) units. Thus, the total number of residential units (townhomes and multifamily) proposed is one-hundred and ninety-eight (198) units located on the R-12 portion of the project, all as shown on the GDP.

The attached single family units will include an average of approximately 18' wide internal units, 20' wide end units with one or two car garages. The multifamily units will include a mix of one, two and three bedroom units. As part of this Project, the Applicant also proposes a commercial component, which includes an approximately 20,300 square foot building for a future car dealership. All of the aforesaid proposed uses are generally shown and located on the attached GDP.

As previously noted, the Project is a companion project with proffer amendment application of an affiliate of the Applicant, which proffer amendment request for GPIN 7769-87-5772 was approved on August 11, 2015 by the adoption of Ordinance No. 15-16 ("The Hamptons at Noble"). The Hamptons at Noble project is located to the immediate east of the site and includes 128 multifamily units, all as provided more particularly in said application.

The Project will attract residents desiring high quality multifamily housing. Further, the Project will provide high-end market amenities all at affordable rental prices located at or near key shopping and entertainment areas of the City. In this regard, because of the Applicant's extensive experience utilizing the state and federal tax credit programs, the Applicant may offer, in the Fredericksburg region, a similar facility as the Seasons at rental rates at least twenty percent (20%) less on average. The household incomes for tenants at the Project will range from $37,000 to $75,000. The amenities for the Project will include a state of the art clubhouse with resort-style pool, fitness center, community room, and business center for the residents' use, all as depicted in the architectural renderings submitted with this application.

As noted above, the Project will be adjacent to two of the City's largest retail, hotel, restaurant, grocery and commercial trade centers, which include Central Park and Celebrate Virginia South. Both commercial venues are within a short walking distance of the site as are the shops and restaurants at Central Park. Thus, the Project should have a positive revenue generating effect on these immediate City shopping areas.

As previously noted, the Project will include 4.31 +/- acres for an approximately 20,300 square foot future car dealership, which will generate positive tax revenues and new employment opportunities along this corridor, and continue the high-end vehicles sales market in this area.

The Project will also offer several transportation improvements, dedications and other benefits, all as provided more particularly below.

DISCLAIMER STATEMENT:

To our knowledge and reasonable belief, no members of the City Council or the Planning Commission or any member of their immediate household or family owns or has a financial interest in the Property or Applicant.

PHASING PLAN:

It is anticipated the Project will commence in 2018 and be completed within 24 months thereafter, subject to market conditions.

ENVIRONMENTAL ANALYSIS:

An environmental analysis has been conducted by Bowman Consulting Group. The Property is not within the 100-year floodplain, flood zone, or river overlay district, nor are there any slopes in excess of twenty percent (20%). A Resource Protection Area (RPA) is not associated with the Property. Based on a wetland delineation study conducted by Bowman Consulting Group in April 2016, wetlands and other waters of the U.S. may be present on the Property; the results of the study will be submitted for review by the U.S. Army Corps of Engineers to confirm the limits of jurisdictional waters of the U.S. and wetlands on the Property. If any impacts to wetlands or streams are proposed for the Project, appropriate Federal and State permits will be applied for and obtained prior to construction. Further, the purpose of the rezoning will not adversely impact the area and the proposed use is consistent with other uses in the immediate area. The site is not within the Chesapeake Bay Preservation Overlay District.

According to the Department of Historic Resources database, the site does not include any cultural resources.

Based on a review of the Virginia Department of Historic Resources' (DHR) Virginia Cultural Resource Information System (VCRIS), there are no documented archaeological sites or historic resources within the Property limits. Two houses located immediately adjacent to the Property along Briscoe Lane (DHR IDs 111-5321 and 111-5278) are identified by DHR, but were determined to be not eligible for listing on the National Register of Historic Places (NRHP). A third house (Graves House, 3430 Fall Hill Avenue, DHR ID 111-5285) is located offsite and just to the south of the Property; this resource was also determined to be not eligible for listing on the NRHP by DHR. The Property is located within the designated Bank's Ford/Salem Church Battlefield District (DHR ID 088-5181). However, given the surrounding land uses and current site conditions, no adverse impacts to historic resources are anticipated as a result of the proposed development activities at the Property.

Based on a review of Project-specific information from the U.S. Fish and Wildlife Service (F&WS), the Virginia Department of Conservation and Recreation (DCR), and the Virginia Department of Game and Inland Fisheries (DGIF), no threatened and endangered species are anticipated to occur or be adversely affected by the proposed development activities.

The Project will also include landscaping buffers and plan, all as shown on page 6 of 8 of the GDP.

ARCHITECTURAL FEATURES

The Property is not located within City's historic district and the architectural features will be generally compatible with adjacent commercial auto dealerships (for the commercial use) and multifamily complex (for the residential uses). The Applicant has submitted an elevation of the general architectural features for the multifamily portion of the Project marked as Exhibit B, which is attached hereto and incorporated herein by this reference. This exhibit is intended to be general in nature and depicts (i) a commitment to a general type, character, and quality of

architectural design, details and materials; and (ii) the general types of architectural and decorative elements and features. Building materials for the residential uses will include brick, stone, glass, metal, wood, vinyl, fiber cement siding and/or other similar materials, all as generally depicted on said exhibit.

TRANSPORTATION

The Project will generate 2,023 vehicles per day ("VPD"), including 144 vehicles during the a.m. peak and 196 vehicles during the p.m. peak hour. These projections were calculated using the Trip Generation Manual (9th Edition) from the Institute of Transportation Engineers ("ITE").

The Project will have access from Briscoe Lane and Fall Hill Avenue in the areas shown on the GDP. The Applicant will improve and dedicate thirty feet (30') from the center line of right of way (0.576 acres in total) to Briscoe Lane, all as shown on the GDP. The Applicant will also dedicate sixty feet (60') from the centerline of right of way (0.748 acres) along Fall Hill Avenue and provide a one hundred and fifty foot (150') taper and one hundred and fifty foot (150') turn lane on Fall Hill Avenue into Noyack Lane , all as shown on the GDP. Additionally, the Applicant will dedicate 0.683 acres for the extension of Shadmoor Drive from The Hamptons at Noble property to Briscoe Lane.

In addition, the Applicant will locate interparcel connections as shown on the GDP. The Applicant will also construct and maintain certain private roads within the Project all as generally depicted on the GDP and not otherwise dedicated to the City. All private roads will be constructed in accordance with City UDO requirements.

Further, the Applicant, if not otherwise provided via the Fall Hill expansion project, will extend sidewalks from the Project along Fall Hill Avenue connecting to the Central Park sidewalk network system, if not built by others during the expansion project, and will provide a crosswalk across Fall Hill Avenue at the intersection of Gordon W. Shelton Boulevard, all as shown on the GDP. These extensive pedestrian connections will enhance pedestrian access to both Central Park and Celebrate Virginia commercial shopping centers. If requested by FRED, the Project will also feature a FRED stop for public/local transportation.

Notwithstanding anything to the contrary provided herein, the final transportation impact analysis shall be completed after the submission of this application, which may necessitate minor edits to the transportation analysis provided herein.

PUBLIC FACILITIES/UTILITIES ASSESSMENT

(1) Water Treatment Storage & Transmission Facilities:

This Project contains 120 residential multifamily units, 78 single family attached units and 20,300 square feet of office building. These uses will generate the following water/sewer usage:

- Commercial: 0.2 gallons x 20,300 SF of space for a total usage of 4,060 gallons per day for water and sanitary sewer

- 18 1BR @ 150 GPD, = 2700 GPD, 72 2BR @ 250 GPD = 18000 GPD, 30 3-BR @ 350 GPD = 10500 GPD, 31200 GPD total for MF

- 78 3-bedroom TH @ 400 GPD = 31200 GPD for TH, 62,400 total GPD demand.

The Project will connect to an existing 12" waterline stub at Briscoe Lane connecting through the site to a proposed extension of the 12" water line in Noble Way. We believe there is more than adequate capacity for this Project.

(2) Sewage Transmission & Treatment Facilities:

The Project will connect to an existing 8" sanitary sewer line along the south side of the site adjacent to I-95. We believe there is more than adequate capacity for this Project.

(3) Storm Sewerage and Storm Water Management on and off site:

The existing site is currently undeveloped. The proposed development includes approximately 12.10 acres of impervious area. Appropriate storm water management ("SWM") measures will be provided in accordance with the City code during the site plan process.

(4) Streets & Other Public Transportation Systems:

The Project will utilize Fall Hill Avenue, Briscoe Lane and intersection of Fall Hill Avenue and Noyack Lane for main ingress and egress to and from the Property, all as noted above and as generally depicted on the GDP.

PUBLIC SCHOOLS, LIBRARIES & PARKS

It is anticipated that the Project will generate approximately 26.04 (120 units x 0.217 students per unit = for MF) school aged children for the multifamily units and 35.724 (78 units x 0.458 students per unit) children for the single family attached units. Although this is a modest school age pupil impact deriving from the Project, the Applicant has proffered, pursuant to the proffer statement of even date herewith and provided with this application, the sum of up to $1 Million Dollars, which will be paid to the City general fund, for City school capital facility purposes. Proffers will be paid on a per unit basis upon the issuance of a final certificate of occupancy for each residential unit, all as provided more particularly in the said proffer statement.

We do not believe the Project will have any adverse impacts on City libraries, parks or other City core services.

FIRE & RESCUE

We understand a new fire and rescue facility (#3) will be constructed at Celebrate Virginia and this Project will be directly served by said facility.

MAINTENANCE & OPERATIONS

The Applicant will own and an affiliated company will manage the multifamily facilities (a third party will own the commercial space). The Applicant and or its assigns and/or successors will be responsible for all management, repair, maintenance, improvements and general care of the Property, including any shared maintenance of the common areas for both the residential and commercial uses.

It is anticipated that the car dealership will operate during normal business hours in accordance with similar adjacent uses.

COMPREHENSIVE PLAN

As noted above, this application is consistent with the City's Comprehensive Plan. Generally, as a multifamily housing project surrounded by commercial centers, the Project is in line with the City's designation as an Urban Development Area under the Code of Virginia and the Plan's stated intent to support the creation of livable urban communities. More specifically, the Project directly advances multiple designated goals of the Plan for residential neighborhoods, transportation, and business development.

Under the City's residential neighborhood goal for neighborhood quality, the Plan defines livability as "safe and walkable, with a variety of housing choices and ready access to work, shopping, and services." The Project would contribute to the variety of housing options within the City and is conveniently located between two major commercial centers, providing residents with walkable access to work, shopping and services. Further, the Project aids the residential neighborhood goals of providing affordable housing and a variety of housing opportunities in the City. As noted above, through the use of tax credits, the Applicant intends to offer multifamily housing at rates 20% less than comparable facilities, for tenants with an initial range of incomes from $37,000 to $75,000. In addition, the Project will include 78 townhouse units, which will increase the stock of affordable homes within the City. The homes will be marketed and sold as owner occupied units.

For transportation, the Project furthers the Plan's goals to reduce auto congestion and expand the City's walkability with interconnected neighborhoods. As shown on the GDP, the Applicant will extend sidewalks from the Project to the Central Park sidewalk network, connecting the residential neighborhood to a major commercial center and amenities. This sidewalk expansion will enhance pedestrian access in the area and encourage walking versus driving for residents. The Project is also in line with the transportation goal policy of recognizing compact, integrated development is the best use of finite urban space. Further, the Applicant will dedicate Shadmoor Drive within the Project and construct Shadmoor Drive from Noble Drive to Brisco Lane, all as shown on the GDP. In addition, the Applicant will provide for a crosswalk (across Fall Hill Avenue) to the shopping areas to the north and, if requested by FRED, a Fred Bus Stop within the Project. Also note that pursuant to the prior referenced approval Ordinance 15-16, the Applicant has proffer cash to construct a full light intersection at Noble Way and Fall Hill Avenue, which will improve the immediate transportation activity in this area.

For purposes of business development, the Project advances the goal of mixed-uses in corridors by blending a residential community with adjacent commercial properties, all near the major Interstate 95 transportation corridor. Further, this Project will create a center of activity and commerce and increase consumer spending in this area, and attract other business to Celebrate Virginia South and Central Park. In addition, the proposed car sales dealership will expand the luxury car sales market along the Fall Hill Ave corridor, and is consistent with the recent Garner Economics, LLC report, dated January 2016, and revised April 23, 2016, which encourages more car sales dealerships within the City. Beyond these specifics, the Project is also consistent with City UDO goals and will have a positive impact on surrounding properties, as noted below:

CONSISTENCY WITH CITY UDO GOALS

As noted herein, the Property is located within the Land Use Planning Area 1, "Celebrate Virginia/Central Park" and is currently zoned R-2. The Project will be developed in accordance with the City's UDO, including without limitation §72-32.4, §72-31.5, §72-40.2, and §72-50 of the UDO, all as the aforesaid may be applicable and/or otherwise modified or waived by the City's Zoning Administrator.

IMPACTS TO SURROUNDING PROPERTIES

As noted above, the Project is conveniently located adjacent to several commercial enterprises, including the retail shops and restaurants at Central Park, a large grocer, a new entertainment venue and other business services provided at Celebrate Virginia South. In addition, the Fall Hill Ave corridor includes other multifamily and townhouse uses in this area, including a similar development known as the Seasons at Celebrate.

The Applicant will invest approximately $23 million in the Project, which will generate new economic development opportunities for this area of the City. The Project will also generate new spending and tax revenues at Central Park and Celebrate Virginia South, which will provide a much needed boost to new employment opportunities in this area and increase commercial tax base revenues at these shopping centers.

In addition, the Applicant will improve portions of Briscoe Lane and dedicate 60 feet from the centerline of right of way along Fall Hill Avenue to assist with the planned improvements to Fall Hill Avenue. Further, the Project will include a new FRED stop and extend sidewalk connectivity to Central Park and a crosswalk across Fall Hill Avenue (as noted above), which will improve pedestrian and bicycle mobility in this area. Further, the Project will construct new transportation facilities, including Shadmoor Drive, which will extend from Briscoe Lane to Noble Lane, and provide interparcel connections both to the east and west as shown on the GDP.

[AUTHORIZED SIGNATURES/CERTIFICATION/ENDORSEMENTS TO FOLLOW]

APPLICANT CERTIFICATIONS

The Applicant hereby certifies that the use and development of the Property, and all improvements thereon, are subject to the final approval by the City of this zoning application, and thereafter final site and construction plans for the Project.

The Applicant further certifies that the Project will conform to all applicable City ordinances, regulations and performance standards, unless and except any waiver, modification, exception or variance to said requirements is granted for this Project by the City, including without limitation as requested and provided in this application.

The Applicant further certifies that all information included herein and with this application is true and correct to the best of the Applicant's knowledge.

WITNESS the following authorized signatures:

Hamptons at Family, L.P.,
a Virginia limited partnership

By: Hamptons at Family GP, L.L.C., General Partner

By: _____
Print Name: Richard T. Counselman
Title: Manager

By: _____
Print Name: Thomas G. Thomas III
Title: Manager

COMMONWEALTH OF VIRGINIA,
CITY/COUNTY/TOWN OF Norfolk, to wit:

I, the undersigned, a Notary Public in and for the jurisdiction aforesaid, do hereby certify that Richard T. Counselman, in his/her capacity as Manager for Hamptons at Family GP, L.L.C, the General Partner of Hamptons at Family, L.P. has personally acknowledged the same before me in my aforesaid jurisdiction.

GIVEN under my hand and seal this 22nd day of June, 2016.

Katrina Andrews Parham
Notary Public

I was commissioned a notary public as Katrina Yasmeen Andrews.

Print Name: Katrina Andrews Parham
My Commission Expires: 3/31/2017
Registration No.: 7559299 [SEAL]

KATRINA YASMEEN ANDREWS
NOTARY PUBLIC
REG # 7559299
COMMISSION EXPIRES 03/31/2017
COMMONWEALTH OF VIRGINIA

COMMONWEALTH OF VIRGINIA,
CITY/COUNTY/TOWN OF Norfolk, to wit:

I, the undersigned, a Notary Public in and for the jurisdiction aforesaid, do hereby certify that Thomas G. Johnson, III, in his/her capacity as Manager for Hamptons at Family GP, L.L.C, the General Partner of Hamptons at Family, L.P. has personally acknowledged the same before me in my aforesaid jurisdiction.

GIVEN under my hand and seal this 22nd day of June, 2016.

Katrina Andrews Parham
Notary Public

Print Name: Katrina Andrews Parham
My Commission Expires: 3/31/2017
Registration No.: 7559299 [SEAL]

I was commissioned a notary public as Katrina Yasmeen Andrews.

KATRINA YASMEEN ANDREWS
NOTARY PUBLIC
REG # 7559299
COMMISSION EXPIRES 03/31/2017
COMMONWEALTH OF VIRGINIA

OWNERS ENDORSEMENT

WE, the undersigned, being all of the owners of the property described in this application hereby endorse the application and have authorized the Applicant to proceed forward with this rezoning application as submitted.

By: _____
Carol B. Coleman

COMMONWEALTH OF VIRGINIA,
CITY OF Fredericksburg, to wit:

I, the undersigned, a Notary Public in and for the jurisdiction aforesaid, do hereby certify that Carol B. Coleman has personally acknowledged the same before me in my aforesaid jurisdiction.

GIVEN under my hand and seal this 24 day of June, 2016.

_____
Notary Public

Print Name: Dianna L. Graves
My Commission Expires: 7506179
Registration No.: 8-18-3
[SEAL]

DIANNA L. GRAVES
NOTARY PUBLIC
REGISTRATION # 7506179
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES
8-31-18

By: Bonnie B. Carter
Bonnie B. Carter

COMMONWEALTH OF VIRGINIA,
CITY OF Fredericksburg, to wit:

I, the undersigned, a Notary Public in and for the jurisdiction aforesaid, do hereby certify that Bonnie B. Carter has personally acknowledged the same before me in my aforesaid jurisdiction.

GIVEN under my hand and seal this 24 day of June, 2016.

Dianna L. Graves
Notary Public

Print Name: Dianna L. Graves
My Commission Expires: 8-31-18
Registration No.: 7506179
[SEAL]

DIANNA L. GRAVES
NOTARY PUBLIC
REGISTRATION # 7506179
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES
8-31-18

By: Gloria B. Whittaker
Gloria B. Whittaker

COMMONWEALTH OF VIRGINIA,
CITY OF Fredericksburg, to wit:

I, the undersigned, a Notary Public in and for the jurisdiction aforesaid, do hereby certify that Gloria B. Whitaker has personally acknowledged the same before me in my aforesaid jurisdiction.

GIVEN under my hand and seal this 24 day of June, 2016.

Dianna L. Graves
Notary Public

Print Name: Dianna L. Graves
My Commission Expires: 8.31.18
Registration No.: 7506179
[SEAL]

DIANNA L. GRAVES
NOTARY PUBLIC
REGISTRATION # 7506179
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES
8-31-18

VOLUNTARY PROFFER STATEMENT

Project Name:	The Hamptons Phase II
Applicant & Contract Purchaser:	Hamptons at Family, L.P., a Virginia limited partnership 440 Monticello Avenue, Suite 1700 Norfolk, VA 23510 Attn: Richard Counselman
Counsel:	Charles W. Payne, Jr. Esq. Hirschler Fleischer 725 Jackson Street; STE 200 Fredericksburg, VA 22401
Owner:	Carol B. Coleman, Bonnie B. Carter & Gloria B. Whittaker
Property:	GPIN# 7769-87-3295 (portion of) & GPIN# 7769-77-8378, known as 44 Briscoe Lane, City of Fredericksburg, Virginia ("City"), and consisting of approximately 20.840 acres, located between Fall Hill Avenue and I-95, all as generally depicted on the GDP (as defined below), all of the aforesaid collectively the "Property"
GDP:	That certain generalized development plan prepared by Bowman Consulting and titled "The Hamptons Phase II, General Development Plan", dated May 2016, as last revised August 9, 2016 (the "GDP")
Request:	Rezoning from R-2 to Commercial Highway ("CH") and Residential-12 ("R-12") in accordance with Section 72-22.4, et al., of the City's Uniform Development Code ("UDO")
City Case No:	RZ2016-03
Date:	August 9, 2016

The Owner and Applicant voluntarily proffer the conditions listed below which shall be applied to the Property if it is rezoned to the Commercial Highway ("CH") and Residential-12 ("R-12) zoning districts, as shown on the GDP. These conditions are proffered as a part of the requested rezoning and the Owner and Applicant acknowledge that they are voluntary and reasonable in accordance with Sections 15.2-2298 and 15.2-2303, et al. of the Code of Virginia (1950), as amended (collectively the "Proffers"). In the event the above-referenced rezoning is not approved by the City Council of the City of Fredericksburg, Virginia ("City"), then the Proffers shall be withdrawn, and thus null and void. Upon approval by the City of this rezoning and these Proffers, any and all prior proffers encumbering the Property shall be null and void and of no further force and effect, and the Proffers shall supersede said prior proffers, and thereafter be in

full force and effect. The Proffers shall run with and encumber the Property or any portion thereof and are binding upon all future assignees, successors, grantees, or lessees thereof. The headings of the Proffers set forth below have been prepared for convenience or reference only and shall not control or affect the meaning or be taken as an interpretation of any provision of the Proffers.

