



## 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](http://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 at 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 not 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.

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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-distributor 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.



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Roy McAfee, Chair



## 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.

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### 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.<sup>1</sup> 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.<sup>2</sup> 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.<sup>3</sup>

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<sup>1</sup> Exhibit 1, Ordinance 14-06 including Exhibit A and maps.

<sup>2</sup> Exhibit 2, Memorandum from Kim Williams, GIS Analyst

<sup>3</sup> 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.<sup>4</sup> 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.<sup>5</sup>

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,<sup>6</sup> 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.<sup>7</sup>

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.<sup>8</sup> 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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<sup>4</sup> Exhibit 3, Deed from Bragg Hill Community Corporation to Bragg Hill Corporation, dated October 31, 2013.

<sup>5</sup> Exhibit 4, History of the Property.

<sup>6</sup> GPIN 7860-90-9711 was identified correctly as shown in Kim William’s memo and owned by the Bragg Hill Community Corporation.

<sup>7</sup> Exhibit 5, Pre-application Conference application.

<sup>8</sup> 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:**

[date]  
Regular Meeting  
Ordinance No. 16-\_\_

**SECOND:**

**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***

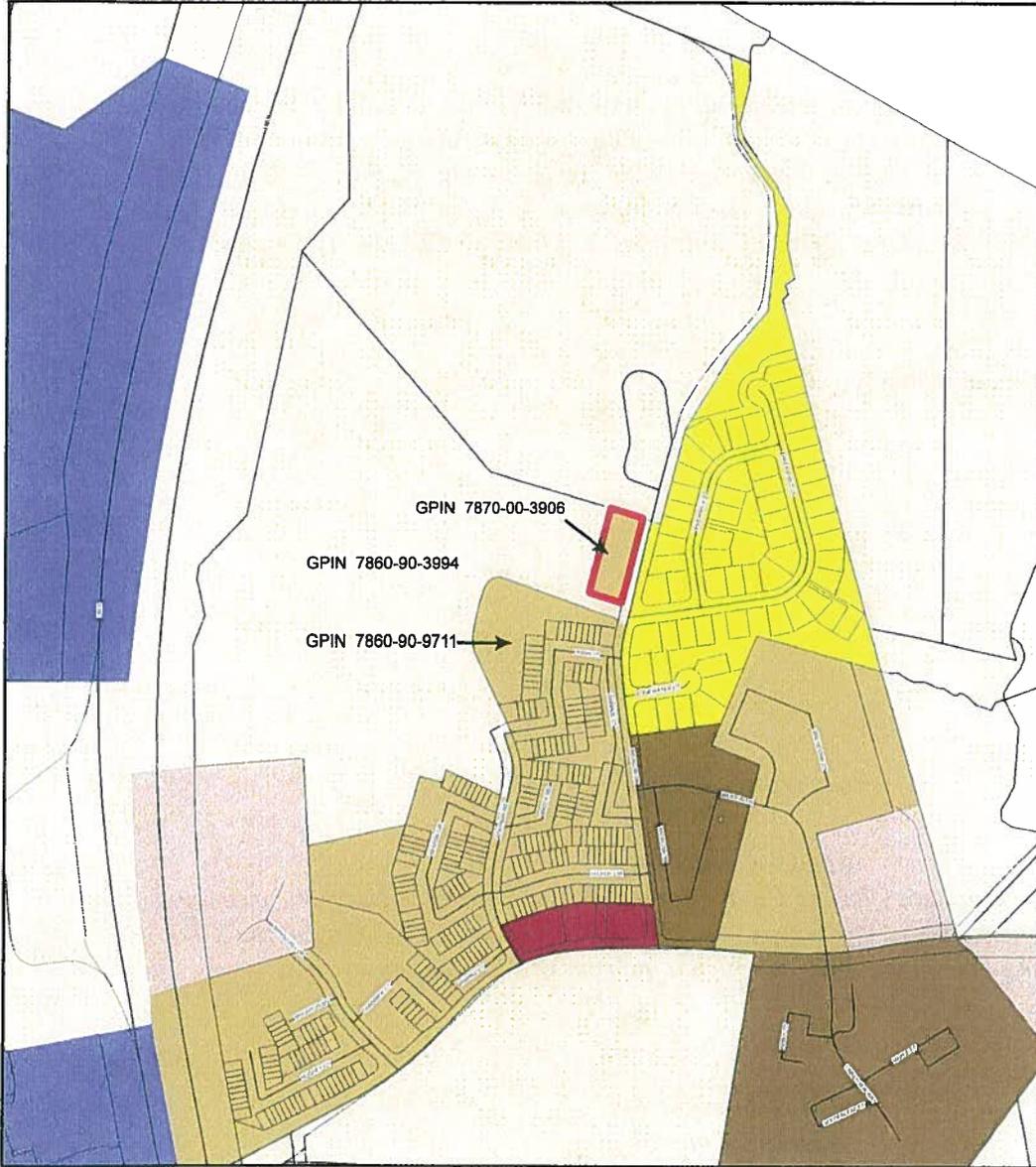
# EXHIBIT A

## 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-4H - 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



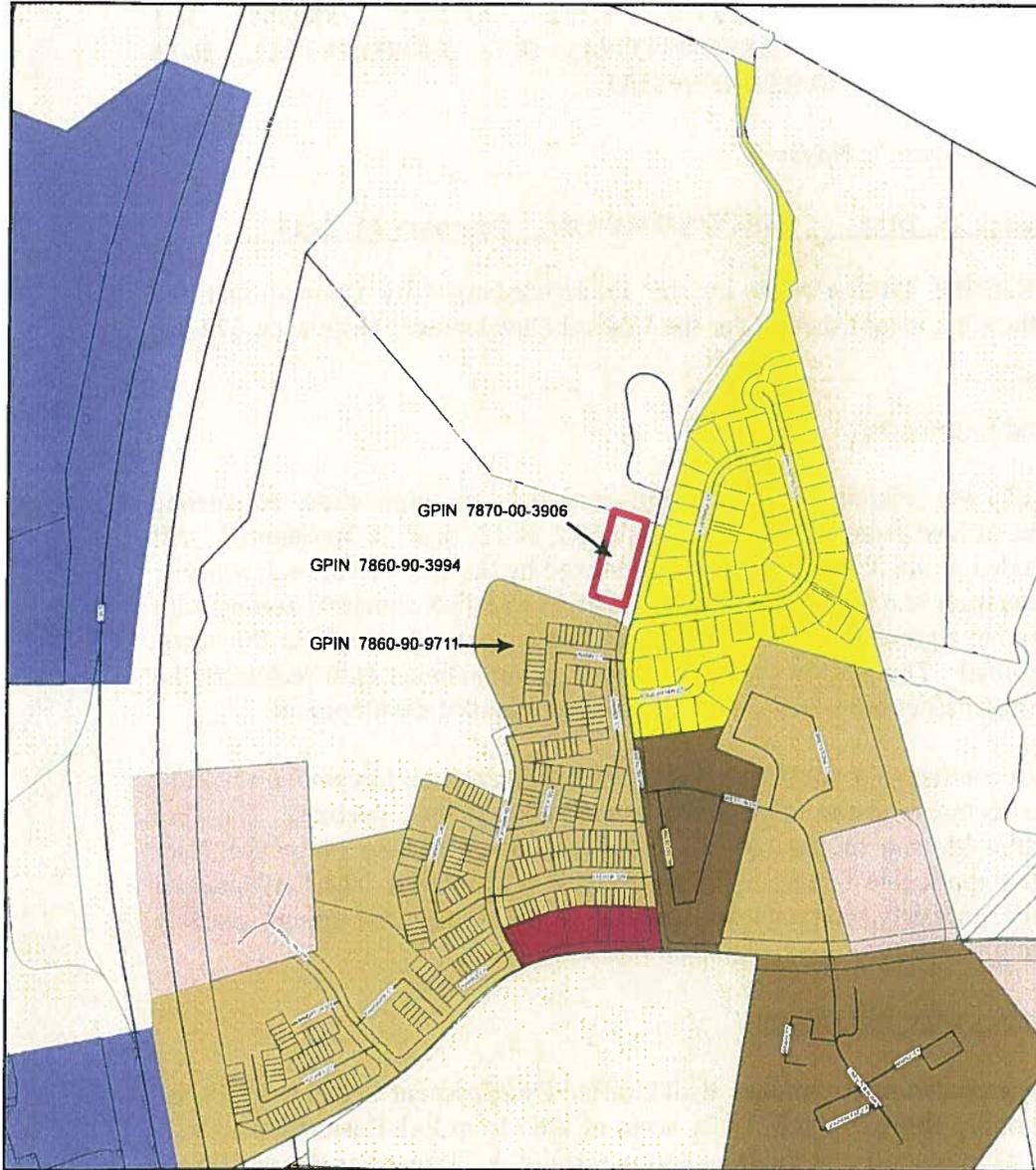
# EXHIBIT B

## 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



# EXHIBIT 1



**MOTION: PAOLUCCI**

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

**SECOND: KELLY**

**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."

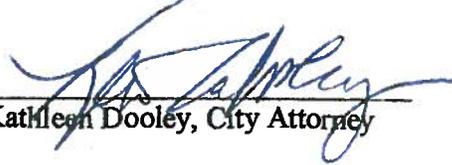
**III. Effective Immediately**

This ordinance is effective immediately.

# EXHIBIT 1

February 11, 2014  
Ordinance 14-06  
Page 2

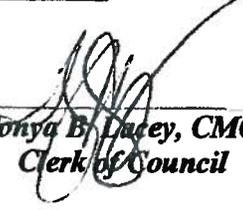
Approved as to form:

  
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. Daley, 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.,	1002-1005 Oakwood Ct.,
2-27 Apache Terr.,	1005-1101 Oakwood St.,
1000-1014 Black Oak Ct.,	2-32 Pawnee Dr.,
6-44 Briscoe Ln.,	1-8 Peace Pipe Ln.,
1000-1210 Century Oak Dr.,	104-125 Poplar Dr.,
10-40 Curtis Est.,	1303-1428 Preserve Ln.,
3219-3468 Fall Hill Av.,	5321-5517 River Rd.,
301-304 Falling Creek Rd.,	10-43 Seneca Terr.,
1800-1829 Genther Ln.,	3403 Vidalia St.,
6400 Gordon W. Shelton,	1102-1109 Westwood Dr.,
1002-1200 Great Oaks Ln.,	1200 Wicklow Dr.,
2101-2207 Hays St.,	1711-1805 A-D William St.,
1001-1019 Hickory Ct.,	101-142 Woodland Rd.,
1000-1021 Jami's Pl.,	<b>GPIN #s</b>
2231 Jeff Davis Hwy.,	7769-77-8378 (no address),
1000-1008 Jessi's Av.,	7769-16-0941 (no address),
1002-1014 Jill's Pl.,	7769-26-0788 (no address),
1002-1006 Jon's Pl.,	7769-47-1903 (no address),
1000-1009 Julia's Pl.,	7779-24-2528 (no address),
1109 Mahone St.,	7870-11-7643 (no address),
1-9 Matoca Ct.,	7870-11-1775 (no address),

# EXHIBIT 1

2

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.

