



AGENDA
BOARD OF SUPERVISORS
WEDNESDAY, MARCH 12, 2025
7:00 PM
BOARD MEETING ROOM
107 NORTH KENT STREET, WINCHESTER, VIRGINIA 22601

1. **Call to Order**
2. **Invocation**
3. **Pledge of Allegiance**
4. **Adoption of Agenda**
5. **Citizen Comments – For agenda items that are not the subject of a Public Hearing**
6. **Consent Agenda – *Roll Call Vote***
 - 6.A. **Approval of Work Session and Regular Meeting Minutes of February 26, 2025**
[BOS03-12-25MinutesWorkSession250226.pdf](#)
[BOS03-12-25MinutesRegMtg250226.pdf](#)
 - 6.B. **Acceptance of Transportation Committee Report of February 24, 2025**
[BOS03-12-25TransportationCommReport.pdf](#)
 - 6.C. **Confirmation of Closure of County Offices for Annual Apple Blossom Festival**
[BOS03-12-25AppleBlossomClosure.pdf](#)
 - 6.D. **Resolution Proclaiming National Public Safety Telecommunicators Week**
April 13-19, 2025
[BOS03-12-25NatlTelecommWeek2025.pdf](#)
7. **Board of Supervisors Comments**

8. County Officials

8.A. Lake Holiday Fund - Final Disbursement for Excess Funds

The bond for the Lake Holiday Dam replacement costs has been satisfied. The remaining cash funds total approximately \$195,960. Per the Code of Virginia, the governing body for the Sanitary District may determine the final disbursement for excess funds from the following options:

- 1- Transfer funds to the County's General Fund
- 2- Disburse funds to Lake Holiday Homeowners Association
- 3- Refunding excess funds to those eligible that paid. If the Board of Supervisors moves forward with the refund, those eligible will receive a credit on their June 2025 real estate account.

Staff is seeking direction from the Board and a motion for a Lake Holiday Fund supplemental appropriation.

[BOS03-12-25LakeHolidayFinal.pdf](#)

9. Appointments to Boards, Committees, and Commissions

9.A. Economic Development Authority

Vacant 4-year term ending 10-26-26

*Historically, EDA Board members have been experienced professionals representing various sectors of the County's economy.
See attached application of Tina Murphy of HP Hood LLC.*

[BOS03-12-25AppMurphyTina.pdf](#)

Also see the attached applications of Joseph Brand and Angela Buckner.

[BOS03-12-25AppBrandJoseph.pdf](#)

[BOS03-12-25AppBucknerAngela.pdf](#)

Appointments to Boards, Committees, and Commissions, continued

9.B. Information Item:

The Board is seeking applications for the following vacancies:

Conservation Easement Authority, 3-year term

Social Services Board-Red Bud District Rep., 4-year term

For more information or to apply online, please visit: [Committee Listing and Descriptions | Frederick County \(fcva.us\)](http://Committee Listing and Descriptions | Frederick County (fcva.us))

10. Committee Business - Transportation Committee

10.A. The Transportation Committee unanimously recommended that the Board of Supervisors authorize Staff to proceed with the project items below as summarized at the Committee meeting on February 24, 2025:

The work program items proposed for development with the County's on-call consulting services include project scopes, purpose needs, initial expected costs and funding programs targeted by the work. The projects discussed are for the application development and assistance for the upcoming round of VDOT resources including Revenue Sharing, Safety, and the Transportation Alternatives Program.

The projects are:

- Brucetown/Hopewell Road Alignment partial design and cost development
- Route 11 South widening value engineering analysis
- Route 37 New Road on the new location analysis (previously referred to as PH 2 of the Eastern Frederick County Transportation Study)
- Regional Modeling for Comprehensive Plan Update

<BOS03-12-25TransportationCommReport.pdf>

11. Public Hearings (Non Planning Issues)

11.A. Notice of Proposed Real Property Tax Increase

The County of Frederick proposes to increase property tax levies:

1. **Assessment Increase:** Total assessed value of real property, excluding additional assessments due to new construction or improvements to property, exceeds last year's total assessed value of real property by 21.44 percent.
2. **Lowered Rate Necessary to Offset Increased Assessment:** The tax rate which would levy the same amount of real estate tax as last year, when multiplied by the new total assessed value of real estate with the exclusions mentioned above, would be \$0.424 per \$100 of assessed value. This rate will be known as the "lowered tax rate."
3. **Effective Rate Increase:** The County of Frederick proposes to adopt a tax rate of \$0.48 per \$100 of assessed value. This difference between the lowered tax rate and the proposed rate would be \$0.056 per \$100, or 13.21 percent. This difference will be known as the "effective tax rate increase."

Individual property taxes may, however, increase at a percentage greater than or less than the above percentage.

4. **Proposed Total Budget Increase:** Based on the proposed real property tax rate and changes in other revenues, the total budget of The County of Frederick will exceed last year's by 5.56 percent.

The preceding language is required by Virginia Code Section 58.1- 3321 but is not a final decision at this time by the Frederick County Board of Supervisors regarding a tax rate. The tax rate will be set AFTER the Board of Supervisors has gone through budget discussions in the coming weeks and will be advertised before the Board of Supervisors votes on a final tax.

12. Planning Commission Business - Public Hearings

12.A.

Rezoning #11-24 of Route 7 Self Storage (Edward P. Browning IV) to Rezone 2.38 +/- Acres from B1 (Neighborhood Business) Zoning District to B2 (General Business) Zoning District with Proffers to Enable a Commercial Development. The Property is Located South of Route 7, Roughly 0.4 Miles East of the Intersection with Greenwood Road and is Identified by Property Identification Number 55-A-180 in the Red Bud Magisterial District.

[BOS03-12-25REZ11-24_Redacted.pdf](#)

Planning Commission Business - Public Hearings, continued

12.B.

Rezoning #01 -25 of Neff Property Commercial (E R Neff Excavating Inc.)
to Rezone 6.6 +/- Acres of a 9.83 +/-Acre Parcel from RA (Rural Areas) Zoning District to B2 (General Business) Zoning District with Proffers to Enable Commercial Development. The Property is Generally Located South of Route 277 (Fairfax Pike) and Immediately East of Double Church Road, Stephens City and is Identified by Property Identification Number 86-A-77 in the Opequon Magisterial District.

[BOS03-12-25REZ01-25_Redacted.pdf](#)

12.C.

Ordinance to Amend the Frederick County Code, Chapter 165 Zoning - Additions and Revisions to Define and Regulate Data Centers, Including Additional Regulations, Height, and Nuisances and Define and Regulate Power Generating Facilities.

Chapter 165 Zoning,

Article I

General Provisions; Amendments; and Conditional Use Permits

Part 101 – General Provisions

§165-101.02 Definitions and word usage

Article II

Supplementary Use Regulations; Parking; Buffers; and Regulations for Specific Uses

Part 201 – Supplementary Use Regulations

§165-201.12 Nuisances

Part 204 – Additional Regulations for Specific Uses

§165-204.28 – Height Waivers in EM (Extractive Manufacturing), M1 (Light Industrial) and M2 (Industrial General) Districts

Article IV

Agricultural and Residential Districts

Part 401 – RA Rural Areas District

§165-401.02 Permitted Uses;

§165-401.03 Conditional uses

Article VI

Business and Industrial Zoning Districts

Part 604 – B3 Industrial Transition District

§165-604.02 Allowed Uses

Part 605 – TM Technology Manufacturing Park District

§165-605.02 Permitted Uses

Part 606 – M1 Light Industrial District

§165-606.02 Allowed Uses

Part 607 – M2 Industrial General District

§165-607.02 Allowed Uses

[BOS03-12-25OADATACenters_PowerGeneratingFacilities.pdf](#)

13. **Planning Commission Business - Other Planning Business** - None

14. **Board Liaison Reports**

15. **Citizen Comments**

16. **Board of Supervisors Comments**

17. **Adjourn**



Board of Supervisors
Agenda Item Detail
Meeting Date: March 12, 2025
Agenda Section: Consent Agenda

Title: Approval of Work Session and Regular Meeting Minutes of February 26, 2025

Attachments:

[BOS03-12-25MinutesWorkSession250226.pdf](#)
[BOS03-12-25MinutesRegMtg250226.pdf](#)

MINUTES
WORK SESSION
FREDERICK COUNTY BOARD OF SUPERVISORS
WEDNESDAY, FEBRUARY 26, 2025
5:30 P.M.
BOARD ROOM, COUNTY ADMINISTRATION BUILDING
107 NORTH KENT STREET, WINCHESTER, VIRGINIA

ATTENDEES

Board of Supervisors: Josh E. Ludwig, Chairman; Judith McCann-Slaughter, Vice Chairman; Robert W. Wells; Blaine P. Dunn; Heather H. Lockridge; John F. Jewell; and Robert T. Liero were present.

Finance Committee Members: Mike Stottlemyer, Brandon Monk, and Delane Karalow were present.

Staff present: Michael Bollhoefer, County Administrator; Bill Orndoff, Treasurer; Tonya Sibert, Commissioner of the Revenue; Cheryl Shiffler, Finance Director; Jennifer Place, Risk Manager/Budget Analyst; Jay E. Tibbs, Deputy County Administrator; Austin Cano, Interim County Attorney; Karen Vacchio, Public Information Officer; and Ann W. Phillips, Deputy Clerk to the Board of Supervisors.

CALL TO ORDER

Chairman Ludwig called the meeting to order at 5:30 p.m.

BUDGET DISCUSSIONS

RUBBLE CONCRETE TIPPING FEE RATES

Director of Public Works Joe Wilder discussed the proposed increase in tipping fees for rubble and concrete at the landfill. The current rate is \$20 per ton with a planned increase as of July 1, 2025, to \$50 per ton. The Board and Mr. Wilder discussed the need for such an increase.

PROPOSED FY 25-26 BUDGET - COUNTY ADMINISTRATOR'S ADJUSTMENTS

County Administrator Bollhoefer reviewed his recent adjustments to budget requests. He presented scenarios incorporating his recent adjustments based on real estate tax rates of 42.4 cents, 45 cents, 46.8 cents, and the current rate of 51 cents per \$100 of assessed value. He highlighted the increased capital costs and growing debt service as the County moves forward with several school building projects which are already approved.

PROPOSED 2025 REAL ESTATE TAX RATE

The Board discussed the reassessment advertisement which is required by Virginia Code if the Board might decide on a tax rate more than 1% above the revenue neutral rate (approximately 42 cents per \$100 of assessed value). The Board agreed that although the current real estate rate is 51 cents per \$100 of assessed value, the proposed rate of 48 cents will be advertised. The Board agreed to include language in the advertisement saying the rate has not been decided but will be no higher than 48 cents. A public hearing on the tax rate was set for March 12, 2025.

ADJOURN

There being no further business, the meeting was adjourned at 6:56 p.m.

MINUTES
REGULAR MEETING
FREDERICK COUNTY BOARD OF SUPERVISORS
WEDNESDAY, FEBRUARY 26, 2025
7:00 P.M.
BOARD ROOM, COUNTY ADMINISTRATION BUILDING
107 NORTH KENT STREET, WINCHESTER, VIRGINIA

ATTENDEES

Board of Supervisors: Josh E. Ludwig, Chairman; Judith McCann-Slaughter, Vice Chairman; Robert W. Wells; Blaine P. Dunn; Heather H. Lockridge; John F. Jewell; and Robert T. Liero were present.

Staff present: Michael Bollhoefer, County Administrator; Jay E. Tibbs, Deputy County Administrator; Austin Cano, Interim County Attorney; Karen Vacchio, Public Information Officer; Wyatt Pearson, Planning Director; Kayla Peloquin, Planner I; Cheryl Shiffler, Finance Director; and Ann W. Phillips, Deputy Clerk to the Board of Supervisors.

CALL TO ORDER

Chairman Ludwig called the meeting to order at 7:00 p.m.

INVOCATION

Associate Pastor David Whitacre of Open Door Baptist Church delivered the invocation.

PLEDGE OF ALLEGIANCE

Vice Chairman Slaughter led the Pledge of Allegiance.

ADOPTION OF AGENDA - APPROVED

Vice Chairman Slaughter moved for the adoption of the draft agenda. Supervisor Lockridge seconded the motion which carried on a voice vote.

CITIZEN COMMENTS

Leslie Spencer, Gainesboro District, urged the Board to pause before considering the Cline Manor Revitalization Resolution and Tax Abatement request.

Christiana Maw, Back Creek District, spoke in favor of an ordinance amendment addressing backyard chickens.

ADOPTION OF CONSENT AGENDA – APPROVED

Vice Chairman Slaughter moved for the adoption of the consent agenda. Supervisor Lockridge seconded the motion which carried on the following recorded vote:

Blaine P. Dunn	Aye	Robert T. Liero	Aye
John F. Jewell	Aye	Robert W. Wells	Aye
Heather H. Lockridge	Aye	Josh E. Ludwig	Aye
Judith McCann-Slaughter	Aye		

- Approval of the Work Session & Regular Meeting Minutes of February 13, 2025 – CONSENT AGENDA APPROVAL

- Approval of Work Session Minutes of February 19, 2025 – CONSENT AGENDA APPROVAL

- Acceptance of Public Works Committee Report of January 28, 2025 - CONSENT AGENDA APPROVAL, Appendix 1

- Acceptance of Finance Committee Report of February 19, 2025 - CONSENT AGENDA APPROVAL, Appendix 2

- Acceptance of the FY 2024 Annual Comprehensive Financial Report (ACFR)- CONSENT AGENDA APPROVAL

- Approval of Revisions to County Code – Chapter 143 – Stormwater/Erosion and Sediment Control Ordinance as Requested by the Public Works Committee - CONSENT AGENDA APPROVAL

ORDINANCE
TO AMEND FREDERICK COUNTY CODE
CHAPTER 143 – STORMWATER/EROSION AND SEDIMENT CONTROL

§143-100 Purpose; §143-105 Authority; and §143-110 Definitions

WHEREAS, the Virginia Department of Environmental Quality (DEQ) adopted new regulations related to stormwater management and erosion and sediment control; and

WHEREAS, the new regulation is 9VAC25-875-00 and the changes in the state regulations require that Frederick County update the County Code, Chapter 143, Stormwater and Erosion and Sediment Control, to stay in compliance.

NOW, THEREFORE, BE IT ORDAINED by the Frederick County Board of Supervisors, that in the interest of public health, safety, and general welfare, the amendment to Chapter 143, Stormwater and Erosion and Sediment Control as displayed in the attached document is adopted.

+ + + + + + + + + + + + + + +

BOARD OF SUPERVISORS COMMENTS

Supervisor Dunn referenced the Board's denial of Comprehensive Plan Amendment (CPPA) #01-24, Appleland Properties, following a public hearing at the most recent meeting of February 13, 2025, and said he had learned more information that had not been presented to the Board at the time of the public hearing. He moved that the Board reschedule consideration of Comprehensive Plan Amendment (CPPA) #01-24, Appleland Properties, and set a public hearing for March 26, 2025. Supervisor Wells seconded the motion. Following discussion, the motion carried on the following recorded vote:

| | | | |
|-------------------------|-----|-----------------|-----|
| Blaine P. Dunn | Aye | Robert T. Liero | Aye |
| John F. Jewell | Aye | Robert W. Wells | Aye |
| Heather H. Lockridge | Aye | Josh E. Ludwig | Aye |
| Judith McCann-Slaughter | Aye | | |

+ + + + + + + + + + + + + + +

COUNTY OFFICIALS

PRESENTATION OF THE BOARD'S RESOLUTION HONORING THE 2024 CLASS 4 ALL-STATE CHAMPION JAMES WOOD HIGH SCHOOL GIRLS' VOLLEYBALL TEAM

On behalf of the Board, Chairman Ludwig presented the signed and framed Resolution Honoring the 2024 Class 4 All-State Champion James Wood High School Girls' Volleyball Team which was adopted by the Board of Supervisors at the meeting on February 13, 2025. The Champion James Wood High School Girls' Volleyball Team and coaches were in attendance to receive the Resolution.

+ + + + + + + + + + + + + + +

APPOINTMENTS TO BOARDS, COMMITTEES, AND COMMISSIONS

KENNETH BAKER APPOINTED TO SHAWNEELAND SANITARY DISTRICT ADVISORY COMMITTEE - APPROVED

Supervisor Jewell moved to appoint Kenneth Baker to the Shawneeland Sanitary District Advisory Committee to fill an unexpired two-year term ending 10-25-25. Supervisor Wells seconded the motion which carried on the following recorded vote:

| | | | |
|-------------------------|-----|-----------------|-----|
| Blaine P. Dunn | Aye | Robert T. Liero | Aye |
| John F. Jewell | Aye | Robert W. Wells | Aye |
| Heather H. Lockridge | Aye | Josh E. Ludwig | Aye |
| Judith McCann-Slaughter | Aye | | |

VAUGHN WHITACRE APPOINTED TO THE PLANNING COMMISSION AS GAINESBORO DISTRICT REP. - APPROVED

Supervisor Lockridge moved to appoint Vaughn Whitacre to the Planning Commission as Gainesboro District Rep. to fill a four-year term ending 2-22-29. Supervisor Wells seconded the motion which carried on the following recorded vote:

| | | | |
|-------------------------|-----|-----------------|-----|
| Blaine P. Dunn | Aye | Robert T. Liero | Aye |
| John F. Jewell | Aye | Robert W. Wells | Aye |
| Heather H. Lockridge | Aye | Josh E. Ludwig | Aye |
| Judith McCann-Slaughter | Aye | | |

COMMITTEE BUSINESS – FINANCE COMMITTEE

LAKE HOLIDAY FUND SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$231,898 – APPROVED

Supervisor Lockridge moved for approval of the Finance Director's request for a Lake Holiday Fund supplemental appropriation in the amount of \$231,898. This amount represents the Bank of New York reserve funds used to pay off the Lake Holiday bond. Supervisor Liero seconded the motion which carried on the following recorded vote:

| | | | |
|-------------------------|-----|-----------------|-----|
| Blaine P. Dunn | Aye | Robert T. Liero | Aye |
| John F. Jewell | Aye | Robert W. Wells | Aye |
| Heather H. Lockridge | Aye | Josh E. Ludwig | Aye |
| Judith McCann-Slaughter | Aye | | |

PUBLIC HEARINGS (NON PLANNING ISSUES) – None

PLANNING COMMISSION BUSINESS – PUBLIC HEARINGS – None

PLANNING COMMISSION BUSINESS - OTHER PLANNING BUSINESS

CAPITAL IMPROVEMENTS PLAN (CIP) 2025-2030 – APPROVED

Director of Planning and Development Wyatt Pearson reviewed the timeline for adopting the CIP and noted the Board held a public hearing on the Plan on January 22, 2025, and postponed action.

The Board and Mr. Pearson briefly discussed the CIP.

Supervisor Jewell moved for adoption of the Capital Improvements Plan (CIP) 2025-2030.

Supervisor Dunn seconded the motion which carried on the following recorded vote:

| | | | |
|--------------------------------|------------|------------------------|------------|
| Blaine P. Dunn | Aye | Robert T. Liero | Aye |
| John F. Jewell | Aye | Robert W. Wells | Aye |
| Heather H. Lockridge | Aye | Josh E. Ludwig | Aye |
| Judith McCann-Slaughter | Aye | | |

**RESOLUTION
ADOPTING THE 2025-2030 CAPITAL IMPROVEMENTS PLAN (CIP)**

WHEREAS, the Frederick County Comprehensive Plans and Programs Committee (CPPC) discussed the 2025-2030 Capital Improvements Plan (CIP) at their regular meeting on December 16th, 2024. The CPPC recommended approval of the CIP and affirmed that the projects contained within the CIP are in conformance with the Comprehensive Plan; and,

WHEREAS, the Frederick County Planning Commission discussed the 2025-2030 CIP at their regular meeting on January 15th, 2025, and recommended approval of the CIP affirming that the projects contained within the CIP are in conformance with the Comprehensive Plan; and,

WHEREAS, the Frederick County Board of Supervisors held a public hearing and discussed the CIP at their regular meeting on January 22nd, 2025; and

WHEREAS, the Frederick County Board of Supervisors supports the priorities shown in the 2025-2030 CIP and has affirmed the determination of the Planning Commission that the projects contained in the CIP conform to the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED by the Frederick County Board of Supervisors as follows:

The Frederick County Board of Supervisors hereby approves the 2025-2030 CIP for Frederick County, Virginia as an element of the Comprehensive Plan.

+

+

+

+

+

+

+

+

+

+

+

+

+

+

+

CLINE MANOR REVITALIZATION RESOLUTION AND TAX ABATEMENT - APPROVED

Director of Planning and Development Wyatt Pearson explained that Surber Development and Consulting LLC (the Applicant) has requested the Board pass a Revitalization Area Resolution and Tax Abatement Ordinance to support their Low-Income Housing Tax Credit (LIHTC) application for a multi-family housing complex at 3266 Valley Pike (PIN 63-A -37). He said if approved, the applicant would include both requests in their LIHTC grant application. He added that the LIHTC program is a competitive process, and having the support of the local governing body via these two requests helps the Applicant's project score better and makes it more likely to receive a grant award.

The applicant, Jen Surber of Surber Development and Consulting, discussed the proposal with the Board members including the annual recertifying of residents to ensure the income qualifications are being met.

Supervisor Jewell moved for approval of the draft Revitalization Area Resolution. Supervisor Wells seconded the motion which carried on the following recorded vote:

| | | | |
|--------------------------------|------------|------------------------|------------|
| Blaine P. Dunn | Aye | Robert T. Liero | Aye |
| John F. Jewell | Aye | Robert W. Wells | Aye |
| Heather H. Lockridge | Aye | Josh E. Ludwig | Aye |
| Judith McCann-Slaughter | Aye | | |

A RESOLUTION BY THE FREDERICK COUNTY BOARD OF SUPERVISORS DESIGNATING A REVITALIZATION AREA FOR THE PURPOSES OF ENCOURAGING MIXED-INCOME HOUSING DEVELOPMENT

WHEREAS, pursuant to Section 36-55.30:2.A of the Code of Virginia of 1950, as amended, the Frederick County Board of Supervisors wants to designate as a Revitalization Area the property identified as Tax Map Number 63-A-37, on which the multi-family apartment development known as Cline Manor proposes to locate; and

WHEREAS, the industrial, commercial, or other economic development of such area will benefit the County but such area lacks the housing needed to induce manufacturing, industrial, commercial, governmental, educational, entertainment, community development, healthcare, or nonprofit enterprises or undertakings to locate or remain in such area; and

WHEREAS, private enterprise and investment are not reasonably expected, without assistance, to produce the construction or rehabilitation of decent, safe and sanitary housing and supporting facilities that will meet the needs of low and moderate income persons and families in such area and will induce other persons and families to live within such area and thereby create a desirable economic mix of residents in such area; and

WHEREAS, this resolution is predicated upon Cline Manor Development's proposal to include an even mix of units ranging from 30% of the Area Median Income to 80% of the Area Median Income, providing a blended range of affordability within the development;

NOW, THEREFORE, BE IT RESOLVED by the Frederick County Board of Supervisors, that the above-referenced development at Tax Map Number 63-A-37 is located in a Revitalization Area in the County of Frederick.

#

Supervisor Jewell moved for adoption of the draft Tax Abatement Ordinance. Supervisor Wells seconded the motion which carried on the following recorded vote:

| | | | |
|--------------------------------|------------|------------------------|------------|
| Blaine P. Dunn | Aye | Robert T. Liero | Aye |
| John F. Jewell | Aye | Robert W. Wells | Aye |
| Heather H. Lockridge | Aye | Josh E. Ludwig | Aye |
| Judith McCann-Slaughter | Aye | | |

AN ORDINANCE TO PARTIALLY EXEMPT REAL ESTATE TAXATION FOR THE PROPOSED DEVELOPMENT OF PROPERTY KNOWN AS THE ESTATE OF PEGGY CARSON RITTER HENCEFORTH KNOWN AS CLINE MANOR VA LLC, LOCATED IN THE COUNTY OF FREDERICK, VIRGINIA, BY LOCAL CLASSIFICATION OR DESIGNATION FROM FULL ASSESSMENT OF TAXES:

WHEREAS, ESTATE OF PEGGY CARSON RITTER, (hereinafter referred to as CLINE MANOR VA LLC) has applied to the Frederick County Board of Supervisors (hereinafter referred to as "the Board) for an ordinance providing it with partial tax-exempt status from the County of Frederick on real property taxes relating to the proposed development of CLINE MANOR VA LLC apartment complex in Frederick County, Virginia located on the Frederick County Tax Map Number 63-A-37 located at 3266 Valley Pike; and

WHEREAS, the Board desires to support and encourage the development of said property by enacting an ordinance to provide CLINE MANOR VA LLC with a partial tax exemption from the County of Frederick's real property taxes; and

WHEREAS, the Virginia Code Section 58.1-3219.4, authorizes the County to enact such exemptions within the limitations therein prescribed and as may be prescribed by this Board;

NOW, THEREFORE, BE IT ORDAINED pursuant to Section 58.1-3219.4 of the Code of Virginia that:

1. The real property of the Estate of Peggy Carson Ritter to be partially exempted hereby is located within the County of Frederick, Virginia, being tax map number 63-A-37 located at 3266 Valley Pike.
2. The Frederick County Board hereby finds that:
 - a. The subject real property, along with improvements currently located thereon, is assessed at a total of Five Hundred Two Thousand Dollars and Zero Cents (\$502,000) and the cost of the intended improvements is expected to be Nine Million Nine Hundred Thousand Dollars and Zero Cents (\$9,900,000.00).
 - b. The real property taxes that were paid by the subject property's owner for tax year 2024 were Two Thousand Five Hundred Sixty Dollars and Twenty Cents (\$2,560.20). The increase in value caused by the proposed improvements could result in an increase in the amount of total tax on this real property to the amount of Fifty One Thousand Three Hundred Forty Nine Dollars and Fifty Five Cents (\$51,349.55).
3. The Board finds that CLINE MANOR VA LLC is an organization that proposes to develop housing structures for historically underprivileged residents in the County of Frederick, and nearby areas. The proposed development CLINE MANOR VA LLC will serve the County of Frederick, and its residents, as an affordable housing options. As such, said organization is eligible for a part exemption from the assessment of real property taxes as a result of said development under Virginia Code 58.1-3220, for a period of three (3) years, in an amount not to exceed Two-Thousand Dollars and Zero Cents (\$2,000) annually.
4. The Board hereby exempts CLINE MANOR VA LLC from that portion of their real property taxes accruing as a result of an increase in property value by reason of the proposed improvements or Fifty Percent (50%) of the cost of such improvements, whichever is greater, but not to exceed Two Thousand Dollars (\$2,000)

annually, for a period of three (3) tax years once all improvements are completed.

- a. The cost of improvements shall be presumed as shown on the building permit application. The proposed improvements are those described in the attached exhibit A which is hereby incorporated into this ordinance.
- b. The exemption hereby granted is contingent upon the following:
 - i. CLINE MANOR VA LLC providing housing predominately for persons with low to moderate income as defined by Virginia Housing.

This ordinance shall be in effect on the date of adoption.

+++++

ORDINANCE AMENDMENT REGARDING BACKYARD CHICKENS – SENT FORWARD TO PUBLIC HEARING

Planner Kayla Peloquin said that Ordinance amendments to allow backyard chickens in residential districts have been considered and denied by the Board of Supervisors in 2018, 2020, and 2022. She said this proposed ordinance amendment to allow backyard chickens as accessory to any single-family detached residence in the Residential Performance (RP), Residential Planned Community (R4), and Residential Recreational Community (R5) Zoning Districts was initiated at the request of a Board member.

The Board and staff discussed lot sizes, the number of chickens proposed for each parcel, the need to clarify proper waste disposal methods, and the fact that a homeowners association's rules could disallow chickens regardless of the County's ordinance.

Supervisor Dunn said he was not supportive of an ordinance allowing chickens in residential areas.