1. **LAND USE**

A. The Property is to be rezoned under the City's CH and R-12 zoning districts, for purposes of developing and constructing the following:

(i) under the CH zoning district for a portion of the Property as shown on the GDP, a proposed car dealership (the "Commercial Project"); and

(ii) under the R-12 zoning district for a portion of the Property as shown on the GDP, no greater than 78 single family attached dwellings (the "SFA Project"); and (ii) five multifamily buildings, containing a total of 120 units (the "Apartment Project").

(iii) subdivision of the Property shall be in general accordance with the attached GDP.

(iv) all of the above being known collectively as the "Project".

B. Generalized Development Plan: The Property shall be developed in general conformance with the GDP, which is attached hereto, incorporated herein by this reference and marked as Exhibit A. For purposes of the final site and subdivision plans, minor adjustments may occur for purposes of addressing final site plans, engineering, design requirements and/or compliance with federal or state agency regulations including, but not limited to, Virginia Department of Transportation ("VDOT"), Virginia Department of Environmental Quality ("DEQ"), Army Corps of Engineers, etc., and compliance with the requirements of the City's development regulations and design standards manual. Notwithstanding the foregoing, any modifications or adjustments to the final plans, as noted above, shall be approved by the City Zoning Administrator.

2. **TRANSPORTATION**

A. **Briscoe Lane Improvements.** The Applicant shall improve portions of Briscoe Lane (including curb and gutter and sidewalk area) and dedicate 0.576 acres of public right of way, all in the locations shown and depicted on the GDP (collectively the "Briscoe Lane Improvements"). The Briscoe Lane Improvements shall be designed and constructed in accordance with standards for public streets under the City Uniform Development Code ("City Code") §72-52.1, et al. The Applicant shall substantially complete the Briscoe Lane Improvements on or before the issuance of a final certificate of occupancy by the City for the last multifamily building of the Apartment Project (the "Apartment Project Completion").

B. **Shadmoor Drive Improvements.** The Applicant shall dedicate public right of way and construct Shadmoor Drive from Noble Way to Brisco Lane, all as shown and described on the GDP ("Shadmoor Drive Improvements"). The Shadmoor Drive Improvements shall be designed and constructed in accordance with standards for public streets under City Code §72-52.1, et al. The Applicant shall substantially complete said improvements on or before the Apartment Project Completion.

C. **Extension of Sidewalk Network**. The Applicant agrees to extend and connect a portion of the sidewalk along Fall Hill Avenue within the area shown and depicted on the GDP as "Connect to Existing Sidewalk" (the "Extended Sidewalk Area"). The Applicant agrees to substantially complete the Extended Sidewalk Area on or before the Apartment Project Completion. Notwithstanding the foregoing, in the event the Applicant is unable (at no fault of the Applicant) to complete the Extended Sidewalk Area prior to the Apartment Project Completion, then upon the Apartment Project Completion, the Applicant shall pay the City a cash proffer of $16,700.00 (which reflects the costs of the Extended Sidewalk Area) in lieu of constructing the Extended Sidewalk Area.

D. **FRED Stop**. Subject to the approval of FRED Regional Transit ("FRED"), the Applicant shall locate a FRED stop within the Property, which shall include applicable FRED stop signage and a shelter. If requested by FRED, the Applicant agrees to locate and install the FRED stop as described herein on or before the first certificate of occupancy for the first residential apartment building.

E. **Crosswalk**. The Applicant agrees to install a crosswalk across Fall Hill Avenue at its intersection with Gordon W. Shelton Boulevard within the area shown and depicted on the GDP as "PROPOSED CROSSWALK" (the "Crosswalk). The Applicant agrees to substantially complete the Crosswalk on or before the Apartment Project Completion. Notwithstanding the foregoing, in the event the Applicant is unable (at no fault of the Applicant) to complete the Crosswalk prior to the Apartment Project Completion, then upon the Apartment Project Completion, the Applicant shall pay the City a cash proffer of $4,100.00 (which reflects the costs of the Crosswalk) in lieu of installing the Crosswalk.

F. **Fall Hill Avenue Improvements**. The Applicant shall dedicate certain right of way and construct improvements along Fall Hill Avenue to include a 150' right turn lane and a 150' taper off of Fall Hill Avenue and onto Noyack Lane, all within the areas shown and depicted on the GDP ("Fall Hill Avenue Access Improvements"). The Fall Hill Avenue Access Improvements shall be designed and constructed in accordance with standards for public streets under City Code §72-52.1, et al. The Applicant shall substantially complete said improvements on or before the City issuance for the certificate of occupancy for the first residential apartment building within the Apartment Project.

G. **Public Access**. Upon the City's request and after the Applicant has completed the transportation improvements described herein, the Applicant agrees to grant public ingress/egress and pedestrian access across the following private roads within the Project (all as shown on the GDP):

(i) across Noyack Lane from its intersection with Fall Hill Avenue to its intersection with Islip Lane; and

(ii) across Islip Lane from its intersection with Briscoe Lane to its interparcel connection with The Hamptons Phase I.

3. ARCHITECTURAL FEATURES

A. **General Features for Apartment Project**. The general architectural features and design for the Apartment Project shall be as depicted on the attached Exhibit B, which exhibit is incorporated herein by this reference (the "Apartment Project Elevations").

B. **Materials for Apartment Project**. The building materials for the Apartment Project shall be as provided on Exhibit B.

C. **General Features & Materials for SFA Project**. The units for the SFA Project shall be no less than 18 feet in width, and include one or two car garages, and the building materials shall be substantially similar to the Apartment Project.

D. **General Features & Materials for Commercial Project**. The general architectural features and design and materials for the Commercial Project shall be generally similar to the adjoining Mercedes and Volvo commercial car dealerships.

4. CASH PROFFERS. For purposes of mitigating potential impacts to City school capital facilities and fire and rescue capital facilities, the Applicant, in accordance with the City's underlying UDO and applicable state code stated herein, shall pay an aggregate total of up to One Million Dollars ($1,000,000.00) in cash proffers for the Apartment Project and SFA Project pursuant to the following payment schedule:

A. for purposes of the Apartment Project, the Applicant shall pay $5,050.50 per unit, which shall be payable upon the issuance of a final certificate of occupancy for each multifamily building within the Apartment Project; and

B. for purpose of the SFA Project, the Applicant shall pay $5,050.50 per unit, which shall be payable upon the issuance of a final certificate of occupancy for each unit within the SFA Project.

C. for purposes of the foregoing proffers Section 4 A. and 4 B., the per unit cash proffer shall be applied as follows:

(i) $505.00 per unit (aggregate of $99,990.00) for fire and rescue public facilities; and

(ii) $4,545.50 per unit (aggregate of $900,010.00) for public school facilities.

5. **AMENITIES.** The Applicant will construct and locate on the Property a club house and pool, all as generally depicted on the GDP, which will be completed prior to the issuance of the certificate of occupancy for the first residential apartment building.

6. **WAYSIDE PANEL CASH PROFFER.** The Applicant agrees to pay $4,000 to the City as a cash proffer for the cost to acquire two wayside panels for purposes of identifying a historic civil war battlefield. The Applicant agrees to pay said proffer upon the City issuance of the certificate of occupancy for the first residential apartment building. The wayside panels shall be located within the Fall Hill Avenue right of way and shall be maintained by the City.

7. **LANDSCAPING PROFFER**. For purposes of the proposed commercial vehicle sales facility located along Fall Hill Avenue, the Applicant agrees to extend west the landscape buffer provided along Fall Hill Avenue (fronting the current Mercedes and Volvo dealerships) and to include the following features:

A. 20' wide landscape buffer from the edge of the dedicated right of way for Fall Hill Avenue and extending south toward the proposed dealership all in the area shown on the GDP;

B. along with a berm that includes a minimum height of 2.5' within the said buffer. The berm shall not be aligned in a straight line, but rather shall meander within the said buffer area in a manner consistent with the adjoining buffer to the east (e.g. Volvo dealership);

C. tree planting within said buffer to include trees with a diameter of least 3.5 inches at breast height on 30' centers, except the said trees shall not be located closer than seventy (70) feet to any access area along Fall Hill Avenue;

D. the Applicant agrees to trim the trees so a minimum of seven (7) feet of base of each tree measured from the base of the berm will be free of branches; and

E. the Applicant will also plant four ornamental shrubs selected by the Applicant between each 30' tree section, and the ornamental shrubs shall not exceed the height of the said berm.

[AUTHORIZED SIGNATURES TO FOLLOW]

WITNESS the following signatures acknowledging approval and consent of this proffer statement:

APPLICANT/CONTRACT PURCHASER:

Hamptons at Family, L.P.,
a Virginia limited partnership

By: Hamptons at Family GP, L.L.C., its General Partner

By: _____
Print Name: Richard T. Counselman
Title: Manager

By: _____
Print Name: Thomas G. Johnson, III
Title: Manager

COMMONWEALTH OF VIRGINIA,
CITY/COUNTY/TOWN OF Norfolk, to wit:

I, the undersigned, a Notary Public in and for the jurisdiction aforesaid, do hereby certify that Richard T. Counselman, in his/her capacity as Manager for Hamptons at Family GP, L.L.C, the General Partner of Hamptons at Family, L.P. has personally acknowledged the same before me in my aforesaid jurisdiction.

GIVEN under my hand and seal this 9 day of August, 2016.

Katrina Andrews Parham
Notary Public

I was commissioned a notary public as Katrina Yasmeen Andrews.

Print Name: Katrina Andrews Parham
My Commission Expires: 3/31/2017
Registration No.: 7559299 [SEAL]

KATRINA YASMEEN ANDREWS
NOTARY PUBLIC
REG # 7559299
COMMISSION EXPIRES 03/31/2017
COMMONWEALTH OF VIRGINIA

COMMONWEALTH OF VIRGINIA,
CITY/COUNTY/TOWN OF Norfolk, to wit:

I, the undersigned, a Notary Public in and for the jurisdiction aforesaid, do hereby certify that Thomas G. Johnson, III, in his/her capacity as Manager for Hamptons at Family GP, L.L.C, the General Partner of Hamptons at Family, L.P. has personally acknowledged the same before me in my aforesaid jurisdiction.

GIVEN under my hand and seal this 9 day of August, 2016.

Katrina Andrews Parham
Notary Public

I was commissioned a notary public as Katrina Yasmeen Andrews.

Print Name: Katrina Andrews Parham
My Commission Expires: 3/31/2017
Registration No.: 7559299 [SEAL]

KATRINA YASMEEN ANDREWS
NOTARY PUBLIC
REG # 7559299
COMMISSION EXPIRES 03/31/2017
COMMONWEALTH OF VIRGINIA

OWNERS

By: Carol B. Coleman
Carol B. Coleman

COMMONWEALTH OF VIRGINIA,
CITY/~~COUNTY/TOWN~~ OF Fredericksburg, to wit:

I, the undersigned, a Notary Public in and for the jurisdiction aforesaid, do hereby certify that Carol B. Coleman has personally acknowledged the same before me in my aforesaid jurisdiction.

GIVEN under my hand and seal this 11th day of August, 2016.

Betty J. Miller
Notary Public

Print Name: Betty J. Miller
My Commission Expires: 08/31/2018
Registration No.: 4060695
[SEAL]

BETTY J. MILLER
NOTARY PUBLIC
REG # 4060695
MY COMMISSION EXPIRES 8/31/2018
COMMONWEALTH OF VIRGINIA

By: Bonnie B. Carter
Bonnie B. Carter

COMMONWEALTH OF VIRGINIA,
CITY/~~COUNTY/TOWN OF~~ Fredericksburg to wit:

I, the undersigned, a Notary Public in and for the jurisdiction aforesaid, do hereby certify that Bonnie B. Carter has personally acknowledged the same before me in my aforesaid jurisdiction.

GIVEN under my hand and seal this 10th day of August, 2016.

Betty J. Miller
Notary Public

Print Name: BETTY J. MILLER
My Commission Expires: 08/31/2018
Registration No.: 4060695
[SEAL]

BETTY J. MILLER
NOTARY PUBLIC
REG # 4060695
MY COMMISSION EXPIRES 8/31/2018
COMMONWEALTH OF VIRGINIA

By: Gloria B. Whittaker
Gloria B. Whittaker

COMMONWEALTH OF VIRGINIA,
CITY/~~COUNTY/TOWN~~ OF Fredericksburg to wit:

I, the undersigned, a Notary Public in and for the jurisdiction aforesaid, do hereby certify that Gloria B. Whittaker has personally acknowledged the same before me in my aforesaid jurisdiction.

GIVEN under my hand and seal this 11th day of August, 2016.

Betty J. Miller
Notary Public

Print Name: Betty J. Miller
My Commission Expires: 08/31/2018
Registration No.: 4060695
[SEAL]

BETTY J. MILLER
NOTARY PUBLIC
REG # 4060695
MY COMMISSION EXPIRES 8/31/2018
COMMONWEALTH OF VIRGINIA

EXHIBIT A

GDP

GENERAL DEVELOPMENT PLAN

THE HAMPTONS PHASE II

WARD 1
CITY OF FREDERICKSBURG, VIRGINIA

SHEET INDEX

NO.	DESCRIPTION
1.	COVER SHEET
2.	LEGEND, ABBREVIATIONS, AND ROAD SECTIONS
3.	REZONING PLAT
4.	SCHEMATIC PLAN
5.	EX. CONDITIONS / ENVIRONMENTAL ANALYSIS PLAN
6.	LANDSCAPE & SIGNAGE PLAN
7.	TRANSPORTATION ANALYSIS & PEDESTRIAN PLAN
8.	PUBLIC FACILITIES ASSESSMENT PLAN

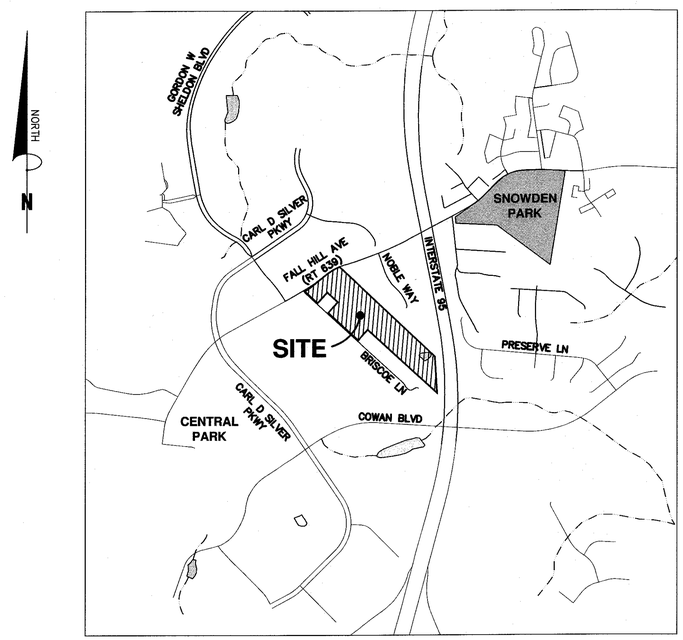
APPLICANT
HAMPTONS AT FAMILY, L.P.
440 MONTICELLO AVENUE, SUITE 1700
NORFOLK, VA 23510
CONTACT: RICHARD COUNSELMAN

OWNER
CAROL B. COLEMAN, BONNIE B. CARTER &
GLORIA WHITAKER

PLANNER/ ENGINEER
BOWMAN CONSULTING GROUP
650A NELMS CIRCLE
FREDERICKSBURG, VA 22406
P: (540) 371-0268
F: (540) 371-3479
CONTACT: MR. WILLIAM S. PYLE, P.E.

LAND USE ATTORNEY
CHARLES W. PAYNE, JR.
C/O HIRSCHLER FLEISCHER
725 JACKSON STREET, SUITE 200
FREDERICKSBURG, VA 22401
PHONE: (540) 604-2108

VICINITY MAP
1" = 1000'



GENERAL NOTES

1. THE AREA TO BE REZONED FOR THIS PROJECT CONSISTS OF A ±20.84 ACRE PORTION OF THE PARCELS IDENTIFIED AS TAX MAP 272-91 (GPIN 7769-87-3295) AND 272-91C (GPIN 7769-77-8378).
2. THE PROPERTIES DELINEATED HEREON CURRENTLY STAND IN THE NAMES OF GLORIA B. WHITTAKER, BONNIE B. CARTER AND CAROL B. COLEMAN AS RECORDED IN DEED BOOK 208 AT PAGE 100 AND DEED BOOK 208 AT PAGE 97 IN THE CLERKS OFFICE OF THE CITY OF FREDERICKSBURG AND IS SHOWN AS A PORTION OF GPIN: 7769-87-3295 AND GPIN: 7769-77-8378.
3. THE SUBJECT PROPERTY IS CURRENTLY VACANT AND ZONED R2 RESIDENTIAL. THE PROPOSED ZONING FOR THIS SITE IS C-H, COMMERCIAL-HIGHWAY DISTRICT AND R-12 RESIDENTIAL DISTRICT.
4. BOUNDARY AND MERIDIAN SHOWN HEREON, AND REZONING PLAT HEREIN, ARE BASED ON A PLAT ENTITLED "PLAT OF BOUNDARY AND TOPOGRAPHIC SURVEY TAX MAP 272 PARCEL 91" PREPARED BY BAGBY, CALDWELL AND ASSOCIATES, P.C., DATED FEBRUARY 2005 AND DOES NOT REPRESENT A CURRENT FIELD RUN SURVEY BY BOWMAN CONSULTING. ADDITIONAL PROPERTY INFORMATION WAS DERIVED FROM CITY OF FREDERICKSBURG GIS DATA.
5. ADDITIONAL TOPOGRAPHY SHOWN IN THIS PLAN WAS OBTAINED FROM THE CITY OF FREDERICKSBURG GIS. THE CONTOUR INTERVAL IS 2 FEET.
6. THE SITE DOES NOT LIE WITHIN A FLOODPLAIN OVERLAY DISTRICT.
7. THE SITE IS LOCATED WITHIN THE CHESAPEAKE BAY OVERLAY DISTRICT, HUB ZONE TRACT 5, AND THE CELEBRATE VIRGINIA SOUTH TOURISM ZONE.
8. THERE ARE COMMERCIAL AND RESIDENTIAL USES PROPOSED ON THIS SITE.
9. THERE ARE NO KNOWN CEMETERIES OR HISTORIC STRUCTURES LOCATED ON THE SUBJECT PROPERTY. MORE SPECIFICALLY, BASED ON A REVIEW OF THE VIRGINIA DEPARTMENT OF HISTORIC RESOURCES' (DHR) VIRGINIA CULTURAL RESOURCE INFORMATION SYSTEM (VCRIS), THERE ARE NO DOCUMENTED ARCHAEOLOGICAL SITES OR HISTORIC RESOURCES WITHIN THE PROPERTY LIMITS. TWO HOUSES LOCATED IMMEDIATELY ADJACENT TO THE PROPERTY ALONG BRISCOE LANE (DHR IDS 111-5321 AND 111-5278) ARE IDENTIFIED BY DHR, BUT WERE DETERMINED TO BE NOT ELIGIBLE FOR LISTING ON THE NATIONAL REGISTER OF HISTORIC PLACES (NRHP). A THIRD HOUSE (GRAVES HOUSE, 3430 FALL HILL AVENUE, DHR ID 111-5285) IS LOCATED OFFSITE AND JUST TO THE SOUTH OF THE PROPERTY; THIS RESOURCE WAS ALSO DETERMINED TO BE NOT ELIGIBLE FOR LISTING ON THE NRHP BY DHR. THE PROPERTY IS LOCATED WITHIN THE DESIGNATED BANK'S FORD/SALEM CHURCH BATTLEFIELD DISTRICT (DHR ID 088-5181). HOWEVER, GIVEN THE SURROUNDING LAND USES AND CURRENT SITE CONDITIONS, NO ADVERSE IMPACTS TO HISTORIC RESOURCES ARE ANTICIPATED AS A RESULT OF THE PROPOSED DEVELOPMENT ACTIVITIES AT THE PROPERTY.
10. THE PROPERTY IS LOCATED IN ZONE "X" (AREAS DETERMINED TO BE OUTSIDE 500 YEAR FLOODPLAIN) AS SHOWN ON FEMA FLOOD INSURANCE RATE MAPS FOR THE CITY OF FREDERICKSBURG, VIRGINIA, COMMUNITY-PANEL NUMBER 5100650020C; EFFECTIVE DATE SEPTEMBER 19, 2007.
11. THE PROPOSED SITE WILL BE SERVED BY PUBLIC WATER AND SEWER MAINTAINED BY THE CITY OF FREDERICKSBURG.
12. THE PROPOSED SITE WILL CONTAIN PRIVATE ROADS MAINTAINED BY THE PROPERTY OWNERS; AND PUBLIC STREETS TO BE MAINTAINED BY THE CITY OF FREDERICKSBURG.
13. THE STREETS SHALL BE DESIGNED IN ACCORDANCE WITH THE CITY OF FREDERICKSBURG'S DESIGN STANDARDS MANUAL.
14. STORMWATER MANAGEMENT FACILITY(S) AND OPEN SPACE SHALL BE MAINTAINED BY THE PROPERTY OWNER(S).
15. DIMENSIONS, AREAS, BUILDING SQUARE FOOTAGES, AND LAYOUT ARE APPROXIMATE IN NATURE AND SUBJECT TO CHANGE WITH FINAL ENGINEERING.
16. EROSION CONTROL FOR THIS SITE WILL BE PROVIDED THROUGH ONSITE MEASURES IN ACCORDANCE WITH THE VIRGINIA EROSION AND SEDIMENTATION CONTROL HANDBOOK.
17. STORMWATER SHALL BE CONTROLLED THROUGH A STORM DRAINAGE SYSTEM IN ACCORDANCE WITH THE VASWMH.