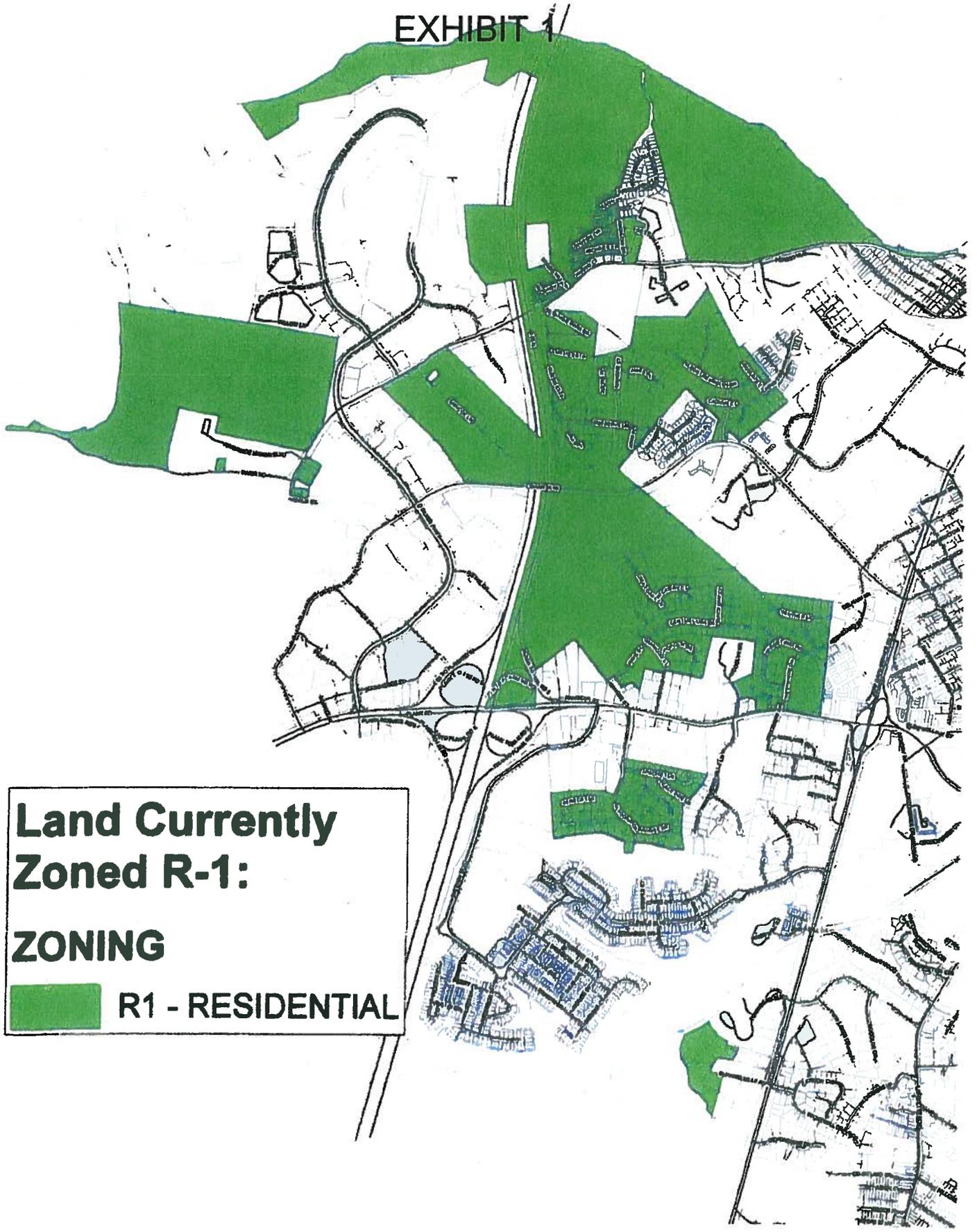
1009 Heritage Park Dr.

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

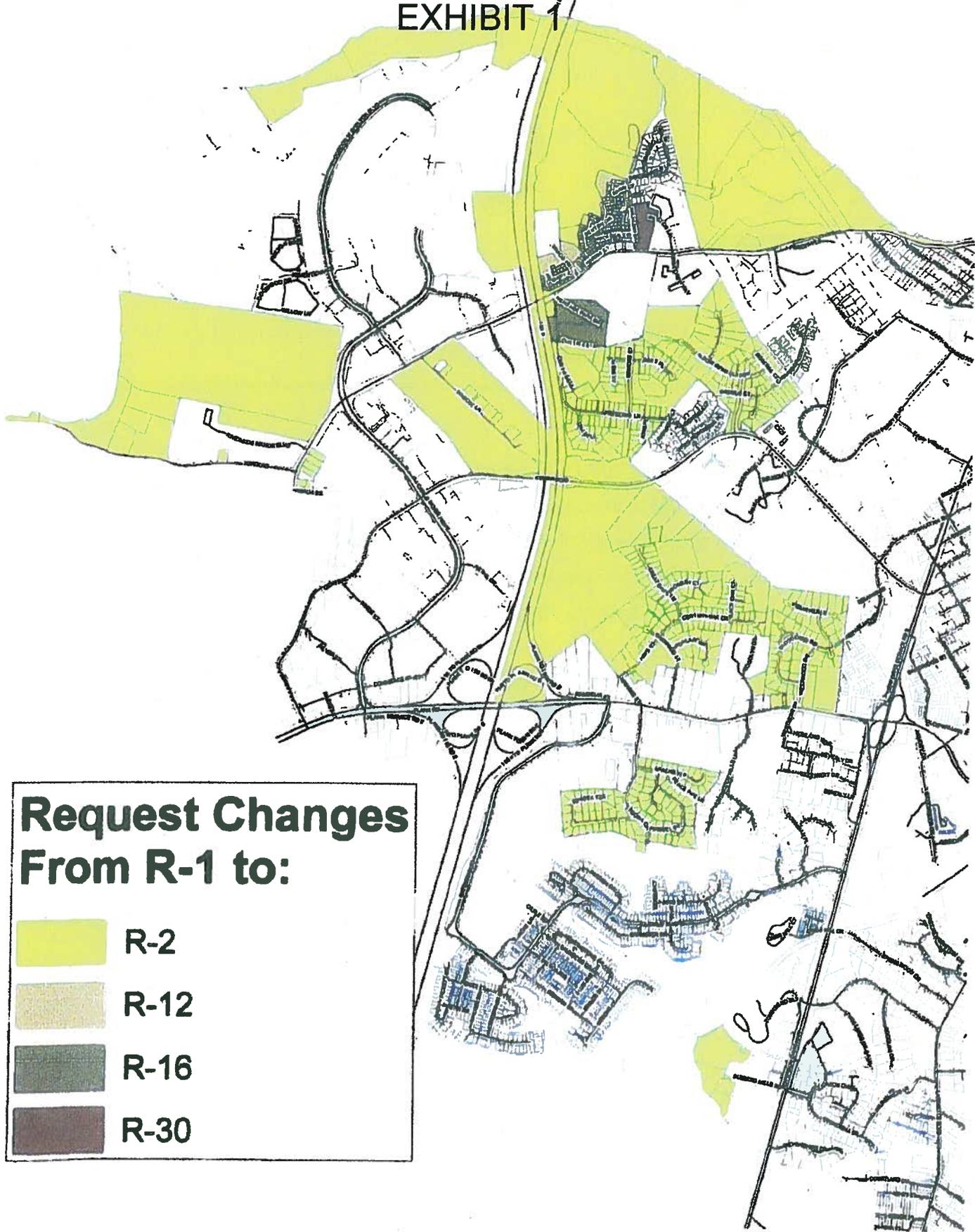


**Land Currently  
Zoned R-1:**

**ZONING**

 **R1 - RESIDENTIAL**

# 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

7870-03-1000

Property Lines and GPINs  
Prior to September 17, 2015

7860-82-5806

195 N

7870-02-0135

7870-11-1775

7870-11-7643

7860-90-3994

7860-90-9711

7870-10-4527

7769-99-0859

GREYSTONE CT

7870-00-9282

7870-10-4269

7779-19-2843

7769-99-4595

7769-99-0343

7779-09-1114

7779-19-1155

S 951

FALL HILL AVE

HUGHLEY CT

DRACON HILL DR

CHADWICK CT

HARRIS CT

DENTON CIR

HICKOK CIR

ROFFMAN RD

BROCK SQ

MANHOE CT

RAVN CT

EDGEWATER CT

WICKLOW DR

WESTON LN

RIVERWALK ST

BAKERSFIELD LN

KEAVY CT

CRESTVIEW WAY

MAPLE CT

# EXHIBIT 2

Property Lines and GPINs  
Post to September 17, 2015

7860-82-5806

7870-03-1000

195 N

7870-02-0135

7870-11-1775

7860-90-3994

7860-90-9711

7870-00-3906

7870-10-4527

7769-99-0859

7860-90-9711

GREYSTONE CT

7870-10-4269

7870-00-9282

7779-19-2843

WESTON LN

7870-00-5076

7769-99-4595

FALL HILL AVE

7769-99-0343

7779-09-1114

7779-19-1155

195 S

HUGHEY CT

CH-DW/CK CT

HARRIS CT

DENTON CIR

ROFFMAN RD

BROCK SQ

MANHOE CT

RANN CT

EDGEWATER CT

WICKLOW DR

BAKERFIELD LN

RIVERWALK ST

KEAVY CT

CRESTVIEW WAY

MAPLE CT



Instrument Control Number

[ ]

# EXHIBIT 3

## Commonwealth of Virginia Land Record Instruments Cover Sheet - Form A

[LS 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)

T  
A  
X  
E  
M  
P  
T

P  
R  
O  
C

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

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

City  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 ]	[ ]	[ ]	[ ]
[ ]	[ ]	[ ]	[ ]

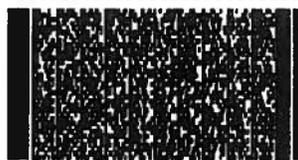
Grantee Address (Name) [BRAGG HILL CORPORATION ]  
 (Address 1) [1206 WASHINGTON AVE ]  
 (Address 2) [ ]  
 (City, State, Zip) [FRED ] [VA] [22401 ]

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**.