Supervisor Jewell said he had constituents asking that the Board consider allowing chickens in certain residential areas. He moved for adoption of the draft Resolution Directing the Planning Commission to Hold A Public Hearing Regarding Chapter 165, Zoning Ordinance regarding backyard chickens. Supervisor Lockridge seconded the motion which carried on the following recorded vote:

| | | | |
|--------------------------------|------------|------------------------|------------|
| Blaine P. Dunn | No | Robert T. Liero | Aye |
| John F. Jewell | Aye | Robert W. Wells | Aye |
| Heather H. Lockridge | Aye | Josh E. Ludwig | Aye |
| Judith McCann-Slaughter | Aye | | |

RESOLUTION DIRECTING THE PLANNING COMMISSION TO HOLD A PUBLIC HEARING REGARDING CHAPTER 165, ZONING ORDINANCE

CHAPTER 165 – ZONING

ARTICLE I
GENERAL PROVISIONS, AMENDMENTS, AND CONDITIONAL USE PERMITS
Part 101 – General Provisions

ARTICLE II
**SUPPLEMENTARY USE REGULATIONS; PARKING; BUFFERS; AND REGULATIONS FOR SPECIFIC
USES**
Part 204 – Additional Regulations for Specific Uses

ARTICLE IV
AGRICULTURAL AND RESIDENTIAL DISTRICTS
Part 402 – RP Residential Performance District

WHEREAS, a proposal to amend Chapter 165 – Zoning Ordinance to add a definition for chicken coops, add additional regulations for backyard chickens and chicken coops, and add backyard chickens to the permitted uses in the RP (Residential Performance) District was considered; and

WHEREAS, the amendment will be referred to the Development Review and Regulations Committee (DRRC) for review at their next regular meeting; and

WHEREAS, the Board of Supervisors discussed the proposed changes on February 26, 2025; and

WHEREAS, the Frederick County Board of Supervisors finds it appropriate in the public necessity, convenience, general welfare, and good zoning practice to direct the Frederick County Planning Commission to hold a public hearing regarding an amendment to Chapter 165 – Zoning Ordinance;

NOW, THEREFORE, BE IT REQUESTED by the Frederick County Board of Supervisors, that in the interest of public health, safety, general welfare, and good zoning practice, the Frederick County Planning Commission hold a public hearing to consider changes to address Chapter 165 – Zoning Ordinance to add a definition for chicken coops, add additional regulations for backyard chickens and chicken coops, and add backyard chickens to the permitted uses in the RP (Residential Performance) District.

+

BOARD LIAISON REPORTS

Supervisor Liero provided updates from the Planning Commission and the Northern Shenandoah Valley Regional Commission.

Supervisor Jewell provided an update from the Handley Regional Library Board.

Chairman Ludwig provided an update from the Frederick Water Board.

CITIZEN COMMENTS

Scarlett Meadows, Stonewall District, expressed concern about the state of the County's schools. She suggested a social worker be brought into the schools to listen to students' concerns.

James Moulder, Back Creek District, said there is waste in government spending. He suggested the Board use the power of the purse to reign in the County schools.

Vaughn Whitacre, Gainesboro District, thanked the Board for appointing him to the Planning Commission. He said the Board needs to see where the schools are spending tax dollars.

BOARD OF SUPERVISORS COMMENTS

Supervisor Dunn thanked the County's first responders for their service. He referenced a closed session meeting from 2024 and requested a copy of the audio recording.

Supervisor Lockridge said the Board needs to hold the school system accountable. She thanked Scarlett Meadows for her remarks during the Citizen Comments period. She said she plans to meet with School Board Vice Chair Klein to discuss her concerns.

Chairman Ludwig asked the public to come forward with any concerns about the schools adding that the Board of Supervisors gives money to the County Schools but does not direct the spending of funds. He discussed the decision of the Board at the work session earlier in the evening to advertise a possible real estate tax rate saying that it is a working cap, and the final adopted real estate tax rate will not be higher than what is advertised.

ADJOURN

On motion of Vice Chairman Slaughter, seconded by Supervisor Lockridge, the meeting was adjourned at 8:35 p.m.



Board of Supervisors
Agenda Item Detail
Meeting Date: March 12, 2025
Agenda Section: Consent Agenda

Title: Acceptance of Transportation Committee Report of February 24, 2025

Attachments:

[BOS03-12-25TransportationCommReport.pdf](#)

TRANSPORTATION COMMITTEE REPORT to the BOARD OF SUPERVISORS

Monday, February 24, 2025

8:30 a.m.

107 NORTH KENT STREET, WINCHESTER, VIRGINIA

ATTENDEES:

Committee Members Present: Josh Ludwig Chair (Voting), Heather Lockridge (Voting), Brandon Monk (Voting) and Robert Liero (Voting)

Committee Members Absent: Donald Capps (Voting) and Mollie Brannon (Voting)

Staff Present: John Bishop, Assistant Director and Kathy Smith

ITEMS REQUIRING ACTION BY BOARD OF SUPERVISORS:

Work Program Items Review: Staff gave an overview of the work program items proposed for development with the County's on-call consulting services that includes project scopes, purpose needs, initial expected costs and funding programs targeted by the work. The projects discussed are for the application development and assistance for the upcoming round of VDOT resources including Revenue Sharing, Safety, and the Transportation Alternatives Program. The projects are the Brucetown/Hopewell Road Alignment partial design and cost development, Route 11 South widening value engineering analysis, Route 37 New Road on the new location analysis (previously referred to as PH 2 of the Eastern Frederick County Transportation Study) and the Regional Modeling for Comprehensive Plan Update. Upon a motion made by Heather Lockridge, seconded by Brandon Monk, the Committee unanimously recommended that the Board of Supervisors authorize Staff to proceed with the project items as summarized.

ITEMS FOR INFORMATION ONLY:

County Project Updates: Renaissance Drive: After CSX had communicated to the County that boring the electricity to the crossing would begin in February, Staff were once again notified of a new delay, and expectations were pushed back to March. Staff continues to be in communication with the CSX project manager on this issue as well as Congressman Cline's office.

Gainesboro Road/Route 522 Intersection Project: The Board of Supervisors moved to allow staff to proceed with our on-call consultant to begin formal design of the project. Staff will be forwarding a memorandum seeking a quote from Timmons. The Chairman recommended for more leverage to request quotes from a few other consultants as well. As previously noted, we would seek to begin this process with public meetings with the neighbors and school community.



Board of Supervisors
Agenda Item Detail
Meeting Date: March 12, 2025
Agenda Section: Consent Agenda

Title:

Confirmation of Closure of County Offices for Annual Apple Blossom Festival

Attachments:

[BOS03-12-25AppleBlossomClosure.pdf](#)



COUNTY of FREDERICK

Michael Bollhoefer
County Administrator

540/665-6382
Fax: 540/667-0370
E-mail: michael.bollhoefer@fcva.us

MEMORANDUM

TO: Board of Supervisors
FROM: Michael Bollhoefer, County Administrator
DATE: March 7, 2025
RE: Closing of County Offices for Annual Apple Blossom Festival

As in the past, the Board of Supervisors will need to take action on the closing of county offices on Friday, May 2, 2025, for the 98th Shenandoah Apple Blossom Festival.

This is a regularly scheduled holiday for county employees; however, the court offices need official action by the Board in order to close their offices for this day. Action at the March 12, 2025, meeting will give the courts time to arrange their schedules accordingly.

Thank you.



Board of Supervisors
Agenda Item Detail
Meeting Date: March 12, 2025
Agenda Section: Consent Agenda

Title:

Resolution Proclaiming National Public Safety Telecommunicators Week

April 13-19, 2025

Attachments:

[BOS03-12-25NatlTelecommWeek2025.pdf](#)



**RESOLUTION PROCLAIMING
NATIONAL PUBLIC SAFETY TELECOMMUNICATORS WEEK
FREDERICK COUNTY, VIRGINIA
APRIL 13-19, 2025**

WHEREAS, emergencies can occur at any time that require police, fire, or emergency medical services; and

WHEREAS, when an emergency occurs, the prompt response of police officers, firefighters, and paramedics is critical to the protection of life and preservation of property; and

WHEREAS, the safety of our police officers and firefighters is dependent upon the quality and accuracy of information obtained from citizens who telephone the Frederick County Department of Public Safety Communications Center; and

WHEREAS, Public Safety Dispatchers are the first and most critical contact our citizens have with emergency services; and

WHEREAS, Public Safety Dispatchers are the single vital link for our police officers and firefighters by monitoring their activities by radio, providing them information, and ensuring their safety; and

WHEREAS, Public Safety Dispatchers of Frederick County, Virginia have contributed substantially to the apprehension of criminals, suppression of fires, and treatment of patients; and

WHEREAS, each dispatcher has exhibited compassion, understanding, and professionalism during the performance of his or her job in the past year.

NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors of Frederick County, Virginia, does hereby proclaim the week of April 13-19, 2025, to be National Public Safety Telecommunicators Week in Frederick County, in honor of the men and women whose diligence and professionalism keep our county and citizens safe.

Adopted on this 12th day of March 2025

Josh Ludwig, Chairman

John Jewell

Heather H. Lockridge

Robert W. Wells

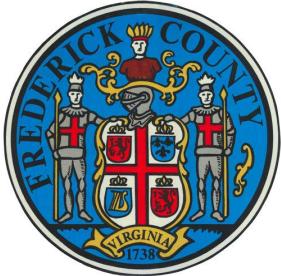
Blaine P. Dunn

Robert Liero

Judith McCann-Slaughter

A COPY ATTEST

Michael Bollhoefer
Frederick County Administrator



Board of Supervisors
Agenda Item Detail
Meeting Date: March 12, 2025
Agenda Section: County Officials

Title:

Lake Holiday Fund - Final Disbursement for Excess Funds

The bond for the Lake Holiday Dam replacement costs has been satisfied. The remaining cash funds total approximately \$195,960. Per the Code of Virginia, the governing body for the Sanitary District may determine the final disbursement for excess funds from the following options:

- 1- Transfer funds to the County's General Fund
- 2- Disburse funds to Lake Holiday Homeowners Association
- 3- Refunding excess funds to those eligible that paid. If the Board of Supervisors moves forward with the refund, those eligible will receive a credit on their June 2025 real estate account.

Staff is seeking direction from the Board and a motion for a Lake Holiday Fund supplemental appropriation.

Attachments:

[BOS03-12-25LakeHolidayFinal.pdf](#)



COUNTY of FREDERICK

Office of Treasurer

P.O. Box 225

Winchester, Virginia 22604-0225

540/665-5607

FAX 540/662-5838

www.fredtax.com

R. Wayne Corbett, MGDT
Deputy Treasurer Operations

C. William Orndoff, Jr., MGT
County Treasurer

Angela Fritts Whitacre, MGDT
Deputy Treasurer

Date: March 7, 2025
To: Frederick County Board of Supervisors
From: C. William Orndoff, Jr. Treasurer
Subject: Lake Holiday Sanitary District

Supervisor Lockridge has requested that the cash funds in the Lake Holiday Fund, after the bond has been satisfied, be returned to those residents that paid the fees. This refund will require the Board of Supervisors to appropriate a Lake Holiday Fund Supplemental Appropriation in the amount of \$195,960.00.

Interpretation of the Code of Virginia, the governing body for the Sanitary District, may determine final disbursement for excess funds. It appears that there are several options for your consideration; Transfer funds to the County's General Fund, disburse funds to Lake Holiday Homeowners Association or refunding excess funds to those eligible that paid. If the Board of Supervisors moves forward with the refund, those eligible will receive a credit on their June 2025 real estate account.

Based upon the above events, this would culminate the obligations of the County's Finance and Treasurer's Office. Should you have any questions, please contact me.



Board of Supervisors

Agenda Item Detail

Meeting Date: March 12, 2025

Agenda Section: Appointments to Boards, Committees, and Commissions

Title: Economic Development Authority

Vacant 4-year term ending 10-26-26

Historically, EDA Board members have been experienced professionals representing various sectors of the County's economy. See attached application of Tina Murphy of HP Hood LLC.

Also see the attached applications of Joseph Brand and Angela Buckner.

Attachments:

[BOS03-12-25AppMurphyTina.pdf](#)

[BOS03-12-25AppBrandJoseph.pdf](#)

[BOS03-12-25AppBucknerAngela.pdf](#)

Application Form**Profile**

Tina

First Name

Murphy

Last Name

Email Address

123 Blackburns Ford Drive

Home Address

Stephens City

City

VA

State

22655

Postal Code

Primary Phone

Alternate Phone

HP Hood LLC

Employer

Senior Operations and
Training Support Manager

Job Title

Which Boards would you like to apply for?

Economic Development Authority: Submitted

Will You Be Able To Attend This Committee's Regularly Scheduled Meeting? Yes No**Do You Foresee Any Possible Conflicts Of Interest Which Might Arise By Your
Serving On This Committee?** Yes No**Civic/Community Activities:**

I serve as HP Hood's liaison to the community. In the past I have volunteered and worked with many community charities and for 11 years chaired Hood's annual charity golf tournament.

Interests & Experiences**Why are you interested in serving on a board or commission?**

I am interested in this position to gain more involvement with my community while representing HP Hood. I feel the EDA is a great place for partnership and a definite growth opportunity for me personally.

Please Agree with the Following Statement

You agree that you will complete training on the Freedom of Information Act once every two years or as otherwise required by the Commonwealth of Virginia.

I Agree

Please Agree with the Following Statement

You agree that you will file a Statement of Economic Interest as required by the Commonwealth of Virginia upon appointment and annually thereafter with the Deputy Clerk of the Board of Supervisors.

I Agree

Application Form

Profile

Joseph

First Name

Brand

Last Name

Email Address

103 KNOCK LN

Home Address

CLEAR BROOK

City

VA

State

22624

Postal Code

Magisterial District:

Stonewall

Primary Phone

Alternate Phone

Gap Inc.

Employer

Senior Security
Engineer/Architect

Job Title

Which Boards would you like to apply for?

Economic Development Authority: Submitted

Will You Be Able To Attend This Committee's Regularly Scheduled Meeting?

Yes No

Do You Foresee Any Possible Conflicts Of Interest Which Might Arise By Your Serving On This Committee?

Yes No

Interests & Experiences

Why are you interested in serving on a board or commission?

I am also interested in the Information Technologies Committee, but it was not an option on the application form. I am interested in being more involved with serving and supporting our community.

Please Agree with the Following Statement

You agree that you will complete training on the Freedom of Information Act once every two years or as otherwise required by the Commonwealth of Virginia.

I Agree

Please Agree with the Following Statement

You agree that you will file a Statement of Economic Interest as required by the Commonwealth of Virginia upon appointment and annually thereafter with the Deputy Clerk of the Board of Supervisors.

I Agree

Application Form

Profile

Angela

First Name

Buckner

Last Name

 Email Address

163 Schramm Loop

Home Address

Stephens City

City

VA

State

22655

Postal Code

 Primary Phone Alternate Phone**Which Boards would you like to apply for?**

Economic Development Authority: Submitted

Will You Be Able To Attend This Committee's Regularly Scheduled Meeting? Yes No**Do You Foresee Any Possible Conflicts Of Interest Which Might Arise By Your Serving On This Committee?** Yes No

Interests & Experiences**Why are you interested in serving on a board or commission?**

To provide community support.

Question applies to Economic Development Authority

Please Agree with the Following Statement**You agree that you will complete training on the Freedom of Information Act once every two years or as otherwise required by the Commonwealth of Virginia.** I Agree

Please Agree with the Following Statement

You agree that you will file a Statement of Economic Interest as required by the Commonwealth of Virginia upon appointment and annually thereafter with the Deputy Clerk of the Board of Supervisors.

I Agree



Board of Supervisors

Agenda Item Detail

Meeting Date: March 12, 2025

Agenda Section: Appointments to Boards, Committees, and Commissions

Title:

Information Item:

The Board is seeking applications for the following vacancies:

Conservation Easement Authority, 3-year term

Social Services Board-Red Bud District Rep., 4-year term

For more information or to apply online, please visit: [Committee Listing and Descriptions | Frederick County \(fcva.us\)](http://Committee Listing and Descriptions | Frederick County (fcva.us))

Attachments:



Board of Supervisors
Agenda Item Detail
Meeting Date: March 12, 2025
Agenda Section: Committee Business - Transportation Committee

Title: The Transportation Committee unanimously recommended that the Board of Supervisors authorize Staff to proceed with the project items below as summarized at the Committee meeting on February 24, 2025:

The work program items proposed for development with the County's on-call consulting services include project scopes, purpose needs, initial expected costs and funding programs targeted by the work. The projects discussed are for the application development and assistance for the upcoming round of VDOT resources including Revenue Sharing, Safety, and the Transportation Alternatives Program.

The projects are:

- Brucetown/Hopewell Road Alignment partial design and cost development
- Route 11 South widening value engineering analysis
- Route 37 New Road on the new location analysis (previously referred to as PH 2 of the Eastern Frederick County Transportation Study)
- Regional Modeling for Comprehensive Plan Update

Attachments:

[BOS03-12-25TransportationCommReport.pdf](#)

TRANSPORTATION COMMITTEE REPORT to the BOARD OF SUPERVISORS

Monday, February 24, 2025

8:30 a.m.

107 NORTH KENT STREET, WINCHESTER, VIRGINIA

ATTENDEES:

Committee Members Present: Josh Ludwig Chair (Voting), Heather Lockridge (Voting), Brandon Monk (Voting) and Robert Liero (Voting)

Committee Members Absent: Donald Capps (Voting) and Mollie Brannon (Voting)

Staff Present: John Bishop, Assistant Director and Kathy Smith

ITEMS REQUIRING ACTION BY BOARD OF SUPERVISORS:

Work Program Items Review: Staff gave an overview of the work program items proposed for development with the County's on-call consulting services that includes project scopes, purpose needs, initial expected costs and funding programs targeted by the work. The projects discussed are for the application development and assistance for the upcoming round of VDOT resources including Revenue Sharing, Safety, and the Transportation Alternatives Program. The projects are the Brucetown/Hopewell Road Alignment partial design and cost development, Route 11 South widening value engineering analysis, Route 37 New Road on the new location analysis (previously referred to as PH 2 of the Eastern Frederick County Transportation Study) and the Regional Modeling for Comprehensive Plan Update. Upon a motion made by Heather Lockridge, seconded by Brandon Monk, the Committee unanimously recommended that the Board of Supervisors authorize Staff to proceed with the project items as summarized.

ITEMS FOR INFORMATION ONLY:

County Project Updates: Renaissance Drive: After CSX had communicated to the County that boring the electricity to the crossing would begin in February, Staff were once again notified of a new delay, and expectations were pushed back to March. Staff continues to be in communication with the CSX project manager on this issue as well as Congressman Cline's office.

Gainesboro Road/Route 522 Intersection Project: The Board of Supervisors moved to allow staff to proceed with our on-call consultant to begin formal design of the project. Staff will be forwarding a memorandum seeking a quote from Timmons. The Chairman recommended for more leverage to request quotes from a few other consultants as well. As previously noted, we would seek to begin this process with public meetings with the neighbors and school community.



Board of Supervisors
Agenda Item Detail
Meeting Date: March 12, 2025
Agenda Section: Public Hearings (Non Planning Issues)

Title: NOTICE OF PROPOSED REAL PROPERTY TAX INCREASE

The County of Frederick proposes to increase property tax levies:

1. Assessment Increase: Total assessed value of real property, excluding additional assessments due to new construction or improvements to property, exceeds last year's total assessed value of real property by 21.44 percent.
2. Lowered Rate Necessary to Offset Increased Assessment: The tax rate which would levy the same amount of real estate tax as last year, when multiplied by the new total assessed value of real estate with the exclusions mentioned above, would be \$0.424 per \$100 of assessed value. This rate will be known as the "lowered tax rate."
3. Effective Rate Increase: The County of Frederick proposes to adopt a tax rate of \$0.48 per \$100 of assessed value. This difference between the lowered tax rate and the proposed rate would be \$0.056 per \$100, or 13.21 percent. This difference will be known as the "effective tax rate increase."

Individual property taxes may, however, increase at a percentage greater than or less than the above percentage.

4. Proposed Total Budget Increase: Based on the proposed real property tax rate and changes in other revenues, the total budget of The County of Frederick will exceed last year's by 5.56 percent.

The preceding language is required by Virginia Code Section 58.1-3321 but is not a final decision at this time by the Frederick County Board of Supervisors regarding a tax rate. The tax rate will be set AFTER the Board of Supervisors has gone through budget discussions in the coming weeks and will be advertised before the Board of Supervisors votes on a final tax.

Attachments:



Board of Supervisors
Agenda Item Detail
Meeting Date: March 12, 2025
Agenda Section: Planning Commission Business - Public Hearings

Title:

Rezoning #11-24 of Route 7 Self Storage (Edward P. Browning IV) to Rezone 2.38 +/- Acres from B1 (Neighborhood Business) Zoning District to B2 (General Business) Zoning District with Proffers to Enable a Commercial Development. The Property is Located South of Route 7, Roughly 0.4 Miles East of the Intersection with Greenwood Road and is Identified by Property Identification Number 55-A-180 in the Red Bud Magisterial District.

Attachments:

[BOS03-12-25REZ11-24_Redacted.pdf](#)



REZONING #11-24
Route 7 Self Storage (Edward P. Browning IV)
Staff Report for the Board of Supervisors
Prepared: February 26, 2025
Staff Contact: Kayla Peloquin, AICP, Planner II

Executive Summary:

| Meeting Schedule | |
|--|--|
| Planning Commission: January 15, 2025 | Action: Tabled |
| Planning Commission: February 19, 2025 | Action: Recommended Approval |
| Board of Supervisors: March 12, 2025 | Action: Pending |
| Property Information | |
| Property Identification Number (PIN) | 55-A-180 |
| Address | Berryville Pike (Route 7) |
| Magisterial District | Red Bud |
| Acreage | +- 2.38 acres |
| Zoning & Present Land Use | Zoning: B1 (Neighborhood Business)
Land Use: Vacant |
| Proposed Zoning | B2 (General Business) |
| Adjoining Property Zoning & Present Land Use | |
| North: Principal Arterial | Land Use: Berryville Pike (Route 7) |
| South: RP (Residential Performance) District | Land Use: Single Family Residential |
| East: RA (Rural Areas) District | Land Use: Restaurant/Pub |
| West: RA (Rural Areas) District | Land Use: Single Family Residential |
| Proposed Use | |
| This is a request to rezone one (1) parcel of +- 2.38 acres from the B1 (Neighborhood Business) Zoning District to the B2 (General Business) Zoning District with proffers to allow for a self-storage facility. | |
| Positives | |
| The proffer statement restricts the use of the property to a self-service storage facility only, which would likely generate fewer trips per day than some of the permitted uses in the B1 Zoning District that could be built by-right.

Outdoor trailer parking is prohibited. | |
| Concerns | |
| Large vehicles and trucks, potentially with trailers, may be accessing the site to drop off or pick up items at the facility. This area of Route 7 is already congested and has numerous documented safety concerns and incidents. | |

| | |
|--|---|
| A right turn deceleration lane entering the property and a right turn acceleration lane exiting the property have been proffered which will make the entrance to the property safer. | The proposed rezoning is not in conformance with the <i>Comprehensive Plan</i> , which designates the desired long-range land use as residential. |
| Hours of operation daily from 6:00 AM – 10:00 PM have been added to the proffer statement. | |

Review Agency Comments:

| Review Agency | Comment Date | Comment Summary | Status |
|------------------------------------|-------------------|--|--|
| Frederick County (FC) Fire Marshal | December 13, 2023 | Fire apparatus access roads must be shown on the site plan. | Applicant acknowledged fire access roads must be shown on site plan. |
| FC Attorney | January 21, 2025 | Specify what zoning district uses are to be excluded in the proffer statement. | Addressed. |
| Frederick Water | January 2, 2024 | The submission included a preliminary site plan and entrance concept along Route 7, which will be atop an existing 10-inch water main, will require that the developer replace the water main as construction atop the main will certainly cause damage to the main. We look to the design phase of the project to review the detailed entrance improvements and water main replacement plans. | The applicant has acknowledged the comment and is willing to address at the time of site plan. |
| FC Public Works | December 19, 2023 | No comment. | |
| VDOT | December 19, 2024 | Given the location of this property on a narrow section of Route 7 (without adequate shoulders), we would suggest a commitment by the developer to provide a full right turn lane into the project (100-feet storage, 100-feet taper). | Addressed. Added to proffers and GDP revised in January 2025. |

Planning & Zoning Staff Analysis:

Site History:

The property was part of a large rezoning from A2 (Agricultural General) to RP (Residential Performance) in 1987 and was later subdivided and rezoned from RP to B1 (Neighborhood Business) in 1989 with no proffers.

General Development Plan (GDP), Site Access, and Transportation:

The GDP, revised January 2025, depicts a new right-in/right-out entrance south off eastbound Route 7 with a proposed bridge over a stream (Ash Hollow Run). The GDP shows 13 vehicle parking spaces. There are existing entrances nearby along Route 7, approximately 60' west of the western property boundary and approximately 20' east of the eastern property boundary. The posted speed limit is 45 MPH. The right turn acceleration lane and deceleration lane requested by VDOT have been added to the GDP.

The impact analysis states “the business assumes minimum employee presence and possibly five customers daily. A majority of the activity on site will be autonomous self-service with minimal amount of traffic in and out of the site” (pg. 2) and later states the estimated vehicle trips per weekday average is 58.6 trips per day (TPD) per the ITE Trip Generation Manual, 7th edition.

Comprehensive Plan Conformance:

The *Comprehensive Plan* and the *Senseny/Eastern Frederick Area Plan* provide guidance on the future development of the subject property. The Plan identifies this property with a “residential” land use designation of 4 dwelling units per acre (4 u/a) and is within the limits of the Sewer and Water Service Area (SWSA) and the Urban Development Area (UDA). The Plan envisions this area of the County and the Route 7 corridor to remain residential. Business uses are planned closer to Interstate 81 and west of Greenwood Road. Therefore, the current and proposed zoning is inconsistent with the Plan.

Proffers & Staff Comments:

| Proffers
(Revised 2/21/25) | Staff Comment |
|--|--|
| Proposed use has been limited to self-service storage facilities only. | This proffer restricts all other B2 permitted uses that could generate more trips per day. |
| Commercial entrance shall include a right turn lane into the development with a 100' taper and a 100' deceleration lane and a 75' acceleration land and a 50' taper exiting the development. | Proffers have addressed VDOT comments. |
| Outdoor trailer storage will be prohibited. | This proffer was added at the request of staff. It is intended to decrease the number of large vehicles/trailers/RVs entering and exiting the site. However, given the self-storage use, large |

| | |
|---|--|
| | vehicles will still be entering and exiting the property. |
| Hours of operation have been limited from 6:00 AM – 10:00 PM daily. | This limits the hours customers can access the site. This proffer was added at the request of the Planning Commission. |

Planning Commission Summary & Action from the January 15, 2025 Meeting:

The Planning Commission met on January 15, 2025, and received a revised impact analysis, GDP, and proffers during the meeting. Staff's presentation reflected the updated materials and outlined the major changes from the initial submission, namely the restriction of all B2 permitted uses other than self-storage, the restriction of outdoor trailer storage, and the addition of turn lanes.

The commissioners discussed the B1 Zoning District uses that could be constructed by-right with the current zoning, and staff confirmed that development of those uses could commence with a site plan approved by the planning department and other reviewing agencies. One commissioner pointed out that the current zoning also does not meet the desired long-range land use in the *Comprehensive Plan*, and that the proposed self-storage use is likely less intensive than many of the permitted B1 Zoning District uses.

Mr. Knechtel with Potesta & Associates, representing the applicant, outlined the zoning district buffer requirement of at least 50' with a landscaping component that would be required adjacent to residential uses. Mr. Knechtel said a safety railing would be placed on top of the retaining wall and site lighting would be addressed through a photometric plan at the site plan stage. The Zoning Ordinance requires lighting to not shine onto other properties or roadways.

The Planning Commission held a public hearing and two residents spoke. The concerns were primarily regarding potential environmental and erosion issues, the safety of the children in the Pioneer Heights subdivision, the proposed use not fitting in with the character of the community, and potential impacts to nearby residential property values.

The Planning Commission tabled the application to the meeting on February 19th to allow the public time to review the updated materials and provide comments on the revisions. The Chairman left the public hearing open so that it could be continued at the next meeting.

Planning Commission Summary & Action from the February 19, 2025 Meeting:

The Planning Commission met on February 19, 2025, and a commissioner pointed out the original rezoning to the B1 Zoning District in 1989 likely predicated the *Comprehensive Plan*. Staff noted that there are other business uses in the vicinity that predate the zoning ordinance.