Bowman CONSULTING

Bowman Consulting Group, Ltd.
650A Nelms Circle
Fredericksburg, Virginia 22406

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Fax: (540) 371-3479
www.bowmanconsulting.com

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COVER SHEET
THE HAMPTONS PHASE II
GENERAL DEVELOPMENT PLAN
CITY OF FREDERICKSBURG, VIRGINIA
WARD 1

RZ2016-03
CITY PROJECT NUMBER

COMMONWEALTH OF VIRGINIA
WILLIAM S. PYLE
Lic. No.037555
08/09/16
PROFESSIONAL ENGINEER

PLAN STATUS	
03/31/16	PRE-APP SUBMISSION
06/20/16	1ST SUBMISSION
08/09/16	2ND SUBMISSION

DATE	DESCRIPTION

BO/SG	SG	WSP
DESIGN	DRAWN	CHKD

SCALE H: V: AS NOTED

JOB No. 9432-01-001

DATE : MAY 2016

FILE No. 9432-D-ZP-001

SHEET 1 OF 8

Cad file name : P:\9432 - Coleman Property\9432-01-001 (PLN)\Planning\Rezoning\DWGS\001-9432-D-ZP-001-COV.dwg

LEGEND

EXISTING	DESCRIPTION	PROPOSED
40	INDEX CONTOUR	40
38	INTERMEDIATE CONTOUR	38
EX. E/P	EDGE OF PAVEMENT	PROP. E/P
EX. C & G	CURB AND GUTTER	CG-6
–	TRANSITION FROM CG-6 TO CG-6R	CG-6R
–	PROPOSED HEADER CURB	
–	PROPERTY LINE	
–	DEPARTING PROPERTY LINE	
	LOT LINE	
	RIGHT-OF-WAY	
	CENTERLINE	
	FLOOD PLAIN	
–	CLEARING AND GRADING	
	TREE LINE	
–	FLOW LINE OF SWALE	
–	STREAM	
–	OVERLAND RELIEF PATHWAY	
X	FENCE LINE	X
	EASEMENT	
EX. 8" W/L	WATER LINE	8" DIP W/L
EX. W/V	WATER VALVE	PROP. W/V
EX. R.	REDUCER	PROP. R.
EX 8" SAN	SANITARY SEWER	8" PVC SAN
EX 18"	STORM SEWER	18"RCP
–	CABLE TV	CATV
E	ELECTRIC SERVICE	E
T	TELEPHONE SERVICE	T
G	GAS LINE	G
+ 25.32	SPOT ELEVATION	+25.32
	UTILITY POLE	
	SIGN	
EX. A	SANITARY SEWER IDENTIFIER	A
EX. 2	STORM DRAIN IDENTIFIER	2
W	EASEMENT IDENTIFIER	W
	WATER METER	
	FIRE HYDRANT	
–	PARKING INDICATOR INDICATES THE NUMBER OF TYPICAL PARKING SPACES	25
	STREET LIGHT	
–	VEHICLES PER DAY (TRAFFIC COUNT)	255 VPD
–	TEST PIT LOCATION RECOMMENDED/REQUIRED	TP
–	CRITICAL SLOPE SLOPES TO BE STABILIZED PURSUANT TO VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK	
	HANDICAP RAMP (CG-12) DENOTES LOCATION OF STD VDOT CG-12 AND/OR JURISDICTIONAL STANDARD RAMP CONSTRUCTION	
–	DENOTES CLEAR SIGHT TRIANGLE	
15" OAK	TREE	
–	BENCHMARK	BM #1 TRV #1 ELEV=101.62
	ASPHALT TRAIL	
	CONCRETE SIDEWALK	
	END WALLS	
	END SECTIONS	
	STOP SIGN	
	STREET SIGN	
OHE	OVERHEAD ELECTRIC	OHE
OHT	OVERHEAD TELEPHONE	OHT
VAN	HANDICAP PARKING SPACE (VAN)	VAN
	RIP RAP	
	CROSSWALK	

ABBREVIATIONS

A
- A — AREA OF ARC
- AD — ALGEBRAIC DIFFERENCE
- AASHTO — AMERICAN ASSOCIATION OF STATE HWY. & TRANSP. OFFICIALS
- ASTM — AMERICAN SOCIETY FOR TESTING AND MATERIALS
- AC. — ACRE
- AGGR. — AGGREGATE
- ANSI — AMERICAN NATIONAL STANDARDS INSTITUTE
- ASPH — ASPHALT
- AWWA — AMERICAN WATER WORKS ASSOCIATION

B
- B — BREADTH
- BC — BOTTOM OF CURB
- BF — BASEMENT FLOOR
- BLDG — BUILDING
- BM — BENCHMARK
- BMP — BEST MANAGEMENT PRACTICES (WATER QUALITY)
- BOV — BLOW OFF VALVE
- BRL — BUILDING RESTRICTION LINE
- BVCS — BEGINNING VERTICAL CURVE STATION
- BVCE — BEGINNING VERTICAL CURVE ELEVATION
- BW — BOTTOM OF WALL

C
- c,e — CENTER CORRECTION ON VERTICAL CURVE
- C — COEFFICIENT OF RUNOFF
- CATV — CABLE TELEVISION
- CB — CATCH BASIN OR CHORD BEARING
- CC — CENTER TO CENTER
- CFS (Q) — CUBIC FEET PER SECOND
- CH — CHORD
- CG — CURB AND GUTTER
- CIP — CAST IRON PIPE
- C — CENTERLINE
- CL — CLASS
- CMP — CORRUGATED METAL PIPE
- CONC. — CONCRETE
- CO — CLEAN OUT
- CONT. — CONTINUATION
- CS — CURB STOP
- CT — COURT
- C/L — CENTERLINE

D
- D,d — DEPTH
- DA — DRAINAGE AREA
- DB — DEED BOOK
- DEQ — VA. DEPARTMENT OF ENVIRONMENTAL QUALITY
- DET. — DETAIL
- DI — DROP INLET
- DIA. — DIAMETER
- DIP — DUCTILE IRON PIPE
- DM — DROP MANHOLE
- DR. — DRIVE
- DRNG — DRAINAGE
- DRWG. — DRAWING
- D/W — DRIVE WAY
- Δ — DELTA
- DU — DWELLING UNITS
- DOM — DOMESTIC

E
- e — RATE OF SUPER ELEVATION IN FEET PER FOOT
- EC — EROSION CONTROL
- EGL — ENERGY GRADIENT LINE
- EQC — ENVIRONMENTAL QUALITY CORRIDOR
- ESM'T — EASEMENT
- EG — EDGE OF GUTTER
- ELEV. — ELEVATION
- ENT. — ENTRANCE
- EP — EDGE OF PAVEMENT
- ES — END SECTION
- EVCS — ENDING VERTICAL CURVE STATION
- EVCE — ENDING VERTICAL CURVE ELEVATION
- EW — END WALL
- EX. — EXISTING
- ELEC. — ELECTRICAL
- EBL — EAST BOUND LANE

F
- F — FIRE LINE
- FAR — FLOOR AREA RATIO
- FC — FACE OF CURB
- FSWA — FREDERICKSBURG SEWER AND WATER AUTHORITY
- FF — FIRST FLOOR
- FG — FINISHED GRADE
- FH — FIRE HYDRANT
- FL — FLOW LINE
- FP — FLOOD PLAIN
- FS — FACTOR OF SAFETY
- FT. — FOOT
- FSPA — FREDERICKSBURG-STAFFORD PARK AUTHORITY
- FOY. — FOYER
- FPS — FEET PER SECOND

G
- g — GRAVITY
- G — GAS
- GFA — GROSS FLOOR AREA
- Gr. — GRADE
- GR — GUARD RAIL
- GAR — GARAGE

H
- H,h — HEIGHT
- H — HEAD
- HC — HANDICAPPED PARKING SPACE
- HGL — HYDRAULIC GRADIENT LINE
- HP — HIGH POINT
- HR — HAND RAIL
- HT. — HEIGHT
- HW — HEADWATER

I
- I — RAINFALL INTENSITY
- ID — INSIDE DIAMETER
- IN — INCH
- INV. — INVERT
- IP — IRON PIPE
- IPF — IRON PIPE FOUND
- IPS — IRON PIPE SET

J
- JB — JUNCTION BOX

K
- K — SIGHT DISTANCE COEFFICIENT
- Ke — CULVERT ENTRANCE LOSS COEFFICIENT

L
- L — LENGTH
- LAT. — LATERAL
- LF — LINEAR FOOT
- LL — LOWER LEVEL
- LOS — LINE OF SIGHT
- LP — LOW POINT
- LS — LOADING SPACE
- LCG — LIMITS OF CLEARING & GRADING
- LT — LEFT

M
- M — MONUMENT FOUND
- MECH. — MECHANICAL
- MH — MANHOLE
- MI. — MILE
- MPH — MILES PER HOUR
- MS — MEDIAN STRIP
- MSL — MEAN SEA LEVEL
- MIN — MINIMUM
- MAX — MAXIMUM

N
- N/F — NOW OR FORMERLY
- NFA — NET FLOOR AREA
- NO.,# — NUMBER
- NBL — NORTH BOUND LANE
- N/A — NOT APPLICABLE

O
- OC — ON CENTER
- OD — OUTSIDE DIAMETER
- OH — OVERHANG
- O/H — OVERHEAD

P
- P — PERIMETER
- PC — POINT OF CURVATURE
- PCC — POINT OF COMPOUND CURVE
- PCEP — POINT OF CURVE EDGE OF PAVEMENT
- PCTC — POINT OF CURVATURE TOP OF CURB
- PFM — PUBLIC FACILITIES MANUAL
- PG. — PAGE
- PGL — POINT OF GRADE LINE
- PI — POINT OF INTERSECTION
- PL — PROPERTY LINE
- PRC — POINT OF REVERSE CURVES
- PRELIM. — PRELIMINARY
- PROP. — PROPOSED
- PT — POINT OF TANGENCY
- PVC — POINT OF VERTICAL CURVATURE
- PVC — POLY VINYL CHLORIDE
- PVI — POINT OF VERTICAL INTERSECTION
- PVM'T — PAVEMENT
- PVRC — POINT OF VERTICAL REVERSE CURVE
- PVT — POINT OF VERTICAL TANGENT
- P&P — PLAN AND PROFILE

Q
- Q(C.F.S.) — AMOUNT OF RUNOFF

R
- R,r — RADIUS
- REQD — REQUIRED
- RCP — REINFORCED CONCRETE PIPE
- RD. — ROAD
- RET. — RETAINING
- REV. — REVISION
- RR — RAILROAD
- RTE. — ROUTE
- R/W — RIGHT OF WAY
- RGP — ROUGH GRADING PLAN
- ROM — REMOTE OUTSIDE MONITOR
- RMA — RESOURCE MANAGEMENT AREA
- RPA — RESOURCE PROTECTION AREA
- RT — RIGHT

S
- S — SPEED OR SLOPE
- SAN. — SANITARY
- SBL — SOUTH BOUND LANE
- SD — SIGHT DISTANCE
- SECT. — SECTION
- SEW. — SEWER
- SH. — SHOULDER
- SF — SQUARE FEET
- SP. — SPACE
- SP — SITE PLAN
- SPEC. — SPECIFICATION
- STA. — STATION
- STD. — STANDARD
- STK. — STACK
- STM. — STORM
- SVC. — SERVICE
- SWM — STORM WATER MANAGEMENT
- S/W — SIDE WALK
- Sx — CROSS SLOPE

T
- T — TANGENT
- TB — TEST BORE
- TC — TOP OF CURB
- Tc — TIME OF CONCENTRATION
- TEL — TELEPHONE
- TP — TEST PIT
- TP — TREE PROTECTION
- TB — TOP OF BANK
- TW — TOP OF WALL
- TW — TAILWATER

U
- UD — UNDERDRAIN
- UG — UNDERGROUND
- UL — UPPER LEVEL
- UP — UTILITY POLE
- VAN — HANDICAPPED VAN PARKING SPACE

V
- V — VELOCITY
- V — VOLUME
- VA — VIRGINIA
- VC — VERTICAL CURVE
- VDOT — VA. DEPT. OF TRANSPORTATION
- VF — VERTICAL FOOT

W
- W — WEIGHT OR WIDTH
- W/M — WATER MAIN
- WBL — WEST BOUND LANE
- WQIA — WATER QUALITY IMPACT ASSESSMENT

X
- XF — TRANSFORMER

Y
- YI — YARD INLET
- YR — YEAR

Z
- Z — SIDE SLOPES

Bowman CONSULTING

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LEGEND AND ABBREVIATIONS
THE HAMPTONS PHASE II
GENERAL DEVELOPMENT PLAN
CITY OF FREDERICKSBURG, VIRGINIA
WARD 1

CITY PROJECT NUMBER

COMMONWEALTH OF VIRGINIA
WILLIAM S. PYLE
Lic. No.037555
08/09/16
PROFESSIONAL ENGINEER

PLAN STATUS	
03/31/16	PRE-APP SUBMISSION
06/20/16	1ST SUBMISSION
08/09/16	1ST SUBMISSION

DATE	DESCRIPTION

BO/SG	SG	WSP
DESIGN	DRAWN	CHKD

SCALE H: N/A V: N/A

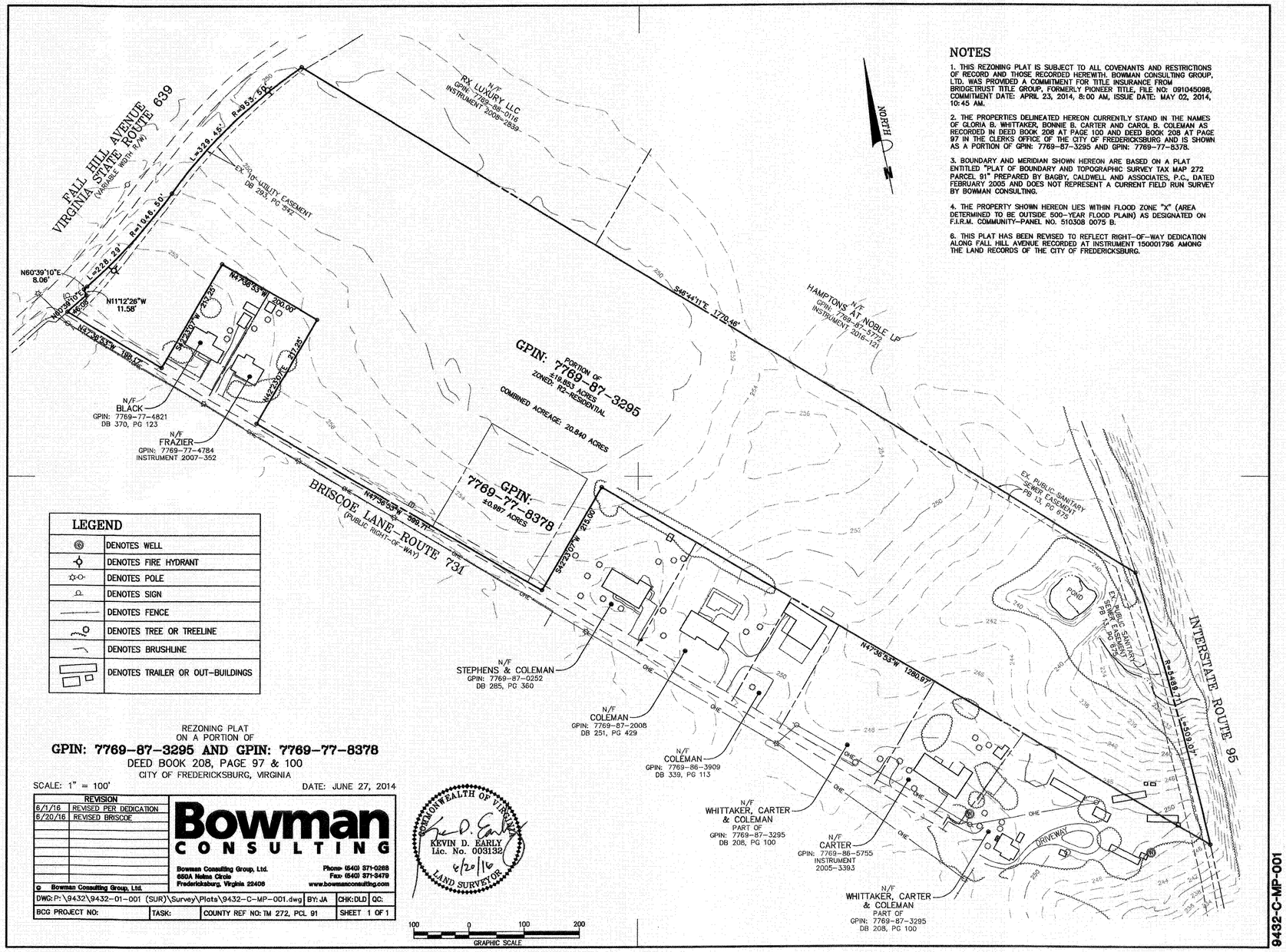
JOB No. 9432-01-001

DATE : MAY 2016

FILE No. 9432-D-ZP-001

SHEET 2 OF 8

P:\9432 - Coleman Property\9432-01-001 (PLN)\Planning\Rezoning\DWGS\002-9432-D-ZP-001-LGD.dwg; 8/8/2016 12:55:49 PM; \\battlefield\Cce PlotWave 300



NOTES

1. THIS REZONING PLAT IS SUBJECT TO ALL COVENANTS AND RESTRICTIONS OF RECORD AND THOSE RECORDED HEREWITH. BOWMAN CONSULTING GROUP, LTD. WAS PROVIDED A COMMITMENT FOR TITLE INSURANCE FROM BRIDGETRUST TITLE GROUP, FORMERLY PIONEER TITLE, FILE NO: 091045098, COMMITMENT DATE: APRIL 23, 2014, 8:00 AM, ISSUE DATE: MAY 02, 2014, 10:45 AM.