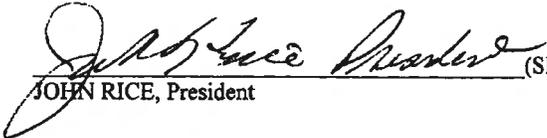
Being a portion of the 6.25 acres conveyed to Bragg Hill Community Corporation by deed dated April 28, 1976, from Hickok Construction Corporation, which deed is recorded among the land records of the Clerk's Office of the Circuit Court of Spotsylvania County, Virginia, in Deed Book 389, at Page 349.

# 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

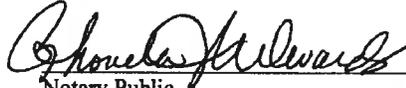
By:  (SEAL)  
JOHN RICE, President

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



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



# 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.<sup>1</sup> 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.<sup>2</sup> 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."<sup>3</sup>

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."<sup>4</sup> 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

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<sup>1</sup> 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.

<sup>2</sup> Appendix B, "Plat of Subdivision, Section 6, Bragg Hill," dated October 1972, recorded in Spotsylvania County Plat Book 10.

<sup>3</sup> Appendix C, Deed recorded in Spotsylvania County Deed Book 389 page 349.

<sup>4</sup> 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.<sup>5</sup>

The subject Parcel was conveyed from Bragg Hill Community Corporation to Bragg Hill Corporation in October 2013.<sup>6</sup> 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.<sup>7</sup>

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.<sup>8</sup>

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.”<sup>9</sup> 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.<sup>10</sup> 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.<sup>11</sup>

The GIS system was revised to identify the subject parcel as GPIN 7870-00-3906 on September 17, 2015.<sup>12</sup> 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.

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<sup>5</sup> Appendix E, memorandum from Kim Williams, GIS Analyst

<sup>6</sup> Appendix F, deed from Bragg Hill Community Corporation to Bragg Hill Corporation, dated October 31, 2013.

<sup>7</sup> Appendix G, excerpt from City’s notification access file.

<sup>8</sup> Appendix H, Ordinance 14-06, with Exhibit A and map.

<sup>9</sup> Appendix I, Downtown Properties, Inc. rezoning application.

<sup>10</sup> Appendix J, tax bill submitted by the Property Owner.

<sup>11</sup> Appendix K, printouts from City’s real estate tax billing service for GPIN 7860-90-9711.

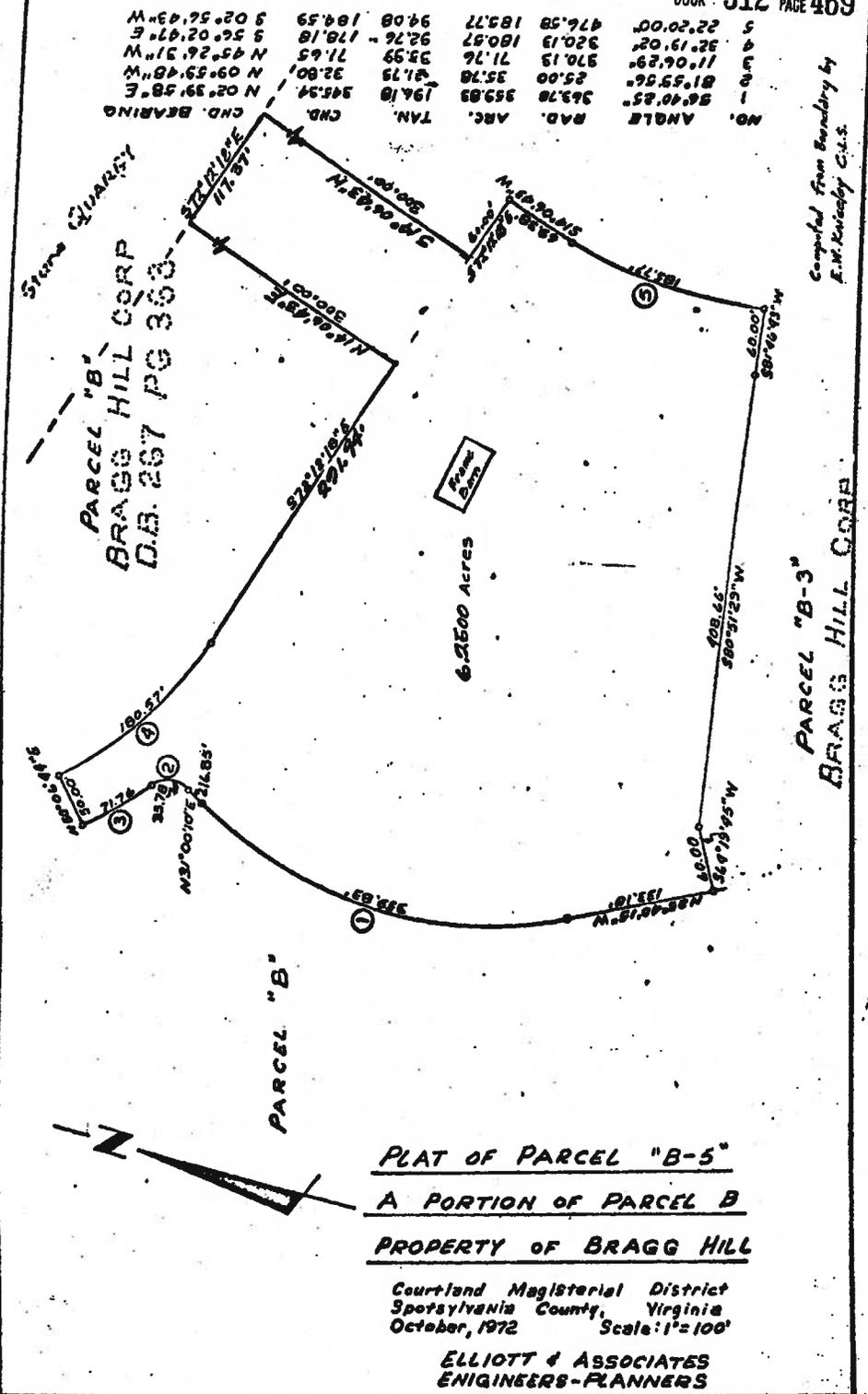
<sup>12</sup> Appendix E, memorandum from Kim Williams, GIS Analyst

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.<sup>13</sup> Mr. Glazebrook submitted the February 29, 2016 Pre-Application Conference application using this GPIN identification.

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<sup>13</sup> Appendix L, Deed from Bragg Hill Corporation to Mark Glazebrook and Mike Degen



PLAT Book- 10

STATE OF VIRGINIA

KNOW ALL MEN BY THESE PRESENTS, THAT THE UNDERSIGNED, JAMES M. ELLIOTT, JR., a citizen of the State of Virginia, do hereby certify that the following is a true and correct copy of the original as shown to me by the undersigned, JAMES M. ELLIOTT, JR., a citizen of the State of Virginia, who is the author of the same, and that the same has been duly recorded in the office of the Clerk of the Circuit Court of Spotsylvania County, Virginia, in Book 112, Page 274, and a certified copy of the same has been furnished to the Board of Supervisors of the County of Spotsylvania, Virginia, in Book 112, Page 274.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 14th day of November, 1974.

BY: *[Signature]*  
JAMES M. ELLIOTT, JR.  
STATE CERTIFIED ENGINEER, #4888 VA

STATE OF VIRGINIA

KNOW ALL MEN BY THESE PRESENTS, THAT THE UNDERSIGNED, JAMES M. ELLIOTT, JR., a citizen of the State of Virginia, do hereby certify that the following is a true and correct copy of the original as shown to me by the undersigned, JAMES M. ELLIOTT, JR., a citizen of the State of Virginia, who is the author of the same, and that the same has been duly recorded in the office of the Clerk of the Circuit Court of Spotsylvania County, Virginia, in Book 112, Page 274, and a certified copy of the same has been furnished to the Board of Supervisors of the County of Spotsylvania, Virginia, in Book 112, Page 274.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 14th day of November, 1974.

BY: *[Signature]*  
JAMES M. ELLIOTT, JR.  
STATE CERTIFIED ENGINEER, #4888 VA

STATE OF VIRGINIA

KNOW ALL MEN BY THESE PRESENTS, THAT THE UNDERSIGNED, JAMES M. ELLIOTT, JR., a citizen of the State of Virginia, do hereby certify that the following is a true and correct copy of the original as shown to me by the undersigned, JAMES M. ELLIOTT, JR., a citizen of the State of Virginia, who is the author of the same, and that the same has been duly recorded in the office of the Clerk of the Circuit Court of Spotsylvania County, Virginia, in Book 112, Page 274, and a certified copy of the same has been furnished to the Board of Supervisors of the County of Spotsylvania, Virginia, in Book 112, Page 274.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 14th day of November, 1974.

BY: *[Signature]*  
JAMES M. ELLIOTT, JR.  
STATE CERTIFIED ENGINEER, #4888 VA

STATE OF VIRGINIA

KNOW ALL MEN BY THESE PRESENTS, THAT THE UNDERSIGNED, JAMES M. ELLIOTT, JR., a citizen of the State of Virginia, do hereby certify that the following is a true and correct copy of the original as shown to me by the undersigned, JAMES M. ELLIOTT, JR., a citizen of the State of Virginia, who is the author of the same, and that the same has been duly recorded in the office of the Clerk of the Circuit Court of Spotsylvania County, Virginia, in Book 112, Page 274, and a certified copy of the same has been furnished to the Board of Supervisors of the County of Spotsylvania, Virginia, in Book 112, Page 274.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 14th day of November, 1974.