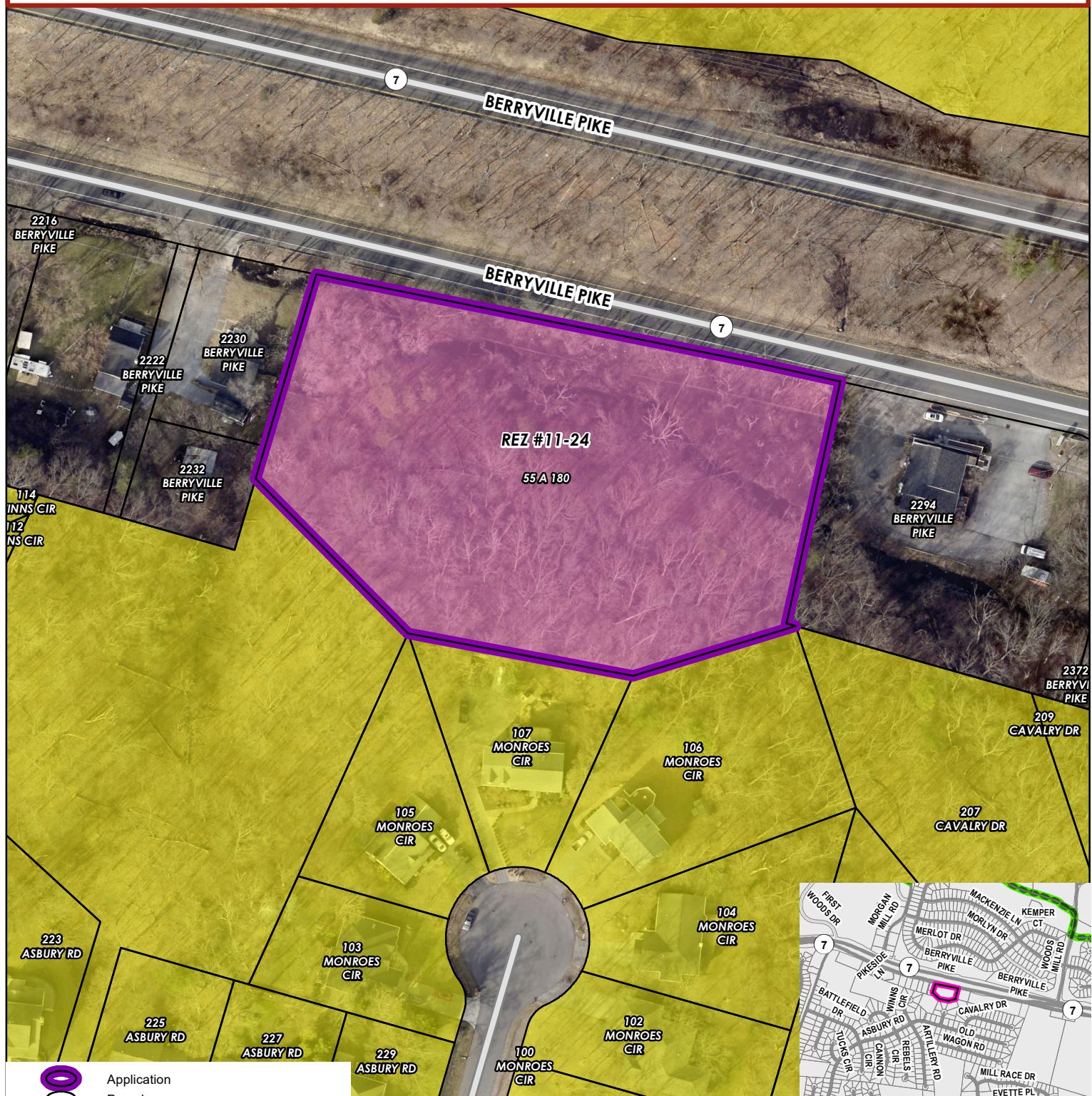
Several public comments were made concerning flooding of Ash Hollow Run and other environmental concerns, the safety of children in the Pioneer Heights subdivision, increased road noise affecting the residential areas, increased traffic and safety concerns on Route 7, and a potential decrease of residential property values should the rezoning be approved.

Mr. Knechtel shared the list of allowed uses in the B1 Zoning District that could be done “by-right” without a zoning change that could generate more trips and noise than the proposed self-storage use. Mr. Knechtel recapped the zoning ordinance requirements for any commercial development on the property, including the 50’ zone distance buffer with fencing and vegetative screening requirements around the property perimeter along with requirements that lighting be downcast. There was a discussion of the retaining wall and potential limits of hours of operation. The Commissioners reached consensus that the proposed rezoning with a proffer limiting the use to self-storage only would be less impactful than other B1 uses and acknowledged the applicant proffered to make all of the improvements requested by VDOT. The Planning Commission recommended approval of the rezoning with hours of operation from 6:00 AM to 10:00 PM be added to the proffer statement.

Following a public hearing, staff is seeking a decision from the Board of Supervisors on this rezoning application

REZ # 11 - 24: Route 7 Self Storage

PIN: 55 - A - 180
Rezoning from B1 to B2
Zoning Map

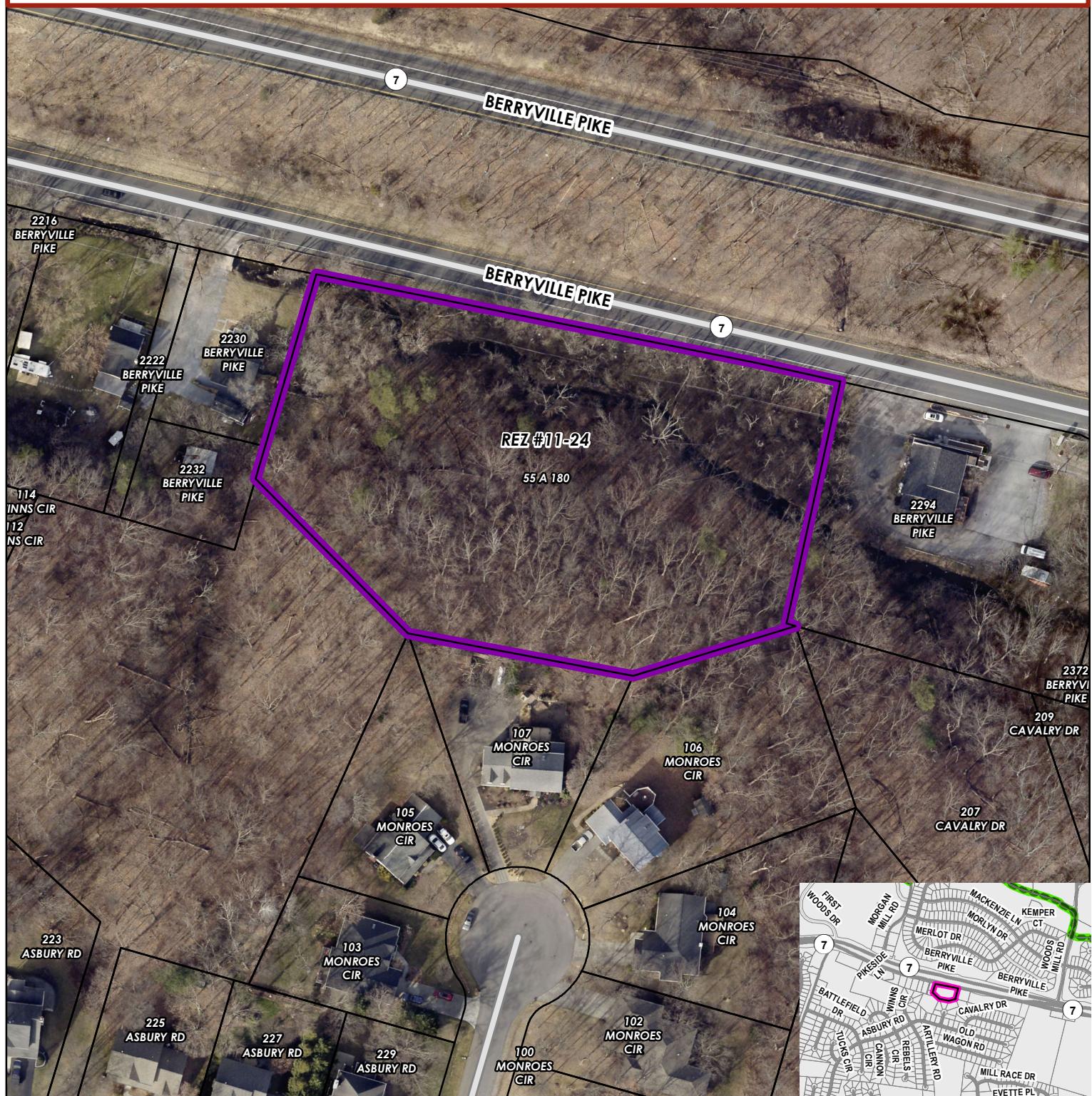


- Application
- Parcels
- Sewer and Water Service Area
- B1 (Neighborhood Business District)
- RP (Residential Performance District)

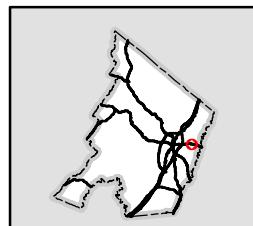
0 65 130 260 Feet

REZ # 11 - 24: Route 7 Self Storage

PIN: 55 - A - 180
 Rezoning from B1 to B2
 Location Map



 Application
 Parcels
 Sewer and Water Service Area



0 65 130 260 Feet

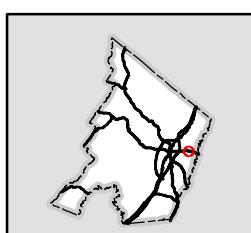
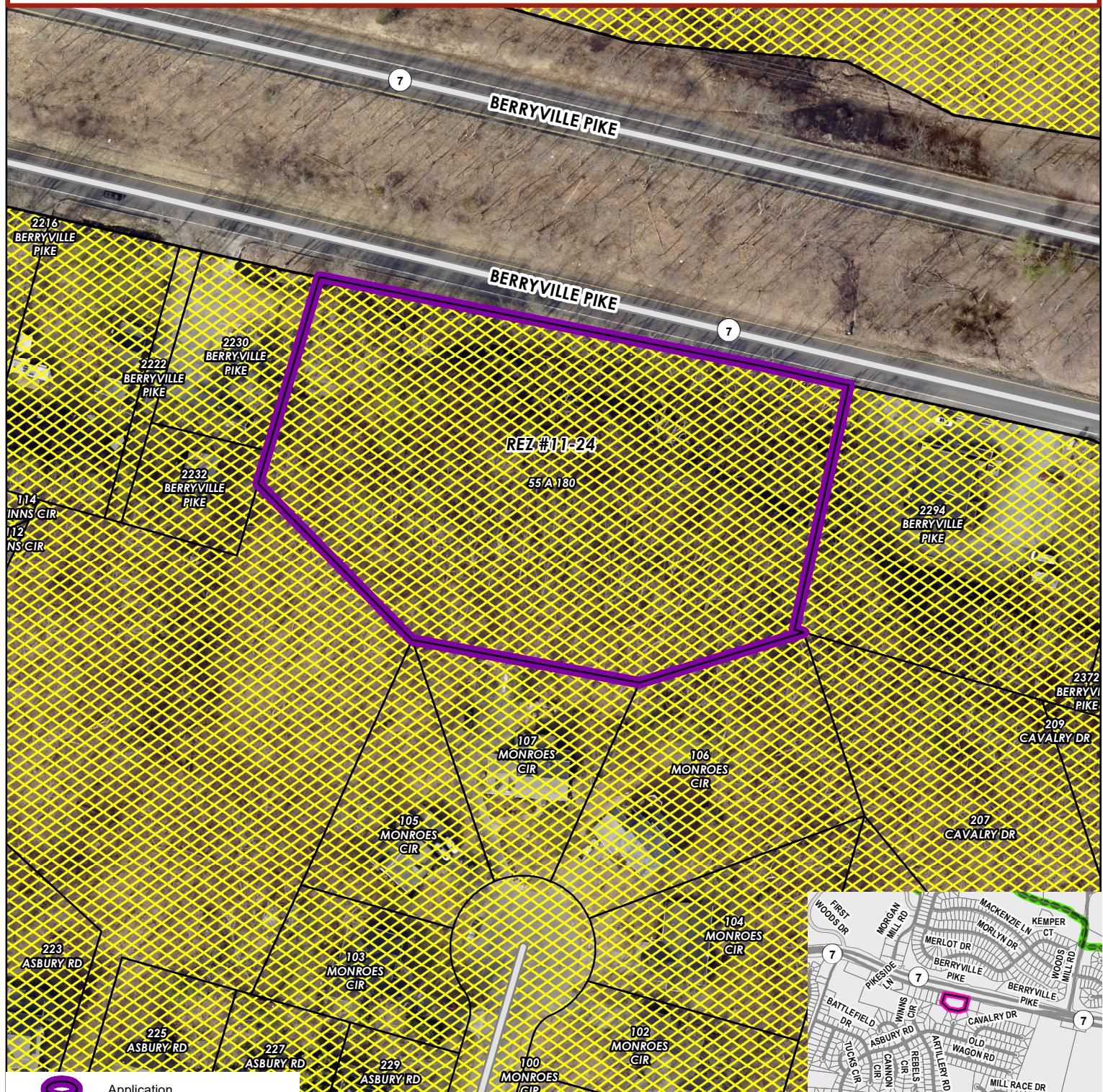


Frederick County Planning & Development
 107 N Kent St
 Winchester, VA 22601
 540 - 665 - 5651
 Map Created: December 30, 2024

REZ # 11 - 24: Route 7 Self Storage

PIN: 55 - A - 180

Rezoning from B1 to B2
Long Range Land Use Map



0 65 130 260 Feet

Frederick County Planning & Development
107 N Kent St

Winchester, VA 22601

540 - 665 - 5651

Map Created: December 30, 2024

PROFFER STATEMENT

REZONING: B1 (Neighborhood Business) to B2 (Business General District)

PROPERTY: 2.38 acres to be zoned B1 to B2, within total 2.38-acre B1 zoned property, Tax Map #55-A-180

RECORD OWNER: Edward P. Browning IV

APPLICANT: Edward P. Browning IV

PROJECT NAME: Route 7 Self Storage

ORIGINAL DATE OF PROFFER: November 9, 2023

REVISION DATE(S): December 11, 2024; January 13, 2025; February 21, 2025

The undersigned hereby proffers that the use and development of the subject property (“Property”), as described above, shall be in strict conformance with the following conditions, which shall supersede all other proffers that may have been made prior hereto. In the event that the above referenced B2 conditional rezoning is not granted as applied for by the applicant (“Applicant”), these proffers shall be withdrawn and shall be null and void. Further, these proffers are contingent upon final rezoning of the Property with “final rezoning” defined as that rezoning which is in effect on the day following the last day upon which Frederick County Board of Supervisors’ (the “County”) decision granting the rezoning may be contested in the appropriate court. If the County’s decision is contested, and the Applicant elects not to submit development plans until such contest is resolved, the term rezoning shall include the day following entry of a final court order affirming the decision of the County which has not been appealed, or, if appealed, the day following which the decision has been affirmed on appeal.

The term “Applicant” as referenced herein shall include within its meaning all future owners and successors in interest.

LAND DEVELOPMENT PROFFERS:

The development of Parcel # 55-A-180 shall be in general conformance with the attached GDP dated January 13, 2025, provided that minor modifications are permitted during the final engineering process.

- The proposed use shall be limited to “self-service storage facilities.” Other B2 uses will be prohibited.
- The proposed use shall be limited to hours of operation from 6 AM to 10 PM.

- Commercial Entrance shall have:
 - o a right-turn lane with a minimum of 100-foot taper and 100-foot deceleration lane.
 - o a 75-foot acceleration lane and 50-foot taper.
- Outside trailer storage will be prohibited.

Respectfully submitted,

Edward P. Browning IV

By: _____
Title: owner
Date: 2/24/2025

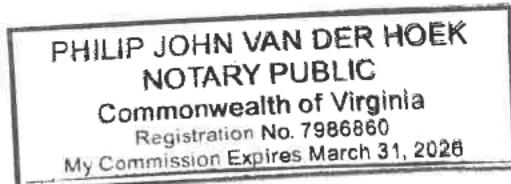
STATE OF Virginia, AT LARGE

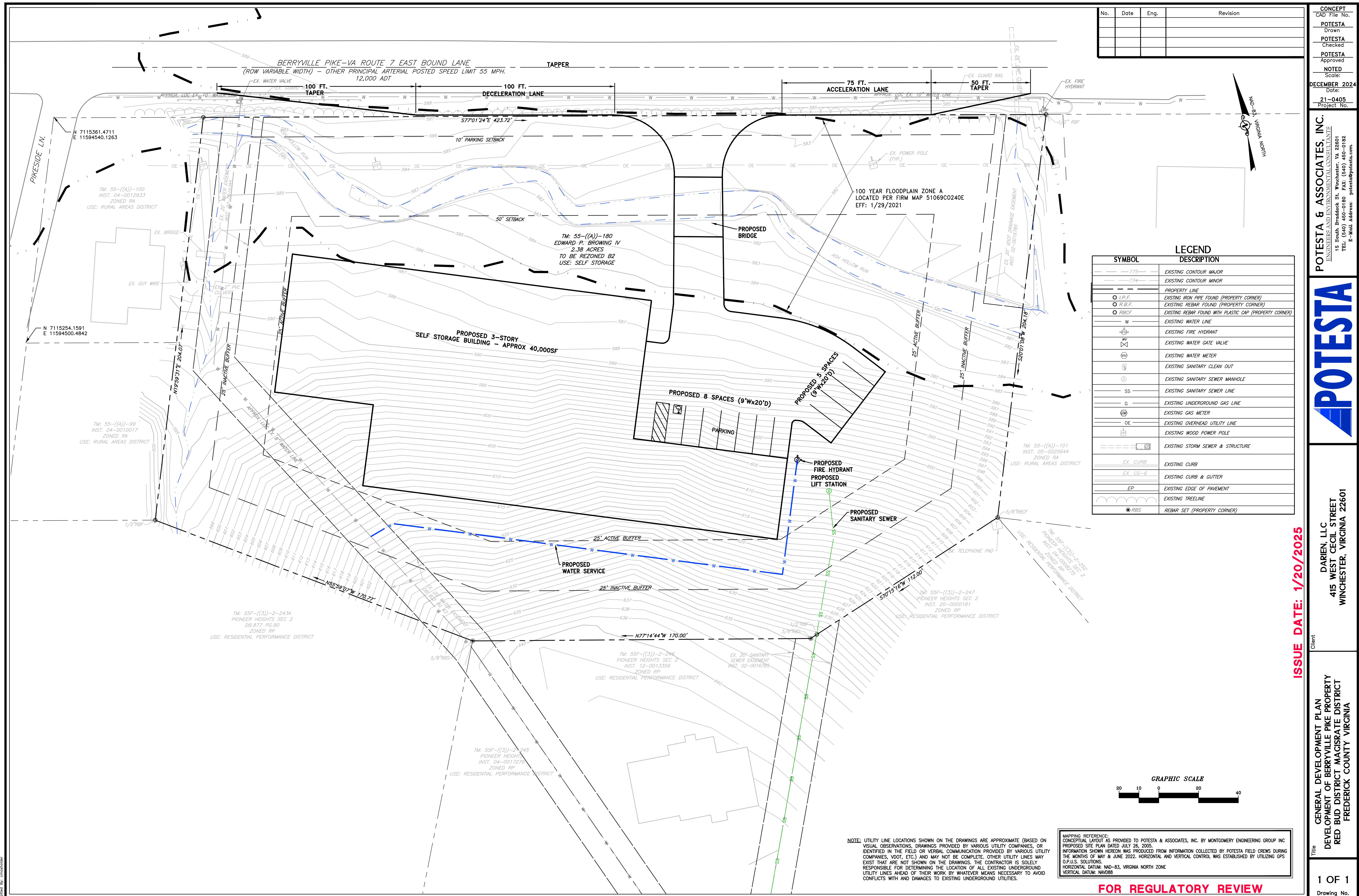
Fredrick COUNTY, To-wit:

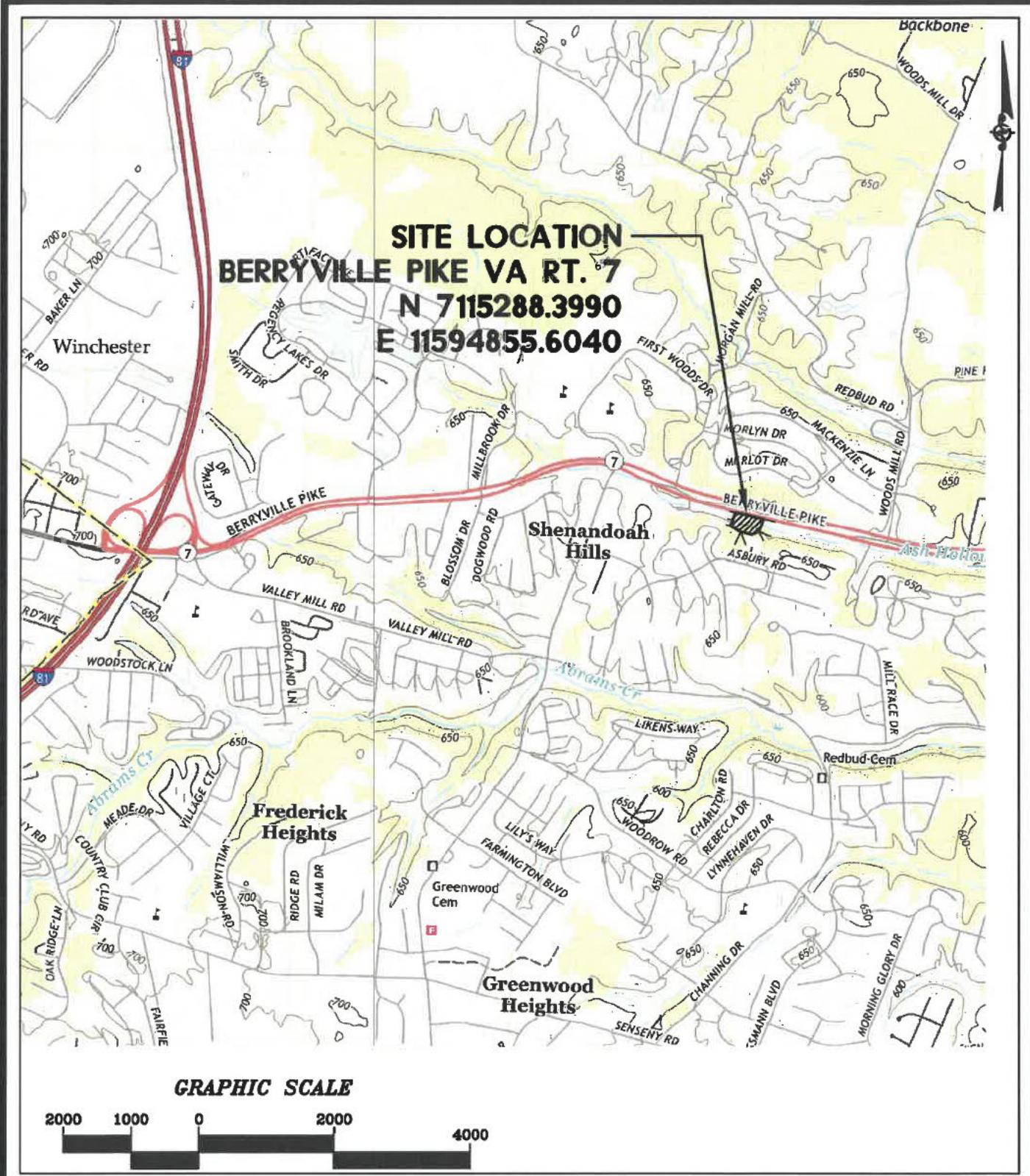
The forgoing instrument was acknowledged before me this 24 day of
February, 2025, by Ea _____

My commission expires: 3-31-2026

Notary Public: Philip John Van Der Hoek







POTESTA & ASSOCIATES, INC.
ENGINEERS AND ENVIRONMENTAL CONSULTANTS

15 South Braddock St., Winchester, VA 22601
TEL: (540) 450-0180 FAX: (540) 450-0182
E-Mail Address: potesta@potesta.com

Project

GENERAL LOCATION MAP
BERRYVILLE PIKE RT. 7 SELF STORAGE
RED BUD MAGISTERIAL DISTRICT
FREDERICK COUNTY, VIRGINIA

Scale 1"=2,000'

Dwg. No.

Date JUNE 2022

LOCATION MAP

COMMUNITY IMPACT STATEMENT

*Edward P. Browning IV
Route 7 Self-Storage Commercial Development
Engineering Services
Frederick County, Virginia*

Prepared for:

Edward P. Browning IV

415 West Cecil Street
Winchester, Virginia 22601

Prepared by:

Potesta & Associates, Inc.

15 South Braddock Street
Winchester, Virginia 22601
Phone: (540) 450-0180 Fax: (540) 450-0182

Project No. 0103-21-0405

January 2025



TABLE OF CONTENTS

| | |
|---|---|
| BACKGROUND | 1 |
| A. Suitability of the Site | 1 |
| B. Surrounding Properties | 1 |
| C. Traffic | 2 |
| D. Architectural/Building Materials/Landscaping..... | 2 |
| E. Sewage Conveyance and Treatment | 2 |
| F. Water Supply | 2 |
| G. Drainage..... | 2 |
| H. Solid Waste Disposal Facilities | 2 |
| I. Historic Sites and Structures..... | 3 |
| J. Impact on Community Facilities..... | 3 |
| J1. Educational Facilities and Services | 3 |
| J2. Police Protection | 3 |
| J3. Fire and Rescue Protection | 3 |
| J4. Parks and Recreation..... | 3 |
| J5. Solid Waste Disposal | 3 |
| J6. Other Government Activities..... | 3 |

COMMUNITY IMPACT STATEMENT

*Edward P. Browning IV
Route 7 Self-Storage Commercial Development
Engineering Services
Frederick County, Virginia*

BACKGROUND

The project is located along the south of Virginia Route 7 East (Berryville Pike) approximately 2,000 feet east of the intersection of Greenwood Road and Virginia Route 7 East, east of the City of Winchester at TM: 55-A-180. The overall parcel is 2.38 acres and is adjacent to Granny's Restaurant. Historically, the site has been a vacant, brushwooded area. Edward P. Browning IV is proposing to construct a Self-Storage Complex in conjunction with access off of Berryville Pike crossing Ash Hollow Run, along with accompanying parking and other paved areas on this 2.38-acre lot. They expect five employees and possibly five customers daily.

Public utilities, water, and sewer services will be provided by Frederick Water. Stormwater management will be provided for the site through the construction of appropriate stormwater controls and additional water quality best management practices.

A. Suitability of the Site

The site property is located in a wooded parcel with a natural stream (Ash Hollow Run) that runs parallel along the northern edge of the property line and the southern edge of Berryville Pike. The site will be developed for commercial use with a paved curb-and-gutter parking lot and building(s). The site is currently served by existing utilities such as gas, electric, and water. Sewer service is available on adjacent properties. The northern portion of the site along Ash Hollow Run is located within a flood plain (Zone A) according to FEMA FIRM Map # 51069C0240E, effective January 28, 2021. Appropriate engineering controls will be utilized to address potential flood plain concerns and will follow Corps of Engineers and CLOMA requirements. There are no known prime agricultural soils on site. There are slopes up to 40 percent on the southern portion of the parcel leading uphill toward the Pioneer Heights Subdivision. Soil or bedrock conditions which would create construction difficulties will be appropriately addressed in the proposed site development plans.

B. Surrounding Properties

The adjoining properties are Residential Performance and Rural Area uses. The Red Bud Run Subdivision is located across Berryville Pike. The Pioneer Heights Subdivision is located immediately south of the property. The immediate adjacent lot to the east is occupied by Granny's Restaurant. The immediate adjacent lots to the west are two additional residential properties.

The business assumes minimum employee presence and possibly five customers daily. A majority of the activity on site will be autonomous self-service with minimal amount of traffic in and out of the site. The potential for impacts on surrounding properties associated with noise, glare, fumes, pollution, odors, or other nuisance factors are minimal.

C. Traffic

The project site will require the construction of a new Virginia Department of Transportation entrance over the existing stream immediately south of Berryville Pike. The estimated vehicle trips per weekday average is 58.6 trips per day (TPD) per “Mini-Warehouse” #151 of the ITE Trip Generation Manual, 7th edition.

D. Architectural/Building Materials/Landscaping

- All buildings will be constructed using compatible architectural material and developed as a cohesive entity to mitigate potential impacts to adjoining residential uses.
- The developer shall comply with the landscaping requirements of the Frederick County Code.

E. Sewage Conveyance and Treatment

Sanitary sewer is proposed to be pumped to the existing collection systems within the Pioneer Heights Subdivision and will be developed to meet current requirements and regulations of Frederick Water.

F. Water Supply

An existing water line serviced by Frederick Water is located within the boundaries of the parcel. This water line divides into two separate branches, one of which follows the western property line starting at the southern edge of Berryville Pike and leads into the Pioneer Heights subdivision. The other follows the edge of the northern property line and the southern edge of Berryville Pike running parallel with Berryville Pike.

G. Drainage

The new stormwater management system development will meet the requirements of the current stormwater regulations.

H. Solid Waste Disposal Facilities

Solid waste for this development will be stored in metal containers for pick up by a local solid waste collector. It is anticipated that collections will occur weekly.

I. Historic Sites and Structures

There are no known historic sites or structures in or around the subject property.

J. Impact on Community Facilities

J1. Educational Facilities and Services

These services are not applicable to this project.

J2. Police Protection

The Frederick County Sheriff's Department and Winchester Police Department response time, under ideal conditions, would be less than 15 minutes. The existing service demand for this property is currently low and is anticipated to remain at this level with the addition of this facility. Natural terrain will not inhibit response due to the established road network.

J3. Fire and Rescue Protection

The closest fire station and/or rescue squad is Greenwood Volunteer Fire approximately 2.6 miles from the site, and Winchester Fire and Rescue, approximately 3.5 miles from the site. Response time for a safety emergency on this property should be less than 10 minutes. The existing service demand for this property is currently low and is anticipated to remain at this level with the addition of this facility. Natural terrain will not inhibit response due to the established road network.

J4. Parks and Recreation

These services are not applicable to this project.