2. THE PROPERTIES DELINEATED HEREON CURRENTLY STAND IN THE NAMES OF GLORIA B. WHITTAKER, BONNIE B. CARTER AND CAROL B. COLEMAN AS RECORDED IN DEED BOOK 208 AT PAGE 100 AND DEED BOOK 208 AT PAGE 97 IN THE CLERKS OFFICE OF THE CITY OF FREDERICKSBURG AND IS SHOWN AS A PORTION OF GPIN: 7769-87-3295 AND GPIN: 7769-77-8378.

3. BOUNDARY AND MERIDIAN SHOWN HEREON ARE BASED ON A PLAT ENTITLED "PLAT OF BOUNDARY AND TOPOGRAPHIC SURVEY TAX MAP 272 PARCEL 91" PREPARED BY BAGBY, CALDWELL AND ASSOCIATES, P.C., DATED FEBRUARY 2005 AND DOES NOT REPRESENT A CURRENT FIELD RUN SURVEY BY BOWMAN CONSULTING.

4. THE PROPERTY SHOWN HEREON LIES WITHIN FLOOD ZONE "X" (AREA DETERMINED TO BE OUTSIDE 500-YEAR FLOOD PLAIN) AS DESIGNATED ON F.I.R.M. COMMUNITY-PANEL NO. 510308 0075 B.

6. THIS PLAT HAS BEEN REVISED TO REFLECT RIGHT-OF-WAY DEDICATION ALONG FALL HILL AVENUE RECORDED AT INSTRUMENT 150001796 AMONG THE LAND RECORDS OF THE CITY OF FREDERICKSBURG.

LEGEND

	DENOTES WELL
	DENOTES FIRE HYDRANT
	DENOTES POLE
	DENOTES SIGN
	DENOTES FENCE
	DENOTES TREE OR TREELINE
	DENOTES BRUSHLINE
	DENOTES TRAILER OR OUT-BUILDINGS

REZONING PLAT
ON A PORTION OF
GPIN: 7769-87-3295 AND GPIN: 7769-77-8378
DEED BOOK 208, PAGE 97 & 100
CITY OF FREDERICKSBURG, VIRGINIA

SCALE: 1" = 100' DATE: JUNE 27, 2014

REVISION	
6/1/16	REVISED PER DEDICATION
6/20/16	REVISED BRISCOE

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DWG: P:\9432\9432-01-001 (SUR)\Survey\Plats\9432-C-MP-001.dwg | BY: JA | CHK: DLD | QC:
BCG PROJECT NO: | TASK: | COUNTY REF NO: TM 272, PCL 91 | SHEET 1 OF 1

COMMONWEALTH OF VIRGINIA
KEVIN D. EARLY
Lic. No. 003132
6/20/16
LAND SURVEYOR

9432-C-MP-001

SEE SHEET 5 FOR ADJACENT PROPERTY OWNERS

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REZONING PLAT
THE HAMPTONS PHASE II
GENERAL DEVELOPMENT PLAN
CITY OF FREDERICKSBURG, VIRGINIA
WARD 1

CITY PROJECT NUMBER

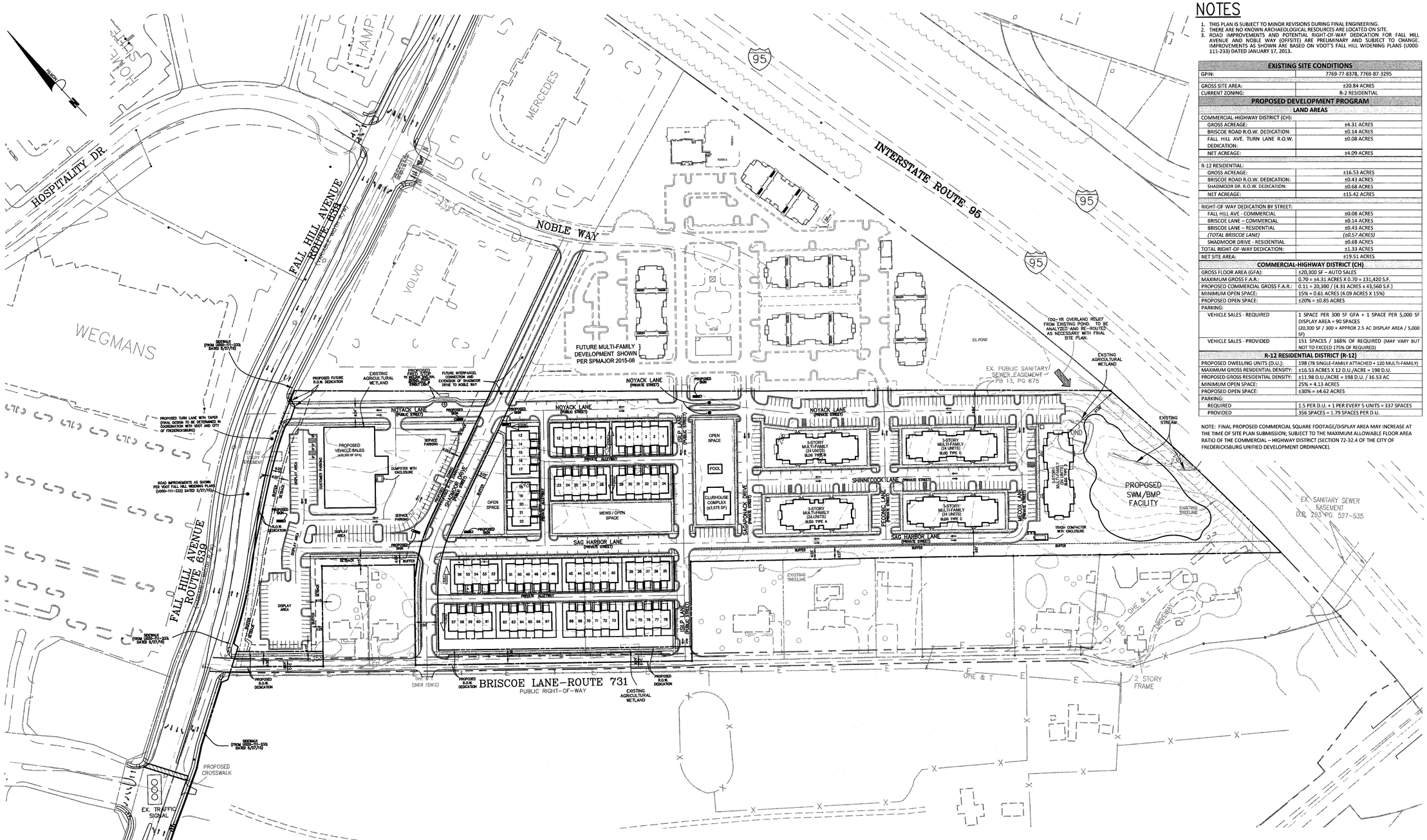
COMMONWEALTH OF VIRGINIA
WILLIAM S. PYLE
Lic. No. 037555
PROFESSIONAL ENGINEER

PLAN STATUS	
03/31/16	PRE-APP SUBMISSION
06/20/16	1ST SUBMISSION
08/09/16	2ND SUBMISSION

DATE	DESCRIPTION

BO/SG DESIGN	SG DRAWN	WSP CHKD
SCALE	H: AS NOTED V:	
JOB No. 9432-01-001		
DATE : MAY 2016		
FILE No. 9432-D-ZP-001		
SHEET 3 OF 8		

Cad file name : P:\9432 - Coleman Property\9432-01-001 (PLN)\Planning\Rezoning\DWGS\003-9432-D-ZP-001-PLAT.dwg



NOTES

1. THIS PLAN IS SUBJECT TO MINOR REVISIONS DURING FINAL ENGINEERING.
2. THERE ARE NO KNOWN ARCHAEOLOGICAL RESOURCES ARE LOCATED ON SITE.
3. ROAD IMPROVEMENTS AND POTENTIAL RIGHT-OF-WAY DEDICATION FOR FALL HILL AVENUE AND NOBLE WAY (OFFSITE) ARE PRELIMINARY AND SUBJECT TO CHANGE. IMPROVEMENTS AS SHOWN ARE BASED ON VDOT'S FALL HILL WIDENING PLANS (U000-111-233) DATED JANUARY 17, 2013.

EXISTING SITE CONDITIONS	
GPIN:	7769-77-8378, 7769-87-3295
GROSS SITE AREA:	±20.84 ACRES
CURRENT ZONING:	R-2 RESIDENTIAL
PROPOSED DEVELOPMENT PROGRAM	
LAND AREAS	
COMMERCIAL-HIGHWAY DISTRICT (CH):	
GROSS ACREAGE:	±4.31 ACRES
BRISCOE ROAD R.O.W. DEDICATION:	±0.14 ACRES
FALL HILL AVE. TURN LANE R.O.W. DEDICATION:	±0.08 ACRES
NET ACREAGE:	±4.09 ACRES
R-12 RESIDENTIAL:	
GROSS ACREAGE:	±16.53 ACRES
BRISCOE ROAD R.O.W. DEDICATION:	±0.43 ACRES
SHADMOOR DR. R.O.W. DEDICATION:	±0.68 ACRES
NET ACREAGE:	±15.42 ACRES
RIGHT-OF-WAY DEDICATION BY STREET:	
FALL HILL AVE - COMMERCIAL	±0.08 ACRES
BRISCOE LANE – COMMERCIAL	±0.14 ACRES
BRISCOE LANE – RESIDENTIAL	±0.43 ACRES
(TOTAL BRISCOE LANE)	*(±0.57 ACRES)*
SHADMOOR DRIVE - RESIDENTIAL	±0.68 ACRES
TOTAL RIGHT-OF-WAY DEDICATION:	±1.33 ACRES
NET SITE AREA:	±19.51 ACRES
COMMERCIAL-HIGHWAY DISTRICT (CH)	
GROSS FLOOR AREA (GFA):	±20,300 SF – AUTO SALES
MAXIMUM GROSS F.A.R.:	0.70 = ±4.31 ACRES X 0.70 = 131,420 S.F.
PROPOSED COMMERCIAL GROSS F.A.R.:	0.11 = 20,300 / (4.31 ACRES x 43,560 S.F.)
MINIMUM OPEN SPACE:	15% = 0.61 ACRES (4.09 ACRES X 15%)
PROPOSED OPEN SPACE:	±20% = ±0.85 ACRES
PARKING:	
VEHICLE SALES - REQUIRED	1 SPACE PER 300 SF GFA + 1 SPACE PER 5,000 SF DISPLAY AREA = 90 SPACES (20,300 SF / 300 + APPROX 2.5 AC DISPLAY AREA / 5,000 SF)
VEHICLE SALES - PROVIDED	151 SPACES / 168% OF REQUIRED (MAY VARY BUT NOT TO EXCEED 175% OF REQUIRED)
R-12 RESIDENTIAL DISTRICT (R-12)	
PROPOSED DWELLING UNITS (D.U.):	198 (78 SINGLE-FAMILY ATTACHED + 120 MULTI-FAMILY)
MAXIMUM GROSS RESIDENTIAL DENSITY:	±16.53 ACRES X 12 D.U./ACRE = 198 D.U.
PROPOSED GROSS RESIDENTIAL DENSITY:	±11.98 D.U./ACRE = 198 D.U. / 16.53 AC
MINIMUM OPEN SPACE:	25% = 4.13 ACRES
PROPOSED OPEN SPACE:	±30% = ±4.62 ACRES
PARKING:	
REQUIRED	1.5 PER D.U. + 1 PER EVERY 5 UNITS = 337 SPACES
PROVIDED	356 SPACES = 1.79 SPACES PER D.U.

NOTE: FINAL PROPOSED COMMERCIAL SQUARE FOOTAGE/DISPLAY AREA MAY INCREASE AT THE TIME OF SITE PLAN SUBMISSION; SUBJECT TO THE MAXIMUM ALLOWABLE FLOOR AREA RATIO OF THE COMMERCIAL – HIGHWAY DISTRICT (SECTION 72-32.4 OF THE CITY OF FREDERICKSBURG UNIFIED DEVELOPMENT ORDINANCE).

DIMENSIONAL STANDARDS

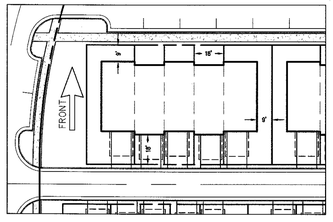
DIMENSIONAL STANDARDS FOR COMMERCIAL-HIGHWAY DISTRICT	
REQUIREMENT	NONRESIDENTIAL
DISTRICT SIZE, MINIMUM (ACRES)	NONE
LOT AREA, MINIMUM (SQUARE FEET)	20,000
LOT WIDTH, MINIMUM (FEET)	150
HEIGHT, MAXIMUM (FEET)	40
SETBACKS	
FRONT (FEET)	25
SIDE (FEET)	15
REAR (FEET)	20
OTHER DISTRICTS (FEET)	NONE

DIMENSIONAL STANDARDS FOR R-12 RESIDENTIAL DISTRICT		
REQUIREMENT	SF ATTACHED	MULTIFAMILY
DISTRICT SIZE, MINIMUM (ACRES)	5	5
LOT AREA, MINIMUM (SQUARE FEET)	1,875	NONE
LOT WIDTH, MINIMUM (FEET)	18	18
HEIGHT, MAXIMUM (FEET)	35	50
SETBACKS		
FRONT (FEET)	9	25
SIDE (FEET)	9	25
REAR (FEET)	18	35
OTHER DISTRICTS (FEET)	40	40

NOTES:
1. EACH SINGLE-FAMILY ATTACHED UNIT SHALL HAVE AN ON-SITE PRIVACY YARD OF AT LEAST 200 SQUARE FEET. FOR ALL UNITS WITH ALLEY-LOADED GARAGES A 200 SQUARE FOOT DECK MUST BE CONSTRUCTED.

LOT TYPICAL

NOT TO SCALE



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SCHEMATIC PLAN
THE HAMPTONS PHASE II
GENERAL DEVELOPMENT PLAN

CITY OF FREDERICKSBURG, VIRGINIA

WARD 1

CITY PROJECT NUMBER

COMMONWEALTH OF VIRGINIA
WILLIAM S. PYLE
Lic. No.037555
08/09/16
PROFESSIONAL ENGINEER

PLAN STATUS	
03/31/16	PRE-APP SUBMISSION
06/20/16	1ST SUBMISSION
08/09/16	2ND SUBMISSION

DATE	DESCRIPTION

BO/SG	SG	WSP
DESIGN	DRAWN	CHKD

SCALE H: 1"=100' V:

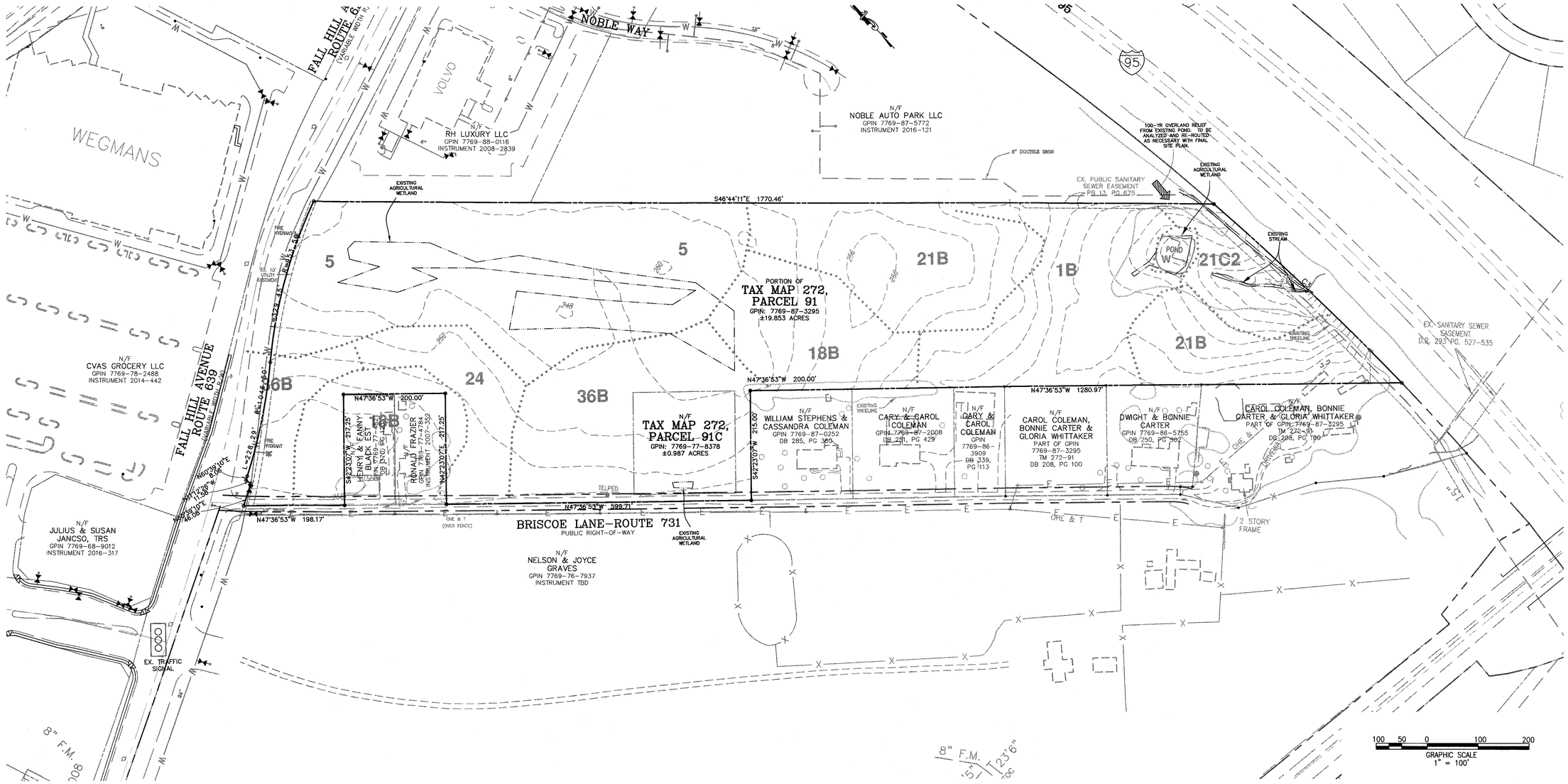
JOB No. 9432-01-001

DATE : MAY 2016

FILE No. 9432-D-ZP-001

SHEET 4 OF 8

Cad file name : P:\9432 - Coleman Property\9432-01-001 (PLN)\Planning\Rezoning\DWGS\004-9432-D-ZP-001-SCHEMATIC PLAN.dwg



NOTES

1. WETLAND AREAS HAVE BEEN PRELIMINARILY FIELD LOCATED AND ARE DEPICTED ON THIS PLAN. THESE WETLAND AREAS ARE LOCATED ON EXISTING AGRICULTURAL LAND AND A JURISDICTIONAL DETERMINATION IS CURRENTLY BEING PROCESSED WITH THE ARMY CORPS OF ENGINEERS. PER CITY OF FREDERICKSBURG INFORMATION THE SITE HAS BEEN IDENTIFIED AS BEING WITHIN THE CHESAPEAKE BAY PRESERVATION OVERLAY DISTRICT.

2. THE PROPERTY IS LOCATED IN ZONE "X" (AREAS DETERMINED TO BE OUTSIDE 500 YEAR FLOODPLAIN) AS SHOWN ON FEMA FLOOD INSURANCE RATE MAPS FOR THE CITY OF FREDERICKSBURG, VIRGINIA, COMMUNITY-PANEL NUMBER 510308 0075B.