BY: *[Signature]*  
JAMES M. ELLIOTT, JR.  
STATE CERTIFIED ENGINEER, #4888 VA

STATE OF VIRGINIA

KNOW ALL MEN BY THESE PRESENTS, THAT THE UNDERSIGNED, JAMES M. ELLIOTT, JR., a citizen of the State of Virginia, do hereby certify that the following is a true and correct copy of the original as shown to me by the undersigned, JAMES M. ELLIOTT, JR., a citizen of the State of Virginia, who is the author of the same, and that the same has been duly recorded in the office of the Clerk of the Circuit Court of Spotsylvania County, Virginia, in Book 112, Page 274, and a certified copy of the same has been furnished to the Board of Supervisors of the County of Spotsylvania, Virginia, in Book 112, Page 274.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 14th day of November, 1974.

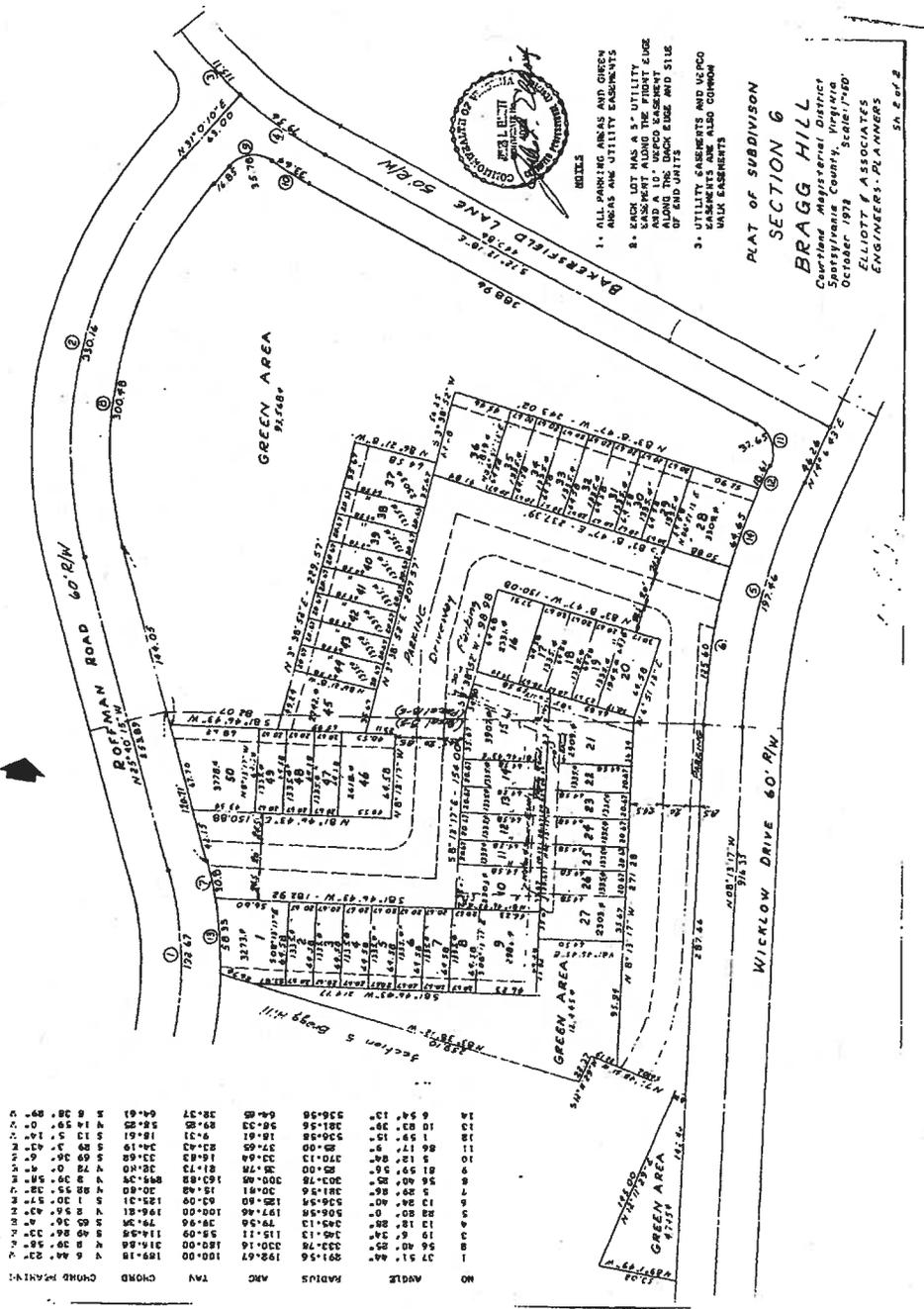
BY: *[Signature]*  
JAMES M. ELLIOTT, JR.  
STATE CERTIFIED ENGINEER, #4888 VA

PLAT OF SUBDIVISION  
SECTION 6  
BRAGG HILL  
Courtland Magisterial District  
Spotsylvania County, Virginia  
October 1972. Scale: 1"=30'  
ELLIOTT & ASSOCIATES  
ENGINEER-PLANNERS  
5th Fl. Bldg.

*[Signature]*  
PA 10-22-74



PLAT Book-10



NOTES

1. ALL BANKING AREAS AND CHECK AREAS AND UTILITY EASEMENTS
2. EACH LOT HAS A 3" UTILITY EASEMENT ALONG THE BOUNDARY LINE AND A 10" UTILITY EASEMENT ALONG THE DRAINAGE EDGE AND SIDE OF EACH LOT
3. UTILITY EASEMENTS AND VEPIC ARE SHOWN AND ALSO COMMON WALK EASEMENTS

PLAT OF SUBDIVISION  
SECTION 6  
BRAGG HILL  
County of Washington, Virginia  
Surveyed in accordance with the Act of October 1973, Series 17480  
ELLIOTT & ASSOCIATES  
ENGINEERS-PLANNERS  
SHEET NO. 2

NO	ANGLE	RADIUS	ARC	TAN	CHORD	CHORD BEARING
1	56.40.25	333.78	333.16	180.00	189.18	189.18
2	57.51.44	301.56	198.67	100.00	159.45	159.45
3	56.40.25	333.78	333.16	180.00	189.18	189.18
4	57.51.44	301.56	198.67	100.00	159.45	159.45
5	56.40.25	333.78	333.16	180.00	189.18	189.18
6	57.51.44	301.56	198.67	100.00	159.45	159.45
7	56.40.25	333.78	333.16	180.00	189.18	189.18
8	57.51.44	301.56	198.67	100.00	159.45	159.45
9	56.40.25	333.78	333.16	180.00	189.18	189.18
10	57.51.44	301.56	198.67	100.00	159.45	159.45
11	56.40.25	333.78	333.16	180.00	189.18	189.18
12	57.51.44	301.56	198.67	100.00	159.45	159.45
13	56.40.25	333.78	333.16	180.00	189.18	189.18
14	57.51.44	301.56	198.67	100.00	159.45	159.45

# EXHIBIT 4 - APPENDIX C

BOOK 389 PAGE 349

1609

*Manner  
Blk. Ad.  
3-3 Chas.  
5-27%*

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  
489.

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



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.

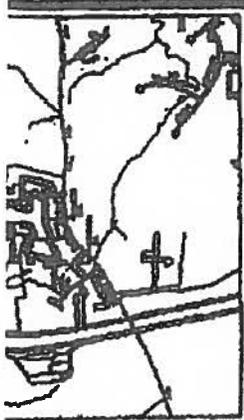
My commission expires: My Commission Expires February 8, 1976

Shirley C. Proctor  
NOTARY PUBLIC

HICKS and BAKER  
ATTORNEYS AT LAW  
FREDERICKSBURG, VA.

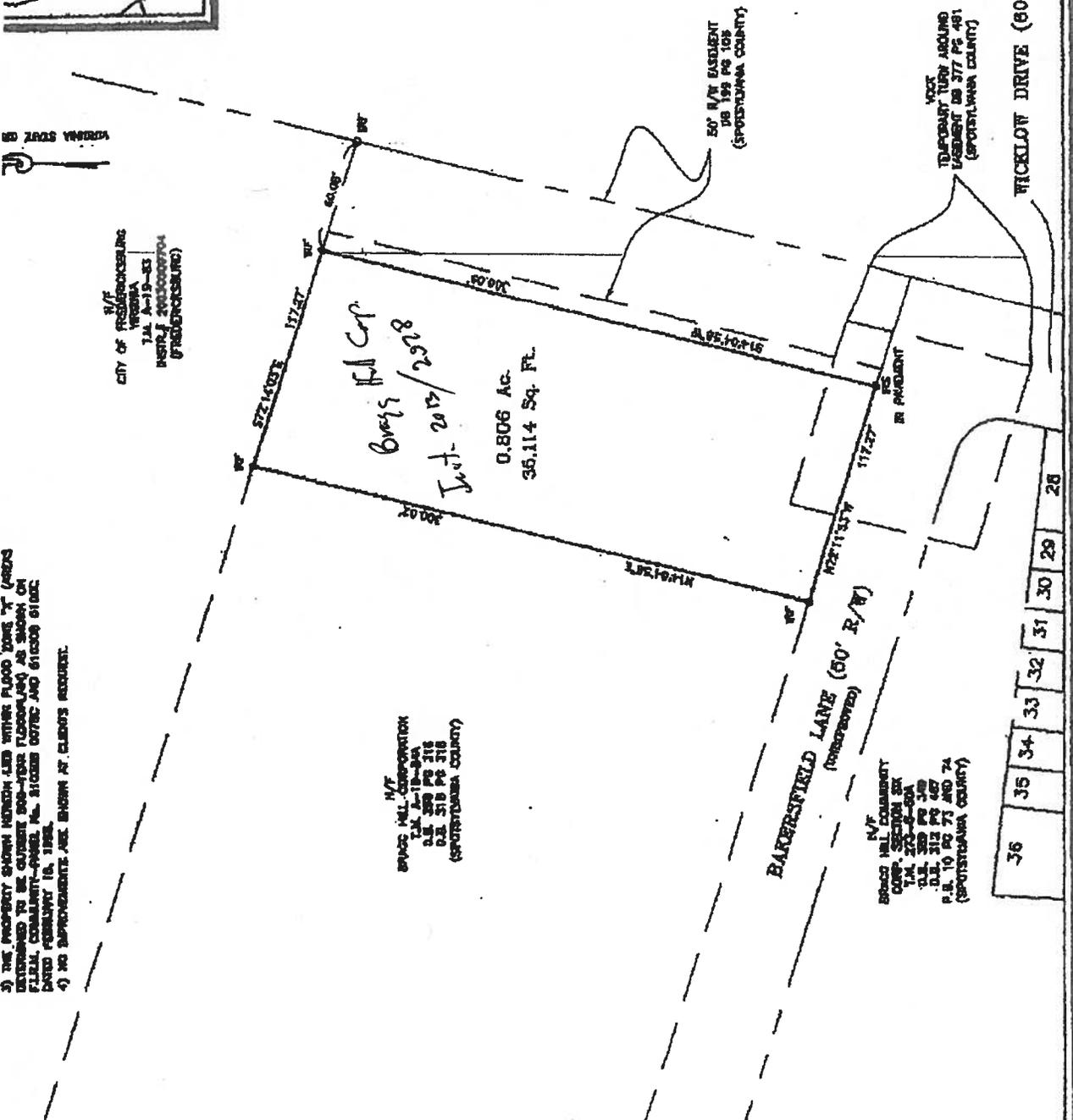
SPOTSYLVANIA COUNTY CIRCUIT COURT CLERK'S OFFICE, VIRGINIA  
1976, This Deed, was State Tax 1.00  
this day received in this office together with the cer- County Tax .80  
tificate thereon admitted to record at 4:30 o'clock. Transfer .80  
AM. Recording 2.00  
Add. Tax 1.00  
Total 12.00  
Teste: Margaret M. Coad, Clerk.