J5. Solid Waste Disposal

Solid waste for this development will be stored in metal containers for pick up by a local solid waste collector. It is anticipated that collections will occur weekly.

J6. Other Government Activities

This project will require normal governmental services during planning and construction phases.

DEC 11 2023



Rezoning Comments

Frederick County Fire Marshal

Mail to:

Frederick County Fire Marshal
1800 Coverstone Drive
Winchester, Virginia 22602
(540) 665-6350

Hand deliver to:

Frederick County Fire & Rescue Dept.
Attn: Fire Marshal
Public Safety Building
1800 Coverstone Drive
Winchester, Virginia

Applicant: Please fill out the information as accurately as possible in order to assist the Frederick County Fire Marshal with his review. **Attach a copy of your application form, location map, proffer statement, impact analysis, and any other pertinent information.**

Applicant's Name: POTESTA & ASSOCIATES INC. Telephone: 540-450-0180

Mailing Address: 15 S. BRADDOCK STREET
WINCHESTER, VA 22601

Location of property: TM: 55 - A - 180

Current zoning: B1 Zoning requested: B2 Acreage: 2.38

Fire Marshal's Comments:

See Attached 

Fire Marshal's Signature & Date: LT  12/13/23

Notice to Fire Marshal - Please Return This Form to the Applicant



Frederick County Fire and Rescue Department

Office of the Fire Marshal

1080 Coverstone Drive

Winchester, VA 22602

Phone: 540-665-6350 Fax: 540-678-4739

fmo@fcva.us

Plan Review

Rezoning

Status: Approved with Conditions

Owner

Edward P. Browning, IV
0 Berryville Pike
Winchester, Virginia 22602
Phone: 540-313-5132

Engineering Firm :

Potesta & Associates, Inc.

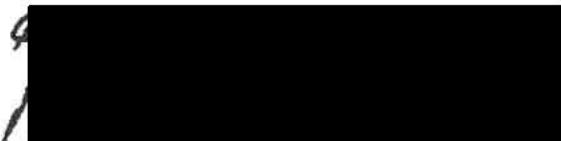
Printed Date: 12/13/2023

General Information

| | | | |
|--------------------|------------|------------------|-------------------|
| Received Date: | 12/11/2023 | Occupancy Type: | Storage |
| Review Begin Date: | 12/13/2023 | Property Use: | Self-storage unit |
| Review End Date: | 12/13/2023 | Activity Number: | I1210036 |
| Hours: | 1.0000 | Review Cause: | Revision |

Comments:

Fire apparatus access roads in accordance with Section 503 of the Frederick County Fire Prevention Code (SFPC2018 shall be required to be displayed on site plan submittal. Appendix "D" shall be referenced for design models.



William Pifer
Lieutenant/Assistant Fire Marshal



RE: Route 7 Self Storage Revised Proffers

From Austin Cano <austin.cano@fcva.us>

Date Tue 1/21/2025 2:49 PM

To Kayla Peloquin <kayla.peloquin@fcva.us>

Kayla,

As long as we are okay with the limited number of proffers, I am generally fine with the form. The one amendment I would make is clarifying what "other uses" they will be giving up; is it all other uses, other uses I X zoning district, or some other sort that is being restricted? If they can include more specific language there, I will be fine with the proffers.

Have a nice day,

Austin

From: Kayla Peloquin <kayla.peloquin@fcva.us>

Sent: Tuesday, January 21, 2025 11:00 AM

To: Austin Cano <austin.cano@fcva.us>

Cc: Wyatt Pearson <wyatt.pearson@fcva.us>

Subject: Route 7 Self Storage Revised Proffers

Hi Austin!

Attached are some revised proffers for the Route 7 Self Storage rezoning that was presented to Planning Commission 1/15. The item is going back to PC on 2/19. Please let me know if you have any comments on the revised proffers. At this point, the proffers have completely changed and Rod's comment from a couple years ago isn't relevant anymore.

Thanks,

Kayla Peloquin, AICP

Planner II

Frederick County Planning & Development

107 N Kent Street Suite 202

Winchester, VA 22601

(540) 665-5651

Rezoning Comments



Frederick Water

Mail to:

Frederick Water
Attn: Engineer
P.O. Box 1877
Winchester, Virginia 22604
(540) 868-1061

Hand deliver to:

Frederick Water
Attn: Engineer
315 Tasker Road
Stephens City, Virginia

Applicant: Please fill out the information as accurately as possible in order to assist the agency with their review. **Attach a copy of your application form, location map, proffer statement, impact analysis, and any other pertinent information.**

Applicant's Name: POTESTA & ASSOCIATES INC. **Telephone:** 540-450-0180

Mailing Address: 15 S BRADDOCK STREET
WINCHESTER, VA 22601

Location of property: TM: 55 - A - 180

Current zoning: B1 Zoning requested: B2 Acreage: 2.38

Frederick Water Comments:

Please see review comment dated January 2, 2024. Approved as submitted.

Frederick Water Signature & Date: 1/2/2024

Notice to Frederick Water - Please Return This Form to the Applicant

From: [Joe Knechtel](#)
To: [Cole M. Davis](#)
Subject: FW: Darien, LLC., Route 7 Self Storage rezoning application review comment
Attachments: [2024 01 12 Darien LLC Rezoning Comment. Frederick Water.pdf](#)

From: Eric R. Lawrence <ELawrence@frederickwater.com>
Sent: Tuesday, January 2, 2024 2:23 PM
To: Joe Knechtel <KJKnechtel@potesta.com>
Cc: Michael Newlin <MNewlin@frederickwater.com>; Earl Wiley <ewiley@frederickwater.com>
Subject: RE: Darien, LLC., Route 7 Self Storage rezoning application review comment

You don't often get email from elawrence@frederickwater.com. [Learn why this is important](#)

Joe,

I have reviewed the December 11, 2023, resubmission of the Darien, LLC Route 7 Self-Storage rezoning application. The rezoning application package is acceptable.

It is noted that the December 11, 2023 submission includes a preliminary site plan and entrance concept. The planned entrance improvements along Route 7, which will be atop an existing 10-inch water main, will require that the developer replace the water main as construction atop the main will certainly cause damage to the main. We look to the design phase of the project to review the detailed entrance improvements and water main replacement plans.

Thank you.

Eric Lawrence

Rezoning Comments



Frederick County Department of Public Works

Mail to:

Frederick County Dept. of Public Works
Attn: Director of Engineering
107 North Kent Street
Winchester, Virginia 22601
(540) 665-5643

Hand deliver to:

Frederick County Dept. of Public Works
Attn: Director of Engineering
107 North Kent Street
Suite 200
Winchester, Virginia

Applicant: Please fill out the information as accurately as possible in order to assist the Department of Public Works with their review. Attach a copy of your application form, location map, proffer statement, impact analysis, and any other pertinent information.

Applicant's Name: POTESTA & ASSOCIATES INC. **Telephone:** 540-450-0180

Mailing Address: 15 S. BRADDOCK STREET

Location of property: TM: 55 - A - 180

Current zoning: B1 **Zoning requested:** B2 **Acreage:** 2.38

Department of Public Works Comments:

We offer no additional comments at this time.

Public Works Signature & Date: 12-19-2023

Notice to Dept. of Public Works - Please Return This Form to the Applicant



'[External]'Re: Coordination follow-up

From Johnson, Joseph (VDOT) <JosephW.Johnson@vdot.virginia.gov>

Date Thu 12/19/2024 3:16 PM

To Tyler Klein <tklein@fcva.us>

Cc John Bishop <jbishop@fcva.us>; Kayla Peloquin <kayla.peloquin@fcva.us>; Spielman, Joseph (VDOT) <joseph.spielman@vdot.virginia.gov>

Tyler,

VDOT has reviewed the latest submission of the Route 7 Self-Storage (Darien, LLC) rezoning located at TM#55-A-180 and given the location of this property on a narrow section of Route 7 (without adequate shoulders), we would suggest a commitment by the developer to provide a full right turn lane into the project (100-feet storage, 100-feet taper). Please let me know if you have any additional questions.

Thanks!

Joseph W. Johnson, PE

Area Land Use Engineer / Edinburg Residency

Virginia Department of Transportation

14031 Old Valley Pike / Edinburg, VA 22824

Phone #540.534.3223

josephw.johnson@vdot.virginia.gov

Route 7 Self Storage Rezoning Comments

January 9, 2024

The documentation within the application to rezone this property may have significant measurable impact on Route 7 (Berryville Pike). This Route is the VDOT roadway which has been considered as the access to the property referenced.

VDOT is concerned that the improvements to Route 7, as shown on the "For Regulatory Review", not sealed, may not be binding in its current form. We recommend these improvements, right turn lane and taper, **should** be included as part of the transportation proffers verbiage.

The current as well as the future projections of traffic volume and speed necessitate these improvements be part of any initial construction on this parcel.

To be completed by Planning Staff
Zoning Amendment Number 11-24
Date Received 12/13/25

Fee Amount Paid \$ 10,238.00
Anticipated PC Hearing Date 1/15/29
Anticipated BOS Hearing Date 2/12/25

REZONING APPLICATION
FREDERICK COUNTY, VA DEPARTMENT OF PLANNING & DEVELOPMENT

1. Property Owner(s) (please attach additional page(s) if more than two owners):

Name: BROWNING, EDWARD P. IV

Specific Contact Person if Other than Above: _____

Address: 415 West Cecil Street, Winchester, Virginia 22601

Telephone: 540-313-5132 Email: epbrowning4@gmail.com

Name: _____

Specific Contact Person if Other than Above: _____

Address: _____

Telephone: _____ Email: _____

2. Other Applicant Party (such as a contract purchaser) (please attach additional page(s) if necessary):

Name: _____

Specific Contact Person if Other than Above: _____

Address: _____

Telephone: _____ Email: _____

3. Law firm, engineering firm, or other person, if any, serving as the primary contact person for this application:

Firm Name: Potesta & Associates, Inc.

Specific Contact Person at Firm: Joe Knechtel

Address: 15 South Braddock Street, Winchester, Virginia 22601

Telephone: 540-450-0180 Email: kjknechtel@potesta.com

Please note that, if a law firm, engineering firm, or other person, other than the owner of the property, will be acting on behalf of the owner and/or executing papers on behalf of the owner in connection with the rezoning, the owner will need to execute a power of attorney form granting the firm or person such authority.

4. Project Name (if any): Route 7 Self Storage

5. Property Information:

a. Property Identification Number(s): TM: 55 - A - 180

b. Total acreage of the parcel(s): 2.38 acres

c. Total acreage of parcel(s) to be rezoned (if other than whole parcel(s) is being rezoned):

d. Current zoning designation(s) and acreage(s) in each designation:

2.38 acres, B1

e. Proposed zoning designation(s) and acreage(s) in each designation:

2.38 acres, B2

f. Magisterial District(s): Redbud

g. Location - the property is located at (give street address(es) if assigned or otherwise exact location based on nearest road and distance from nearest intersection, using road names and route numbers):

The parcel is located immediately to the South of Virginia Route 7,

approximately 2000 feet east of the intersection of Greenwood Road and Route 7.

h. Adjoining Properties:

| Parcel ID Number | Use | Zoning |
|--------------------|-------------|--------|
| 55 - A - 100 | Residential | RA |
| 55 - A - 99 | Residential | RA |
| 55F - 3 - 2 - 243A | Residential | RP |
| 55F - 3 - 2 - 245 | Residential | RP |
| 55F - 3 - 2 - 246 | Residential | RP |
| 55F - 3 - 2 - 247 | Residential | RP |

Please attach additional page(s) if necessary.

Property identification numbers, magisterial districts, and deed book and page numbers/instrument numbers may be obtained from the Office of the Commissioner of the Revenue, Real Estate Division, 107 North Kent Street, Winchester, VA 22601.

Adjoining Properties Continued -Potesta

4. Project Name (if any): Route 7 Self Storage

5. Property Information:

a. Property Identification Number(s): _____

b. Total acreage of the parcel(s): _____

c. Total acreage of parcel(s) to be rezoned (if other than whole parcel(s) is being rezoned):

d. Current zoning designation(s) and acreage(s) in each designation:

e. Proposed zoning designation(s) and acreage(s) in each designation:

f. Magisterial District(s): _____

g. Location - the property is located at (give street address(es) if assigned or otherwise exact location based on nearest road and distance from nearest intersection, using road names and route numbers):

h. Adjoining Properties:

| | | |
|--|---|---------------------------|
| <u>Parcel ID Number</u>
55F - 3 - 2 - 252
55 - A - 101 | <u>Use</u>
Residential
Restaurant | <u>Zoning</u>
RP
RA |
|--|---|---------------------------|

Please attach additional page(s) if necessary.

Property identification numbers, magisterial districts, and deed book and page numbers/instrument numbers may be obtained from the Office of the Commissioner of the Revenue, Real Estate Division, 107 North Kent Street, Winchester, VA 22601.

6. Disclosure of real parties in interest.

Virginia Code § 15.2-2289 provides that localities may by ordinance require any applicant for a zoning amendment to make complete disclosure of the equitable ownership of the real estate to be affected including, in the case of corporate ownership, the name of stockholders, officers, and directors, and in any case the names and addresses of all real parties of interest. Frederick County has, by County Code § 165-101.09, adopted such an ordinance.

For each business entity that is an owner or contract purchaser of the property, **please list the name and address of each person owning an interest in, or who is an officer or director of, any entity that is an owner or contract purchaser of the property** (you need not indicate the amount or extent of the ownership interest). Please note that this requirement does not apply to a corporation whose stock is traded on a national or local stock exchange and having more than 500 shareholders.

Please attach additional page(s) if necessary.

7. Checklist. Please check that the following items have been included with this application:

- Location Map
- Plat Depicting Metes/Bounds of Proposed Zoning
- Impact Analysis Statement
- Proffer Statement (if any)
- Agency Comments
- Fee
- Copies of Deed(s) to Property(ies)
- Tax Payment Verification
- Digital copies (pdf's) of all submitted items

8. **Signature(s):**

I (we), the undersigned, do hereby respectfully make application and petition the Frederick County Board of Supervisors to amend the zoning ordinance to change the zoning map of Frederick County, Virginia. I (we) authorize Frederick County officials to enter the property for site inspection purposes.

I (we) understand that the sign issued when this application is submitted must be placed at the front property line at least seven days prior to the Planning Commission public hearing and the Board of Supervisors public hearing and maintained so as to be visible from the road right-of-way until the hearing.

I (we) hereby certify that this application and its accompanying materials are true and accurate to the best of my (our) knowledge.

Owner:



Date 12/12/2024

If signing on behalf of an entity, please state name of entity and your title:

Owner:

Date

If signing on behalf of an entity, please state name of entity and your title:

Other Applicant Party (if any):

Date

If signing on behalf of an entity, please state name of entity and your title:

If additional signature lines are necessary, such as if more than two persons are owners, please use additional copies of this page.

ADJOINING PROPERTY OWNERS

Owners of property adjoining the land will be notified of the Planning Commission and the Board of Supervisors meetings. For the purpose of this application, **adjoining property is any property abutting the requested property on the side or rear or any property directly across a public right-of-way, a private right-of-way, or a watercourse from the requested property.** The applicant is required to obtain the following information on each adjoining property including the parcel identification number which may be obtained from the office of the Commissioner of Revenue. *The Commissioner of the Revenue is located on the 2nd floor of the Frederick County Administrative Building, 107 North Kent Street.*

| Name and Property Identification Number | Address |
|--|------------------------------------|
| Name Grace Cho | 202 Raven Road |
| Property #55-A-100 | Stephens City, VA 22655 |
| Name D&A Property Group LLC | 2232 Berryville Pike |
| Property #55-A-99 | Winchester, VA 22603 |
| Name Pioneer Height Sec. II Property Owners Assoc. | c/o Coventry Group 2045 Valley Ave |
| Property #55F-3-2-243A | Winchester, VA 22601 |
| Name Stephen Kesler | 105 Monroes Circle |
| Property #55F-3-2-245 | Winchester, VA 22602 |
| Name Stephen Carter | 107 Monroes Circle |
| Property #55F-3-2-246 | Winchester, VA 22602 |
| Name Timothy Siler | 106 Monroes Circle |
| Property #55F-3-2-252 | Winchester, VA 22602 |
| Name Julius Overbeck | 207 Cavalry Drive |
| Property #55F-3-2-252 | Winchester, VA 22602 |
| Name Guy Leon | 322 Fredericktowne Drive |
| Property #55-A- 101 | Stephens City, VA 22655 |
| Name Red Bud Run HOA Inc. | 7540 N. Market Street |
| Property #55L-1-2-229A | Frederick, MD 21701 |



**Special Limited Power of Attorney
County of Frederick, Virginia
Frederick Planning Website: www.fcva.us**

**Department of Planning & Development, County of Frederick, Virginia
107 North Kent Street, Winchester, Virginia 22601
Phone (540) 665-5651 Facsimile (540) 665-6395**

Know All Men By These Presents That:
Edward P. Browning, IV

Name of Property Owner/Applicant

Please note: If the property owner/applicant is an entity, the name of the entity should appear above.

If multiple persons own the property or are applicants, an executed power of attorney from each owner will be needed.

415 West Cecil Street, Winchester, Virginia 22601

540-313-5132

Mailing Address of Property Owner/Applicant

Telephone Number

as owner of, or applicant with respect to, the tract(s) or parcel(s) of land in Frederick County, Virginia, identified by following property identification numbers:

TM: 55 - A - 180

do hereby make, constitute, and appoint:
Potesta & Associates, Inc.

Name of Attorney-In-Fact

15 South Braddock Street, Winchester, Virginia 22601

540-450-0180

Mailing Address of Attorney-In-Fact

Telephone Number

to act as my true and lawful attorney-in-fact for and in my name, place, and stead, with the same full power and authority I would have if acting personally, to file and act on my behalf with respect to application with Frederick County, Virginia for the following, for the above identified property:



Rezoning



Subdivision



Conditional Use Permit



Site Plan



Master Development Plan (prelim. or final)



Variance or Zoning Appeal

and, further, my attorney-in-fact shall have the authority to offer proffered conditions and to make amendments to previously approved proffered conditions except as follows:

This appointment shall expire one year from the day that it is signed, or at such sooner time as I otherwise rescind or modify it.

Signature 

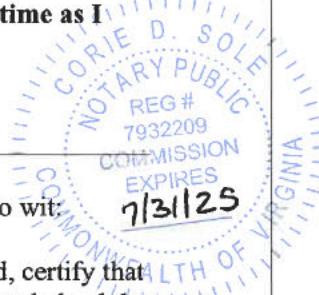
Title (if signing on behalf of an entity)

State of **VIRGINIA**, County/City of **WINCHESTER**, To wit:

I, **Corie Ganoel**, a Notary Public in and for the jurisdiction aforesaid, certify that the person who signed the foregoing instrument personally appeared before me and has acknowledged the same before me in the jurisdiction aforesaid this **12th** day of **December**, 20**24**.

Notary Public (Sworn as Corie Sole)

My Commission Expires: **7/31/25**
Registration Number: **7932209**



070002905

3000

TAX ID #: 55-4-186
\$ 120,000.00
126 Cole Lane, Winchester, Virginia 22602

Consideration:
Grantee Address:

THIS DEED, made and dated this 14th day of February, 2007, by and between SILVER LAKE, LLC, party of the first part, hereinafter called the Grantor; and EDWARD P. BROWNING, IV, party of the second part, hereinafter called the Grantee.

WITNESSETH: That for and in consideration of the sum of Ten Dollars (\$10.00), cash in hand paid and other good and valuable consideration, receipt whereof is hereby acknowledged, the Grantor does hereby grant and convey, with General Warranty and with English Covenants of Title, unto the Grantee, in fee simple absolute, all of the following realty:

All that certain tract or parcel of land, together with the improvements thereon and the appurtenances thereunto belonging, lying and being situate in Red Bud (formerly Shawnee) Magisterial District, Frederick County, Virginia, containing 2.3988 acres, more or less (formerly described as 2.388 acres) as shown on plat of H. Bruce Edens, L.S., dated September 23, 2002, attached to the deed of record in the Office of the Clerk of the Circuit Court of Frederick County, Virginia, as Instrument No. 020016785; AND BEING a portion of the property conveyed to Silver Lake, LLC, by deed dated October 1, 2002, from Wilkins Development Corporation, of record in the aforesaid Clerk's Office as Instrument No. 020016785, being designated therein as Parcel 3.

Reference is here made to the aforesaid instruments, the attachments thereto and the references therein contained for a further and more particular description of the property hereby conveyed.

SCULPT
&
GLASS
ATTORNEYS AT LAW
20 SOUTH KENT STREET
WINCHESTER, VIRGINIA
22601

0004

This conveyance is made subject to all legally enforceable restrictive covenants and easements of record affecting the aforesaid realty.

WITNESS the following signature and seal:

SILVER LAKE, LLC

BY: 
JAMES RICHARD WILKINS, III
Member/Manager

STATE OF VIRGINIA,

CITY OF WINCHESTER, to-wit:

I, Sharon L. Hott, a Notary Public in and for the State and jurisdiction aforesaid, do hereby certify that JAMES RICHARD WILKINS, III, Member/Manager of SILVER LAKE, LLC, whose name is signed to the foregoing Deed, bearing date of the 14th day of February, 2007, has this day personally appeared before me and acknowledged the same in my State and jurisdiction aforesaid.

Given under my hand this 14th day of February, 2007.




NOTARY PUBLIC

My commission expires June 30, 2009.

VERGINIA: FREDERICK COUNTY, SCT.

This instrument of writing was presented to me on

2-21-2007 at 9:46 AM
and with certificate of acknowledgement thereto annexed
was admitted to record. Tax imposed by Sec. 58.1-802 of

\$130.00, and 58.1-801 have been paid, if assessable

SCULY
&
GLASS
ATTORNEYS AT LAW
20 SOUTH KENT STREET
WINCHESTER, VIRGINIA
22601

050025644

0682

7677-115
EBY/cmj

\$ 80.00
55-101
2020 Sycocina Rd.
Leesburg, VA 20175

CONSIDERATION
TAX MAP ID NOS
GRANTEES' ADDRESS:

This instrument was prepared by
Edwin B. Yost
112 South Cameron Street
Winchester, VA 22601

THIS DEED, made and dated this 21st day of September, 2005 by and between **GEORGE M. GREEN, III** and **LEE ANN GREEN**, husband and wife, hereinafter called the Grantors, and **GEORGE M. GREEN, III** and **LEE ANN GREEN**, husband and wife, and **MARY R. GREEN**, hereinafter called the Grantees.

WITNESSETH: That for and in consideration of the sum of Ten Dollars (\$10.00), cash in hand paid and other valuable consideration, receipt whereof is hereby acknowledged, the Grantors do grant and convey, with General Warranty and with English Covenants of Title, unto the Grantees, as joint tenants, with right of survivorship, it being intended that the part of the dying should then belong to the other, his/her heirs or assigns, together with all rights, rights of way, privileges, improvements thereon and appurtenances thereto belonging, all of the following realty:

All of that certain lot or parcel of land, together with the improvements thereon and the appurtenances thereto belonging, lying and being situate along the Southern side of the Winchester-Berryville Turnpike, (U.S. Route 7), about three (3) miles East of the City of Winchester, Virginia, in Shawnee Magisterial District, Frederick County, Virginia, and more particularly described as follows:

Beginning at a stone corner of the Southern side of said highway, said stating point being 725 feet Eastward from the Northeastern corner of the lot formerly sold by Jennie G. Stump and George Stump to Maynard Orndorff, et ux, and running thence in a Southern direction with the other land of Stump in a line parallel to, and 725 feet Eastward from, the Eastern side of said Orndorff lot, a distance of 200 feet, to a stone corner to the other land of Stump; thence in an Eastern direction with Stump in a line to the other land of Stump, thence therewith in a Northern direction a distance of 200 feet to a stone corner on the Southern side of said highway; thence therewith in a western direction a distance of 200 feet to the point of beginning.

AND BEING the same property conveyed to George M. Green, III and Lee Ann Green, husband and wife, by Deed from Scott A. Warner, dated April 13, 2005 of record in the Office of the Clerk of the Circuit Court of Frederick County, Virginia, as Instrument Number 050007870. Reference is here made to the aforesaid instruments and the references contained therein for a further and more particular description of the property conveyed herein.

This conveyance is made subject to all legally enforceable restrictive covenants and easements of record affecting the aforesaid realty.

The Grantors do hereby covenant that they have the right to convey to the Grantees; that the Grantees shall have quiet and peaceable possession of the said property, free from all liens and encumbrances; and they will grant such further assurances of title as may be requisite.

WITNESS the following signatures and seals:

GEORGE M. GREEN, III (SEAL)

LEE ANN GREEN (SEAL)

STATE OF VIRGINIA

CITY/COUNTY OF Arlington To-wit:

I, Jane R. Leylegian, a Notary Public in and for the State and jurisdiction aforesaid, do hereby certify that George M. Green, III and Lee Ann Green, whose names are signed to the foregoing Deed, dated 21st day of September, 2005 have personally appeared before me and acknowledged the same in my State and jurisdiction aforesaid.

Given under my hand this 21st of September, 2005.

My commission expires:



Jane R. Leylegian
NOTARY PUBLIC
Commonwealth of Virginia
My Commission Expires 1/31/08

Notary Public

VA 11-1-05 MUSKETEER COUNTY, SCT.
This instrument of writing was produced to me on
11-1-05 at 2:52 P.M.
and with certificate of acknowledgement thereto annexed
was admitted to record. It is imposed by Sec. 58.1-802 of
2 \$80.00, and 58.1-801 have been paid, if assessable.

0425

Consideration \$311,000.00
Grantee Address:
207 CALVALRY DR.
Winchester, VA 22602

Tax Map No: 55F-3-2-252
File No. 04-358DM
Return to: BOX 51 QUALITY SETTLEMENTS

C40008275

602 S. King Street, Suite 200
Leesburg, Virginia 20175
(703) 771-0000 ph (703) 581-1310 fax

This Deed, made this April 30, 2004, by and between **MARK A. MCCUTCHAN** and **BROOKE B. MCCUTCHAN**, husband and wife, parties of the first part ("Grantors"); and **JULIUS W. OVERBECK** and **CARLA OVERBECK**, husband and wife, parties of the second part ("Grantees").

-Witnesseth-

That for and in consideration of the sum of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable consideration, receipt of which is hereby acknowledged, the Grantors do hereby grant, bargain, sell and convey, in fee simple, with GENERAL WARRANTY and English Covenants of title, unto the Grantees, as tenants by the entirety with common law right of survivorship, all the following-described lot or parcel of land together with improvements thereon, situate, lying and being in the **County of Frederick**, Commonwealth of Virginia:

All that certain lot or parcel of land, together with all rights, rights of way, improvements thereon and appurtenant thereto belonging, lying and being situate in "Shawnee Magisterial District, Frederick County, Virginia, and more particularly described as Lot 252, on that certain plat of survey attached to the Deed of Dedication of Pioneer Heights Subdivision, Section Two, dated July 7, 1993, and recorded August 5, 1993, of record in the Office of the Circuit Court of Frederick County, Virginia, in Deed Book 802, at Page 14; and further being more particularly described as containing 41, 141 square feet, more or less, by house location survey of David M. Furstena, L.S., dated December 9, 1983, of record in the aforesaid Clerk's Office in Deed Book 811, at Page 188, and by this reference made a part thereof as if set out in full.

AND BEING the same property conveyed to Mark A. McCutchan and Brooke B. McCutchan by virtue of a Deed dated June 22, 2000 and recorded June 22, 2000 in Deed Book 968, Page 1497.

* Red Bnd

PREPARED BY
THE FISCHER LAW
FIRM, P.L.C.
602 S. King Street,
Suite 200-A
Leesburg, VA 20175

(703) 771-0000
FAX (703) 581-1310

0426

Consideration \$311,000.00
Grantee Address:
207 CALVALRY DR.
Winchester, VA 22602

Tax Map No: 55F-3-2-252
File No. 04-358DM
Return to: BOX 51 QUALITY SETTLEMENTS

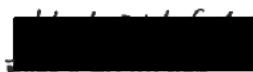
This conveyance is made expressly subject to the easements, conditions, restrictions, and rights-of-way of record contained in the instruments forming the chain of title to the property conveyed herein and to matters visible upon inspection.

The said Grantors covenant that they have the right to convey the said land to the said Grantees; that they have done no act to encumber the same; that the said Grantees shall have quiet possession of the said land, free from all encumbrances except mentioned herein; and that they, the said Grantors, will execute such further assurances of the land as may be requisite.

602 S. King Street, Suite 200
Leesburg, Virginia 20175
(703) 771-0000 ph (703) 581-1310 fax

Quality
SETTLEMENTS

Witness the following signatures and seals.

 (SEAL)

 (SEAL)

STATE of Virginia
Commonwealth of Virginia
County of Frederick Leesburg, L

) to wit:

The foregoing deed was acknowledged before me on 4/23/04
by MARK A. McCUTCHAN and BROOKE B. McCUTCHAN.