3. THERE ARE NO KNOWN CEMETERIES OR HISTORIC SITES LOCATED ON THE SUBJECT PROPERTY.

4. THERE ARE NO SLOPES IN EXCESS OF 20 PERCENT LOCATED ON THE SUBJECT PROPERTY.

SOIL TYPES

MAP UNIT SYMBOL	MAP UNIT NAME
1B	ABELL SANDY LOAM
5	AQUULTS, CLAYEY SUBSOIL
18B	EMPORIA SANDY LOAM
21B	FACEVILLE-VARINA COMPLEX
21C2	FACEVILLE-VARINA COMPLEX
24	GOLDSBORO SANDY LOAM
36B	SAVANNAH SANDY LOAM
W	WATER

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EX. CONDITIONS / ENVIRONMENTAL ANALYSIS PLAN
THE HAMPTONS PHASE II
GENERAL DEVELOPMENT PLAN
CITY OF FREDERICKSBURG, VIRGINIA
WARD 1

CITY PROJECT NUMBER

COMMONWEALTH OF VIRGINIA
WILLIAM S. PYLE
Lic. No.037555
08/09/16
PROFESSIONAL ENGINEER

PLAN STATUS	
03/31/16	PRE-APP SUBMISSION
06/20/16	1ST SUBMISSION
08/09/16	2ND SUBMISSION

DATE	DESCRIPTION

BO/SG	SG	WSP
DESIGN	DRAWN	CHKD

SCALE H: 1"=100' V:

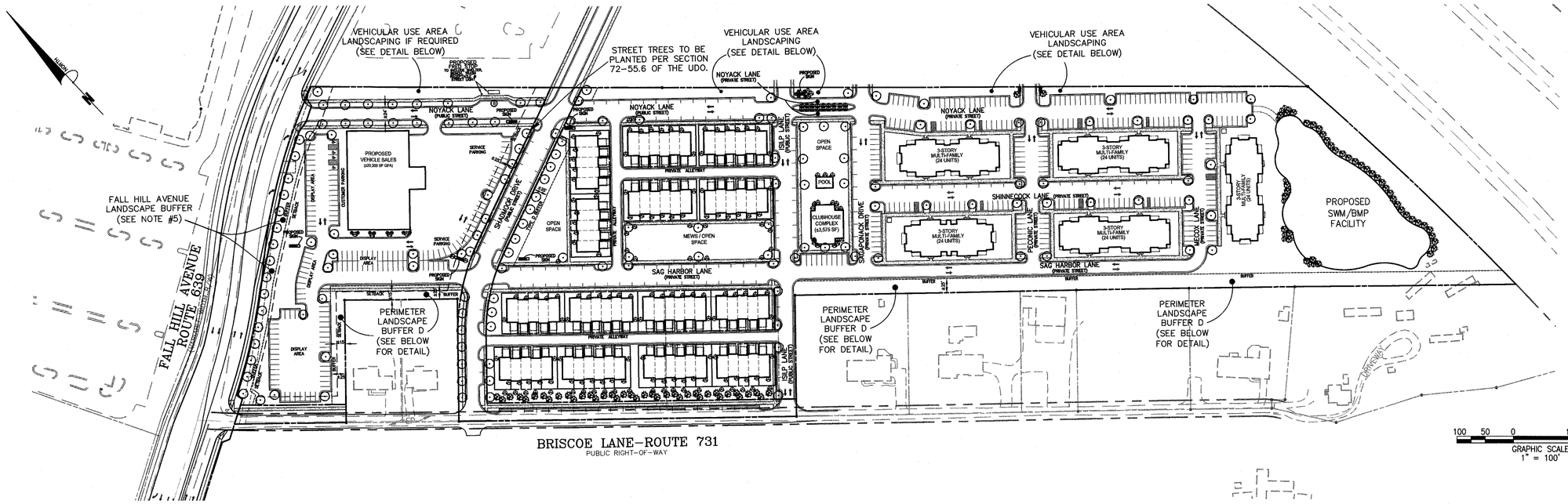
JOB No. 9432-01-001

DATE : MAY 2016

FILE No. 9432-D-ZP-001

SHEET 5 OF 8

Cad file name : P:\9432 - Coleman Property\9432-01-001 (PLN)\Planning\Rezoning\DWGS\005-9432-D-ZP-001-ENVR ASSESSMENT PLAN.dwg

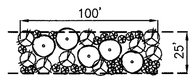


LEGEND

- STREET TREE/ DECIDUOUS TREE
- ORNAMENTAL TREE
- SHRUBS

TYPE D PERIMETER LANDSCAPE BUFFER DETAIL (TYPICAL)

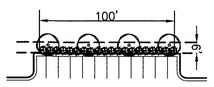
NOT TO SCALE



MINIMUM PLANTINGS PER TABLE 72-55.4.C. OF THE UNIFIED DEVELOPMENT ORDINANCE. AS DEPICTED CANOPY TREES ARE A MINIMUM OF 1.0" IN CALIPER, UNDERSTORY TREES ARE A MINIMUM OF 1.5" IN CALIPER, AND SHRUBS ARE A MINIMUM OF 4.0' IN HEIGHT.

VEHICULAR USE AREA LANDSCAPING DETAIL (TYPICAL)

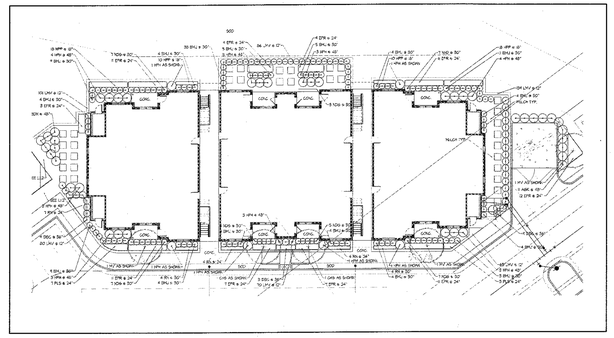
NOT TO SCALE

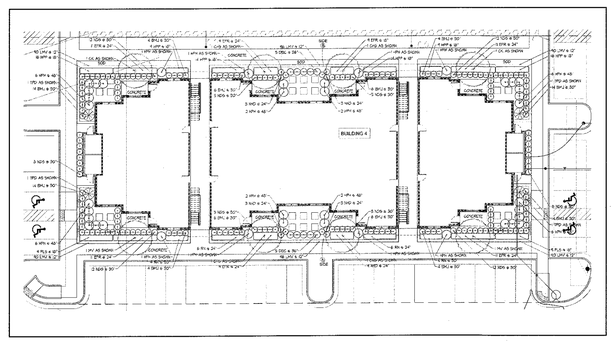


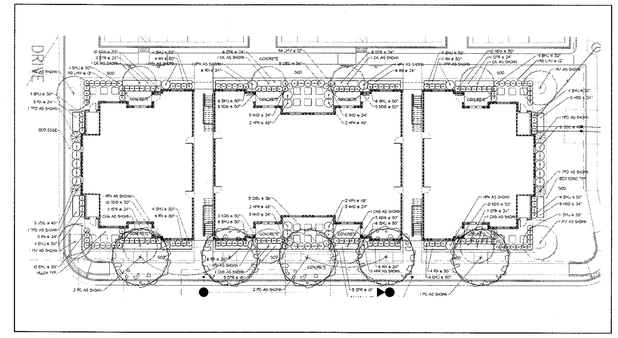
MINIMUM PLANTINGS PER SECTION 72-55.2 OF THE UNIFIED DEVELOPMENT ORDINANCE FOR VEHICULAR USE AREA LANDSCAPING.

MULTI-FAMILY LANDSCAPING (TYPICAL)

NOT TO SCALE

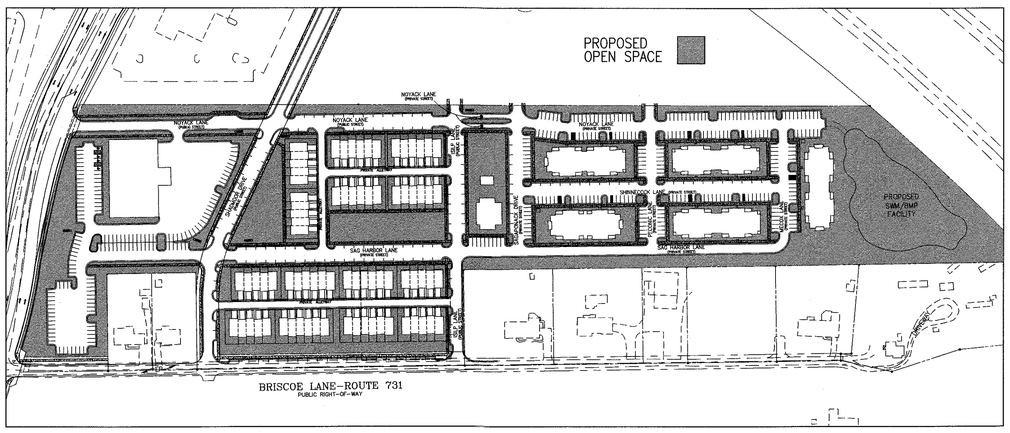






PROPOSED OPEN SPACE

NOT TO SCALE



NOTES

1. THIS PLAN IS CONCEPTUAL IN NATURE AND SUBJECT TO MINOR REVISION WITH FINAL ENGINEERING.
2. ALL LANDSCAPING SHALL BE PLANTED IN ACCORDANCE WITH SECTION 72-55 OF THE CITY OF FREDERICKSBURG UNIFIED DEVELOPMENT ORDINANCE (UDO); UNLESS WAIVED OR MODIFIED.
3. ALL LANDSCAPING SHALL BE MAINTAINED BY THE PROPERTY OWNER(S) IN ACCORDANCE WITH THE UDO.
4. ALL SIGNS (BUILDING AND FREE-STANDING) SHALL BE ERECTED IN ACCORDANCE WITH SECTION 72-59 OF THE UDO. MORE SPECIFICALLY, NO SIGN SHALL BE ERECTED UNTIL A SIGN DESIGN PACKAGE HAS BEEN SUBMITTED AND APPROVED BY THE DEVELOPMENT ADMINISTRATOR IN ACCORDANCE WITH SECTION 72-59.6.C. OF THE UDO. ADDITIONAL SIGNS MAY BE PROPOSED IN THE FUTURE SUBJECT TO COMPLIANCE WITH THE UDO AND AN APPROVED SIGN DESIGN PACKAGE.
5. THE FALL HILL AVENUE BUFFER SHALL BE 20 FEET WIDE AND GENERALLY CONSIST OF A MEANDERING BERM THAT SHALL BE A MINIMUM OF 2.5 FEET HIGH. LANDSCAPING SHALL CONSIST OF TREES PLANTED THIRTY (30) FEET ON CENTER WITH A MINIMUM D.B.H. OF 3.5 INCHES. IN ADDITION, FOUR (4) ORNAMENTAL SHRUBS SHALL BE PLANTED BETWEEN EACH THIRTY (30) TREE SECTION. SEE PROFFER STATEMENT FOR ADDITIONAL INFORMATION.
6. STREET TREES MEETING THE STANDARDS & REQUIREMENTS OF THE CITY'S UDO SHALL BE PROVIDED AT THE TIME OF FINAL SITE PLAN.

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LANDSCAPE & SIGNAGE PLAN
THE HAMPTONS PHASE II
GENERAL DEVELOPMENT PLAN
CITY OF FREDERICKSBURG, VIRGINIA
WARD 1

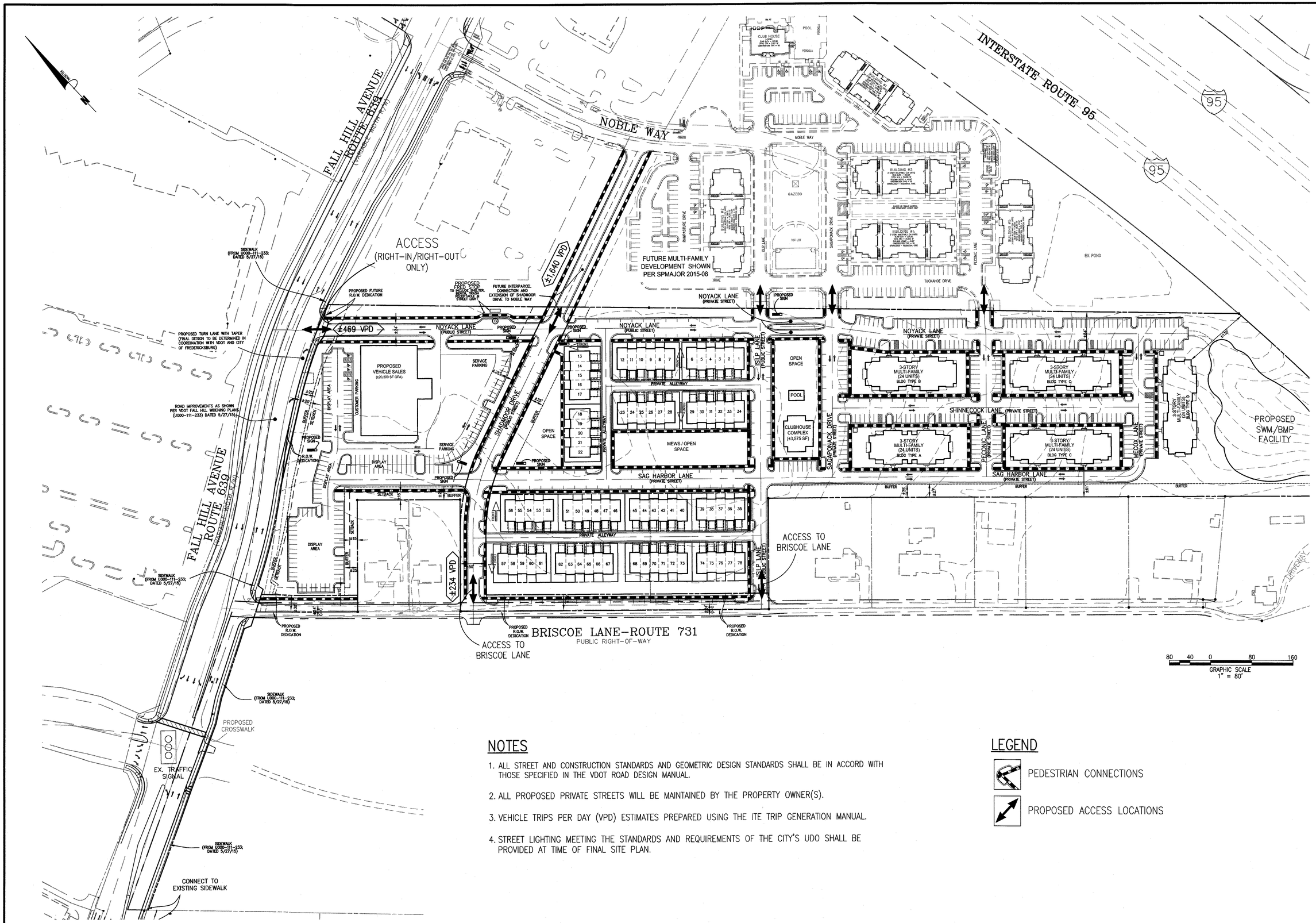
CITY PROJECT NUMBER

COMMONWEALTH OF VIRGINIA
WILLIAM S. PYLE
Lic. No.037555
08/09/16
PROFESSIONAL ENGINEER

PLAN STATUS	
03/31/16	PRE-APP SUBMISSION
06/20/16	1ST SUBMISSION
08/09/16	2ND SUBMISSION

DATE	DESCRIPTION	
BO/SG DESIGN	SG DRAWN	WSP CHKD
SCALE	H: V:	AS NOTED
JOB No. 9432-01-001		
DATE : MAY 2016		
FILE No. 9432-D-ZP-001		
SHEET 6 OF 8		

Cad file name : P:\9432 - Coleman Property\9432-01-001 (PLN)\Planning\Rezoning\DWGS\006-9432-D-ZP-001-LS & SIGN PLAN.dwg



NOTES

1. ALL STREET AND CONSTRUCTION STANDARDS AND GEOMETRIC DESIGN STANDARDS SHALL BE IN ACCORD WITH THOSE SPECIFIED IN THE VDOT ROAD DESIGN MANUAL.
2. ALL PROPOSED PRIVATE STREETS WILL BE MAINTAINED BY THE PROPERTY OWNER(S).
3. VEHICLE TRIPS PER DAY (VPD) ESTIMATES PREPARED USING THE ITE TRIP GENERATION MANUAL.
4. STREET LIGHTING MEETING THE STANDARDS AND REQUIREMENTS OF THE CITY'S UDO SHALL BE PROVIDED AT TIME OF FINAL SITE PLAN.

LEGEND

PEDESTRIAN CONNECTIONS

PROPOSED ACCESS LOCATIONS

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TRANSPORTATION ANALYSIS & PEDESTRIAN PLAN
THE HAMPTONS PHASE II
GENERAL DEVELOPMENT PLAN

CITY OF FREDERICKSBURG, VIRGINIA

WARD 1

CITY PROJECT NUMBER

COMMONWEALTH OF VIRGINIA
WILLIAM S. PYLE
Lic. No.037555
08/09/16
PROFESSIONAL ENGINEER

PLAN STATUS	
03/31/16	PRE-APP SUBMISSION
06/20/16	1ST SUBMISSION
08/09/16	2ND SUBMISSION

DATE	DESCRIPTION

BO/SG	SG	WSP
DESIGN	DRAWN	CHKD

SCALE H: 1"=80' V:

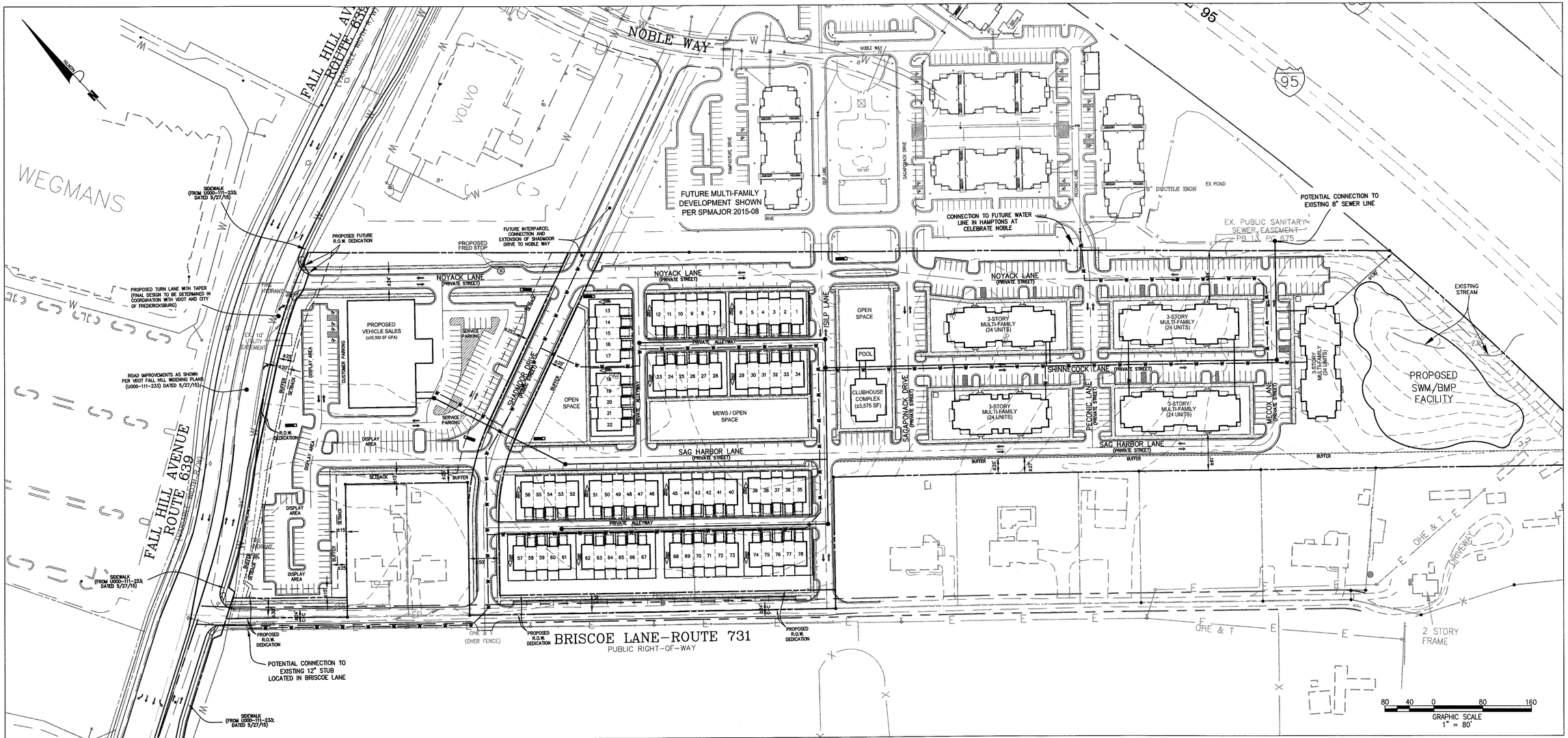
JOB No. 9432-01-001

DATE : MAY 2016

FILE No. 9432-D-ZP-001

SHEET 7 OF 8

Cad file name : P:\9432 - Coleman Property\9432-01-001 (PLN)\Planning\Rezoning\DWGS\007-9432-D-ZP-001-TRANS ANALYSIS & PED PLAN.dwg