 <p><b>BVA</b> BUSINESS VALUERS ASSOCIATION OF AMERICA MEMBER SINCE 1988</p>	 <p>THE BOARD OF PROFESSIONAL VALUERS OF THE STATE OF MISSOURI MEMBER SINCE 1987</p>	<p>STATE OF MISSOURI COUNTY OF SPOTSWOOD</p>
		<p>PLAT OF SURVEY SHOWING 0.806 ACRES IN THE NAME OF BRAGO HILL COMMUNITY CORPORATION CITY OF FREDERICKSBURG</p>
<p>DATE: 02.28.2007 SCALE: 1"=40' DESIGNED BY: DRAWN BY: J CHECKED BY: MS FILE NAME: 0207-2-10 JOB NO.: 0207-1 PLOT NO.:</p>	<p>1 OF 1</p>	



VICINITY MAP  
1" = 200'

N/T  
L. ROYALTY, HUSBAND OF  
VIRGINIA PCL  
T.L. 222-440  
REGISTERED 1006430200  
P.L. 14 PAGES 48-63  
(SPOTSWOOD COUNTY)



3) THE PROPERTY SHOWN HEREON LIES WITHIN FLOOD ZONE "X" (AREAS  
DETERMINED TO BE SUBJECT TO 100-YEAR FLOODING) AS SHOWN ON  
F.L.M. COMMUNITY-3482, No. 810288 0078C AND 610300 6102C,  
DATED FEBRUARY 16, 1988.  
4) NO IMPROVEMENTS ARE SHOWN AT CLERK'S REQUEST.

Instrument Control Number

[ ]

# EXHIBIT 4 - APPENDIX E

## Commonwealth of Virginia Land Record Instruments Cover Sheet - Form A

[LS 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)

T  
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R  
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T  
I  
O  
N

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

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

City  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.

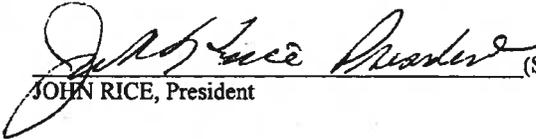
Being a portion of the 6.25 acres conveyed to Bragg Hill Community Corporation by deed dated April 28, 1976, from Hickok Construction Corporation, which deed is recorded among the land records of the Clerk's Office of the Circuit Court of Spotsylvania County, Virginia, in Deed Book 389, at Page 349.

# 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

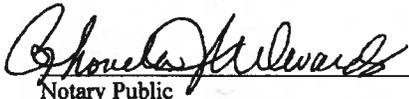
By:  (SEAL)  
JOHN RICE, President

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



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



# 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

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EXHIBIT 4 - APPENDIX F

ID	Field1	Field2	Field3	Field4	Field5	Field6	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.	Carlito & 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

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.

## EXHIBIT 4 - APPENDIX G

- 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

## EXHIBIT 4 - APPENDIX G

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.

## EXHIBIT 4 - APPENDIX G

- 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:

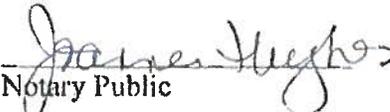
Applicant/Contract Purchaser  
Downtown Properties, Inc., a Virginia Corporation

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 27<sup>th</sup> day of March 2014.

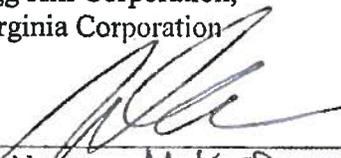
  
Notary Public

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



# EXHIBIT 4 - APPENDIX G

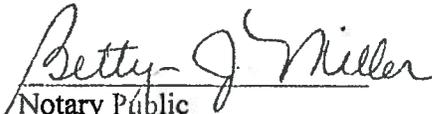
Owner  
Bragg Hill Corporation,  
a Virginia Corporation

By:   
Print Name: MIKE DEEGEN  
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 Deegen, 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 31<sup>st</sup> day of March 2014.

  
Notary Public

Print Name: Betty J. Miller  
My Commission Expires: 8/31/2014  
Registration No.: 4060695



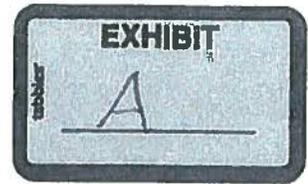
# EXHIBIT 4 - APPENDIX G

## EXHIBIT A

### General Architectural Features

5621758-1 039718.00001

EXHIBIT 4 - APPENDIX G



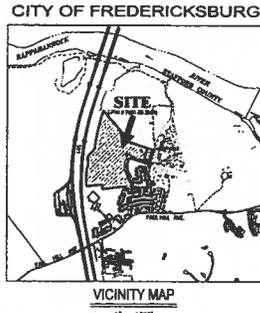
# EMBREY HILLS

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

### APPLICATION FOR ZONING MAP AMENDMENT

#### SITE STATISTICS

<b>EXISTING ZONING:</b>	R-1 (PROPOSED R-2 PER CITY INITIATED MAP AMENDMENTS)
<b>SITE AREA:</b>	34,055 ACRES
CITY LOT # 7860-90-3994	7.00 ACRES (PER PROFFER 1.0)
OUT PARCEL:	27,055 ACRES (PER PROFFER 1.0)
REMAINING AREA:	
<b>STEEP SLOPES:</b>	7.66 ACRES
AREA IN STEEP SLOPES:	22,49% (7.66 AC/34,055 AC)
% AREA IN STEEP SLOPES:	75%
% ALLOWABLE DENSITY IN STEEP SLOPES:	
<b>ZONING DISTRICT COMPARISONS:</b>	
<b>EXISTING ZONING:</b>	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:	
84 SINGLE FAMILY DWELLINGS @ 10 VTE/LOT	= 840 VTE
<b>SUGGESTED ZONING PER COMPREHENSIVE PLAN:</b>	FOR (PLANNED DEVELOPMENT-RESIDENTIAL DISTRICTS)
ALLOWABLE RESIDENTIAL DENSITY:	8 UNITS/ACRE
ALLOWABLE DENSITY CALCULATION:	
LOTS = [8 X (33,962 AC - 7.66 AC)]	
+ [8 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
<b>PROPOSED ZONING MAP AMENDMENT:</b>	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:	59 LOTS
TRAFFIC GENERATION:	
99 TOWNHOUSE DWELLINGS @ 6 VTE/LOT	594 VTE
<b>PROPOSED PHASING:</b>	
PHASE I:	20 LOTS
PHASE II:	38 LOTS
PHASE III:	51 LOTS
TOTAL:	89 LOTS
<b>PROPOSED DENSITY:</b>	
DENSITY AT 34,055 ACRES:	2.91 UNITS PER ACRE (89 LOTS/34,055 ACRES)
DENSITY AT 27,055 ACRES:	3.65 UNITS PER ACRE (89 LOTS/27,055 ACRES)
<b>IMPERVIOUS AREA:</b>	86,090 SF (1,976 ACRES)
BUILDING FOOTPRINT:	47,150 SF (1,082 ACRES)
SIDEWALKS AND DRIVEWAYS:	185,580 SF (4,237 ACRES)
PARKING AREAS AND TRAVELWAYS:	317,220 SF (7,236 ACRES)
TOTAL:	
<b>OPEN SPACE:</b>	
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%
<b>PARKING SPACES:</b>	
REQUIRED PARKING SPACES:	1.5 PER DU + 1 PER EVERY 5 UNITS = 189 SPACES
PARKING SPACES PROVIDED:	
DRIVEWAY SPACES:	51 SPACES
PARKING SPACES:	175 SPACES
ON STREET PARKING SPACES:	47 SPACES
TOTAL:	273 SPACES
<b>BUILDING HEIGHT:</b>	
ALLOWED:	50'
PROPOSED:	48'



#### 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  
 MDSS@AOL.COM

#### APPLICANT

DOWNTOWN PROPERTIES  
 C/O DOUGLAS F. BROWN  
 5 FRANZ COURT  
 FREDERICKSBURG, VIRGINIA 22405  
 PHONE: 540 760-6707  
 dfbrown@ccn.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 6100650090 & 610065028C, DATED SEPTEMBER 19, 2007.