PREPARED BY
THE FINGER LAW
FIRM, P.L.C.
602 S. King Street,
Suite 200-A
Leesburg, VA 20175
(703) 771-0000
FAX (703) 581-1310



Notary Public
My commission expires 3/25/06

After recording, please return to:
Quality Settlements
602 S. King Street
Leesburg, VA 20175

0427

Commitment Number: 04-356

SCHEDULE C

PROPERTY DESCRIPTION

The land referred to in this Commitment is described as follows:

All that certain lot or parcel of land, together with all rights, rights of way, improvements thereon and appurtenant thereto belonging, lying and being situate in Shewnee-Magisterial District, Frederick County, Virginia, and more particularly described as Lot 252, on that certain plat of survey attached to the Deed of Dedication of Pioneer Heights Subdivision, Section Two, dated July 7, 1993, and recorded August 5, 1993, of record in the Office of the Circuit Court of Frederick County, Virginia, in Deed Book 802, at Page 14; and further being more particularly described as containing 41,141 square feet, more or less, by house location survey of David M. Furstena, L.S., dated December 9, 1993, of record in the aforesaid Clerk's Office in Deed Book 811, at Page 188, and by this reference made a part thereof as if set out in full.

FOR INFORMATIONAL PURPOSES ONLY:

207 Cavalry Drive, Winchester, VA 22602

** Red Bud*

VIRGINIA: FREDERICK COUNTY, SCT.
This instrument of writing was produced to me on

5-6-04 at 3:36 pm
and with certificate of acknowledgement thereto annexed
was admitted to record. The sum imposed by Sec 58.1-802 of
\$371.00, and 58.1-801 have been paid, if assessable

Re [REDACTED], Clerk

PC0260

200000181

Consideration \$ 326,000.00
Assessed Value: \$ 304,600.00
Tax Map No: 55R-3-2-247
Property Address:
106 Monroes Circle
Winchester, VA 22602
Grantee Address:
106 Monroes Circle
Winchester, VA 22602

Document Prepared By:
The Lindsey Law Firm, PLC
Carrie Lindsey, VSB #39357
11110 Sunset Hills Road, Suite 2752
Reston, VA 20190

Cardinal Title Group, LLC File No. 19A-6051-AW

Underwriter: Old Republic National Title Insurance Company

This Deed, made this January 2, 2020, by and between Kerry M. DEMPSEY and Chris E. JOHNSON, wife and husband, Grantors, and Timothy J. SILER, unmarried, Grantee.

-Witnesseth-

That for and in consideration of the sum of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable consideration, receipt of which is hereby acknowledged, the Grantors does hereby grant, bargain, sell and convey, in fee simple, with GENERAL WARRANTY and English Covenants of title, unto the Grantee, as sole owner, all the following-described lot or parcel of land together with improvements thereon, situate, lying and being in the County of Frederick, Commonwealth of Virginia:

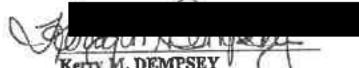
All that certain lot or parcel of land with all improvements thereon, together with all appurtenances thereunto belonging, lying and being situate in Red Bud (formerly Shawnee) Magisterial District, Frederick County, Virginia, being known and designated as Lot 247, on that certain plat of survey attached to the Deed of Dedication of Pioneer Heights Subdivision, Section Two, dated July 7, 1993, of record in the Clerk's Office of the Circuit Court of Frederick County, Virginia, in Deed Book 802 at page 14, and further described by plat and survey of H. Bruce Edens, L.S., dated August 12, 1994, and recorded in said Clerk's Office in Deed Book 825 at page 1431.

AND BEING the same property conveyed to Kerry M. DEMPSEY and Chris E. JOHNSON by Deed dated January 9, 2018, and recorded on January 16, 2018 in Instrument No. 180000389 among the aforesaid land records.

This conveyance is made expressly subject to the easements, conditions, restrictions, and rights of way of record contained in the instruments forming the chain of title to the property conveyed herein and to matters visible upon inspection.

The Grantors covenant that they are seized in fee simple of the property herein conveyed, have the right to convey the said land to the Grantee and have done no act to encumber the lands. The Grantors covenant that the Grantee shall have quiet possession of the land free from all encumbrances, except as mentioned herein, and that they, the Grantors, will execute such further assurances of the lands as may be requisite.

Witness the following signature and seal.


Kerry M. DEMPSEY


COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF FREDERICK

The foregoing deed was acknowledged before me on JAN 2, 2020
by Kerry M. DEMPSEY and Chris E. JOHNSON.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.



Commonwealth of Virginia
Notary Public
Sandra Hazelwood
Reg # 123502
My Commission Expires 12-31-2020

After recording, please return to:
Cardinal Title Group, LLC
14526 Lee Road
Suite 100
Chantilly, VA 20151

Received MAR 03 2020 FREDERICK COUNTY, SCT.
This instrument of writing was produced to me on
1-6-2020 at 4:32 PM
and with certificate acknowledgement thereto annexed
was admitted to record. Tax imposed by Sec. 58.1-802 of
\$326.00, and 58.1-801 have been paid, if assessable.

0213

120013356

Prepared By:
The Law Office of Wilson W. Robinson
35 South Fourth Street, Suite B
Warrenton, VA 20186
Bar Number: 47344

Tax Map No.: 55F-3-25-246
Consideration: \$317,500.00
Assessed Value: \$ 291,100
Title Insurance Underwriter: Chicago Title
Grantees' Address: 107 Monroe Circle
Winchester, VA 22602

File No: T1210487

THIS DEED, made and entered into this 29 day of
November, 2012, by and between SUSAN E. BROTHERS, widow
Grantors and Stephen T. CARTER and Jennifer R.
CARTER, husband and wife, Grantees

WITNESSETH

That for and in consideration of the sum of Ten Dollars (\$10.00), cash in hand, and other good and valuable consideration paid by Grantees to Grantors, the receipt of which is hereby acknowledged, the Grantors do hereby grant, bargain, sell and convey, with GENERAL WARRANTY OF TITLE and ENGLISH COVENANTS OF TITLE, unto Stephen T. Carter and Jennifer R. Carter, husband and wife, Tenants by the Entirety with the common law right of survivorship, in fee simple, all the following-described lot or parcel of land lying and situate in Frederick County, Virginia:

Return to: -
Champlain Title & Settlements, Inc.
46161 Westgate Drive, Sta 330
Potomac Falls, VA 20165

All that certain parcel of land in Red Bud (Shawnee) Magisterial District, Frederick County, Virginia, designated as Lot 246, on that certain plat of survey attached to the Deed of Dedication of PIONEER HEIGHTS SUBDIVISION, Section Two, dated July 7, 1993, of record in the Office of the Clerk of the Circuit Court of Frederick County, in Deed Book 802, at Page 14, and further described by plat of survey drawn by Carrington S. Cobbs, L.S., dated April 14, 1995 and attached to Deed recorded in Deed Book 837, page 1687, among the land records of Frederick County, Virginia. Paul D. Brothers, Jr. died May 9, 2008.

BEING the same property conveyed to Paul D. Brothers, Jr. and Susan E. Brothers from OAKCREST BUILDERS, INC., a Virginia Corporation, by Deed dated April 24, 1995, and recorded on April 28, 1995, in Deed Book 837, Page 1687.

For informational purposes only, the address of the subject property is:
107 Monroes Circle Winchester VA 22602-6944

This conveyance is made expressly subject to the easements, conditions, restrictions, and reservations contained in duly recorded deeds, plats and other instruments constituting constructive notice in the chain of title to the property conveyed herein and to matters visible upon inspection.

THE GRANTORS COVENANT that they have the right to convey the said land unto the Grantees, that the Grantees shall have quiet possession thereof; that the grantors have done no act to encumber the said property except as herein stated, and that the grantors will execute such further assurances of land as may be requisite.

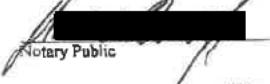
Witness the following signatures and seals

0215


Susan E. Brothers

STATE OF VIRGINIA:
COUNTY OF Frederick; to-wit:

I, the undersigned, a Notary Public for the state and county aforesaid, do hereby certify that Susan E. Brothers, whose name is signed to the foregoing document acknowledged the same before me in my jurisdiction aforesaid, this 27 day of Nov, 2012.

Commission Expires: 11/30/16
Registration No.: 7525509  [SEAL]
Notary Public



Return to: Tepeyac Title & Settlement, LLC
35 South Fourth St., Suite A
Warrenton, VA 20186

VIRGINIA: FREDERICK COUNTY, SCT.
This instrument of writing was produced to me on

December 4, 2012 at 12:47 p.m.

and with certificate acknowledgement thereto annexed
was admitted to record. Tax imposed by Sec. 58.1-802 of

\$317.50, and 58.1-801 have been paid, if assessable.

 Clerk

040017276

5350

THIS DEED, made and dated this 27th day of August, 2004,
by and between LINDA L. COON, hereinafter called the Grantor, and
STEPHEN KESLER, hereinafter called the Grantee.

WITNESSETH: That for and in consideration of the sum of Ten Dollars,
and other valuable consideration, the receipt of which is hereby acknowledged,
the Grantor does hereby grant and convey with General Warranty and English
Covenants of title unto the Grantee, in fee simple, the following property:

All of that certain lot or parcel of land, lying and being situate
in Red Bud (formerly Shawnee) Magisterial District, Frederick County,
Virginia, and designated as Lot 245, on that certain plat of survey
attached to the Deed of Dedication of Pioneer Heights Subdivision,
Section Two, dated July 7, 1993, of record in the Clerk's Office of the
Circuit Court of Frederick County, Virginia, in Deed Book 802, at Page
14; and more particularly described on that certain survey made by
David M. Furstenau, L.S., dated May 17, 1994, attached to a deed
recorded in the aforesaid Clerk's Office in Deed Book 822, at Page 1616;
AND BEING the same property conveyed to Linda L. Coon from Kirk F.
Davis and Susan L. Davis by deed dated November 3, 1997 recorded in
the aforesaid Clerk's Office in Deed Book 891, at Page 191 (said deed
had the correct Lot number and street address but it erroneously stated
the Section number as One, rather than Two, but said deed referenced a
survey by David M. Furstenau, L.S., dated May 17, 1994, that had the
correct Lot and Section number and there is no Lot 245 other than in
Section Two).

Reference is hereby made to the aforesaid instruments and the
attachments and the references therein contained, for a more particular
description of the property hereby conveyed.

This conveyance is made subject to all easements, rights of way and
restrictions of record, if any, affecting the subject property.

FILE #0450584
RETRIEVED FROM
AT THE
MAP #55F 3-2-245

Conveyee's Address: 105 Market Circle
Unnumbered VA 22603
Consideration
\$315,000.00

GREGORY F.
JUTCHINSON
ATTORNEY AT LAW
40 BRADDOCK ST
CHAMPAIGN, IL 61860

050
4

WITNESS the following signature and seal:


(SEAL)
LINDA L. COON

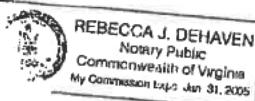
STATE OF VA.

CITY/COUNTY OF Frederick, to-wit:

The foregoing instrument was acknowledged before me in my jurisdiction this 27th day of August, 2004, by LINDA L. COON.

My Commission Expires: 1/31/05


NOTARY PUBLIC



VIRGINIA: FREDERICK COUNTY, SCT.
This instrument of writing was produced to me on

August 27, 04 at 1:53 p.m.
and with certificate of acknowledgement thereto annexed
was admitted to record. The fee imposed by Sec. 58.1-802 of

\$315.00, and 58.1-801 have been paid, if assessable


Clerk.

GREGORY F.
UTCHINSON
ATTORNEY AT LAW
2 BRADDOCK ST.
CHESTER, VA 29013

x 2640
BK877PG0090

THIS DEED made this 1st day of April, 1997,
between WILKINS DEVELOPMENT CORPORATION, a Virginia corpora-
tion, of the one part, hereinafter known as the Grantor and
PIioneer Heights Section Two PROPERTY OWNERS ASSOCIATION, INC.,
a Virginia non-stock corporation, of the other part,
hereinafter known as the Grantee.

WITNESSETH: Pursuant to the terms of the Deed of
Dedication of Section Two of Pioneer Heights subdivision, of
record in the Clerk's Office of the Circuit Court of Frederick
County, Virginia, in Deed Book 802, at Page 14, the Grantor
agreed to convey to the Grantee, fee simple title to the park
area and detention area described in said Deed of Dedication.

NOW THEREFORE, IN CONSIDERATION of the terms of the Deed
of Dedication and the covenants and promises contained
therein, the Grantor does hereby grant and convey, with
General Warranty of Title, unto the Grantee, in fee simple,
those certain lots or parcels of property described in said
Deed of Dedication, and the plats attached thereto as the
"Park Area" and the "Detention Area."

The Grantor expressly reserves unto itself, its
successors and/or assigns, all rights and privileges reserved
in said Deed of Dedication to the Declarant, including, but
not limited to, the rights reserved to the Declarant in
Article VII, Section 3 in said Deed of Dedication, concerning
reservation to maintain and operate various telephone,

HARRISON & JOHNSON
ATTORNEYS AT LAW
WINCHESTER, VIRGINIA

BK 177PG0091

electric, light, utility, sewer, gas, water and television
lines and related equipment as stated therein.

WITNESS the following signature and seal:

WILKINS DEVELOPMENT CORPORATION

By: 
James R. Wilkins, III
President

STATE OF VIRGINIA, At Large

CITY OF WINCHESTER, To-wit:

The foregoing instrument was acknowledged before me this
1st day of April, 1997, by James R. Wilkins, III as
President of Wilkins Development Corporation on behalf of said
corporation.

My commission expires November 30, 1998.

C. G. B.
Notary Public



HARRISON & JOHNSTON
ATTORNEYS AT LAW
WINCHESTER, VIRGINIA

VIRGINIA: FREDERICK COUNTY, SCT.
This instrument of writing was presented to me on the
15 day of April, 1997, at 3:35 PM,
and with certificate of REC'D/100/294 and 100/295 annexed
was admitted to record. It is imposed by Sec. 58.1-802 of
04/09/97, and 58.1-801 have been paid, if assessable
100/295

180010017.

PREPARED BY:
ALBANESE & ASSOCIATES, P. C.
4041 UNIVERSITY DRIVE #301
FAIRFAX, VA 22030
File No.: 24691-18
Mark S. Albanese, Esquire
Virginia Bar #29863

RETURN TO:
FREEDOM SETTLEMENT GROUP
27 W. JUBAL EARLY DRIVE
WINCHESTER, VA 22601
File No.: WIN-18-09-007
Telephone: 540-665-2700

GRANTEE'S ADDRESS: 20118 Silver Creek Terrace, #306, Ashburn, VA 20147
TAX MAP REFERENCE NO: 55-A-99
CONSIDERATION: \$38,000.00
TAX ASSESSED VALUE: \$97,200.00
TITLE INSURANCE UNDERWRITER: Old Republic National Title Insurance Company

DEED

THIS DEED, made this 23rd day of October, 2018 by and between SAHASRA REAL ESTATE LLC, a Virginia limited liability company, party of the first part, Grantor(s) and D&A PROPERTY GROUP, LLC, a Virginia limited liability company, party of the second part, Grantee(s).

WITNESSETH, that for and in consideration of the sum of Thirty-Eight Thousand and 00/100 Dollars (\$38,000.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the said party of the first part does hereby grant and convey with GENERAL WARRANTY AND ENGLISH COVENANTS OF TITLE, unto the said party of the second part, all that certain lot or parcel of land, together with improvements and appurtenances thereunto belonging, lying and being in Frederick County, Virginia, and being particularly described as follows:

Red Bud
All of that certain lot or parcel of land, situate in Shawnee Magisterial District, Frederick County, Virginia, containing 6,729 square feet, as more particularly described on the plat of survey of Elliott Richie, Jr., dated November 26, 1993, attached to a Deed recorded November 3, 1994 in Deed Book 829 at Page 1598 among the land records of Frederick County, Virginia.

AND BEING the same property conveyed to Sahasra Real Estate LLC, a Virginia limited liability company, from George LeRoy Moran, Substitute Trustee, by virtue of a Trustee's Deed dated June 6, 2017 and recorded September 8, 2017 as Instrument Number 170009292, among the land records of Frederick County, Virginia.

More commonly known as 2232 Berryville Pike, Winchester VA 22603.

This conveyance is made subject to the Easements, rights of way, agreements, conditions and restrictions of record insofar as they may lawfully affect the property.

WITNESS the following signatures and seals:

SAHASRA REAL ESTATE LLC, a Virginia limited liability company

By: Ramprasad Reddy, Member

COMMONWEALTH OF VIRGINIA,
COUNTY/CITY OF FAIRFAX, to wit:

The foregoing instrument was acknowledged before me this 3rd day of October, 2018 by Ramprasad Reddy, Member of SAHASRA REAL ESTATE LLC, a Virginia limited liability company, who is personally known to me or provided satisfactory evidence of identity and who is duly authorized to sign said instrument and has stated that it is his voluntary signature for the purposes stated therein.


Notary Public

My Commission Expires: 7/31/2019
Registration Number: 278484

CYNTHIA LEE PALLADINO
NOTARY PUBLIC
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES:
JULY 31, 2019
REGISTRATION # 278484

FACURRENT SELLER DOCS24691-18 Sahsra to D&A Deed.docx

VIRGINIA: FREDERICK COUNTY, S.U.L.
This instrument of writing was produced to me on

10-9-18 at 3:01 pm
and with certificate acknowledgement thereto annexed
was admitted to record. Tax imposed by Sec. 58.1-802 of
\$ 97.50, and 58.1-801 have been paid, if assessable.

040012933

TRUSTEE'S DEED IN FORECLOSURE

THIS DEED, made this 25th day of June, 2004, by and between WITTSTADT TITLE & ESCROW COMPANY, L.L.C., SUBSTITUTED TRUSTEE, GRANTOR, party of the first part, whose mailing address is 10412 Main Street, 2nd Floor, Fairfax, VA 22030, and THOMAS E. KAIN, JR. (now deceased), Original GRANTOR, and DAVID BRAGG, GRANTEE, party of the second part, whose mailing address is: P.O. Box 174, Clearbrook, VA 22624;

WITNESSETH THAT;

WHEREAS, by certain deed of trust dated September 14, 1999, and recorded in Deed Book 948, page 659, among the land records of Frederick County, Virginia, THOMAS E. KAIN, JR. granted and conveyed unto Joseph V. Buonassissi, II and John A. Moffet, Jr., both of Fairfax, Virginia, as Trustee, all of the hereinafter described lot or parcel of land, in trust to secure a certain negotiable promissory note fully described in said deed of trust; and

WHEREAS, by instrument duly recorded on May 24, 2004, as Instrument Number 040009515, among the land records of Frederick County, Virginia, the party of the first part was substituted as Trustee under the aforesaid deed of trust, and

WHEREAS, the party of the first part by terms of said deed of trust, was empowered, upon default in the payment of said note, and upon request of the holder of the note to do so, to sell the hereinafter described land at public auction; and

WHEREAS, default was made in the payment of said note, and the holder thereof requested the party of the first part to sell said land pursuant to the terms of said deed of trust; and

Assessment: \$ 44,500.00
 Consideration: \$ 34,083.00
 Grantor's Tax: \$ 34.50
 Sub/Local Taxes: \$ 99.20
 Recording Costs: \$ 40.00
 Total: \$ 173.70

Prepared by: Kevin R. Hildebrand, P.C.
 10412 Main Street, 2nd Floor
 Fairfax, Virginia 22030
 Return to: 55-A-100
 Tax ID No.:

WHEREAS, the party of the first part did advertise the time, place and terms of such sale in The Winchester Star, a newspaper published and having a general circulation in Frederick County, Virginia, in its issues of June 11, 2004 and June 18, 2004, the date of sale being fixed in said notice for June 25, 2004 at 3:00 o'clock p.m., in front of the Circuit Court for Frederick County, 5 North Kent Street, Winchester, Virginia; and

WHEREAS, the party of the first part, at said time and place did expose the hereinafter described property to sale at public auction to the highest bidder, for cash, in strict accordance with the terms of the aforesaid deed of trust, at which sale the party of the second part became the purchaser thereof for the sum of THIRTY-FOUR THOUSAND EIGHTY-THREE and 00/100 DOLLARS (\$34,083.00), that being the highest bid therefor; and

WHEREAS, the purchase price has been paid in full; and

WHEREAS, the said Trustee has given written notice of the proposed sale by certified mail to the present owner and heir of the property at his last known address as such ownership and address appears on the records of the party secured by mailing a copy of the advertisement more than 14 days prior to such sale in accordance with the provisions of Section 55-59.1 of the Code of Virginia, 1950 as amended; and

WHEREAS, the said Trustee has given written notice of the proposed sale to all other lien holders and associations entitled to such notice pursuant to and in accordance with the provisions of Section 55-59.1A.(ii), (iii), (iv), (v) and (vi) of the Code of Virginia, 1950, as amended; and

WHEREAS, no party in interest is known to be in the military service of the United States, nor otherwise entitled to the Soldiers' and Sailors' Civil Relief Act with respect to this debt; and

NOW THEREFORE, in consideration of the premises and the sum of THIRTY-FOUR THOUSAND EIGHTY-THREE and 00/100 DOLLARS (\$34,083.00), paid to the party of the first part, the party of the first part does hereby grant and convey the hereinafter described real property, with special warranty, unto the party of the second part, it being intended that fee simple title to the said property shall be vested in said party of the second part, all of that certain lot or parcel of land located in Frederick County, Virginia, described as follows:

ALL THE FOLLOWING REAL ESTATE, TOGETHER WITH ALL IMPROVEMENTS AND APPURTENANCES THERETO BELONGING AND SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD AFFECTING SUCH REALTY.

ALL THAT CERTAIN LOT OR PARCEL OF LAND CONTAINING 8,250 SQUARE FEET, MORE OR LESS, TOGETHER WITH ALL IMPROVEMENTS AND APPURTENANCES THERETO BELONGING, LYING AND BEING SITUATE ALONG THE SOUTHERN SIDE OF WINCHESTER-BERRYVILLE TURNPIKE, ABOUT THREE MILES EAST OF WINCHESTER, IN SHAWNEE DISTRICT, FREDERICK COUNTY, VIRGINIA, FRONTING ON SAID TURNPIKE A DISTANCE OF 75 FEET, AND EXTENDING BACK SOUTHWARD A UNIFORM WIDTH A DISTANCE OF 100 FEET, ADJOINING THE LAND OF STUMP ON THE EAST, THE LAND OF ORNDORFF ON THE WEST, AND THE LAND OF BOYD ON THE SOUTH.

THE IMPROVEMENTS THEREON BEING COMMONLY KNOWN AS 2230 BERRYVILLE PIKE.

This conveyance is made subject to conditions and restrictions contained in the deeds forming the chain of title to said property.

IN WITNESS WHEREOF, WITTSTADT TITLE & ESCROW COMPANY, L.L.C.,

SUBSTITUTED TRUSTEE, by a duly authorized signatory, has affixed its signature and seal this

25th day of June, 2004.

WITTSTADT TITLE & ESCROW COMPANY, L.L.C.

By

Mark H. Wittstadt, Authorized Officer

(Notary Jurat follows)

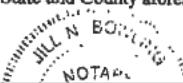
Page 3 of 4

STATE OF MARYLAND

COUNTY OF Baltimore, to wit:

I, Jill N. Bowling, a Notary Public in and for the County aforesaid, in the State of Maryland, whose commission expires on 9/16/2007, do certify that MARK H. WITTSTADT, Authorized Officer of WITTSTADT TITLE & ESCROW COMPANY, L.L.C., SUBSTITUTED TRUSTEE, whose name is signed to the foregoing Deed, bearing date on the 25th day of June, 2004, has acknowledged the same before me in my State and County aforesaid.

Given under my hand this 25th day of June, 2004.



Notary Public

VIRGINIA: FREDERICK COUNTY, SCT.
This instrument of writing was produced to me on
July 7, 2004 at 1:08 PM
and with certificate of acknowledgement thereto annexed
was admitted to record. T imposed by Sec. 58.1-802 of
34-SD, and 58.1-801 have been paid, if assessable

 Clerk

12
020016785
13 LU

Consignee: 41040000
Grantee's Address: 13 S. Loudoun Street
Winchester, VA 22601

THIS DEED made this 1st day of October, 2002, between WILKINS
DEVELOPMENT CORPORATION, a Virginia corporation, hereinafter known as
the Grantor and SILVER LAKE, LLC, a Virginia limited liability company,
hereinafter known as the Grantee.

WITNESSETH: That for and in consideration of the sum of Ten Dollars
(\$10.00), cash in hand paid and other valuable consideration, receipt whereof is
hereby acknowledged, the Grantor does hereby grant and convey, with General
Warranty and with English Covenants of Title, unto the Grantee, in fee simple,
together with all rights, rights of way, privileges improvements thereon and
appurtenances thereto belonging, all of the following described property:

PARCEL 1: Those three certain lots or parcels of land located in
Shawnee Magisterial District of Frederick County, Virginia, more particularly
described as Lots 3, 4 and 5 on a plat of the Stump Lots, which plat is of record
in the Clerk's Office of the Circuit Court of Frederick County, Virginia, in
Deed Book 301, at Page 6. Lot 5 was conveyed to the Grantor by deed dated
June 27, 1985, of record in said Clerk's Office in Deed Book 596, at Page 513
and Lots 3 and 4 were conveyed to the Grantor herein by deed of record in said
Clerk's Office in Deed Book 599, at Page 443. TAX MAP NOS.: 55B-4-3,
55B-4-4 AND 55B-4-5

PARCEL 2: All of that certain lot or parcel of land, together with the
improvements thereon and the appurtenances thereto belonging, lying and
being situate in Stonewall Magisterial District, Frederick County, Virginia,
containing 12,262 square feet, and more particularly described as Lot 1, on that
certain plat of survey attached to the Deed of Dedication of Colonial Heights
Subdivision, Section One, dated October 20, 1982, of record in the Office of

MURRISON & JOHNSTON
ATTORNEYS AT LAW
WINCHESTER, VIRGINIA

the Clerk of the Circuit Court of Frederick County, Virginia, in Deed Book 552, at Page 783; and being the same property conveyed to the Grantor herein by deed dated September 29, 1989, of record in the aforesaid Clerk's Office in Deed Book 726, at Page 893. **TAX MAP NO. 54I-1-1**

PARCEL 3: That certain lot or parcel of land containing 2.388 acres, more or less, located in Shawnee Magisterial District of Frederick County, Virginia, as is more fully shown on that certain plat of H. Bruce Edens, L.S., dated September 23, 2002, attached hereto and made a part of this deed, and being a portion of the property conveyed to the Grantor herein by deed of record in the aforesaid Clerk's Office in Deed Book 301, at Page 7. **TAX MAP NO. 55-A-214**

PARCEL 4: That certain lot or parcel of land located in Shawnee Magisterial District of Frederick County, Virginia, containing .665 acres, more or less, and more particularly described on a plat of H. Bruce Edens dated February 3, 1977, attached hereto and made a part hereof; and being a portion of the property conveyed to the Grantor herein by deed of record in the aforesaid Clerk's Office in Deed Book _____ at Page _____. **TAX MAP NO. 55-B-2-1-A.**

PARCEL 5: That certain parcel of land approximately 20 feet wide adjoining Interstate 81 containing .14 acres, more or less, described as **TAX MAP PARCEL 54C-A-21**.

REMAINING PROPERTY: It is the intent of the Grantor by this deed to convey unto the Grantee all real property it currently owns, of whatever nature and wherever located, including fee simple ownership, easements, and rights of way for utilities and other purposes, and pursuant to this intent, the Grantor does hereby grant and convey and quitclaim all of its right, title and interest to any real property that the Grantor owns wherever located, whether fee simple, rights of way or easements of whatever nature, including all easements, rights of way and appurtenances thereto belonging.

RUSON & JOHNSTON
ATTORNEYS AT LAW
MCHESTER, VIRGINIA

0735

This conveyance is made subject to all legally enforceable restrictive covenants and easements of record affecting the said property.