NOTES

1. THIS PLAN IS CONCEPTUAL IN NATURE AND IS INTENDED TO DEMONSTRATE A POTENTIAL SEWER AND WATER UTILITY LAYOUT. REVISION TO THIS PLAN MAY BE REQUIRED WITH FINAL ENGINEERING.
2. ALL UTILITY CONSTRUCTION STANDARDS AND GEOMETRIC DESIGN STANDARDS SHALL BE IN ACCORD WITH THOSE SPECIFIED BY THE CITY OF FREDERICKSBURG.
3. THE PROPOSED DEVELOPMENT IS NOT ANTICIPATED TO HAVE A SIGNIFICANT IMPACT ON THE PUBLIC WATER SYSTEM. THE POTENTIAL CONNECTIONS WILL IMPROVE SYSTEM PRESSURE AND REDUNDANCY.
4. THE PROPOSED DEVELOPMENT IS NOT ANTICIPATED TO HAVE A SIGNIFICANT IMPACT ON THE PUBLIC SANITARY SEWER SYSTEM. THE PROJECT WILL CONNECT TO AN EXISTING 8" SEWER MAIN LOCATED ALONG THE PROPERTY'S SOUTHERN BOUNDARY AND THEN TIE INTO AN EXISTING 15" SEWER MAIN. ADDITIONAL STUDY MAY BE REQUIRED TO ASCERTAIN THE ADEQUACY OF CAPACITY AND OUTFALL.
5. STORMWATER AND BMP DESIGN WILL BE IN ACCORDANCE WITH ALL STATE AND CITY REQUIREMENTS. A POTENTIAL STORM POND IS PROPOSED NEXT TO THE INTERSTATE 95 RIGHT-OF-WAY. THIS FACILITY WILL SERVE THE SITE AND STORMWATER GENERATED FROM FALL HILL AVENUE. COORDINATION WITH VDOT WILL BE NECESSARY AS FINAL PLANS ARE COMPLETED FOR THE IMPROVEMENTS TO FALL HALL AVENUE. ALL NECESSARY BMP TREATMENT OF STORMWATER SHALL OCCUR ON THE SUBJECT PROPERTY.
6. SEE THE APPLICATION NARRATIVE FOR FURTHER DISCUSSION OF IMPACTS TO PUBLIC FACILITIES.

LEGEND

PROPOSED WATERLINES

PROPOSED SEWER LINES / MANHOLES

Bowman CONSULTING

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Fredericksburg, Virginia 22406
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PUBLIC FACILITIES ASSESSMENT PLAN
THE HAMPTONS PHASE II
GENERAL DEVELOPMENT PLAN

CITY OF FREDERICKSBURG, VIRGINIA

WARD 1

CITY PROJECT NUMBER

COMMONWEALTH OF VIRGINIA
WILLIAM S. PYLE
Lic. No.037555
08/09/16
PROFESSIONAL ENGINEER

PLAN STATUS	
03/31/16	PRE-APP SUBMISSION
06/20/16	1ST SUBMISSION
08/09/16	2ND SUBMISSION

DATE	DESCRIPTION

BO/SG DESIGN	SG DRAWN	WSP CHKD
SCALE	H: N/A V:	

JOB No. 9432-01-001

DATE : MAY 2016

FILE No. 9432-D-ZP-001

SHEET 8 OF 8

Cad file name : P:\9432 - Coleman Property\9432-01-001 (PLN)\Planning\Rezoning\DWGS\008-9432-D-ZP-001-PUBLIC FACILITIES ASSESSMENT PLAN.dwg

EXHIBIT B

ELEVATIONS

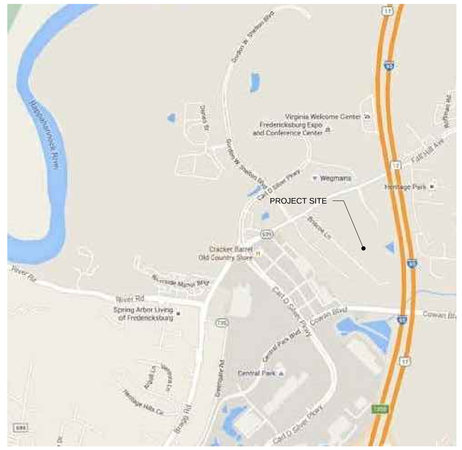
8109128-3 013680.02753

THE HAMPTONS PHASE II

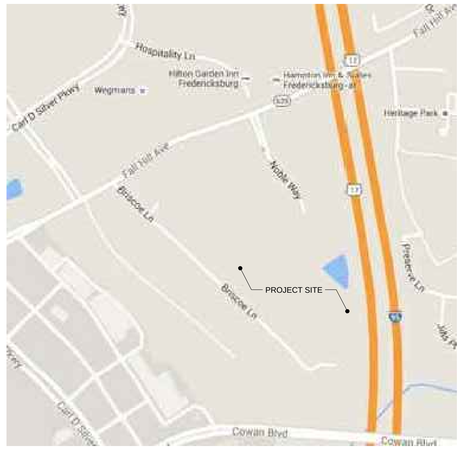
FREDERICKSBURG, VIRGINIA

REZONING APPLICATION
06.17.16

VICINITY MAP



LOCATION MAP



ABBREVIATIONS

ACT	ACOUSTICAL CEILING TILE	FRT	FIRE RETARDANT TREATED	PROJ	PROJECTED (ION)
AD	AREA DRAIN	FUR	FURRING	PT	POINT
ADD	ADDENDUM	FV	FIELD VERIFY	PTD	PAINTED
ADH	ADHESIVE	FVC	FIRE VALVE CABINET	PTN	PARTITION
ADJ	ADJACENT	GA	GAUGE, GAGE	PLYWD	PLYWOOD
AFF	ABOVE FINISH FLOOR	GALV	GALVANIZED		
ALT	ALTERNATE	GL	GLASS	QT	QUARRY TILE
ALUM	ALUMINUM	GEN	GENERATOR		
ARCH	ARCHITECT(URAL)	GWB	GYPSUM WALL BOARD	R	RISER
ASPH	ASPHALT			RAD	RADIUS
		H	HEIGHT, HIGH	RB	RUBBER BASE
BD	BOARD	HC	HOLLOW CORE	RD	ROOF DRAIN
BLDG	BUILDING	HDCP	HANDICAP	REF	REFERENCE
BTWN	BETWEEN	HM	HOLLOW METAL	REINF	REINFORCE (D) (ING)
BLK	BLOCK(ING)	HORZ	HORIZONTAL	REQ'D	REQUIRED
BM	BEAM	HR	HOUR	RES	RESILIENT
BOC	BOTTOM OF CABINET	H&V	HORIZONTAL & VERTICAL	REV	REVISION
				RH	RIGHT HAND
CG	CORNER GUARD	ID	INSIDE DIAMETER	RM	ROOM
CJ	CONSTRUCTION JOINT	INCL	INCLUDE (D) (ING)	RO	ROUGH OPENING
CL	CLOSET	INSUL	INSULATION		
CLG	CEILING	INT	INTERIOR	SAB	SOUND ATTENUATION BLANKET
CLR	CLEAR			SAFB	SOUND ATTENUATION FIRE BLANKET
CMU	CONCRETE MASONRY UNIT	JC	JANITOR'S CLOSET		
CO	CLEAR OPENING	JT	JOINT	SC	SOLID CORE
COL	COLUMN			SCHD	SCHEDULE
COMB	COMBINATION	KD	KNOCK DOWN	SCPLAM	SOLID CORE PLASTIC LAMINATE
CONC	CONCRETE	KIT	KITCHEN	SCW	SOLID CORE WOOD
CONF	CONFERENCE	KO	KNOCK OUT	SF	SQUARE FEET
CONST	CONSTRUCTION			SH	SHELF, SHELVING
CONT	CONTINUOUS	LAM	LAMINATE	SHT	SHEET
CONTR	CONTRACTOR	LAV	LAVATORY	SIM	SIMILAR
COORD	COORDINATE	LBL	LABEL	SN	SANITARY NAPKIN DISPOSAL
CPT	CARPET	LG	LENGTH	SND	SANITARY NAPKIN DISPENSER
CR	CARD READER	LH	LEFT HAND	SPEC	SPECIFICATION, SPECIFIED
CT	CERAMIC TILE	LOC	LOCATION	SQ	SQUARE
CTR	CENTER	LT	LIGHT	SS	STAINLESS STEEL
				STD	STANDARD
DBL	DOUBLE	MACH	MACHINE	STL	STEEL
DEMO	DEMOLITION	MAT	MATERIAL	STOR	STORAGE
DEFS	DIRECT APPLIED EXTERIOR FINISH SYSTEM	MAX	MAXIMUM	STRUCT	STRUCTURE
		MECH	MECHANICAL	SUSP	SUSPENDED
DIAG	DIAGONAL	MIN	MINIMUM	SYS	SYSTEM
DIA	DIAMETER	MISC	MISCELLANEOUS		
DIM	DIMENSION	MFR	MANUFACTURER	T	TREAD
DISP	DISPENSER	MO	MASONRY OPENING	TBD	TO BE DETERMINED
DIV	DIVISION	MOV	MOVABLE	TD	TRENCH DRAIN
DF	DRINKING FOUNTAIN	MUL	MULLION	TEL	TELEPHONE
DN	DOWN	MT	MARBLE TILE	TERR	TERRAZZO
DO	DOOR OPENING	MTL	METAL	T&G	TONGUE AND GROOVE
DR	DOOR	MTD	MOUNTED	THK	THICK (NESS)
DS	DOWN SPOUT			THRES	THRESHOLD
DTL	DETAIL	N	NEW	TO	TOP OF
DWG (S)	DRAWING(S)	N/A	NOT APPLICABLE	TOIL	TOILET
		NIC	NOT IN CONTRACT	TOS	TOP OF STEEL
EA	EACH	NO	NUMBER	TPD	TOILET PAPER DISPENSER
EIFS	EXTERIOR INSULATION FINISH SYSTEM	NOM	NOMINAL	TRANS	TRANSFORMER
		NTS	NOT TO SCALE	TS	TOP OF SHELF
ELEC	ELECTRICAL			TYP	TYPICAL
ELEV	ELEVATOR	OA	OVERALL / OUTSIDE AIR		
EJ	EXPANSION JOINT	OC	ON CENTER	UC	UNDERCUT
ENCL	ENCLOSE (URE)	OD	OUTSIDE DIAMETER	UNF	UNFINISHED
EQ	EQUAL	OFF	OFFICE	UON	UNLESS OTHERWISE NOTED
EWC	ELECTRIC WATER COOLER	OH	OVERHEAD		
EXG	EXISTING	OPG	OPENING	VB	VINYL BASE
EXP	EXPOSED	OPP	OPPOSITE	VCT	VINYL COMPOSITION TILE
EXT	EXTERIOR			VERT	VERTICAL
		PBD	PARTICLE BOARD	VWC	VINYL WALL COVERING
FA	FIRE ALARM	PC	PRECAST CONCRETE		
FD	FLOOR DRAIN	PERF	PERFORATED	W	WIDTH, WITH
FE	FIRE EXTINGUISHER	PREFIN	PRE-FINISHED	W/O	WITHOUT
FEC	FIRE EXTINGUISHER CABINET	PLAM	PLASTIC LAMINATE	WC	WALL COVERING,
FF	FINISHED FLOOR	PLAS	PLASTER	WC	WATER CLOSET
FHC	FIRE HOSE CABINET	PLUM	PLUMBING	WD	WOOD
FIN	FINISH (ED)	PNL	PANEL	WP	WATERPROOFING
FLR	FLOOR (ING)	PR	PAIR	WR	WATER RESISTANT
FO	FLOOR OUTLET				
FR	FIRE RATED (ING)				

ARCHITECTURAL SYMBOLS

1 / A101	ELEVATION REFERENCE ELEVATION NUMBER INDICATES DRAWING SHEET ON WHICH ELEVATION IS SHOWN
A / A101	INTERIOR ELEVATION REFERENCE ELEVATION LETTER INDICATES DRAWING SHEET ON WHICH ELEVATION IS SHOWN
1 / A101	SECTION OR DETAIL REFERENCE ELEVATION NUMBER INDICATES DRAWING SHEET ON WHICH ELEVATION IS SHOWN
ROOM NAME	
X	ROOM NUMBER TAG
1	REVISION NUMBER
1	DRAWING NOTE
A	WALL TAG
1	DOOR NUMBER
X	WINDOW NUMBER
X	EQUIP. NUMBER
0'-0"	ELEV. MARKER
	SPOT ELEVATION

MATERIAL GRAPHIC

EARTH	FINISHED WOOD
GRANULAR FILL	PLYWOOD
POURED CONCRETE	RIGID INSULATION
CONCRETE BLOCK	BATT INSULATION
FACE BRICK	GYPSUM BOARD
STEEL	NATURAL STONE
ROUGH WOOD	

GENERAL NOTES

1. UNLESS INDICATED OTHERWISE, ALL NOTES, DETAILS AND FEATURES DRAWN AS APPLICABLE FOR ONE CONDITION SHALL BE APPLICABLE TO SIMILAR CONDITIONS WHETHER OR NOT IT IS SPECIFICALLY INDICATED OR NOTED.
2. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND SHALL HAVE ALL DISCREPANCIES BROUGHT TO THE ARCHITECT'S ATTENTION PRIOR TO COMMENCEMENT OF CONSTRUCTION.
3. THE CONTRACTOR SHALL BEAR ALL RESPONSIBILITY FOR CORRECTIVE ACTION DUE TO THE CONTRACTOR'S FAILURE TO COORDINATE THE WORK.
4. ALL DIMENSIONS ARE TO THE CENTERLINE OF COLUMNS, FACE OF STUDS, OR FACE OF MASONRY, UNLESS OTHERWISE INDICATED.
5. THE CONTRACTOR SHALL COMPLY WITH CURRENT APPLICABLE CODES, ORDINANCES, LAWS, AND OTHER LEGAL REQUIREMENTS OF THE PUBLIC AUTHORITIES HAVING JURISDICTION.
6. PROVIDE ALL FIRE BLOCKING AND DRAFT STOPPING AS REQUIRED BY CODE AND LOCAL AUTHORITIES HAVING JURISDICTION.

PROJECT DIRECTORY

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jennifer.young@ts3architects.com

DRAWING INDEX

		REZONING APPLICATION 06.17.16
GENERAL		
G001	TITLE SHEET	■
ARCHITECTURAL DRAWINGS		
AD101	BUILDING TYPE D - FIRST FLOOR PLAN	■
AE101	BUILDING TYPE E - FIRST FLOOR PLAN	■
AF101	BUILDING TYPE F - FIRST FLOOR PLAN	■
AH101	BUILDING TYPE H - FIRST FLOOR PLAN	■
AD201	BUILDING TYPE D - ELEVATIONS	■
AE201	BUILDING TYPE E - ELEVATIONS	■
AF201	BUILDING TYPE F - ELEVATIONS	■
AH201	BUILDING TYPE H - ELEVATIONS	■

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REVISIONS / SUBMISSIONS

PROJECT TITLE
THE HAMPTONS
PHASE II

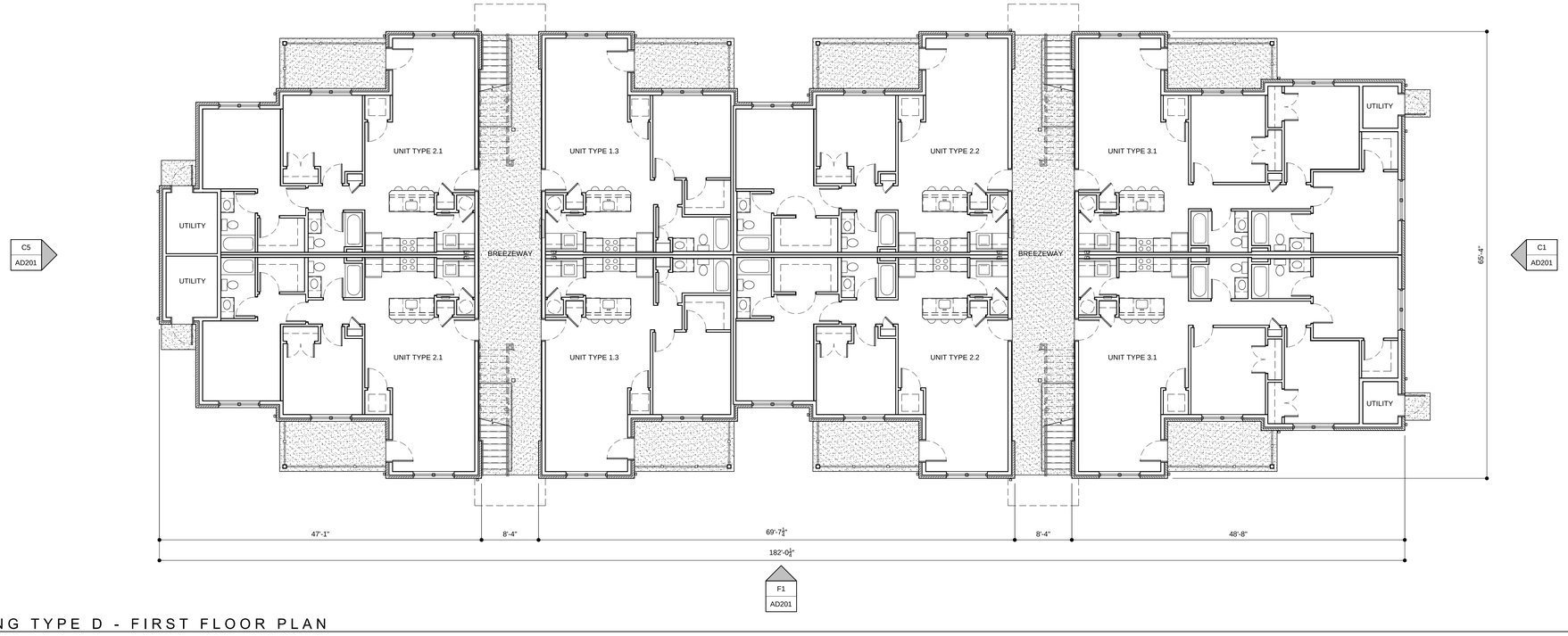
PROJECT NUMBER
TS316041.00

CONTRACT DRAWING DATE
JUNE 17, 2016

DRAWING TITLE
TITLE SHEET

DRAWING NUMBER
G001

SHEET 1 OF



BUILDING TYPE D - FIRST FLOOR PLAN

SCALE: 1/8" = 1'-0"