CITY OF FREDERICKSBURG,

VIRGINIA

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

BY: \_\_\_\_\_

BEA

REGISTERED PROFESSIONAL ENGINEER  
 CIVIL ENGINEERING AND LAND SURVEYING  
 1000 EAST MAIN STREET, SUITE 100  
 FREDERICKSBURG, VA 22405  
 TEL: 540-809-3400

PROFESSIONAL SEAL

TITLE SHEET

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

PROFESSIONAL SEAL

DATE: 12-18-12

SCALE:

DESIGNED BY: JMB

DRAWN BY: LT

CHECKED BY: JMB

FILE NAME: J2-CHECKED

CAD NO.: 2012-1

PLANT NO.:

I



EXHIBIT 4 - APPENDIX G

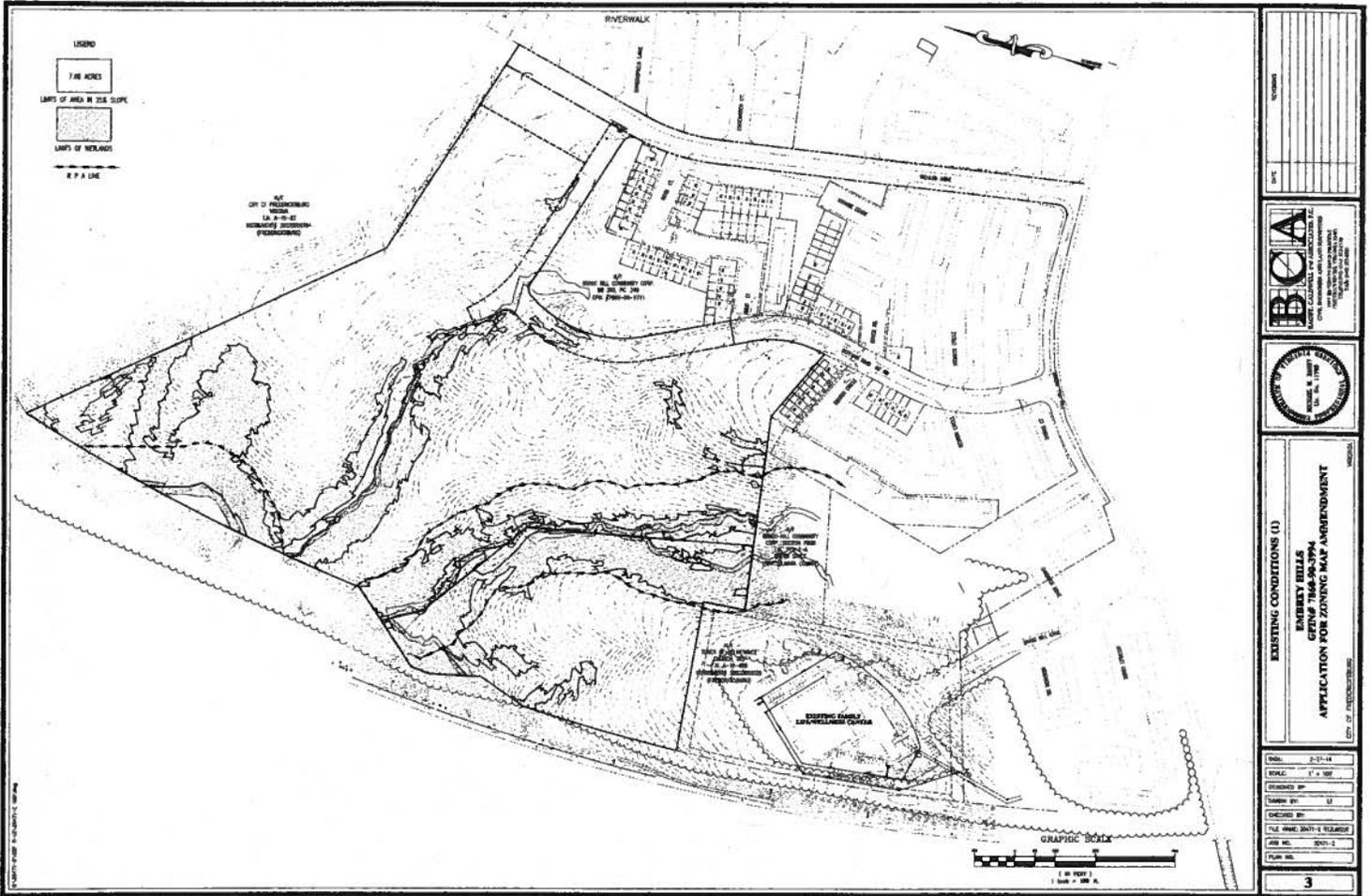
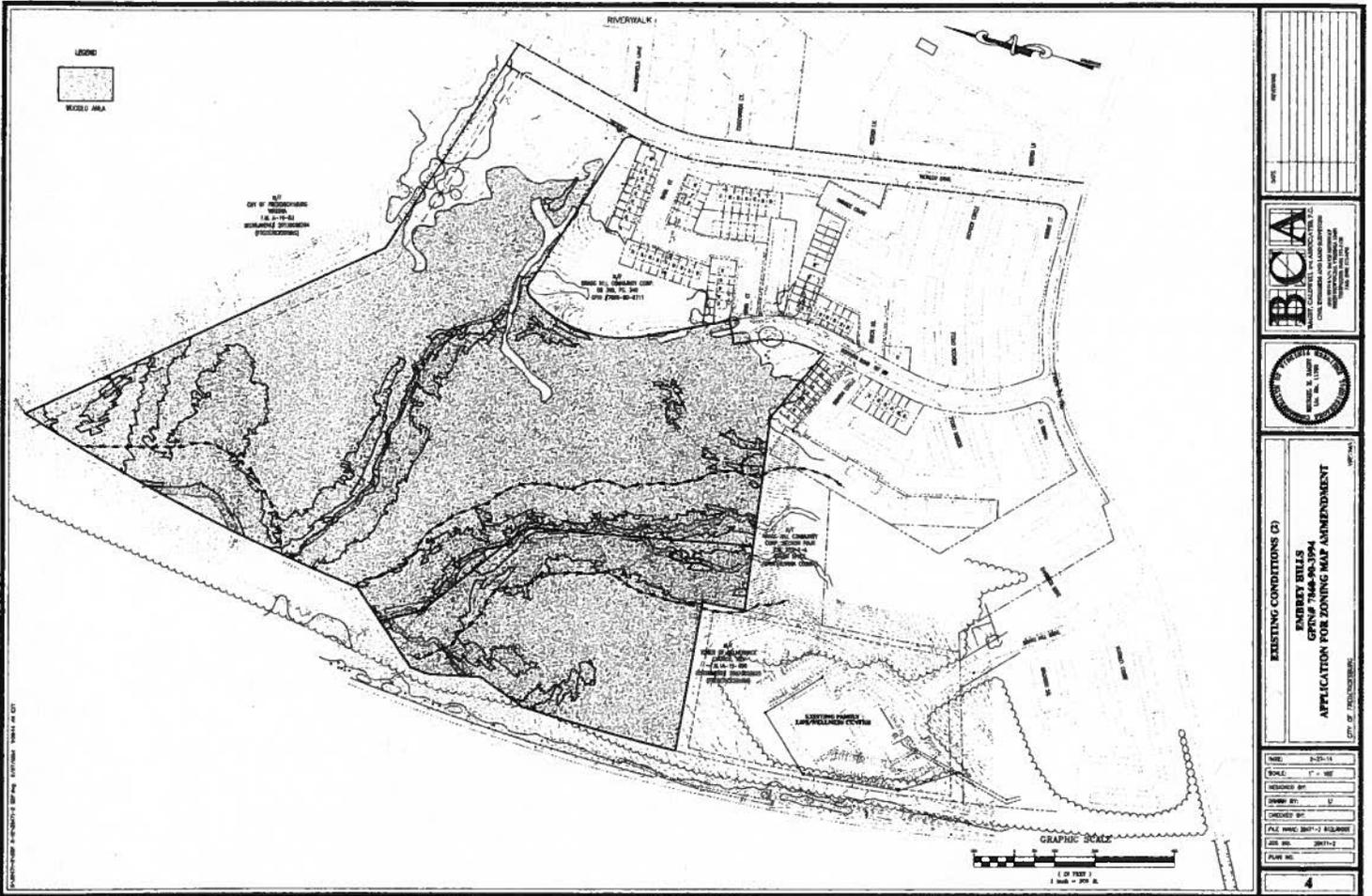


EXHIBIT 4 - APPENDIX G



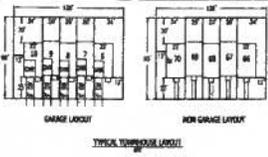
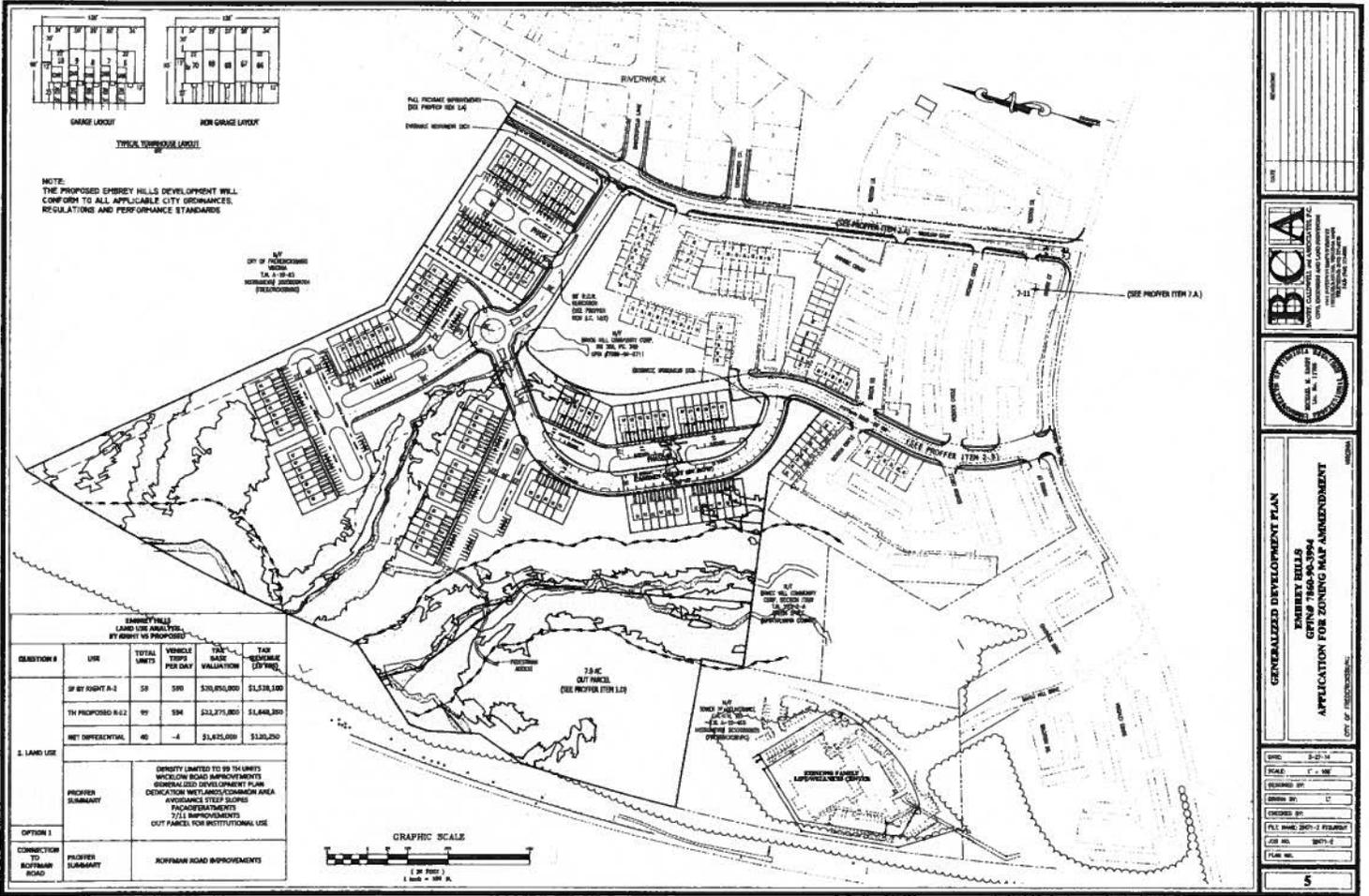
DATE	
REVISION	