WITNESS the following signature and seal:

Wilkins Development Corporation

By: 
James R. Wilkins, III

STATE OF VIRGINIA, At Large

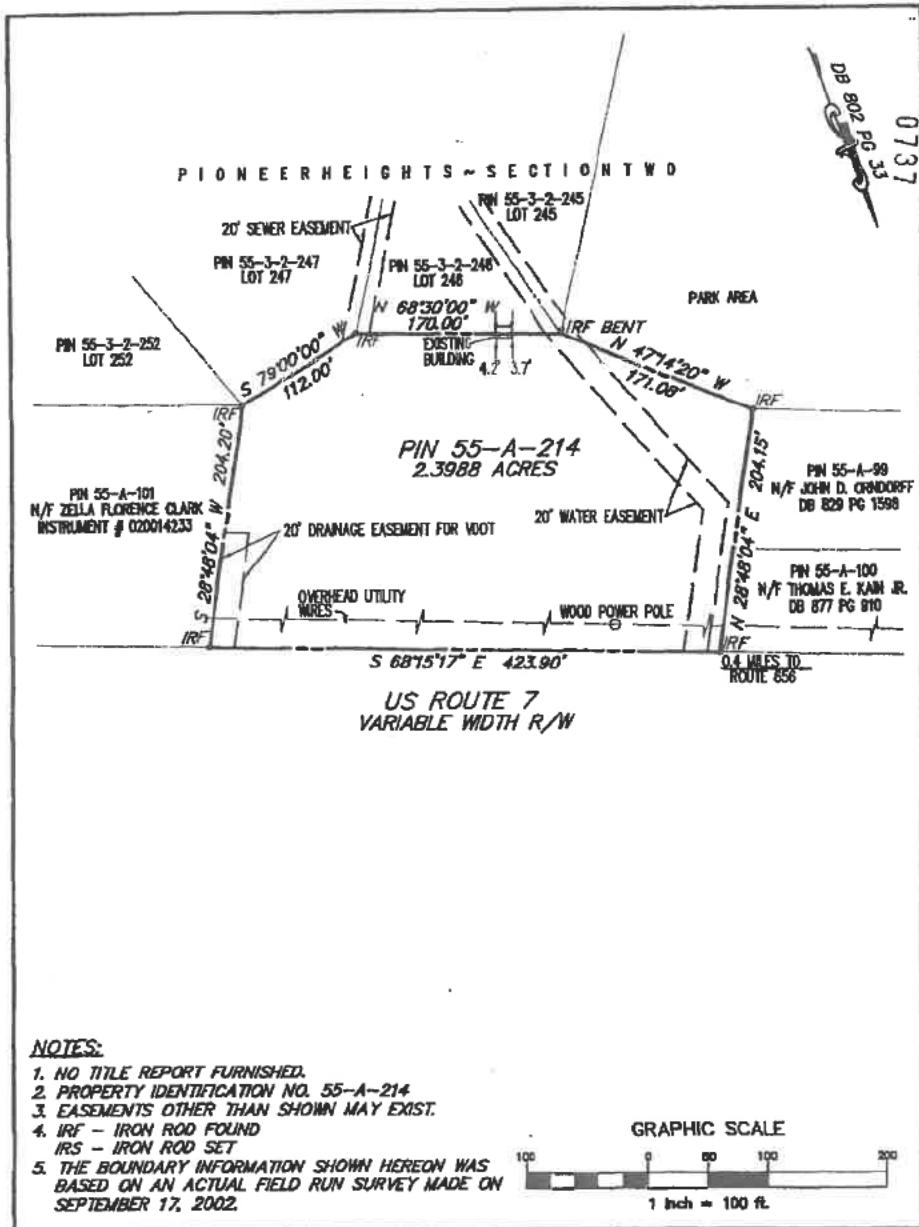
CITY OF WINCHESTER, To-wit:

The foregoing instrument was acknowledged before me this 1st day of October, 2002, by James R. Wilkins, III, as President of Wilkins Development Corporation.

My commission expires November 30, 2002


Notary Public

ARRISON & JOHNSTON
ATTORNEYS AT LAW
WINCHESTER, VIRGINIA



NOTES:

1. NO TITLE REPORT FURNISHED.
2. PROPERTY IDENTIFICATION NO. 55-A-214
3. EASEMENTS OTHER THAN SHOWN MAY EXIST.
4. IRF - IRON ROD FOUND
- IRS - IRON ROD SET
5. THE BOUNDARY INFORMATION SHOWN HEREON WAS BASED ON AN ACTUAL FIELD RUN SURVEY MADE ON SEPTEMBER 17, 2002.

GRAPHIC SCALE

BOUNDARY SURVEY
OF THE PROPERTY OF
WILKINS DEVELOPMENT CORPORATION

DEED BOOK 301 PAGE 7
RED BUD MAGISTERIAL DISTRICT
FREDERICK COUNTY, VIRGINIA
DATE: SEPTEMBER 23, 2002 SCALE: 1"-100'

10/4800



MARSH & LEGGE
Land Surveyors. P.L.C.

680 NORTH LOUDOUN STREET
WINCHESTER, VIRGINIA 22601
PHONE (540) 887-0468
FAX (540) 887-0489

H. Bruce Edens
No. 000162-B

H. Bruce Edens
N- 200120 E

NO. 000162-B

9/23/02

4400 - 19870

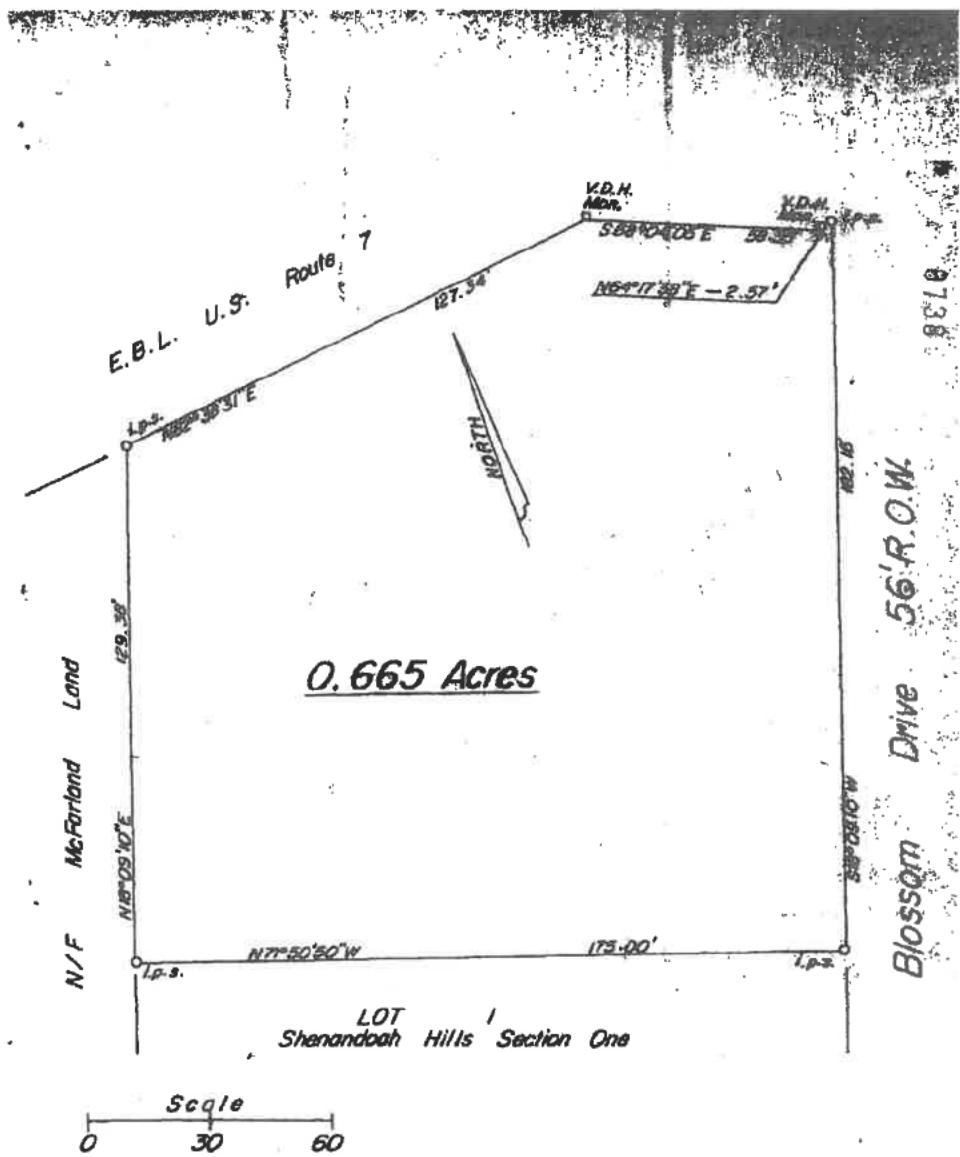
3 SUB P

LOUDOUN ST.

EDDISON ST.
R. VIRGINIA 2

540) 887-04

640) 887-04



GREENWAY ENGINEERING & SURVEYING CO., INC.
P. O. Box 666
Winchester, Va.

The accompanying plat represents a survey of a portion of the land conveyed to James R. and Mary B. Wilkins by deed dated 10 April 1960 and recorded in the Frederick County Court Clerk's Office in Deed Book 263 at Page 23.

The aforesaid land lies on the South side of U. S. Route 7 at its intersection with Blossom Drive, and is bounded as follows:

Beginning at an iron pin (set) in the South boundary line of U. S. Route 7 at the Northeast corner of the McFarland land; thence with the South boundary line of U. S. Route 7 for the following three courses: N82°38'31"E - 127.34 ft. to a Va. Department of Highways monument; thence S68°04'03"E - 58.35 ft. to a Va. Department of Highways monument; thence N64°17'58"E - 2.57 ft. to an iron pin (set) in the West line of Blossom Drive; thence with the West line of Blossom Drive, S18°09'10"W - 182.16 ft. to an iron pin (set) at the Northeast corner of Lot 1 of Shenandoah Hills Section One; thence with the North line of said Lot 1, N71°50'50"W - 175.00 ft. to an iron pin (set) in the East line of the McFarland land at the Northwest corner of the said Lot 1 of Shenandoah Hills; thence with the East line of the McFarland land, N18°09'10"E - 129.38 ft. to the point of the beginning.

Containing 0.665 Acres

Surveyed 3 February 1977

VIRGINIA: FREDERICK COUNTY, SCT.
This instrument of writing was produced to me on

At 1, 2002 at 3:47 PM
and with certificate of acknowledgement thereto annexed
was admitted to record. To be imposed by Sec. 58.1-802 of
S. 668.00, and 58.1-801 have been paid, if assessable

 [REDACTED], Clerk

GREENWAY ENGINEERING & SURVEYING CO., INC.

P. O. Box 895
Winchester, Va.

[Frederick Home](#)

Frederick County Virginia *LIFE AT THE TOP*

Pay/Lookup Taxes

[Payment Home](#) [Personal Property](#) [Real Estate](#) [Dog Tags](#) [Pay Parking Violation](#) [Pay FOIA Charges](#) [Other Payments](#)
[ShoppingCart\(0\)](#) [Pin Options](#)

COUNTY OF FREDERICK Real Estate Payments Paid for Tax Year 2024

Map Number: **55 A 180** Account#: **8041001**

| Dept# | Ticket# | Seq# | Owner Name | Bill Date | Description | Amount Paid |
|--------|---------|------|----------------------|-----------|-------------|-------------|
| RE2023 | 4816 | 2 | BROWNING EDWARD P IV | 4/15/2023 | 2.38 ACRES | \$478.38 |
| RE2024 | 4832 | 1 | BROWNING EDWARD P IV | 4/15/2024 | 2.38 ACRES | \$478.38 |
| RE2024 | 4832 | 2 | BROWNING EDWARD P IV | 4/15/2024 | 2.38 ACRES | \$478.38 |

This amount represents payments applied during calendar year 2024 and does not include Penalty, Interest, Credit Card Fees or Rebate Amounts.

Total Paid: \$1,435.14

[Return to Search](#)

[Printer Friendly Page](#)



ORDINANCE

Action:

| | | |
|-----------------------|-------------------|----------------------|
| PLANNING COMMISSION: | January 15, 2025 | Tabled |
| PLANNING COMMISSION: | February 19, 2025 | Recommended Approval |
| BOARD OF SUPERVISORS: | March 12, 2025 | Pending |

**AMENDING THE ZONING DISTRICT MAP
REZONING 11-24 FOR ROUTE 7 SELF STORAGE
(EDWARD P. BROWNING IV)**

WHEREAS, REZONING #11-24 for Route 7 Self Storage (Edward P. Browning IV) was submitted to rezone approximately +/- 2.38 acres of property located south of Route 7, approximately 0.4 miles east of the intersection with Greenwood Road and identified by Property Identification Number 55-A-180 in the Red Bud Magisterial District; and

WHEREAS, the Frederick County Planning Commission held a public hearing on this rezoning on January 15, 2025 and tabled the application; and

WHEREAS, the Frederick County Planning Commission held a public hearing on this rezoning on February 19, 2025 and recommended approval; and

WHEREAS, the Frederick County Board of Supervisors held a public hearing on March 12, 2025; and

WHEREAS, the Frederick County Board of Supervisors finds the approval of this rezoning to be in the best interest of the public health, safety, and welfare, and in conformance with the Comprehensive Plan;

NOW, THEREFORE, BE IT ORDAINED by the Frederick County Board of Supervisors, that Chapter 165 of the Frederick County Code, Zoning, the Zoning District Map is amended in accordance with Rezoning #11-24 for Route 7 Self Storage (Edward P. Browning IV) to rezone approximately +/- 2.38 acres from the B1 (Neighborhood Business) Zoning District to the B2 (General Business) Zoning District with proffers. The conditions voluntarily proffered in writing by the Applicant and the Property Owner is attached.

This ordinance shall be in effect on the date of adoption.

Passed this 12th day of March 2025 by the following recorded vote:

Josh Ludwig, Chairman

John Jewell

Heather H. Lockridge

Robert W. Wells

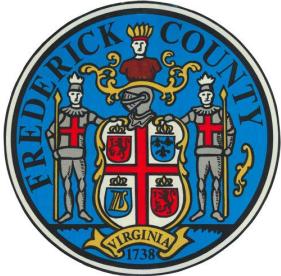
Blaine P. Dunn

Robert Liero

Judith McCann-Slaughter

A COPY ATTEST

Michael L. Bollhoefer
Frederick County Administrator



Board of Supervisors

Agenda Item Detail

Meeting Date: March 12, 2025

Agenda Section: Planning Commission Business - Public Hearings

Title:

Rezoning #01-25 of Neff Property Commercial (E R Neff Excavating Inc.) to Rezone 6.6 +/- Acres of a 9.83 +/- Acre Parcel from RA (Rural Areas) Zoning District to B2 (General Business) Zoning District with Proffers to Enable Commercial Development. The Property is Generally Located South of Route 277 (Fairfax Pike) and Immediately East of Double Church Road, Stephens City and is Identified by Property Identification Number 86-A-77 in the Opequon Magisterial District.

Attachments:

[BOS03-12-25REZ01-25_Redacted.pdf](#)



REZONING #01-25
Neff Property Commercial (E R Neff Excavating Inc.)
Staff Report for the Board of Supervisors
Prepared: March 5, 2025
Staff Contact: M. Tyler Klein, AICP, Senior Planner

| <u>Executive Summary:</u>
Meeting Schedule | |
|--|---|
| Planning Commission: February 19, 2025 | Action: Recommended Approval |
| Board of Supervisors: March 12, 2025 | Action: Pending |
| Property Information | |
| Property Identification Number (PIN) | 86-A-77 |
| Address | Double Church Road (Route 641), Stephens City |
| Magisterial District | Opequon |
| Acreage | +/- 6.6-acres |
| Zoning & Present Land Use | Zoning: RA (Rural Areas)
Land Use: Vacant |
| Proposed Zoning | B2 (General Business) |
| Adjoining Property Zoning & Present Land Use | |
| North: B2 (General Business) | Land Use: Commercial |
| South: RA (Rural Areas) | Land Use: Commercial |
| East: RA (Rural Areas) | Land Use: Vacant |
| West: B2 (General Business) | Land Use: Commercial |
| Proposed Use | |
| This is a request to rezone +/-.6-acres of a +/-.83-acre parcel from RA (Rural Areas) Zoning District to B2 (General Business) Zoning District with proffers to enable commercial development. | |
| Positives | |
| The proposal includes proffered transportation improvements to address future widening of Double Church Road (Route 641), and inter-parcel connectivity with development to the west in conformance with Plan policy. Approval of the rezoning enables completion of a planned road connection between South Warrior Drive and Double Church Road. | The requested zoning district, B2, only partially implements Plan policy specific to the "Sherando" urban center. Plan policies, including elements of "traditional neighborhood design" and a "strong street presence" are absent from the proposal and could further enhance the implementation of the desired development patterns envisioned by the Plan. |
| Concerns | |

| | |
|--|---|
| | Any allowed B2 uses would be permitted, some of which may not fully implement plan policies for “urban center.” |
|--|---|

Review Agency Comments:

| Review Agency | Comment Date | Comment Summary | Status |
|--|-------------------|---|---------------------|
| Frederick County (FC) Public Works | April 29, 2024 | “We offer no comments at this time.” | |
| FC Fire Marshal | January 3, 2025 | <i>See attached comment letter.</i> | |
| FC County Attorney | November 26, 2024 | <i>See attached comment letter.</i> | Comments addressed. |
| Frederick Water | April 29, 2024 | <i>See attached comment letter.</i> | |
| Virginia Department of Transportation (VDOT) | November 13, 2024 | <p>“VDOT has reviewed the rezoning application for the Neff property (TM#86-A-77) located on Double Church Road (Route 641) near the intersection with Fairfax Pike (Route 277) and we are in agreement with the recommendations identified within the Traffic Impact Analysis dated 10/02/2024. The applicant proposes to extend Berkeley Street through the site which provides a parallel roadway that sufficiently mitigates any impacts of this development.”</p> <p><i>See attached comment letter.</i></p> | Comments addressed. |

Planning & Zoning Staff Analysis:

Comprehensive Plan Conformance:

The Comprehensive Plan (adopted November 2021) and the *Southern Frederick Area Plan (SOFRED, 2017)* provide guidance on the future development of the subject property. The Plan identifies the subject property with a “urban center” land use designation and as being within the limits of the Sewer and Water Service Area (SWSA) and the Urban Development Area (UDA). Further, the *SOFRED* plan identifies the subject properties within the “Sherando Center” planning area. The plan states:

“The Sherando Center is envisioned to be an intensive, walkable urban area that is well integrated with the surrounding community. The center should be based on the principles of New Urbanism or Traditional Neighborhood Design promoted in the Comprehensive Plan. It shall contain a large commercial core, generally higher residential densities with a mix of housing types, an interconnected street system, and public open space around which the center is designed. Community facilities shall also provide a focal point for the center and surrounding community. Presently, Sherando High School and Sherando Park provide this function. In the future, these resources shall be complemented by a new elementary school which shall serve the existing and future population and be located within the center. Public spaces in the form of pocket parks, plazas, or greens shall be further integrated into the design of the Sherando Center.

The commercial and residential mix of land uses shall have a strong street presence and shall relate to existing Route 277, Warrior Drive and Double Church Road. The mix of commercial, residential, employment, and community uses shall be linked to the surrounding community with intermodal transportation choices and public open spaces.

The Sherando Center is centrally located to the community and is in the short term, respectful to the Agricultural District. “

The proposed rezoning request B2 (General Business) zoning district and this district *may* be associated with the “urban center” land use designation in the Comprehensive Plan if the proposed development is properly integrated and connected with a larger mix-used area and implements other stated Plan policies (above). This proposal may be further enhanced, and better address plan policies, through use of the Tradition Neighborhood Design-Business (TNDB) Overlay District which is intended to be utilized by parcels identified as potential “urban centers.” The proposal also provides a physical connection to the east to the Sherando Green/Fairfax Downs development (under development), addressing “integration and connection with a larger mixed-use area”.

As proposed, the rezoning is *partially* compatible with the Comprehensive Plan future land use policies.

Transportation & Site Access

The Plan also identifies transportation improvements in the vicinity of the subject property. Double Church Road (Route 641) is identified as an “improved major collector” roadway. Further, the Plan identifies as “new minor collector” bisecting the site east to west from Double Church Road west to the planned Fairfax Downs mixed-use development. See future land use plan inset below.

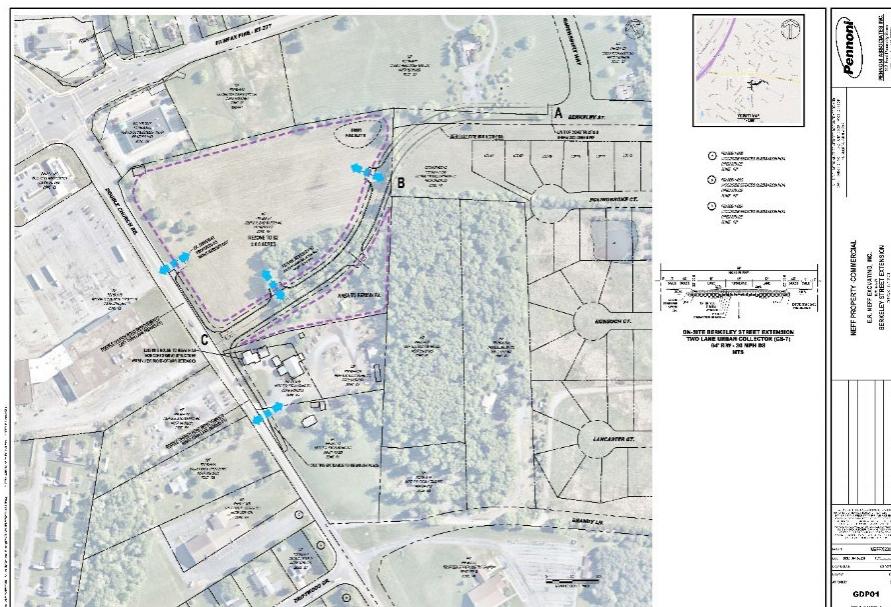
The rezoning proposal includes improvements to serve the development to Double Church Road and construction of the east/west minor collector from Sherando Green/Fairfax Downs to Double Church Road, and dedication of right-of-way for future Double Church Road widening. The proposal is *generally* consistent with the planned improvements in the Comprehensive Plan.



Proffer Statement, Generalized Development Plan (GDP), & Impact Analysis:

| Proffers
(Dated 12/12/24) | Staff Comment |
|--------------------------------------|----------------------|
| Proffer 1 – Transportation | No comment. |
| Proffer 2 – Fire and Rescue | No comment. |

The generalized development plan (GDP) dated November 19, 2024, is included below. The GDP depicts proffered improvements as described in Proffer 1.



Planning Commission Summary from 02/19/25 Regular Meeting

The Planning Commission held a public hearing on February 19, 2025. There were no public speakers. There was no discussion. The Planning Commission unanimously recommended approval of the proposed rezoning (Commissioner Kerns – absent).

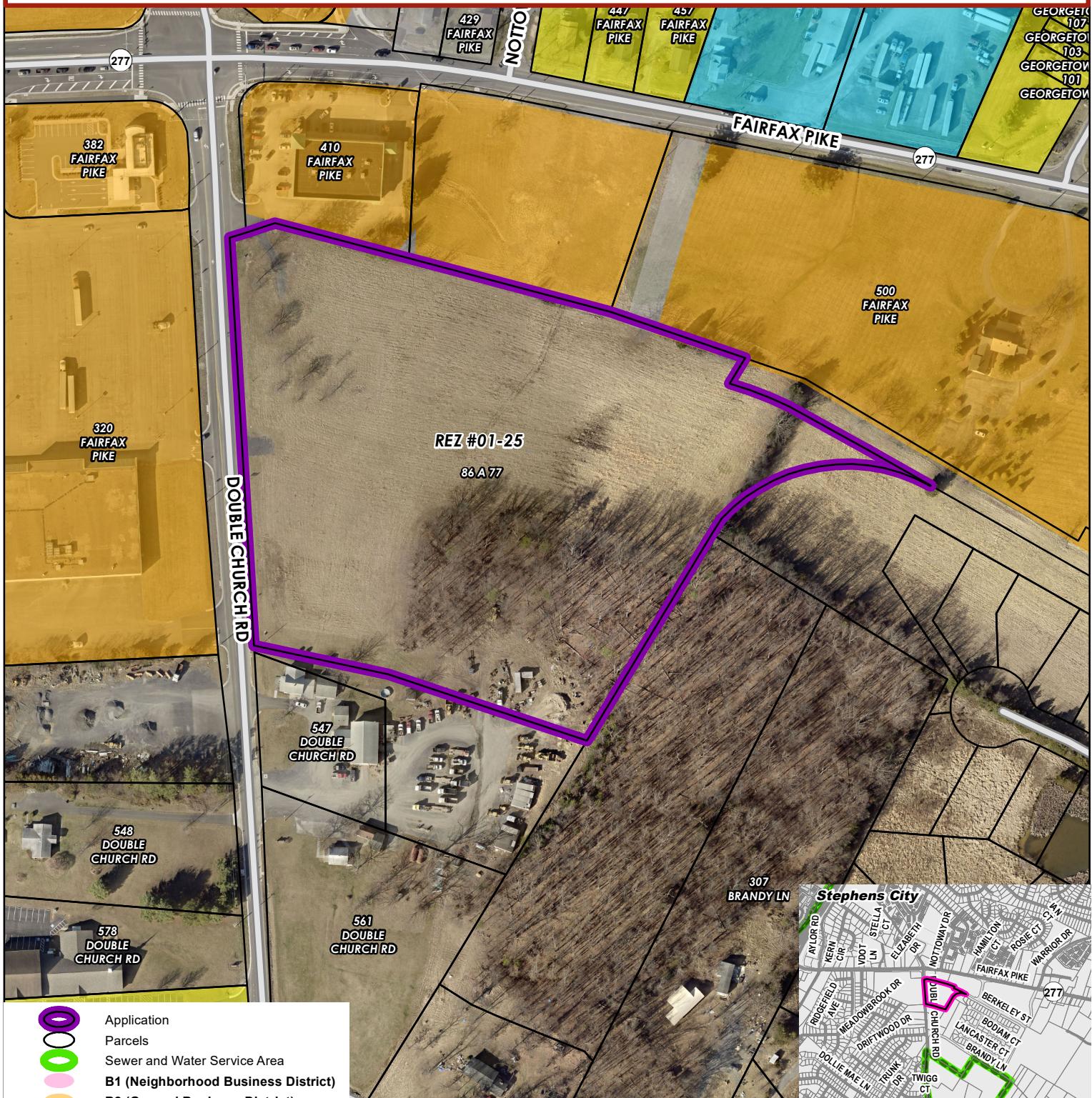
Following a public hearing, staff is seeking a decision from the Board of Supervisors on this Rezoning application.