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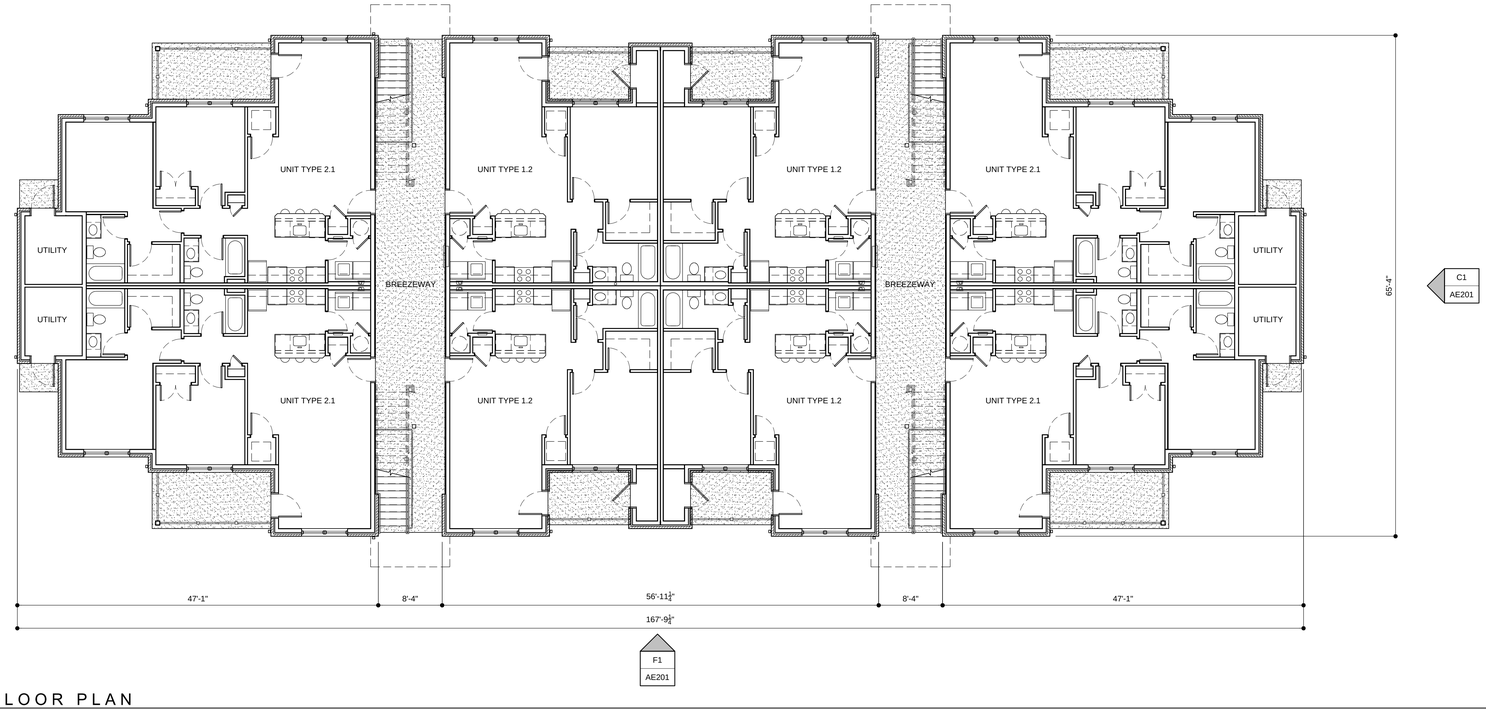
DRAWING TITLE
BUILDING TYPE D -
FIRST FLOOR PLAN

DRAWING NUMBER
AD101

SHEET 1 OF



BUILDING TYPE E - FIRST FLOOR PLAN

SCALE: 1/8" = 1'-0"

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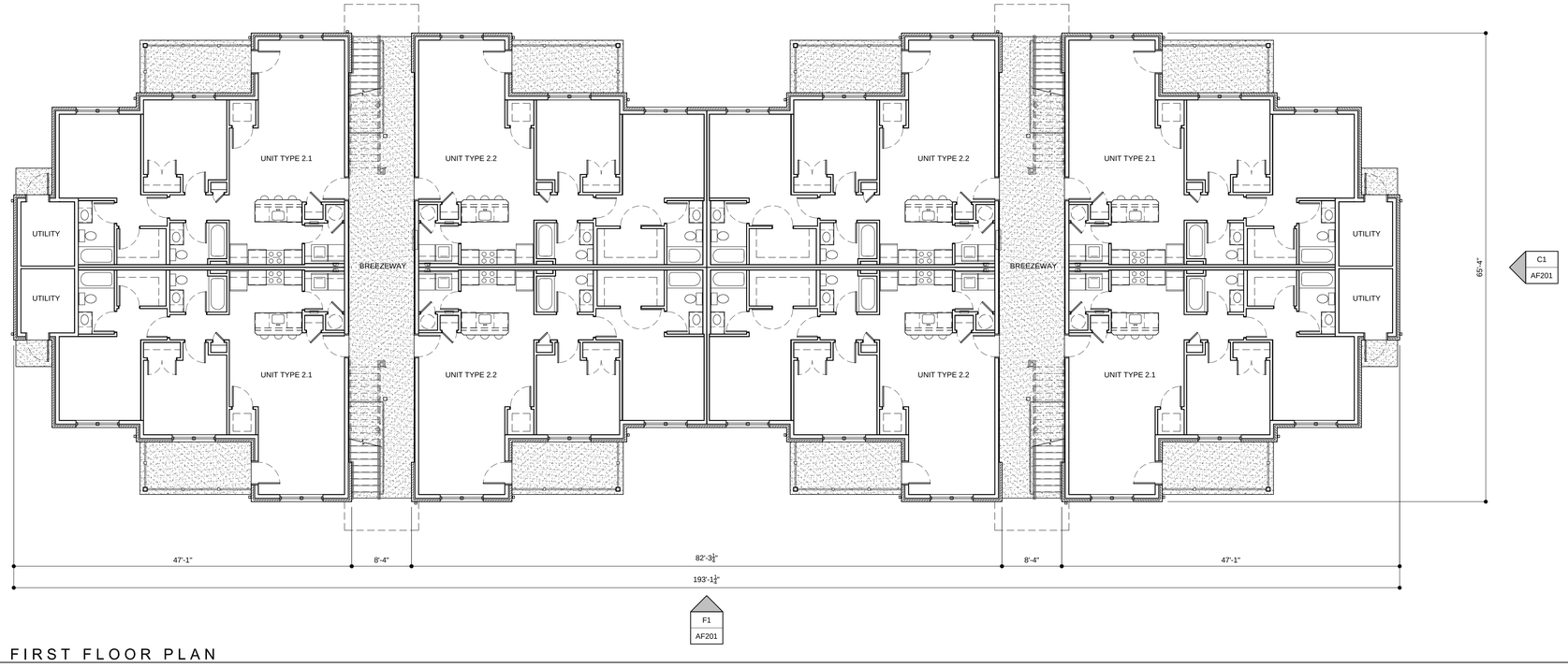
DRAWING TITLE
BUILDING TYPE E -
FIRST FLOOR PLAN

DRAWING NUMBER
AE101

SHEET 1 OF



BUILDING TYPE F - FIRST FLOOR PLAN

SCALE: 1/8" = 1'-0"

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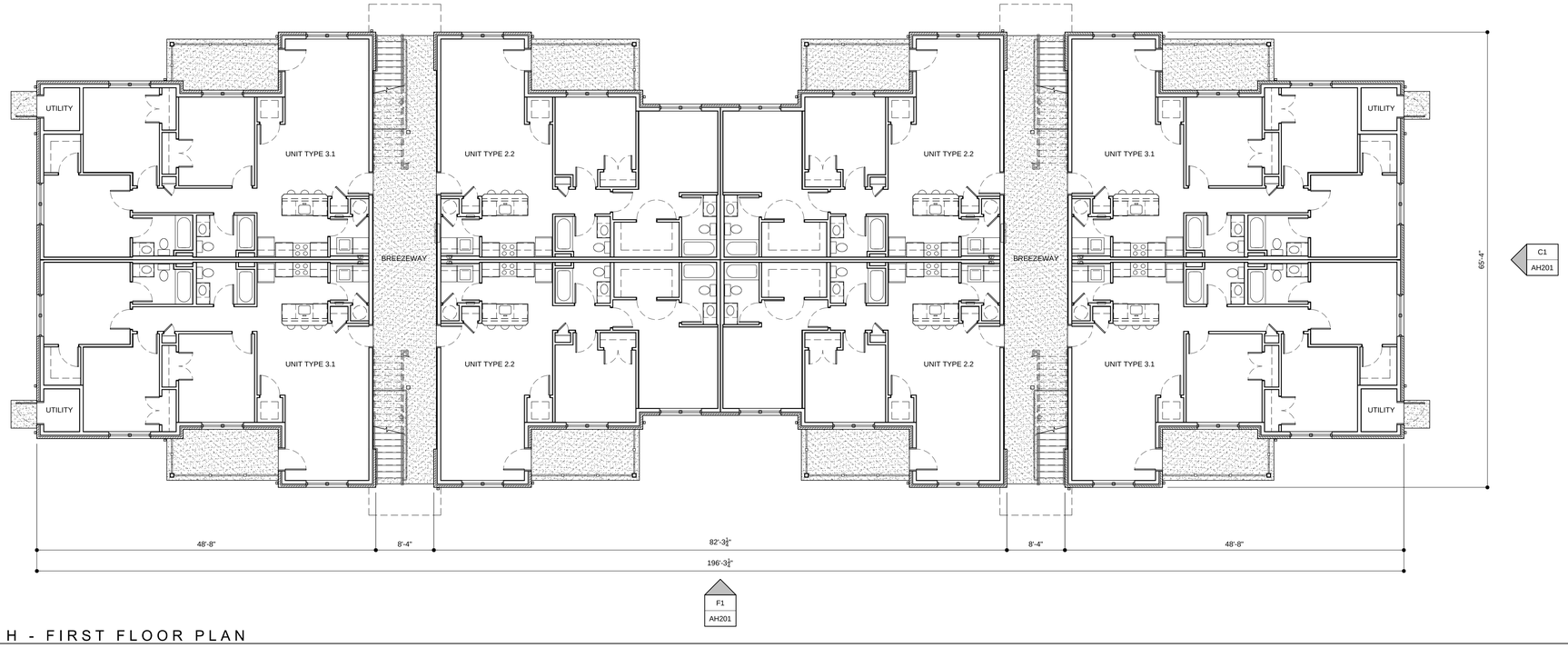
BUILDING TYPE F -
FIRST FLOOR PLAN

DRAWING NUMBER
AF101

SHEET 1 OF



BUILDING TYPE H - FIRST FLOOR PLAN

SCALE: 1/8" = 1'-0"

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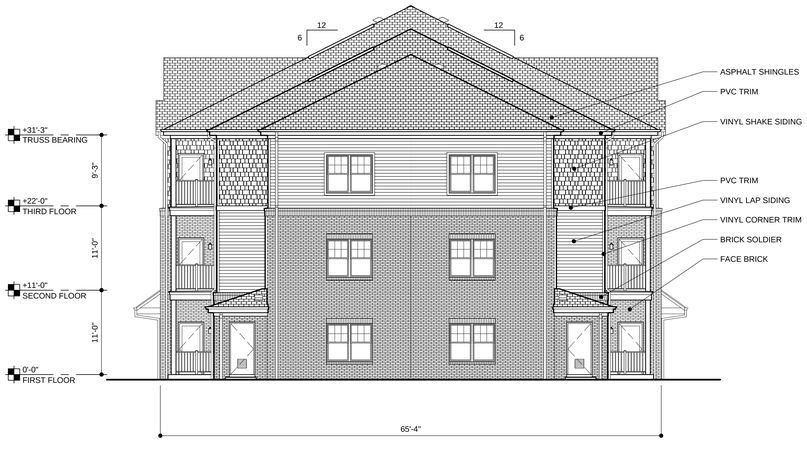
DRAWING TITLE
BUILDING TYPE H -
FIRST FLOOR PLAN

DRAWING NUMBER
AH101

SHEET 1 OF

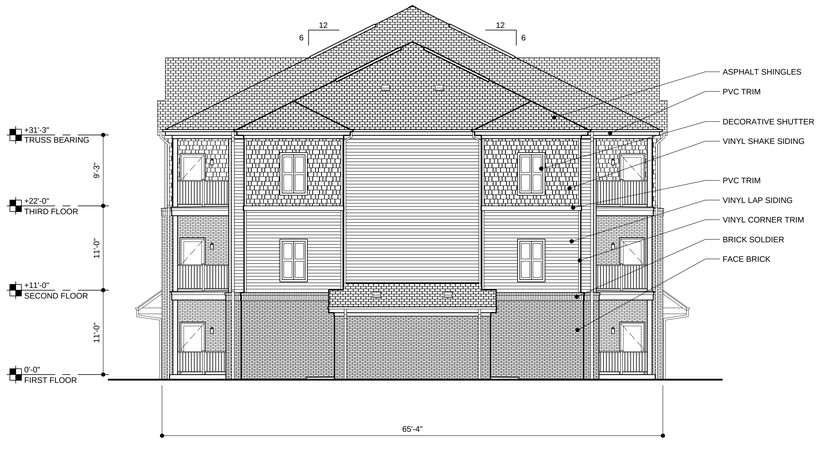
F1 AD201 BUILDING TYPE D - EXTERIOR ELEVATION

SCALE: 1/8" = 1'-0"



C1 AD201 BUILDING TYPE D - EXTERIOR ELEVATION

SCALE: 1/8" = 1'-0"



C5 AD201 BUILDING TYPE D - EXTERIOR ELEVATION

SCALE: 1/8" = 1'-0"

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DRAWING TITLE
BUILDING TYPE D - ELEVATIONS

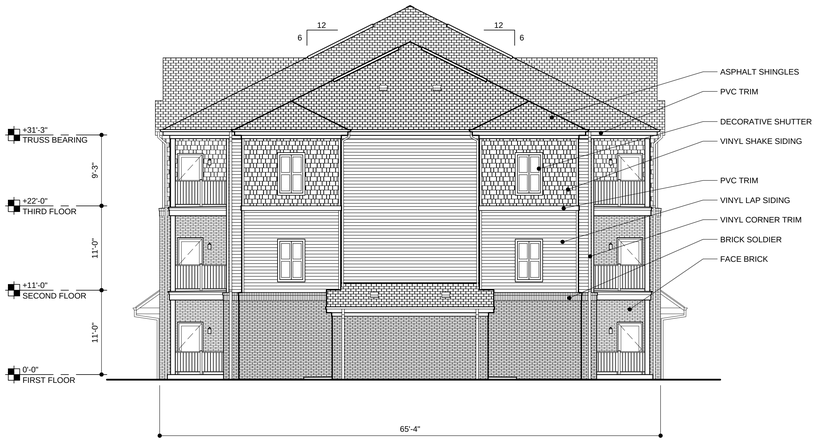
DRAWING NUMBER
AD201

SHEET 1 OF

F1
AE201

BUILDING TYPE E - EXTERIOR ELEVATION

SCALE: 1/8" = 1'-0"



C1
AE201

BUILDING TYPE E - EXTERIOR ELEVATION

SCALE: 1/8" = 1'-0"

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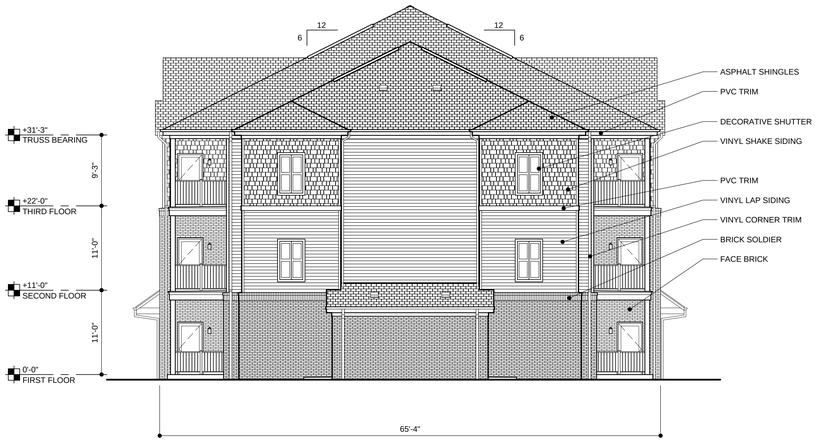
AE201

SHEET 1 OF

F1 AF201 BUILDING TYPE F - EXTERIOR ELEVATION

SCALE: 1/8" = 1'-0"



C1 AF201 BUILDING TYPE F - EXTERIOR ELEVATION

SCALE: 1/8" = 1'-0"

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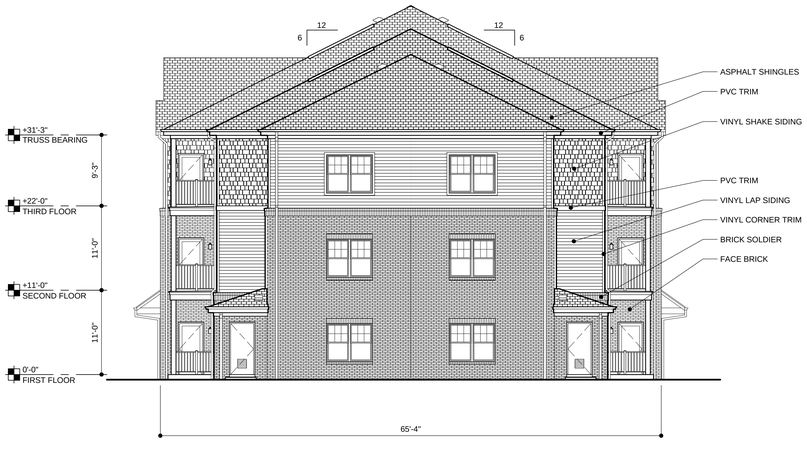
SHEET 1 OF

F1 / AH201 BUILDING TYPE H - EXTERIOR ELEVATION

SCALE: 1/8" = 1'-0"



C1 / AH201 BUILDING TYPE H - EXTERIOR ELEVATION

SCALE: 1/8" = 1'-0"

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AH201

SHEET 1 OF

The Hamptons- Phase II
Fredericksburg, VA
06.17.16

S.L. NUSBAUM Realty Co.

TS3 ARCHITECTS • PC

TS316041.00

The Hamptons- Phase II
Fredericksburg, VA
06.17.16

2016 PROFFER REFORM LEGISLATION

PRESENTATION TO FREDERICKSBURG PLANNING COMMISSION

AUGUST 31, 2016

INTRODUCTION:

The General Assembly adopted proffer reform legislation that became effective on July 1, 2016. "The fundamental premise of the Legislation was that proffers in some, though not all, Virginia jurisdictions had ceased to be directed at the mitigation of the impact of a given development, but rather had become a means of raising general revenues for public services and infrastructure, by targeting a single industry without reasonable tailoring of what were perceived as [the industry's] actions to ascertainable impact."[1]

The legislation creates new rules and restrictions that apply to applications for conditional residential zoning, planned residential, and mixed use zoning districts. Critical provisions of the legislation are ill-defined, and we anticipate that the final meaning of the legislation will be established through litigation. The City wishes to comply with the new rules, and it wishes to avoid becoming one of the many test cases that will surely arise.

Fredericksburg City Council adopted Resolution 16-65 on July 12, 2016, which requested that the Planning Commission consider and prepare amendments to the 2015 Comprehensive Plan and the UDO to address issues raised by the new legislation. This brief glossary of terms, with the accompanying flow chart, will orient Fredericksburg Planning Commissioners to the new legislation, and to the new constraints it imposes on Planning Commission members and all Fredericksburg public officials who participate in the conditional zoning map amendment process.

[1] "SB 549 and the New World of Proffers," John H. Foote, Esq., Walsh, Colucci, Lubeley & Walsh, P.C., June 9, 2016.

GLOSSARY OF TERMS USED IN THE WALSH/COLUCCI FLOW CHART

Capacity – not defined. The locality may base its assessment of public facility capacity on the projected impacts of the proposed new residential development/use. The 2015 Moseley Study of the Fredericksburg Public Schools included an analysis of the current capacity of public schools, along with projected enrollments and capacity-exceeded dates.

Costs – not defined.