**EXISTING CONDITIONS (C)**  
**EMMETT HILLS GROUP HOME (1960s)**  
**APPLICATION FOR ZONING MAP AMENDMENT**  
 CITY OF WASHINGTON

DATE	3-25-14
SCALE	1" = 100'
DESIGNED BY	
DRAWN BY	
CHECKED BY	
FILE NAME	30471-1_R14000
DATE	3/25/14
PLAT NO.	

EXHIBIT 4 - APPENDIX G



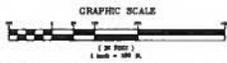
NOTE: THE PROPOSED EMBREY HILLS DEVELOPMENT WILL CONFORM TO ALL APPLICABLE CITY ORDINANCES, REGULATIONS AND PERFORMANCE STANDARDS.

BY CITY OF INDEPENDENCE IN 2014 TO INCREASE DENSITY (PROPOSED)

SECTION #	USE	TOTAL UNITS	VEHICLE TRIPS PER DAY	TAX BASE VALUATION	TAX REVENUE (\$/YR)
BY RIGHT A-1	SR	500	500	\$30,000,000	\$1,500,000
TH PROPOSED B-1	SR	50	50	\$3,000,000	\$150,000
NET DIFFERENTIAL		450	450	\$27,000,000	\$1,350,000

**PROPER SUMMARY**  
 DENSITY LIMITED TO 50 UNITS PER ACRE  
 WIDEN ROAD IMPROVEMENTS  
 GENERALIZED DEVELOPMENT PLAN  
 DESIGNATION METLAND COMMON AREA  
 AVOIDANCE STEEP SLOPES  
 FACEDS/RETAINMENTS  
 7.11 IMPROVEMENTS  
 OUT PARCELS FOR INSTITUTIONAL USE

**OPTION 1**  
**CONNECTION TO ROYFARM ROAD**  
**PROPER SUMMARY**  
 ROYFARM ROAD IMPROVEMENTS



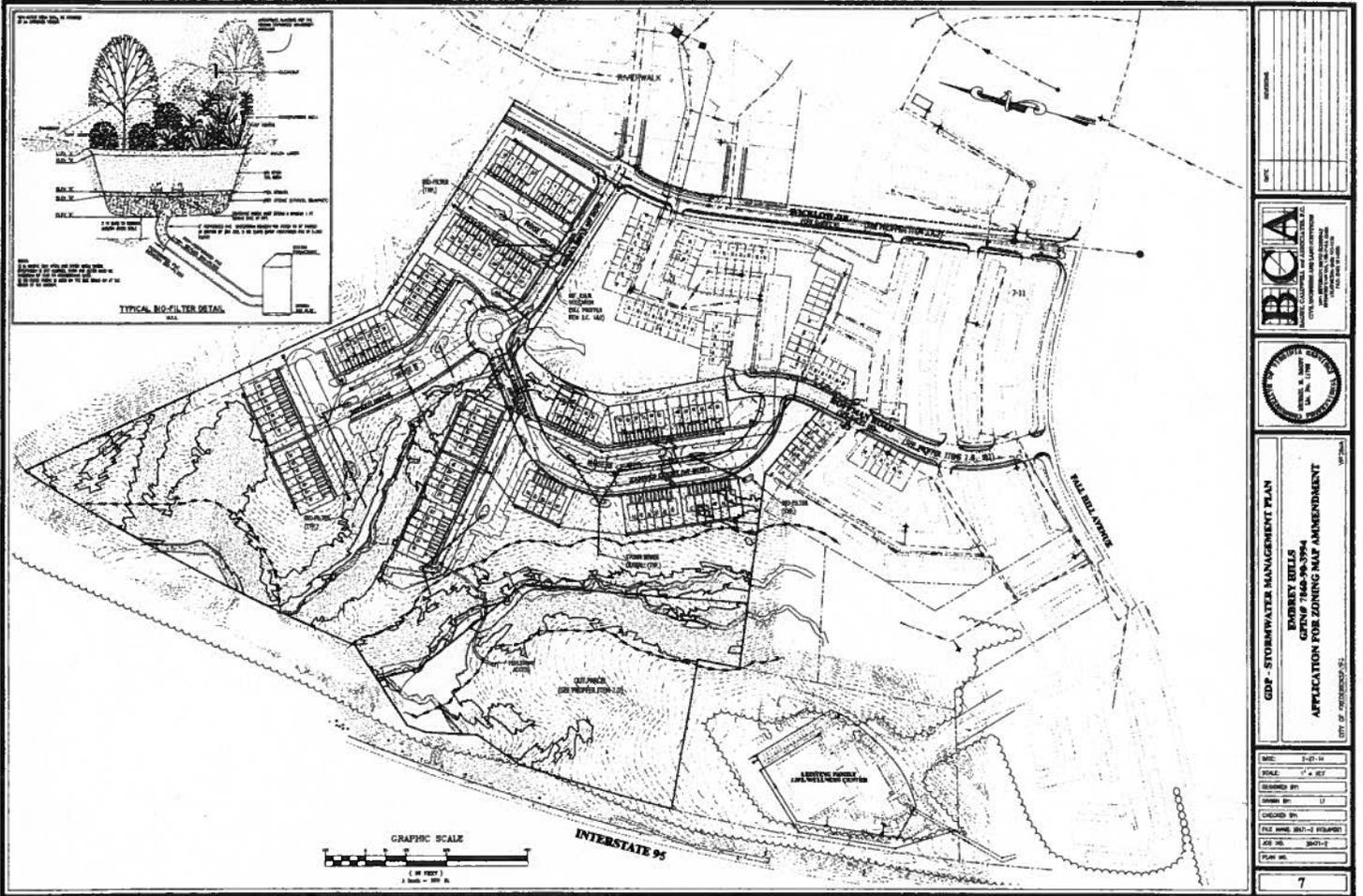
GENERALIZED DEVELOPMENT PLAN  
 EMBREY HILLS  
 GFD# 7840-90-3994  
 APPLICATION FOR ZONING MAP AMENDMENT  
 CITY OF INDEPENDENCE

DATE: 3-20-14  
 SCALE: 1" = 50'  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 FILE NAME: 2014-2-EMBREY  
 JOB NO.: 2014-2  
 PLAN NO.: [Number]