REZ # 01 - 25: Neff Property - Commercial

PIN: 86 - A - 77

Rezoning from RA to B2

Zoning Map



- Application
- Parcels
- Sewer and Water Service Area
- B1 (Neighborhood Business District)
- B2 (General Business District)
- M1 (Light Industrial District)
- M2 (Industrial General District)
- RP (Residential Performance District)



0 130 260 520 Feet

Frederick County Planning & Development
107 N Kent St

Winchester, VA 22601

540 - 665 - 5651

109

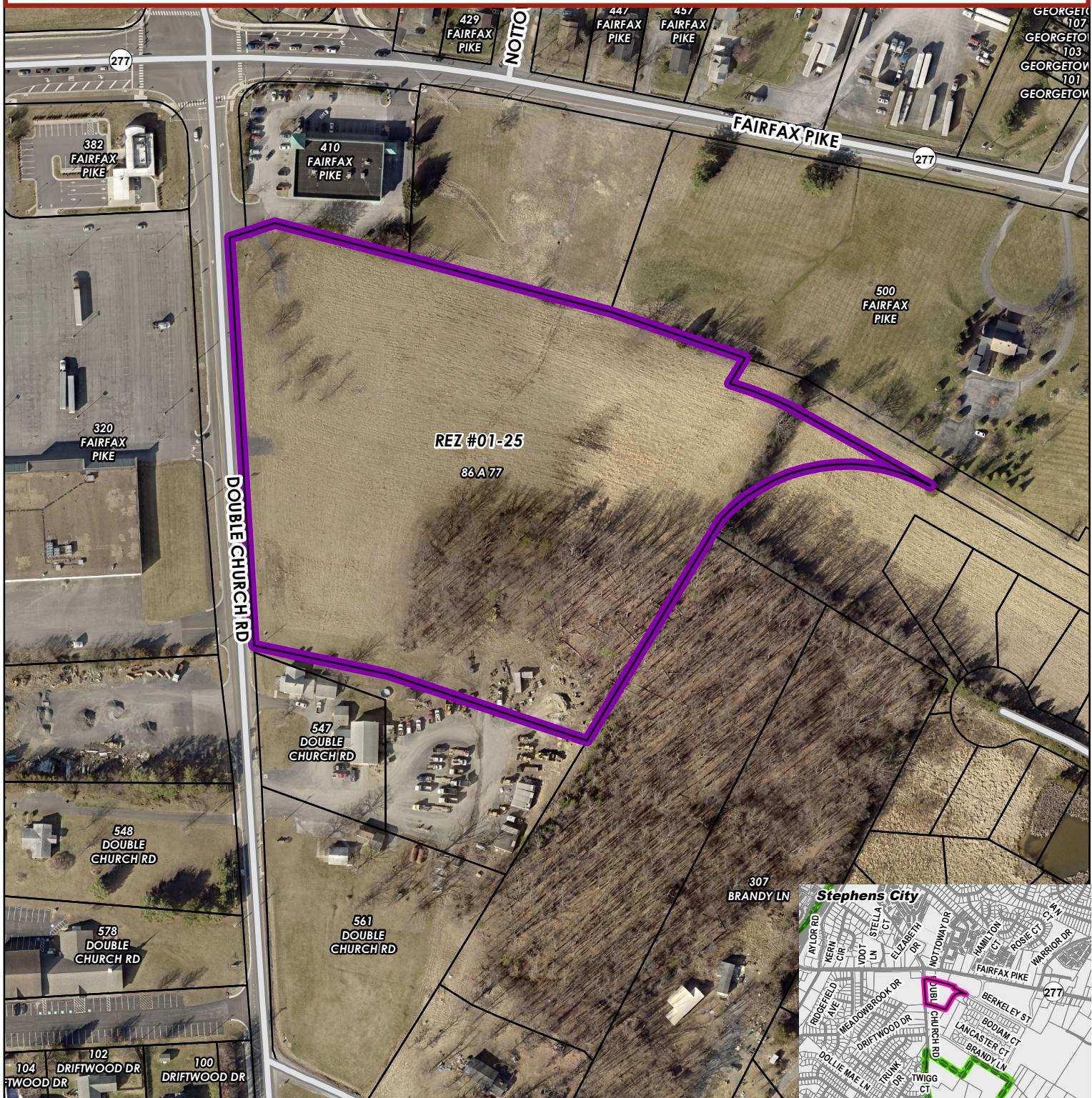
Map Created: January 23, 2025

REZ # 01 - 25: Neff Property - Commercial

PIN: 86 - A - 77

Rezoning from RA to B2

Location Map



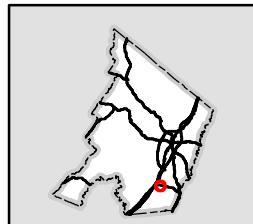
Application



Parcels



Sewer and Water Service Area



0 130 260 520 Feet



Frederick County Planning & Development
107 N Kent St
Winchester, VA 22601
540 - 665 - 5651

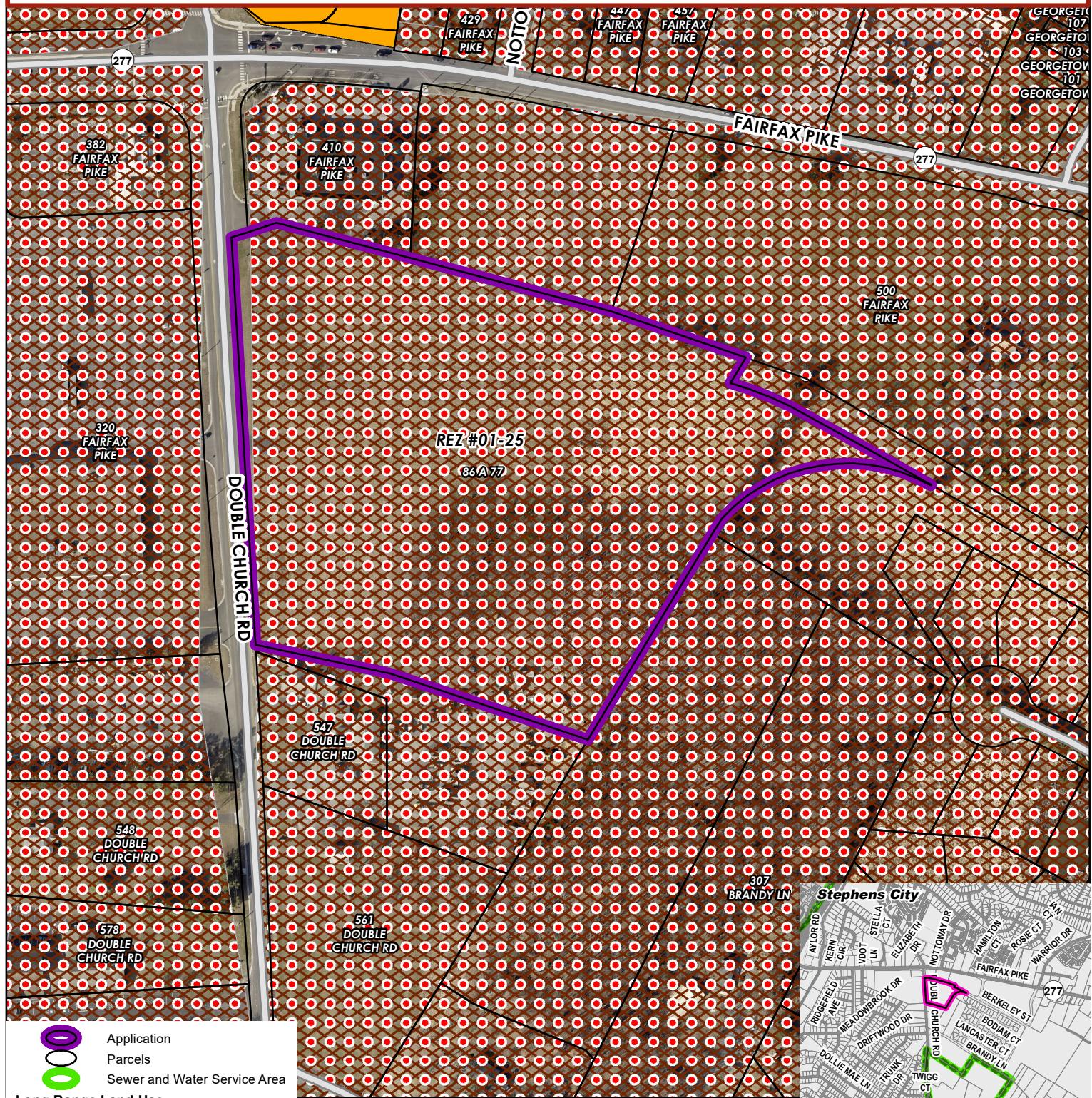
Map Created: January 23, 2025

110

REZ # 01 - 25: Neff Property - Commercial

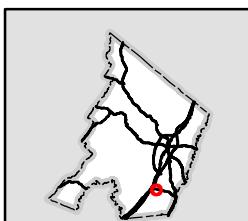
PIN: 86 - A - 77

Rezoning from RA to B2 Long Range Land Use Map



Long Range Land Use

-  Urban Center
-  Business
-  Residential, 4 u/a



Frederick County Planning & Development
107 N Kent St
Winchester, VA 22601
540 - 665 - 5651
Map Created: January 23, 2025 **111**

PROFFER STATEMENT

REZONING: RZ.#: RA Rural Areas District (+/- 7.4 acres) to B2 Business General (+/- 7.4 acres)

PROPERTY: 9.83 Acres +/-
Tax Map Parcel 86-A-77 (the "Property")

RECORD OWNER: E R Neff Excavating Inc

APPLICANT: E R Neff Excavating Inc (the "Owner")

PROJECT NAME: Neff Property – Commercial

ORIGINAL DATE OF PROFFERS: April 5, 2024

REVISION DATE(S): November 15, 2024: December 12, 2024

The undersigned hereby proffers that the use and development of the subject property ("Property"), as described above, shall be in strict conformance with the following conditions, which shall supersede all other proffers that may have been made prior hereto. In the event that the above referenced B2 conditional rezoning is not granted as applied for by the Owner ("Owner"), these proffers shall be deemed withdrawn and shall be null and void. Further, these proffers are contingent upon final rezoning of the Property with "final rezoning" defined as that rezoning which is in effect on the day following the last day upon which the Frederick County Board of County Supervisors (the "Board") decision granting the rezoning may be contested in the appropriate court. If the Board's decision is contested, and the Owner elects not to submit development plans until such contest is resolved, the term rezoning shall include the day following entry of a final court order affirming the decision of the Board which has not been appealed, or, if appealed, the day following which the decision has been affirmed on appeal and the time for any further appeal has expired.

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. The improvements proffered herein shall be provided at the time of development of that portion of the Property adjacent to or including the improvement or other proffered requirement, unless otherwise specified herein. The term "Owner" as referenced herein shall include within its meaning all future owners and successors in interest.

1. TRANSPORTATION:

- 1.1 On or before the first occupancy permit in the B2-Business General District portion of the property, the Owner shall construct Berkeley Street from its terminus (Point A) to the subject property (Point B), generally consistent with and as depicted in the attached April 5, 2024 Rezoning Generalized Development Plan prepared by Pennoni Associates, Inc. Construction of the roadway improvements shall be in accordance with the VDOT accepted "Neff Rezoning Traffic Impact Study" prepared by Pennoni Associates Inc dated October 2, 2024.

- 1.2 On or before the first occupancy permit in the B2-Business General District portion of the property, the Owner shall construct Berkeley Street from its eastern property line (Point B) to the Intersection with Double Church Road (Point C), generally consistent with and as depicted in the attached April 5, 2024 Rezoning Generalized Development Plan prepared by Pennoni Associates, Inc. Construction of the roadway improvements shall be in accordance with the VDOT accepted "Neff Rezoning Traffic Impact Study" prepared by Pennoni Associates Inc dated October 2, 2024.
- 1.3 The Owner shall dedicate additional right-of-way along Double Church Road as necessary to construct road frontage improvements for the Double Church and Berkeley Street intersection and the right-in /right-out access entrance to the property, identified as TM 86-A-77.

2. FIRE AND RESCUE

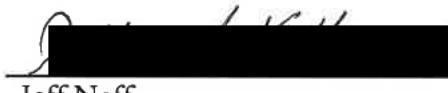
- 2.1 The Owner shall contribute to the Board the sum of \$0.10 per square foot of gross floor area for fire and rescue purposes, payable upon the issuance of a building permit for each structure.

SIGNATURES APPEAR ON THE FOLLOWING PAGES

Respectfully submitted,

E. R. Neff Excavating Inc

By:

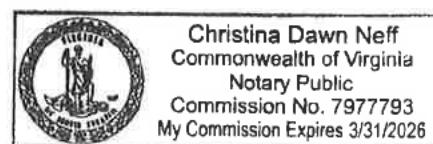

Jeff Neff

Title: President
President

STATE OF VIRGINIA, AT LARGE
FREDERICK COUNTY, To-wit:

The foregoing instrument was acknowledged before me this 7th day of January, 2025, by Jeff Neff, President of E. R. Neff Excavating Inc a Virginia corporation, on behalf of the corporation.

Notary Public
Registration Number: 7977793
My Commission Expires: 03-31-2026



E. R. Neff Excavating Inc

By:


Todd [REDACTED]

Title: Treasurer
Treasurer

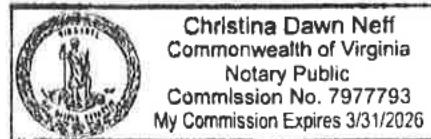
STATE OF VIRGINIA, AT LARGE
FREDERICK COUNTY, To-wit:

The foregoing instrument was acknowledged before me this 7th day of January, 2025 by Todd Neff, Treasurer of E. R. Neff Excavating Inc a Virginia corporation, on behalf of the corporation.

Notary Public

Registration Number: 7977793

My Commission Expires: 03-31-2026



E. R. Neff Excavating Inc

By:


Jay Neff

Title: Vice President
Vice President

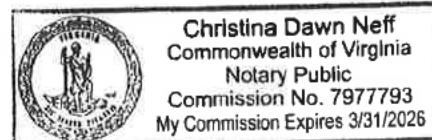
STATE OF VIRGINIA, AT LARGE
FREDERICK COUNTY, To-wit:

The foregoing instrument was acknowledged before me this 7th day of January, 2025 by Jay Neff, Vice President of E. R. Neff Excavating Inc a Virginia corporation, on behalf of the corporation.

Notary Public

Registration Number: 7977793

My Commission Expires: 03-31-2026



E. R. Neff Excavating Inc

By: Joe Neff

Joe Neff

Title: Vice President
Vice President

STATE OF VIRGINIA, AT LARGE
FREDERICK COUNTY, To-wit:

The foregoing instrument was acknowledged before me this 7th day of January, 2026 by
Joe Neff, Vice President of E. R. Neff Excavating Inc a Virginia corporation, on behalf of the corporation.

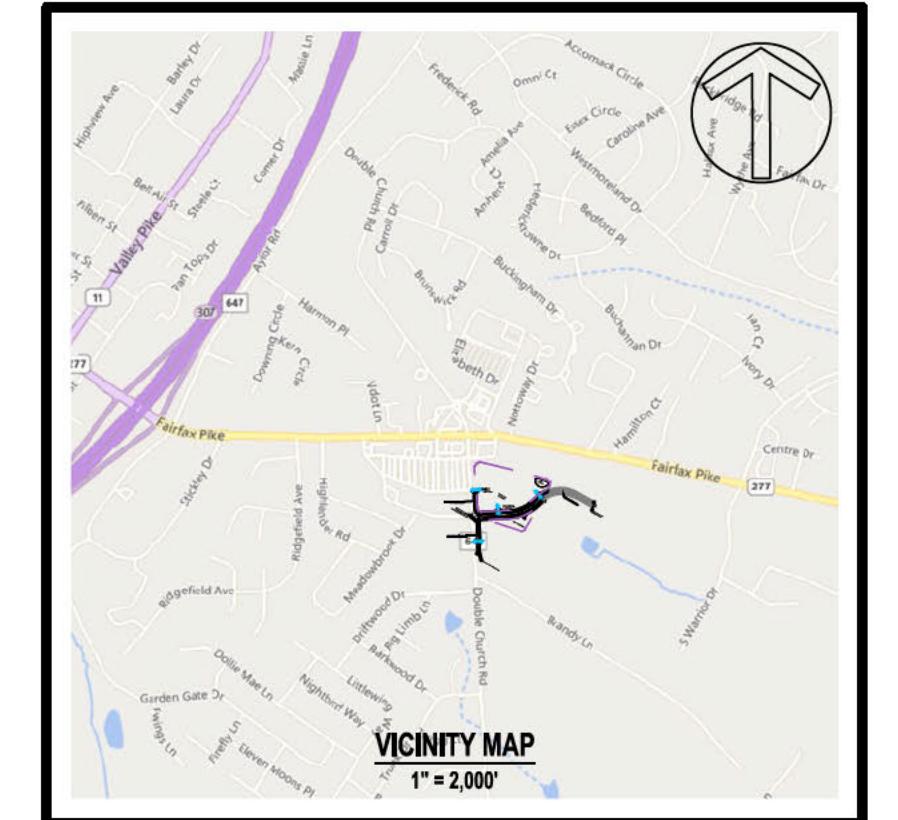
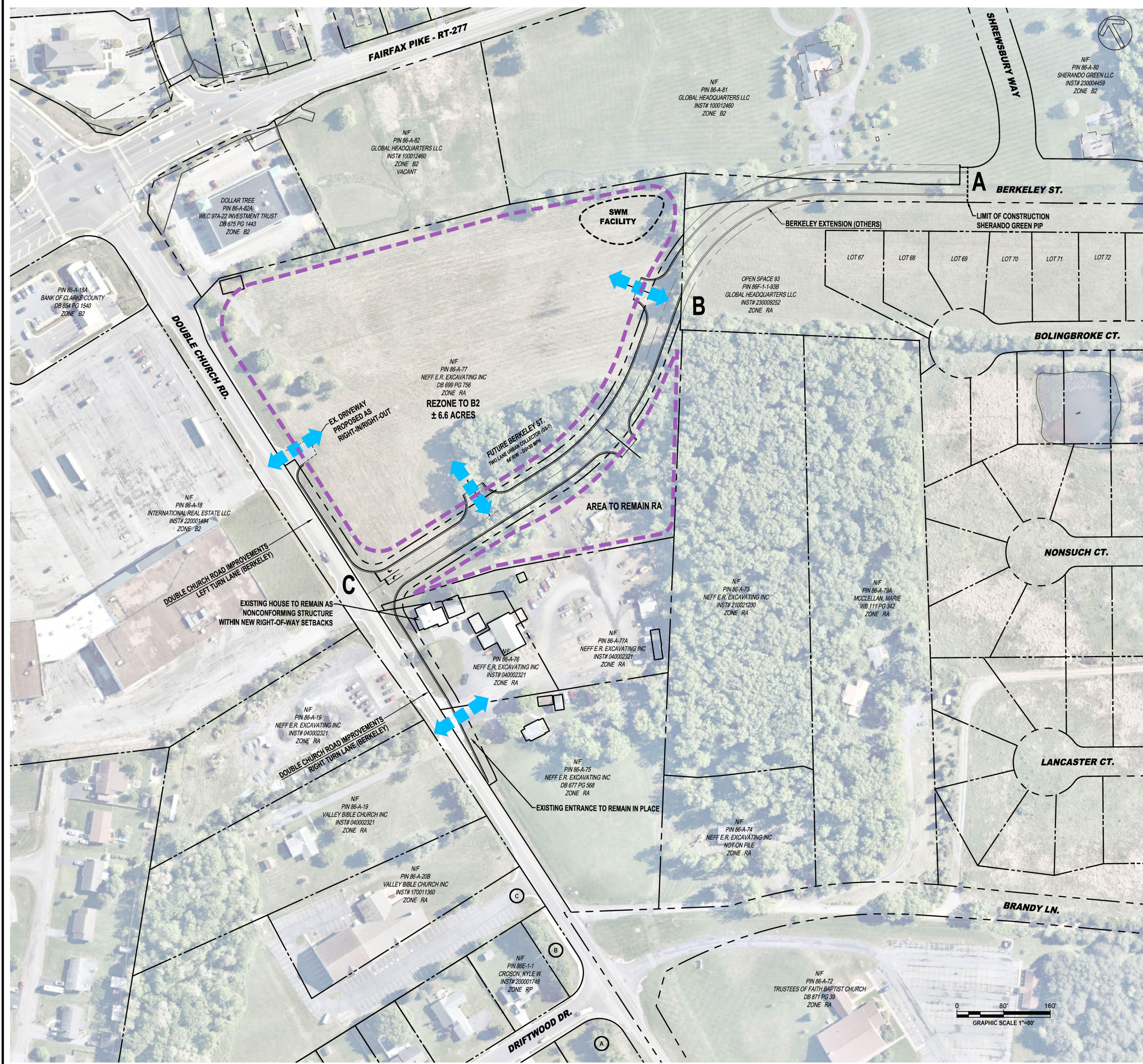
Notary Public

Registration Number: 7977793

My Commission Expires: 03-31-2026



Christina Dawn Neff
Commonwealth of Virginia
Notary Public
Commission No. 7977793
My Commission Expires 3/31/2026



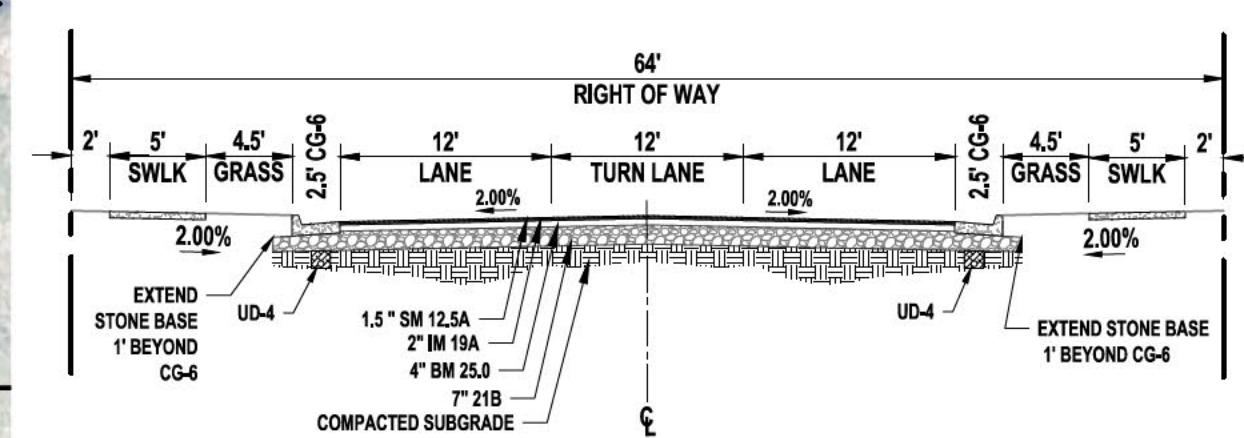
NEFF PROPERTY -COMMERCIAL

E.R. NEFF EXCAVATING, INC.

TM# 86-A-77

BERKELEY STREET EXTENSION

OPEQUON DISTRICT



ON-SITE BERKELEY STREET EXTENSION
TWO LANE URBAN COLLECTOR (GS-7)
64' R/W - 30 MPH DS
NTS

ALL DOCUMENTS PREPARED BY PENNONI ASSOCIATES ARE INSTRUMENTS OF SERVICE IN RESPECT OF THE PROJECT. THEY ARE NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR REUSE BY OWNER OR OTHERS ON THE EXTENSIONS OF THE PROJECT OR ON ANY OTHER PROJECT. ANY REUSE WITHOUT WRITTEN VERIFICATION OR ADAPTATION BY PENNONI ASSOCIATES FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT OWNERS SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO PENNONI ASSOCIATES; AND OWNER SHALL INDEMNIFY AND HOLD HARMLESS PENNONI ASSOCIATES FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES ARISING OUT OF OR RESULTING THEREFROM.

NEFFX23001

24 REV: - -

AS NOTED

C-IM

DLE

200

OP01

SHEETS 1

Frederick County, Virginia

**IMPACT ANALYSIS STATEMENT
AND REZONING APPLICATION MATERIALS**

FOR
REZONING REVIEW AND APPROVAL
OF THE

**Neff Property
TM 86-A-77**

Opequon Magisterial District

April 2024

Prepared by:
Pennoni Associates Inc
117 E. Piccadilly Street
Suite 200
Winchester, Virginia 22601

INTRODUCTION

The subject +/- 9.83-acre property identified as Tax Map 86-A Parcel 77 is currently zoned RA Rural Areas District and located in the Opequon Magisterial District. Over the past few years, the Route 277 corridor has seen VDOT traffic improvements as well as increased commercial and residential development. The location of the property and adjacent development plans underway make the rezoning of a portion of the property to B2 Business General District appropriate. The adjacent real estate to the west and, fronting Double Church Road, is existing commercial property. To north are existing and zoned commercial properties fronting on Route 277. Immediately to the east is a residential subdivision under construction with the termination of the east-west collector roadway known as Berkeley Street. The subject of this application is to rezone a +/- 6.6 acre portion of the +/- 9.83 acre parcel; from RA Rural Areas District to B2 Business General District with proffers. The area to be rezoned will be the land north of the proposed extension of Berkeley Street from its proposed terminus just east of the subject property to Double Church Road. The site is located wholly within the Sewer and Water Service Area (SWSA) and Urban Development Area (UDA). The applicant is confident that the proposed rezoning is consistent with the land use policies of the Comprehensive Policy Plan, and development of the rezoned portion of the subject property under the B2 zoning district will not result in negative net impacts.

COMPREHENSIVE PLAN

The subject property is located within the Southern Frederick Land Use Plan (SFLUP) and is wholly within the Sewer and Water Service Area (SWSA) and Urban Development Area (UDA). The subject property is also with the area of the Sherando Urban Center. Urban Center's are defined in the Comprehensive Plan as: *Urban centers are larger than the Neighborhood Village and are envisioned to be a more intensive, walkable urban area with a larger commercial core, higher densities, and designed around some form of public space or focal point. Urban centers should be located in close proximity to major transportation routes and intersections.* These documents are intended to serve as a guide for the intended future land uses within the SWSA and UDA as properties within those growth boundaries develop. The plans identify the subject property as business

and adjacent to other property also intended to be a business and within the designated urban center. Consequently, the proposed rezoning of a portion of the subject property to B2 is in conformance with the Comprehensive Plan, as the property would develop as an extension of the existing and future commercial land uses intended by the plan.

LAND USE

The subject property seeks to rezone from the RA zoning district to the B2 Business General District. The property is bordered to the North and West by properties currently zoned B2. To the south is additional property, owned by the applicant, zoned RA and to the east are RA zoned properties that are either owned by the applicant or open space areas to the neighboring $\frac{1}{4}$ acre lot subdivision. The proposed land use will be compatible with the existing and planned commercial development along the Route 277 Fairfax Pike corridor and will greatly contribute to the planned and desired traffic circulation supporting the existing and currently developing land uses.

ACCESS AND TRANSPORTATION

The Property has approximately 650 of frontage on Double Church Road – Route 641. Planned commercial and residential development to the north and east are construction Berkeley Street and terminating near the property boundary of the subject application. A Traffic Impact Study (TIS) has been submitted and will be accepted by VDOT prior to scheduling any public hearings with the county Board of Supervisors. The subject property proposes to construct the westernmost segment of Berkeley Street from the approved Fairfax Downs and Sherando Greens Commercial public improvement plans. This results in approximately 1,330 LF of VDOT urban collector (GS-7) roadway to its connection to Double Church Road. The project additionally proposes to make the improvements recommended in the TIS along Double Church Road. The improvements identified in the TIS adequately mitigate the impacts of the proposed rezoning, as well as provide a key roadway connection that will serve the commercial, residential and Frederick County School traffic needs in the immediate vicinity.

This application includes a proffer statement committing to the recommendations of the TIS and will result in the extension of Berkeley Street from its terminus as proposed with the adjacent commercial and Residential projects. The TIS also provides for the widening of Double Church Road to accommodate the necessary turn lanes and right-in/right out entrance associated with the B2 land uses. Consequently, to mitigate transportation impacts, this application proffers to dedicate and construct the westernmost leg of Berkeley Street to Double Church Road and Double Church Road improvements.

SITE SUITABILITY

The site conditions relate very positively to the proposed development activities. The proposed rezoning would not result in impact on areas of steep slopes, stream channels, lakes, ponds, flood plain, or wetlands. The site generally slopes from 2-4% toward the east. During the engineering phase of the project, a stormwater management plan will be created to adequately and effectively retain stormwater in a manner that will avoid negative impacts on adjacent properties. The existing soils on the subject property are identified as 3B - Blairton Silt Loam and do not present any significant challenges to potential commercial land development.

SEWAGE CONVEYANCE AND WATER SUPPLY

The proposed uses in the Traffic Impact Statement for the rezoning of the property to B2 General Business District yields on fast-food pad site with drive through and +/- 54,000 sf of general commercial shopping plaza. We estimate that the fast-food use would generate sanitary sewer and water demand of +/-3,500 GPD and the remaining retail +/- 12,000 GPD. The 12,000 GPD was based on a 2,000 GPD per acre for the remaining +/- 6 acres outside of the fast-food land use parcel. Sewage flows generated by the site will discharge into the existing on-site Frederick Water gravity sanitary sewer and flow to the pump station facility at Woodside Estates approximately 1,500 feet south of the Double Church Road and Brandy Lane intersection. Final engineering shall determine the size and locations of any sewer and water main extensions at time of a Site Plan application. It is acknowledged that

the subject property will be required to demonstrate existing sanitary sewer capacity in the existing Pump Station at time of Site Plan application or propose the necessary off-site sanitary sewer improvements at and/or leading to the existing Pump Station facility. An existing 8" Frederick Water water main runs along the Double Church Road frontage, and the extension of the proposed 8" waterline in Berkeley Street would be required to be extended along Berkeley Street to loop into the Double Church watermain.

HISTORIC SITES AND STRUCTURES

The Frederick County Rural Landmarks Survey does not identify any structures of historic importance on the subject site. It is also observed that the previous land use and development of the property has resulted in the loss of any historical integrity. As such, the re-development of the subject property will not impact historical sites and structures. It is the desire of the applicant to preserve the long-standing family homestead on the remainder properties to the south. The resulting Berkeley Street Extension and Double Church Road Widening may result in creating a non-conforming structure due to the new setback locations with the adjusted Right-of-Way that will be required for the roadway improvements. This structure will not be allowed to expand its footprint in the future as a condition of the rezoning approval.

IMPACT ON COMMUNITY FACILITIES

The development of the property for the allowed commercial uses under the proposed B2 zoning will result in a net positive fiscal impact for Frederick County. Furthermore, this application recognizes a potential increase in services for the Frederick County fire and rescue services. The proffer statement associated with this application secures a provision for a \$0.10 per building square foot monetary contribution, specifically directed to the Frederick County fire and rescue services. Additionally, this project proposes the completion of Berkeley Street through the adjacent off-site property, allowing the connectivity and alternative circulation for Sherando High School, the residential neighborhood and the commercial properties fronting on Rt 277 Fairfax Pike.

David Frank

From: Johnson, Joseph (VDOT) <JosephW.Johnson@vdot.virginia.gov>
Sent: Wednesday, November 13, 2024 11:19 AM
To: Spielman, Joseph (VDOT); Douglas R. Kennedy; Wan Chong; David Frank;
Cc: Funkhouser, Rhonda (VDOT); Tyler Klein; (jbishop@co.frederick.va.us)
Subject: Re: Neff Property Commercial rezoning Frederick County TM 86-A-77

David/Tyler,

VDOT has reviewed the rezoning application for the Neff property (TM#86-A-77) located on Double Church Road (Route 641) near the intersection with Fairfax Pike (Route 277) and we are in agreement with the recommendations identified within the Traffic Impact Analysis dated 10/02/2024. The applicant proposes to extend Berkeley Street through the site which provides a parallel roadway that sufficiently mitigates any impacts of this development. Please let me know if you have any additional questions.