Direct and material benefit – not defined. Our working approach to this phrase, for offsite public facility improvements, is that the new residential development is in the service area of the new or expanded facility (e.g. a primary response area for Fire Station 3; or city-wide for public schools) or it will be directly served by any proffered public transportation or public park improvements. Applicants will need to submit data and analysis with their zoning map amendment application to show that any proffered offsite improvement will directly and materially benefit the new residential development.

Mass transit – (includes FRED Transit) passenger transportation by rubber-tired, rail, or other surface conveyance that provides shared ride services open to the general public on a regular and continuing basis. The term does not include school buses, charter or sight-seeing services, human service agency or other client-restricted transportation.

New residential development: any construction or building expansion on residentially zoned property, including a residential component of a mixed-use development, that results in either one or more additional residential dwelling units or fewer residential dwelling units, beyond what may be permitted by right under the then-existing zoning of the property, when the new residential development requires a rezoning or proffer condition amendment.

Offsite proffer – a proffer addressing an impact outside the boundaries of the property to be developed; all cash proffers.

Onsite proffer – a proffer addressing an impact within the boundaries of the property to be developed, but not any cash proffer.

Parks – not defined.

Proffer – In a proffer, the developer promises to perform an act, to refrain from performing an act, or donate money, land, services or products designed to address an impact from zoning. Once accepted by the locality, a proffer becomes part of the zoning regulations applicable to the land, and it runs with the land until it is rezoned. Conditions imposed on special use permits or special exceptions are not proffers.

Proffer condition amendment – the new law applies to proffers and proffer condition amendments *except* a proffer condition amendment for a rezoning for which the (original) application was filed prior to July 1, 2016. In other words, the proffer condition amendments to which the new law applies are those amending proffers that were originally offered after July 1, 2016.

Public facility – the only types of offsite public facilities for which proffers may be made -- public transportation, public safety facilities, public school facilities, or public parks.

Public safety – construction of new law enforcement, fire, emergency medical, and rescue facilities or expansion of existing public safety facilities, to include all buildings, structures, parking, and other costs directly related thereto.

Public schools – construction of new primary or secondary public schools or expansion of existing primary and secondary public schools, to include all buildings, structures, parking and other costs directly related thereto.

Small area comprehensive plan – a portion of a comprehensive plan that is specifically applicable to a delineated area within a locality rather than the locality as a whole.

Specifically attributable – not defined. This is the standard that both onsite and offsite proffers must meet, in order to be "reasonable." Our best information at this time is that this phrase was borrowed from case law in Illinois, Wyoming, and Connecticut. Applicants will need to submit data and analysis with their zoning map amendment application to show that any proffered onsite or offsite improvement is specifically attributable to the new residential development.

Suggest, request, or require – not defined. When a locality denies an application, a mere "suggestion" or "request" for an "unreasonable" proffer provides the basis for a court case. The applicant is not required to object in writing during the review process. On appeal, the applicant is required to prove that it refused or failed to submit an unreasonable proffer that was "suggested, requested, or required by the locality." If so, then the locality must show, by clear and convincing evidence, that the refusal or failure was not the controlling basis of the denial.

Transportation – means a public transportation facility improvement: (i) construction of new roads; (ii) improvement or expansion of existing roads and related appurtenances as required by VDOT or local standards; (iii) construction, improvement, or expansion of buildings, structures, parking, and other facilities directly related to transit (e.g. FRED Transit).

Unreasonable proffer: (1) an on-site or off-site proffer is unreasonable unless it addresses an impact that is specifically attributable to a proposed new residential development or new residential use applied for; and (2) an offsite proffer is unreasonable unless it addresses an impact to an offsite public facility such that the new residential development or new residential use creates a need, or an identifiable portion of a need, for one or more public facility improvements in excess of existing public facility capacity at the time of the rezoning. The City may not suggest, request, require, or accept, an unreasonable proffer.

MOTION: **FRYE**

SECOND: **WITHERS**

July 12, 2016
Regular Meeting
Resolution No. 16-65

RE: **INITIATING ACTIONS IN RESPONSE TO SB 549 RELATING TO CONDITIONAL ZONING FOR RESIDENTIAL REZONINGS AND PROFFER AMENDMENTS**

ACTION: **APPROVED: Ayes: 7; Nays: 0**

WHEREAS, the 2016 General Assembly passed and the Governor approved SB 549, which amends to the Virginia Code relating to conditional zoning for residential rezonings and proffer amendments;

WHEREAS, SB 549 becomes effective on July 1, 2016, is prospective only and will only apply to any residential rezoning and proffer amendment applications filed on or after July 1, 2016;

WHEREAS, SB 549 prohibits a locality from suggesting, requesting, accepting or requiring any on-site, off-site, or cash proffer defined as "unreasonable" by SB 549 in connection with a residential rezoning or proffer amendment;

WHEREAS, SB 549 does not apply to any new residential development or new residential use occurring within the area of an approved small area comprehensive plan in which the delineated area is designated as a revitalization area, encompasses mass transit (including FRED Transit), includes mixed use development, and allows a density of at least 3.0 floor area ratio in a portion thereof;

WHEREAS, the City Council adopted a new comprehensive plan on September 8, 2015, before the 2016 General Assembly session convened;

WHEREAS, Chapter 3 of the 2015 Comprehensive Plan addresses the topic of Transportation;

WHEREAS, in light of SB 549, the utility of Chapter 3 as guidance for the review of residential rezoning applications would be enhanced by the addition of goals for adequate public facilities, implemented by established levels of service and identification of existing capacity of public transportation facilities;

WHEREAS, Chapter 4 of the 2015 Comprehensive Plan addresses the topic of Public Services, Public Facilities, and Preserved Open Space;

WHEREAS, in light of SB 549, the utility of Chapter 4 as guidance for the review of residential rezoning applications would be enhanced by the addition of goals for adequate public facilities, implemented by levels of service and identification of existing capacity of public facilities, particularly with respect to Education, Fire and Rescue, Police, and Recreational Parks and Open Space;

WHEREAS, Chapter 11 of the 2015 Comprehensive Plan divides the City into ten planning areas, focused on major components of the City's infrastructure, each with a distinct and identifiable character, with varying land use objectives;

WHEREAS, one or more of the ten planning areas may meet the criteria for an exemption from SB 549 for areas within a small area comprehensive plan;

WHEREAS, in light of SB 549, the "Land Use Potential" discussions for the ten planning areas in Chapter 11 of the 2015 Comprehensive Plan would be enhanced by identification of areas that are appropriate for revitalization, served by mass transit, include mixed use development, and allow a density of at least 3.0 floor area ratio in a portion thereof;

WHEREAS, in light of SB 549, it may be necessary to amend planned development zoning district regulations in the Unified Development Ordinance to allow a 3.0 floor area ratio as a permitted or special use, to implement the amendments to the Comprehensive Plan;

WHEREAS, the public necessity, convenience, general welfare and good zoning practice require the foregoing review and amendments, and any necessary or correlating amendments to the Comprehensive Plan and Unified Development Ordinance.

NOW THEREFORE, BE IT RESOLVED by the City of Fredericksburg Council:

1. The Planning Commission is requested to consider and prepare amendments to the 2015 Comprehensive Plan addressing the issues set forth in this Resolution and any necessary or correlating amendments to reflect the statutory changes to local proffer authority in SB 549.

2. The Planning Commission is requested to submit such Comprehensive Plan amendments to public hearing(s) within 100 days of this Resolution, and to certify such amendments as it may recommend, for consideration by the City Council.

3. The Planning Commission is requested to consider and prepare amendments to the Unified Development Ordinance addressing the issues set forth in this Resolution and any necessary or correlating amendments to reflect the statutory changes to local proffer authority in SB 549.

4. The Planning Commission is requested to submit such Unified Development Ordinance amendments to public hearing(s) within 100 days of this Resolution, and to make recommendations concerning the proposed amendments to the City Council.

5. All applications filed before July 1, 2016 for rezoning or for a proffer condition amendment seeking approval of new residential development or new residential use, including any mixed use development containing a residential component, shall be reviewed following the process currently set forth in the Unified Development Ordinance and Procedures Manual.

6. All applications filed on or after July 1, 2016 for rezoning or for a proffer condition amendment seeking approval of new residential development or new residential use, including any mixed use development containing a residential component, shall be reviewed under the 2015 Comprehensive Plan as may be amended pursuant to this Resolution, and any Unified Development Ordinance or Procedures Manual amendments which may result therefrom.

7. Neither the City Council nor the Planning Commission, nor any agency, commission, or committee of the City of Fredericksburg nor any of their members nor City staff shall suggest, request, require or accept any unreasonable proffer as defined in SB 549 in connection with any application filed on or after July 1, 2016, for rezoning or for a proffer condition amendment seeking approval of new residential development or new residential use, including any mixed use development containing a residential component.

Votes:
Ayes: Greenlaw, Withers, Devine, Duffy, Ellis, Frye, Kelly
Nays: None
Absent from Vote: None
Absent from Meeting: None

****

Clerk's Certificate

I, the undersigned, certify that I am Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Resolution No. 16-65 duly adopted at a meeting of the City Council meeting held July 12, 2016 at which a quorum was present and voted.

Tonya B. Lacey, CMC
Clerk of Council

WALSH, COLUCCI LUBELEY & WALSH, P.C.
NORTHERN VIRGINIA'S REAL ESTATE LAW FIRM

2016 PROFFER BILL / § 15.2-2303.4 FLOW CHART

Prepared by:
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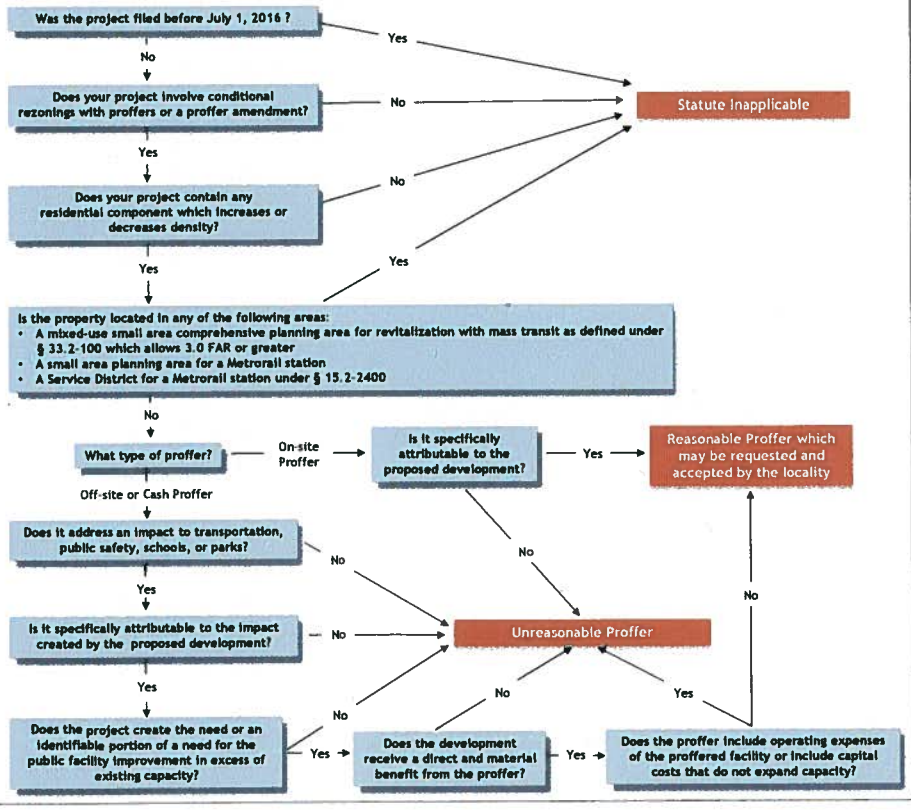
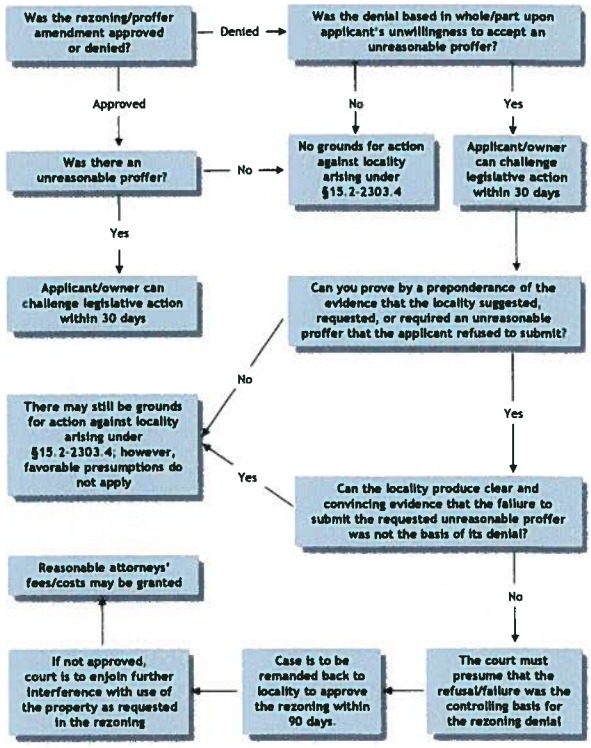
sirvin@thelandlawyers.com

DISCLAIMER: For informational purposes only. Nothing contained within this document is intended to constitute legal advice. Readers should not act upon this information without seeking professional counsel.

DETERMINING PROFFER REASONABLENESS



CHALLENGING AN UNREASONABLE PROFFER



Rev. 05-12-2016

Code of Virginia
Title 15.2. Counties, Cities and Towns
Chapter 22. Planning, Subdivision of Land and Zoning

§ 15.2-2303.4. Provisions applicable to certain conditional rezoning proffers.

A. For purposes of this section, unless the context requires a different meaning:

"New residential development" means any construction or building expansion on residentially zoned property, including a residential component of a mixed-use development, that results in either one or more additional residential dwelling units or, otherwise, fewer residential dwelling units, beyond what may be permitted by right under the then-existing zoning of the property, when such new residential development requires a rezoning or proffer condition amendment.

"New residential use" means any use of residentially zoned property that requires a rezoning or that requires a proffer condition amendment to allow for new residential development.

"Offsite proffer" means a proffer addressing an impact outside the boundaries of the property to be developed and shall include all cash proffers.

"Onsite proffer" means a proffer addressing an impact within the boundaries of the property to be developed and shall not include any cash proffers.

"Proffer condition amendment" means an amendment to an existing proffer statement applicable to a property or properties.

"Public facilities" means public transportation facilities, public safety facilities, public school facilities, or public parks.

"Public facility improvement" means an offsite public transportation facility improvement, a public safety facility improvement, a public school facility improvement, or an improvement to or construction of a public park. No public facility improvement shall include any operating expense of an existing public facility, such as ordinary maintenance or repair, or any capital improvement to an existing public facility, such as a renovation or technology upgrade, that does not expand the capacity of such facility. For purposes of this section, the term "public park" shall include playgrounds and other recreational facilities.

"Public safety facility improvement" means construction of new law-enforcement, fire, emergency medical, and rescue facilities or expansion of existing public safety facilities, to include all buildings, structures, parking, and other costs directly related thereto.

"Public school facility improvement" means construction of new primary and secondary public schools or expansion of existing primary and secondary public schools, to include all buildings, structures, parking, and other costs directly related thereto.

"Public transportation facility improvement" means (i) construction of new roads; (ii) improvement or expansion of existing roads and related appurtenances as required by applicable standards of the Virginia Department of Transportation, or the applicable standards of a locality; and (iii) construction, improvement, or expansion of buildings, structures, parking, and other facilities directly related to transit.

"Residentially zoned property" means property zoned or proposed to be zoned for either single-family or multifamily housing.

"Small area comprehensive plan" means that portion of a comprehensive plan adopted pursuant to § 15.2-2223 that is specifically applicable to a delineated area within a locality rather than the locality as a whole.

B. Notwithstanding any other provision of law, general or special, no locality shall (i) request or accept any unreasonable proffer, as described in subsection C, in connection with a rezoning or a proffer condition amendment as a condition of approval of a new residential development or new residential use or (ii) deny any rezoning application or proffer condition amendment for a new residential development or new residential use where such denial is based in whole or in part on an applicant's failure or refusal to submit an unreasonable proffer or proffer condition amendment.

C. Notwithstanding any other provision of law, general or special, (i) as used in this chapter, a proffer, or proffer condition amendment, whether onsite or offsite, offered voluntarily pursuant to § 15.2-2297, 15.2-2298, 15.2-2303, or 15.2-2303.1, shall be deemed unreasonable unless it addresses an impact that is specifically attributable to a proposed new residential development or other new residential use applied for and (ii) an offsite proffer shall be deemed unreasonable pursuant to subdivision (i) unless it addresses an impact to an offsite public facility, such that (a) the new residential development or new residential use creates a need, or an identifiable portion of a need, for one or more public facility improvements in excess of existing public facility capacity at the time of the rezoning or proffer condition amendment and (b) each such new residential development or new residential use applied for receives a direct and material benefit from a proffer made with respect to any such public facility improvements. For the purposes of this section, a locality may base its assessment of public facility capacity on the projected impacts specifically attributable to the new residential development or new residential use.

D. Notwithstanding any other provision of law, general or special:

1. Actions brought to contest the action of a locality in violation of this section shall be brought only by the aggrieved applicant or the owner of the property subject to a rezoning or proffer condition amendment pursuant to subsection F of § 15.2-2285.

2. In any action in which a locality has denied a rezoning or an amendment to an existing proffer and the aggrieved applicant proves by a preponderance of the evidence that it refused or failed to submit an unreasonable proffer or proffer condition amendment that it has proven was suggested, requested, or required by the locality, the court shall presume, absent clear and convincing evidence to the contrary, that such refusal or failure was the controlling basis for the denial.

3. In any successful action brought pursuant to this section contesting an action of a locality in violation of this section, the applicant may be entitled to an award of reasonable attorney fees and costs and to an order remanding the matter to the governing body with a direction to approve the rezoning or proffer condition amendment without the inclusion of any unreasonable proffer. If the locality fails or refuses to approve the rezoning or proffer condition amendment within a reasonable time not to exceed 90 days from the date of the court's order to do so, the court shall enjoin the locality from interfering with the use of the property as applied for without the unreasonable proffer. Upon remand to the local governing body pursuant to this subsection, the requirements of § 15.2-2204 shall not apply.

E. The provisions of this section shall not apply to any new residential development or new residential use occurring within any of the following areas: (i) an approved small area comprehensive plan in which the delineated area is designated as a revitalization area, encompasses mass transit as defined in § 33.2-100, includes mixed use development, and allows a density of at least 3.0 floor area ratio in a portion thereof; (ii) an approved small area comprehensive plan that encompasses an existing or planned Metrorail station, or is adjacent to a Metrorail station located in a neighboring locality, and allows additional density within the vicinity of such existing or planned station; or (iii) an approved service district created pursuant to § 15.2-2400 that encompasses an existing or planned Metrorail station.

F. This section shall be construed as supplementary to any existing provisions limiting or curtailing proffers or proffer condition amendments for new residential development or new residential use that are consistent with its terms and shall be construed to supersede any existing statutory provision with respect to proffers or proffer condition amendments for new residential development or new residential use that are inconsistent with its terms.

2016, c. 322.

TO: Planning Commission
FROM: Erik F. Nelson, Senior Planner/Deputy Director
DATE: August 24, 2016
RE: **Small Area Comprehensive Plans Update**

The Planning staff continues to work with Streetsense, to develop two small area comprehensive plans for Planning Areas 3 and 6. This process began in July 2016 and will extend through March of 2017. The consultants held their first public engagement sessions in July, providing an overview of the process and gathering information from neighborhood residents and other participants. They are currently engaged in a market analysis of the two planning areas and will present their research at two meetings in September.

The next neighborhood meetings are scheduled as follows:

Area 6: September 19, November 15 - at James Monroe High School
Area 3: September 20, November 16 - at the Idlewild Community Clubhouse

Streetsense will continue to meet with identified stakeholders and other interested persons outside of those public sessions. They will also have a work session with the City Council on September 20th.

Planning staff will provide a brief presentation of this project at the Planning Commission's August 31 meeting.