5

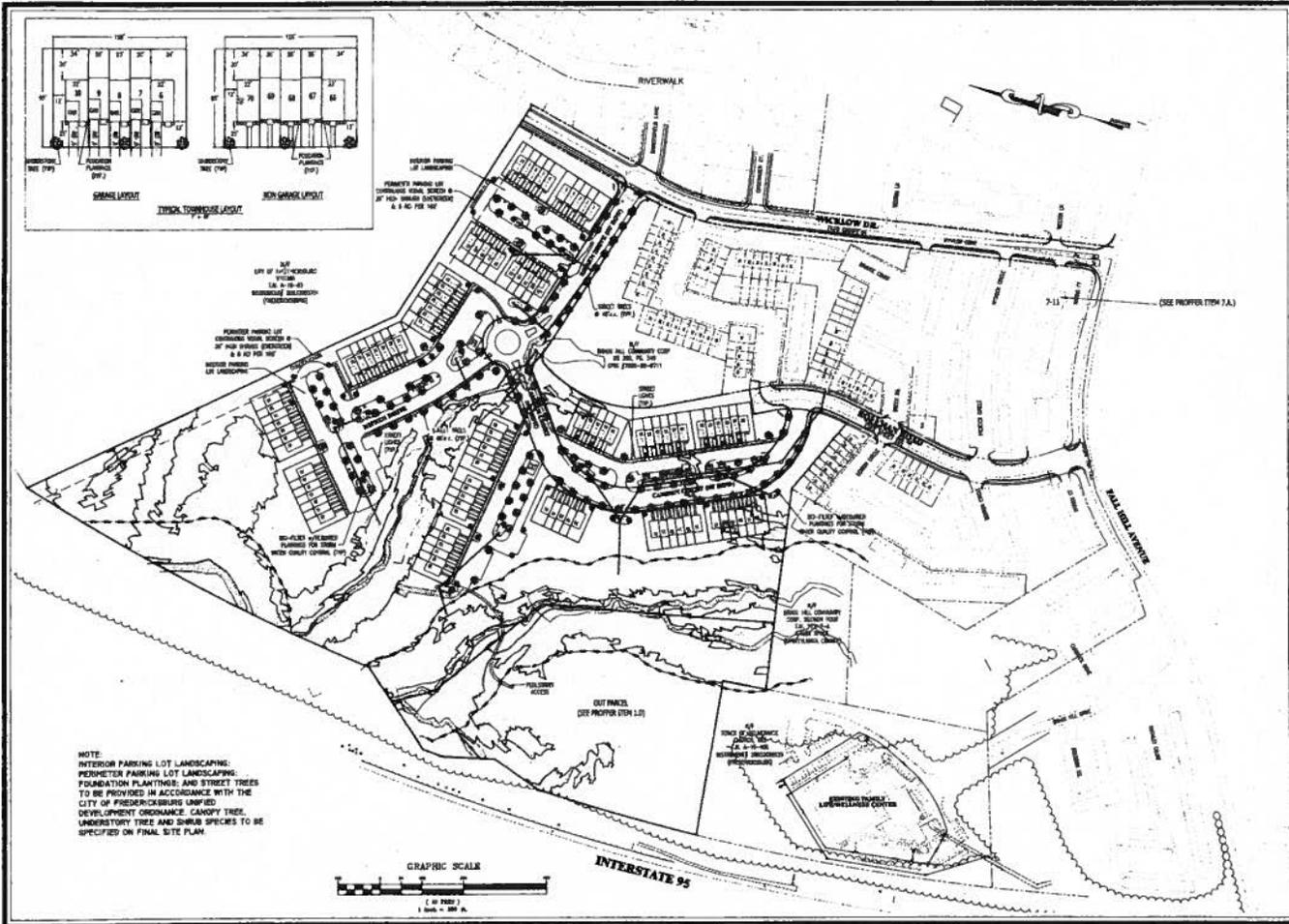


EXHIBIT 4 - APPENDIX G



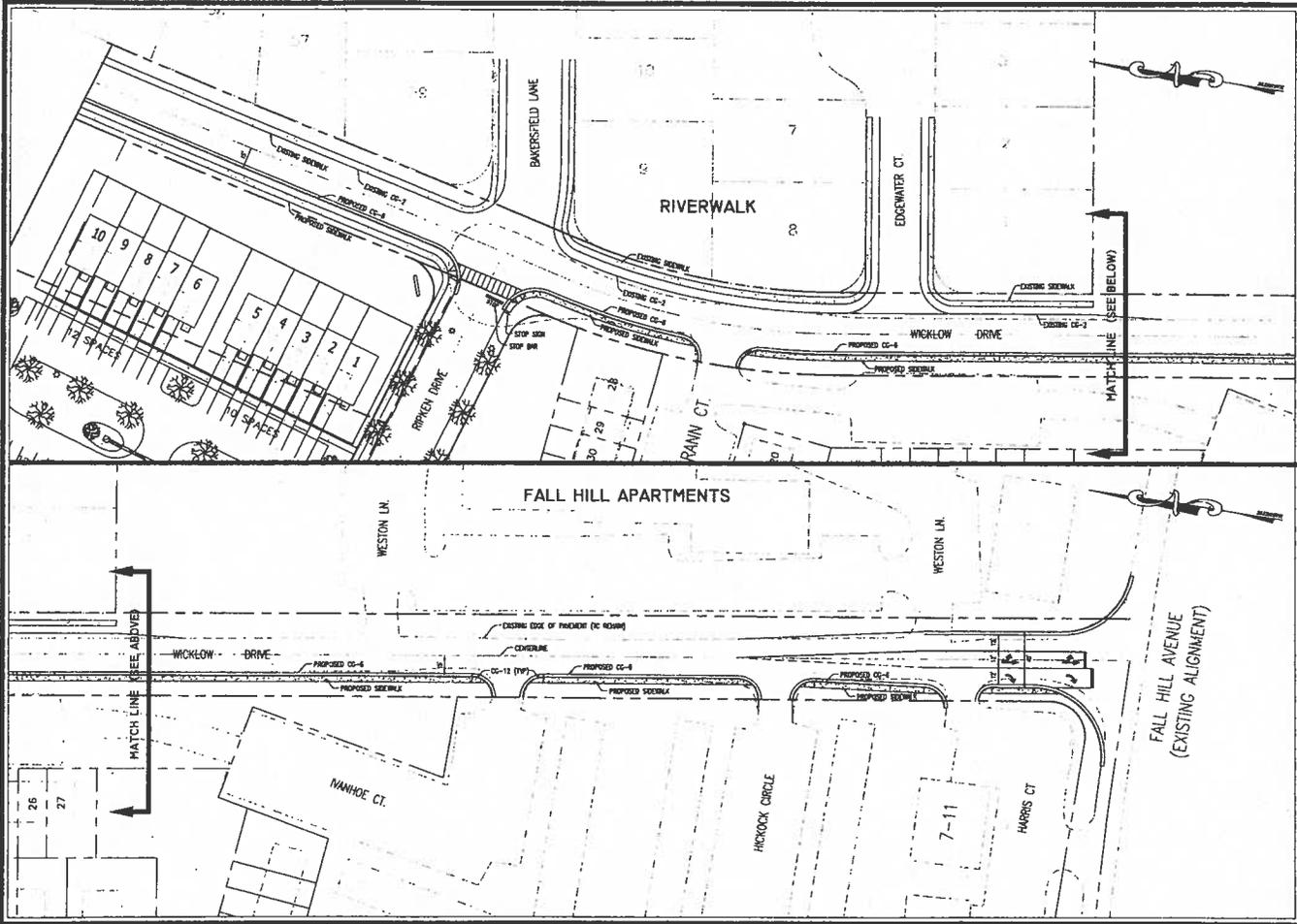
DATE	
REVISION	
<b>BCA</b>	
<small>                 CONSULTING ENGINEERS                  1000 W. 10TH AVENUE, SUITE 100                  DENVER, CO 80202                  PHONE: 303.733.8800                  FAX: 303.733.8801                  WWW: WWW.BCA-ENGINEERS.COM             </small>	
<b>CDP - STORMWATER MANAGEMENT PLAN</b> <b>DOBNEY BRIS</b> <b>CONSTRUCTION MANAGEMENT</b> <b>APPLICATION FOR LEARNING HALL AMENDMENT</b> <small>CITY OF DENVER/CDOT/DCS</small>	
DATE	2-27-14
SCALE	1" = 40'
DESIGNED BY	UJ
DRAWN BY	UJ
CHECKED BY	
FILE NAME	3001-1 (R) (REV)
JOB NO.	3001-1
PLAN NO.	
7	

EXHIBIT 4 - APPENDIX G



REVISIONS
DATE
<b>GDP - LIGHTING AND LANDSCAPING</b> EMBURY HILLS GROUP 7/100-1000 APPLICATION FOR ZONING MAP AMENDMENT CITY OF FREDERICKSBURG
SHEET: 2 of 4 SCALE: 1" = 50' DRAWN BY: CHECKED BY: TITLE: JAMES SMITH - 10/10/07 JOB NO.: 1007-2 PLAN NO.:
8

EXHIBIT 4 - APPENDIX G



DATE	DESCRIPTION



WICKLOW DRIVE IMPROVEMENTS  
 KIMBERLY STILLS  
 CETS# 78-60-90-3984  
 APPLICATION FOR ZONING MAP AMENDMENT  
 CITY OF JEFFERSON

DATE	3-21-14
SCALE	1" = 30'
DRAWN BY	CS
CHECKED BY	CS
FILE NAME	2013-1121002
JOB NO.	2013-1
PLAN NO.	9



EXHIBIT C

State Maintenance UPDATE  
CITY OF FREDERICKSBURG  
**EXHIBIT 4 - APPENDIX H**

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

TREASURER  
FREDERICKSBURG  
257  
FREDERICKSBURG VA 22404-0267



**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.

**INFORMATION INQUIRIES**

Commissioner of Revenue  
Payments

540-372-1004  
540-372-1001

003017



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

016514

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 <i>PD 4/25/15 #1169</i>	120,900	955.12
AC .81		<b>TOTAL NOW DUE</b>	477.56

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.

# EXHIBIT 4 - APPENDIX I

## 2016 Real Estate Tax Bill

### CITY OF FREDERICKSBURG



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

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

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

Version: 2015-12-10-16.18.01.629230

# EXHIBIT 4 - APPENDIX I

## 2016 Real Estate Tax Bill

### CITY OF FREDERICKSBURG



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

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

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

Version: 2015-12-10-16.18.01.629230

# EXHIBIT 4 - APPENDIX I

## 2015 Real Estate Tax Bill

### CITY OF FREDERICKSBURG



BRAGG HILL CORPORATION  
 1206 WASHINGTON AVE  
 FREDERICKSBURG VA 22401

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

**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
<b>Tax Rate per \$100:</b>							.7900
<b>Annual Tax:</b>							\$955.12
<b>Total Due on 11/17/2014:</b>							\$477.56

*Version: 2015-12-10-16.18.01.629230*

# EXHIBIT 4 - APPENDIX I

## 2014 Real Estate Tax Bill

### CITY OF FREDERICKSBURG



BRAGG HILL CORPORATION  
 1206 WASHINGTON AVE  
 FREDERICKSBURG VA 22401

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

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
						<b>Annual Tax:</b>	<b>\$447.33</b>
						<b>Total Due on 05/15/2014:</b>	<b>\$447.33</b>

Version: 2015-12-10-16.18.01.629230

# EXHIBIT 4 - APPENDIX I

## 2014 Real Estate Tax Bill

### CITY OF FREDERICKSBURG



BRAGG HILL CORPORATION  
 1206 WASHINGTON AVE  
 FREDERICKSBURG VA 22401

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

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
						<b>Annual Tax:</b>	\$149.45
						<b>Total Due on 01/31/2014:</b>	\$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 GRANARY HILLS DRIVE

AMELIA COURTHOUSE, VA, 23002

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

ZONING OF PROPERTY: R-12 OPIN #: 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 ZIPKIN PARK  
TO NORTH.

SITE PLAN, PLAT, OR TAX MAP ATTACHED

Mark Glazebrook  
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 6

Mike Craig  
Zoning Administrator



City of Fredericksburg  
PO Box 7447  
Fredericksburg, VA 22404-7447  
Telephone: 540-372-1179  
Fax: 540-372-6412  
[mjcraig@fredericksburgva.gov](mailto: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 tonight's 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