Joseph W. Johnson, PE

Area Land Use Engineer / Edinburg Residency
Virginia Department of Transportation
14031 Old Valley Pike / Edinburg, VA 22824
Phone #540.534.3223
josephw.johnson@vdot.virginia.gov

From: Spielman, Joseph (VDOT) <Joseph.Spielman@vdot.virginia.gov>
Sent: Thursday, October 17, 2024 8:47 AM
To: Douglas R. Kennedy <dkennedy@Pennoni.com>; Johnson, Joseph (VDOT) <JosephW.Johnson@vdot.virginia.gov>; Wan Chong <WChong@Pennoni.com>; David Frank <DFrank@Pennoni.com>; erneff@yahoo.com <erneff@yahoo.com>
Cc: Funkhouser, Rhonda (VDOT) <Rhonda.Funkhouser@VDOT.Virginia.gov>; Tyler Klein <tklein@fcva.us>; (jbishop@co.frederick.va.us) <jbishop@co.frederick.va.us>
Subject: Re: Neff Property Commercial rezoning Frederick County TM 86-A-77

Doug,

VDOT has reviewed the Neff Rezoning-Traffic Impact Study, dated 10-2-2024 and agree with the findings and have no additional comments.

We will provide any additional comments, if needed, once the complete rezoning package is submitted.

Ryan



Joseph Ryan Spielman

Land Development Engineer / Edinburg Residency
Virginia Department of Transportation
540-535-1829
joseph.spielman@vdot.virginia.gov

Rezoning Comments



Frederick County Department of Public Works

Mail to:

Frederick County Dept. of Public Works
Attn: Director of Engineering
107 North Kent Street
Winchester, Virginia 22601
(540) 665-5643

Hand deliver to:

Frederick County Dept. of Public Works
Attn: Director of Engineering
107 North Kent Street
Suite 200
Winchester, Virginia

Applicant: Please fill out the information as accurately as possible in order to assist the Department of Public Works with their review. **Attach a copy of your application form, location map, proffer statement, impact analysis, and any other pertinent information.**

Applicant's Name: Pennoni Associates, Inc. **Telephone:** 540-771-2087

Telephone: 540-771-2087

Mailing Address: 117 E. Piccadilly Street, Suite 200

Location of property: East side of Double Church Road approximately 250 feet south of Route 277-Double Church Road intersection

Current zoning: RA - Rural Areas District **Zoning requested:** B2 - Business General District **Acreage:** +/- 6.6 acres

Department of Public Works Comments:

We offer no comments at this time.

Public Works Signature & Date: 4-29-2024

Notice to Dept. of Public Works - Please Return This Form to the Applicant

Rezoning Comments



Frederick Water

Mail to:

Frederick Water
Attn: Engineer
P.O. Box 1877
Winchester, Virginia 22604
(540) 868-1061

Hand deliver to:

Frederick Water
Attn: Engineer
315 Tasker Road
Stephens City, Virginia

Applicant: Please fill out the information as accurately as possible in order to assist the agency with their review. **Attach a copy of your application form, location map, proffer statement, impact analysis, and any other pertinent information.**

Applicant's Name: Pennoni Associates, Inc **Telephone:** 540-771-2087

Mailing Address: 117 E. Piccadilly Street, Suite 200
Winchester, VA 22601

Location of property: _____

Current zoning: RA- Rural Areas **Zoning requested:** B2 - Business General District **Acreage:** +/- 6.6 acres

Frederick Water Comments:

Please see letter dated April 29, 2024.

Frederick Water Signature & Date:

4/29/2024

Notice to Frederick Water - Please Return This Form to the Applicant



315 Tasker Road
Stephens City, Virginia 22655

PH (540) 868-1061
Fax (540) 868-1429
www.FrederickWater.com

Eric R. Lawrence
Executive Director

April 29, 2024

David Frank
Pennoni
117 East Piccadilly Street
Winchester, Virginia 22601

**RE: Rezoning Application Comment
Neff Property – Stephens City Commercial Rezoning
Tax Map Numbers: 86-A-77
7.4-acres of a 9.83-acre parcel**

Dear Mr. Frank:

Thank you for the opportunity to offer review comments on the Neff Property commercial rezoning application package, dated April 2024, and received at Frederick Water on April 16, 2024. Frederick Water offers comments limited to the anticipated impact/effect upon Frederick Water's public water and sanitary sewer system and the demands thereon.

The project parcel is located within the sewer and water service area (SWSA), and therefore by county policy, Frederick Water's water and sewer services are available. An 8-inch water main traverses the property frontage along Double Church Road. A gravity sanitary sewer manhole is located on an adjacent property south of the site; this adjacent property is owned by the applicant.

The application's Impact Statement projects water and sewer demands of +/- 15,500 gpd. The applicant has not evaluated the existing water service flows and pressures in the adjacent 8-inch water main. Nor has the applicant assessed the available capacities in the sanitary sewer system to accommodate the projected sewer flows from the property. The manhole on the adjacent property could initially receive sanitary sewer flows, but then the flows will traverse a series of gravity sewers, pump stations, and force mains before ultimately being received by the Parkins Mill wastewater treatment plant. Capacity in these downstream sanitary sewer facilities will need to be analyzed to ensure adequate capacity exists prior to construction on the site.

Identified constriction in the sanitary sewer system may require the applicant to undertake improvements to ensure conveyance capacity exists to accept projected demands.

Water and sanitary sewers are to be constructed in accordance with Frederick Water standards and specifications. Easements will be required to accommodate infrastructure that is dedicated to Frederick Water. Please be aware that Frederick Water is offering these review comments without the benefit or knowledge of the actual use proposed and water and sewer demands for the site.

Please keep in mind that water supplies and sanitary sewer conveyance capacities change daily; with each new customer connection brings additional demands and generated flows. This letter does not guarantee system capacities to accommodate your development proposal.

Thank you for the opportunity to offer review comments.

Sincerely,



Eric R. Lawrence
Executive Director



Frederick County Fire and Rescue Department

Office of the Fire Marshal

1080 Coverstone Drive

Winchester, VA 22602

Phone: 540-665-6350 Fax: 540-678-4739

fmo@fcva.us

Plan Review

Rezoning

Status: Approved with Conditions

Business Name

Neff Property
000 Double Church Road
Stephens City, Virginia 22655

Engineering Firm :

Pennoni Associates, Inc.

Printed Date: 01/03/2025

General Information

| | | | |
|--------------------|------------|------------------|-------------|
| Received Date: | 01/02/2025 | Occupancy Type: | |
| Review Begin Date: | 01/03/2025 | Property Use: | |
| Review End Date: | 01/03/2025 | Activity Number: | I0110092 |
| Hours: | 0.5000 | Review Cause: | Application |

Comments:

Any and all future development shall comply with applicable sections of the Frederick County Fire Prevention Code.

William Pifer
Lieutenant/Assistant Fire Marshal

To be completed by Planning Staff:
Zoning Amendment Number _____
Date Received _____

Fee Amount Paid \$ _____
Anticipated PC Hearing Date _____
Anticipated BOS Hearing Date _____

REZONING APPLICATION
FREDERICK COUNTY, VA DEPARTMENT OF PLANNING & DEVELOPMENT

1. Property Owner(s) (please attach additional page(s) if more than two owners):

Name: E R Neff Inc

Specific Contact Person if Other than Above: Jeff Neff

Address: 561 Double Church Road Stephens City, Virginia 22655

Telephone: (540) [REDACTED] Email: [REDACTED]

Name: E R Neff Inc

Specific Contact Person if Other than Above: Todd Neff

Address: 561 Double Church Road Stephens City, Virginia 22655

Telephone: (540) 869-1010 Email: [REDACTED]

2. Other Applicant Party (such as a contract purchaser) (please attach additional page(s) if necessary):

Name: _____

Specific Contact Person if Other than Above: _____

Address: _____

Telephone: _____ Email: _____

3. Law firm, engineering firm, or other person, if any, serving as the primary contact person for this application:

Firm Name: Pennoni Associates Inc

Specific Contact Person at Firm: David Frank

Address: 117 East Piccadilly Street, suite 200 Winchester, Virginia 22655

Telephone: (540) 771-2087 Email: dfrank@pennoni.com

Please note that, if a law firm, engineering firm, or other person, other than the owner of the property, will be acting on behalf of the owner and/or executing papers on behalf of the owner in connection with the rezoning, the owner will need to execute a power of attorney form granting the firm or person such authority.

To be completed by Planning Staff:
Zoning Amendment Number _____
Date Received _____

Fee Amount Paid \$ _____
Anticipated PC Hearing Date _____
Anticipated BOS Hearing Date _____

REZONING APPLICATION
FREDERICK COUNTY, VA DEPARTMENT OF PLANNING & DEVELOPMENT

1. Property Owner(s) (please attach additional page(s) if more than two owners):

Name: E R Neff Inc

Specific Contact Person if Other than Above: John Neff

Address: 561 Double Church Road Stephens City, Virginia 22655

Telephone: (540) 869-1010 Email: [REDACTED]

Name: E R Neff Inc

Specific Contact Person if Other than Above: Joe Neff

Address: 561 Double Church Road Stephens City, Virginia 22655

Telephone: (540) 869-1010 Email: [REDACTED]

2. Other Applicant Party (such as a contract purchaser) (please attach additional page(s) if necessary):

Name: _____

Specific Contact Person if Other than Above: _____

Address: _____

Telephone: _____ Email: _____

3. Law firm, engineering firm, or other person, if any, serving as the primary contact person for this application:

Firm Name: Pennoni Associates Inc

Specific Contact Person at Firm: David Frank

Address: 117 East Piccadilly Street, suite 200 Winchester, Virginia 22655

Telephone: (540) 771-2087 Email: dfrank@pennoni.com

Please note that, if a law firm, engineering firm, or other person, other than the owner of the property, will be acting on behalf of the owner and/or executing papers on behalf of the owner in connection with the rezoning, the owner will need to execute a power of attorney form granting the firm or person such authority.

4. Project Name (if any): Neff Property - Commercial

5. Property Information:

a. Property Identification Number(s): TM 86-A-77

b. Total acreage of the parcel(s): 9.83

c. Total acreage of parcel(s) to be rezoned (if other than whole parcel(s) is being rezoned):
+/- 6.6 ac.

d. Current zoning designation(s) and acreage(s) in each designation:

RA - Rural Area District

e. Proposed zoning designation(s) and acreage(s) in each designation:

B2 - Business General District

f. Magisterial District(s): Opequon

g. Location - the property is located at (give street address(es) if assigned or otherwise exact location based on nearest road and distance from nearest intersection, using road names and route numbers):

East side of Double Church Road in Frederick County

h. Adjoining Properties: See Attached List

| <u>Parcel ID Number</u> | <u>Use</u> | <u>Zoning</u> |
|-------------------------|------------|---------------|
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

Please attach additional page(s) if necessary.

Property identification numbers, magisterial districts, and deed book and page numbers/instrument numbers may be obtained from the Office of the Commissioner of the Revenue, Real Estate Division, 107 North Kent Street, Winchester, VA 22601.

6. Disclosure of real parties in interest.

Virginia Code § 15.2-2289 provides that localities may by ordinance require any applicant for a zoning amendment to make complete disclosure of the equitable ownership of the real estate to be affected including, in the case of corporate ownership, the name of stockholders, officers, and directors, and in any case the names and addresses of all real parties of interest. Frederick County has, by County Code § 165-101.09, adopted such an ordinance.

For each business entity that is an owner or contract purchaser of the property, **please list the name and address of each person owning an interest in, or who is an officer or director of, any entity that is an owner or contract purchaser of the property** (you need not indicate the amount or extent of the ownership interest). Please note that this requirement does not apply to a corporation whose stock is traded on a national or local stock exchange and having more than 500 shareholders.

Jeff Neff

Todd Neff

Jay Neff

Joe Neff

Please attach additional page(s) if necessary.

7. Checklist. Please check that the following items have been included with this application:

- Location Map - GDP
- Plat Depicting Metes/Bounds of Proposed Zoning
- Impact Analysis Statement
- Proffer Statement (if any)
- Agency Comments
- Fee
- Copies of Deed(s) to Property(ies)
- Tax Payment Verification
- Digital copies (pdf's) of all submitted items

8. **Signature(s):**

I (we), the undersigned, do hereby respectfully make application and petition the Frederick County Board of Supervisors to amend the zoning ordinance to change the zoning map of Frederick County, Virginia. I (we) authorize Frederick County officials to enter the property for site inspection purposes.

I (we) understand that the sign issued when this application is submitted must be placed at the front property line at least seven days prior to the Planning Commission public hearing and the Board of Supervisors public hearing and maintained so as to be visible from the road right-of-way until the hearing.

I (we) hereby certify that this application and its accompanying materials are true and accurate to the best of my (our) knowledge.

Owner: D. Neff Date 1-7-2025

If signing on behalf of an entity, please state name of entity and your title:

E.R. Neff Excavating, President

Owner: J. Neff Date 01-07-25

If signing on behalf of an entity, please state name of entity and your title:

E.R. Neff Excavating, Treasurer

Other Applicant Party (if any): _____ Date _____

If signing on behalf of an entity, please state name of entity and your title:

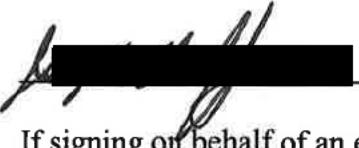
If additional signature lines are necessary, such as if more than two persons are owners, please use additional copies of this page.

8. Signature(s):

I (we), the undersigned, do hereby respectfully make application and petition the Frederick County Board of Supervisors to amend the zoning ordinance to change the zoning map of Frederick County, Virginia. I (we) authorize Frederick County officials to enter the property for site inspection purposes.

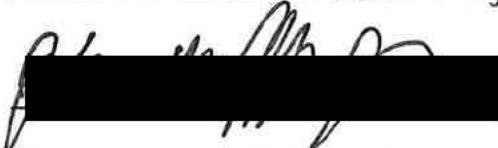
I (we) understand that the sign issued when this application is submitted must be placed at the front property line at least seven days prior to the Planning Commission public hearing and the Board of Supervisors public hearing and maintained so as to be visible from the road right-of-way until the hearing.

I (we) hereby certify that this application and its accompanying materials are true and accurate to the best of my (our) knowledge.

Owner:  Date 1-7-25

If signing on behalf of an entity, please state name of entity and your title:

E.R. Neff, Excavating, Vice President

Owner:  Date 1-07-25

If signing on behalf of an entity, please state name of entity and your title:

E.R. Neff Excavating, Vice President

Other Applicant Party (if any): _____ Date _____

If signing on behalf of an entity, please state name of entity and your title:

If additional signature lines are necessary, such as if more than two persons are owners, please use additional copies of this page.



Special Limited Power of Attorney
County of Frederick, Virginia
Frederick Planning Website: www.fcva.us

Department of Planning & Development, County of Frederick, Virginia
107 North Kent Street, Winchester, Virginia 22601
Phone (540) 665-5651 Facsimile (540) 665-6395

Know All Men By These Presents That:

ER Neff Excavating Inc.

Name of Property Owner/Applicant

Please note: If the property owner/applicant is an entity, the name of the entity should appear above.

If multiple persons own the property or are applicants, an executed power of attorney from each owner will be needed.

PO Box 1027 Stephens City, VA 22655

540-869-1010

Mailing Address of Property Owner/Applicant

Telephone Number

as owner of, or applicant with respect to, the tract(s) or parcel(s) of land in Frederick County, Virginia, identified by following property identification numbers:

TM 86-A-77

do hereby make, constitute, and appoint:

PENNONI Associates Inc.

Name of Attorney-In-Fact

117 E. Piccadilly St. Ste. 200 Winchester, VA 22601

540-771 2087

Mailing Address of Attorney-In-Fact

Telephone Number

to act as my true and lawful attorney-in-fact for and in my name, place, and stead, with the same full power and authority I would have if acting personally, to file and act on my behalf with respect to application with Frederick County, Virginia for the following, for the above identified property:



Rezoning



Subdivision



Conditional Use Permit



Site Plan



Master Development Plan (prelim. or final)



Variance or Zoning Appeal

and, further, my attorney-in-fact shall have the authority to offer proffered conditions and to make amendments to previously approved proffered conditions except as follows:

This appointment shall expire one year from the day that it is signed, or at such sooner time as I otherwise rescind or modify it.

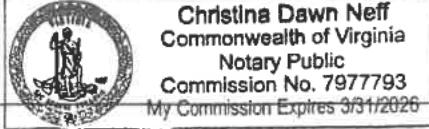
Signature _____

Title (if signing on behalf of an entity) President

State of Virginia, County/City of Frederick, To wit:

I, C. Neff, a Notary Public in and for the jurisdiction aforesaid, certify that the person who signed the foregoing instrument personally appeared before me and has acknowledged the same before me in the jurisdiction aforesaid this 28th day of January, 2025

Notary Public



My Commission Expires: 03/31/2026
Registration Number: 7977793



**Special Limited Power of Attorney
County of Frederick, Virginia
Frederick Planning Website: www.fcva.us**

**Department of Planning & Development, County of Frederick, Virginia
107 North Kent Street, Winchester, Virginia 22601
Phone (540) 665-5651 Facsimile (540) 665-6395**

Know All Men By These Presents That:

ER Neff Excavating Inc.

Name of Property Owner/Applicant

Please note: If the property owner/applicant is an entity, the name of the entity should appear above.

If multiple persons own the property or are applicants, an executed power of attorney from each owner will be needed.

PO Box 1027 Stephens City, VA 22655

540-869-1010

Mailing Address of Property Owner/Applicant

Telephone Number

as owner of, or applicant with respect to, the tract(s) or parcel(s) of land in Frederick County, Virginia, identified by following property identification numbers:

TM 86-A-77

do hereby make, constitute, and appoint:

PENNONI Associates Inc.

Name of Attorney-In-Fact

117 E. Piccadilly St. Ste. 200 Winchester, VA 22601

540-771 2087

Mailing Address of Attorney-In-Fact

Telephone Number

to act as my true and lawful attorney-in-fact for and in my name, place, and stead, with the same full power and authority I would have if acting personally, to file and act on my behalf with respect to application with Frederick County, Virginia for the following, for the above identified property:



Rezoning



Subdivision



Conditional Use Permit



Site Plan



Master Development Plan (prelim. or final)



Variance or Zoning Appeal

and, further, my attorney-in-fact shall have the authority to offer proffered conditions and to make amendments to previously approved proffered conditions except as follows:

This appointment shall expire one year from the day that it is signed, or at such sooner time as I otherwise rescind or modify it.

Signature

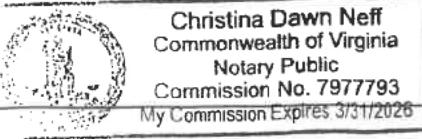
Title (if signing on behalf of an entity) Treasurer

State of Virginia, County City of Frederick, To wit:

I, Christina Dawn Neff, a Notary Public in and for the jurisdiction aforesaid, certify that the person who signed the foregoing instrument personally appeared before me and has acknowledged the same before me in the jurisdiction aforesaid this 28th day of January, 2025

Notary Public

My Commission Expires: 03/31/2026
Registration Number: 7977793





**Special Limited Power of Attorney
County of Frederick, Virginia
Frederick Planning Website: www.fcva.us**

**Department of Planning & Development, County of Frederick, Virginia
107 North Kent Street, Winchester, Virginia 22601
Phone (540) 665-5651 Facsimile (540) 665-6395**

Know All Men By These Presents That:

ER Neff Excavating Inc.

Name of Property Owner/Applicant

Please note: If the property owner/applicant is an entity, the name of the entity should appear above.

If multiple persons own the property or are applicants, an executed power of attorney from each owner will be needed.

PO Box 1027 Stephens City, VA 22655

540-869-1010

Mailing Address of Property Owner/Applicant

Telephone Number

as owner of, or applicant with respect to, the tract(s) or parcel(s) of land in Frederick County, Virginia, identified by following property identification numbers:

TM 86-A-77

do hereby make, constitute, and appoint:

PENNONI Associates Inc.

Name of Attorney-In-Fact

117 E. Piccadilly St. Ste. 200 Winchester, VA 22601

540-771 2087

Mailing Address of Attorney-In-Fact

Telephone Number

to act as my true and lawful attorney-in-fact for and in my name, place, and stead, with the same full power and authority I would have if acting personally, to file and act on my behalf with respect to application with Frederick County, Virginia for the following, for the above identified property:



Rezoning



Subdivision



Conditional Use Permit



Site Plan



Master Development Plan (prelim. or final)



Variance or Zoning Appeal

and, further, my attorney-in-fact shall have the authority to offer proffered conditions and to make amendments to previously approved proffered conditions except as follows:

This appointment shall expire one year from the day that it is signed, or at such sooner time as I otherwise rescind or modify it.

Signature

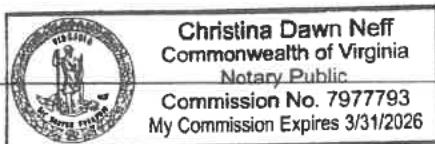
Title (if signing on behalf of an entity) Vice President

State of Virginia, County City of Frederick, To wit:

I, Christina Dawn Neff, a Notary Public in and for the jurisdiction aforesaid, certify that the person who signed the foregoing instrument personally appeared before me and has acknowledged the same before me in the jurisdiction aforesaid this 28th day of January, 2025

Notary Public

My Commission Expires: 03/31/2026
Registration Number: 7977793





**Special Limited Power of Attorney
County of Frederick, Virginia
Frederick Planning Website: www.fcva.us**

**Department of Planning & Development, County of Frederick, Virginia
107 North Kent Street, Winchester, Virginia 22601
Phone (540) 665-5651 Facsimile (540) 665-6395**

Know All Men By These Presents That:

ER Neff Excavating Inc.

Name of Property Owner/Applicant

Please note: If the property owner/applicant is an entity, the name of the entity should appear above.

If multiple persons own the property or are applicants, an executed power of attorney from each owner will be needed.

PO Box 1027 Stephens City, VA 22655

540-869-1010

Mailing Address of Property Owner/Applicant

Telephone Number

as owner of, or applicant with respect to, the tract(s) or parcel(s) of land in Frederick County, Virginia, identified by following property identification numbers:

TM 86-A-77

do hereby make, constitute, and appoint:

PENNONI Associates Inc.

Name of Attorney-In-Fact

117 E. Piccadilly St. Ste. 200 Winchester, VA 22601

540-771 2087

Mailing Address of Attorney-In-Fact

Telephone Number

to act as my true and lawful attorney-in-fact for and in my name, place, and stead, with the same full power and authority I would have if acting personally, to file and act on my behalf with respect to application with Frederick County, Virginia for the following, for the above identified property:



Rezoning



Subdivision



Conditional Use Permit

Site Plan



Master Development Plan (prelim. or final)



Variance or Zoning Appeal

and, further, my attorney-in-fact shall have the authority to offer proffered conditions and to make amendments to previously approved proffered conditions except as follows:

This appointment shall expire one year from the day that it is signed, or at such sooner time as I otherwise rescind or modify it.

Signature

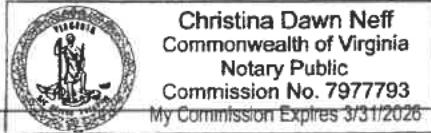
Title (if signing on behalf of an entity) Vice President

State of Virginia County/City of Frederick, To wit:

I, Christina Dawn Neff, a Notary Public in and for the jurisdiction aforesaid, certify that the person who signed the foregoing instrument personally appeared before me and has acknowledged the same before me in the jurisdiction aforesaid this 28th day of January, 2025

No.

My Commission Expires: 03/31/2026
Registration Number: 7977793



1
Jaf.
SUV. 3-A
11/29/88

8K699PG756

29160
THIS CONFIRMATION OF PLAT, made and dated this
1st day of December, 1988, by E. R. NEFF EXCAVATING,
INC., a Virginia Corporation.,

WHEREAS, by deed dated November 8, 1988, of record
in the Office of the Clerk of the Circuit Court of Frederick
County, Virginia, in Deed Book 699, at Page 135, Gayle
Painter, et al, conveyed eleven (11) Acres, more or less, to
said Corporation; and,

WHEREAS, said Corporation has caused said parcel
to be surveyed by H. Bruce Edens, C.L.S.

NOW, THEREFORE, said Corporation hereby causes and
places this confirmation of said plat and survey of said
eleven (11) Acre parcel which is attached hereto and by this
reference made a part hereof as if set out in full. Said
plat shows said parcel to contain 9.860 Acres and is dated
September 12, 1988.

WITNESS the following signature and seal:

E. R. NEFF EXCAVATING, INC.

BY: _____

*Its duly authorized
representative*

STATE OF VIRGINIA, AT-LARGE:

CITY/ COUNTY OF WINCHESTER, TO-WIT:

BK699PG757

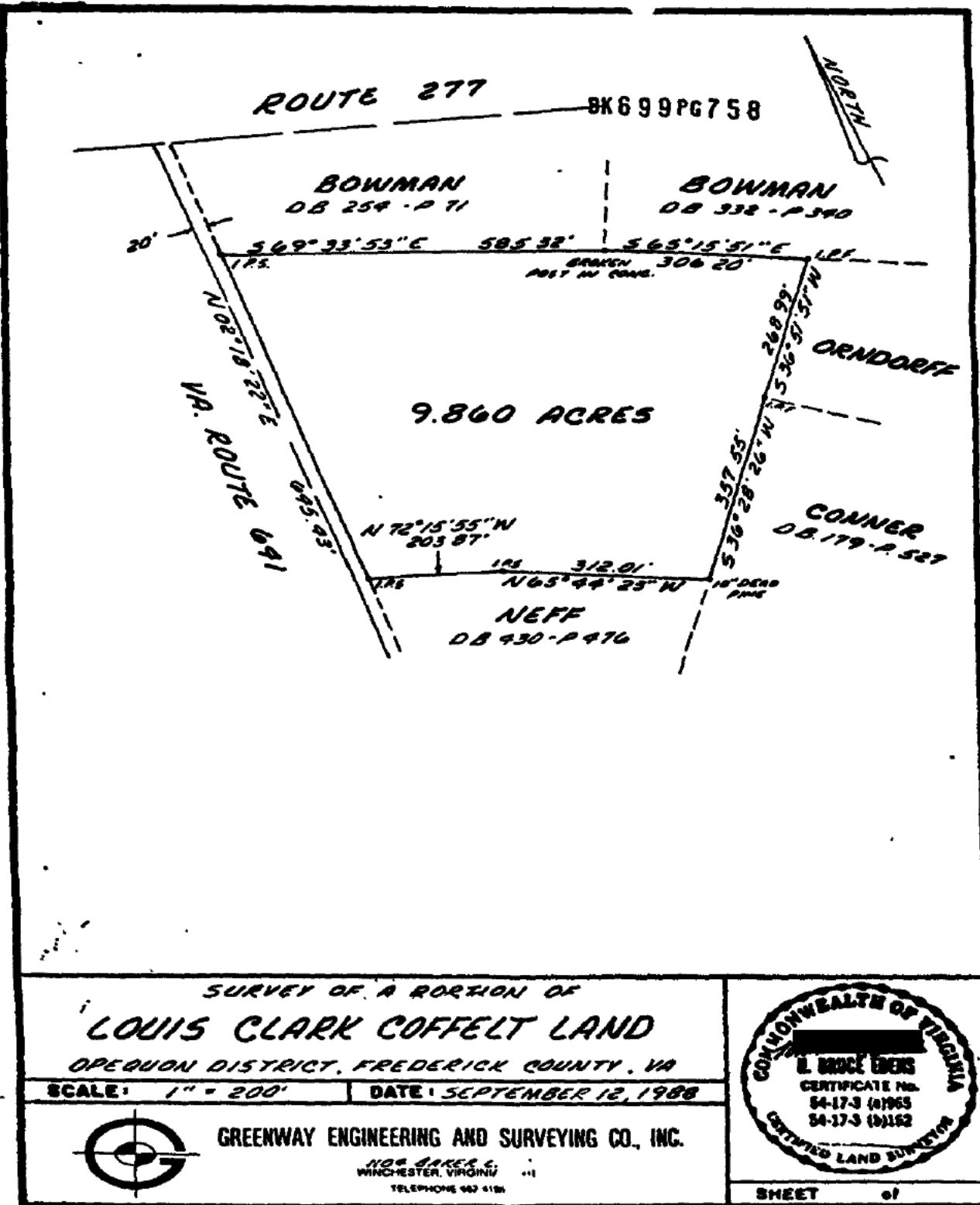
I, Patricia A. Firesheets, a Notary Public in
and for the State and jurisdiction aforesaid, do hereby
certify that JOHN W. NEFF, who is
Vice President of E. R. NEFF EXCAVATING, INC., a
Virginia Corporation, whose name is signed to the foregoing
Confirmation of Plat, dated December 1st, 1988, has
personally appeared before me and acknowledged the same in
my State and jurisdiction aforesaid.

GIVEN under my hand this 1st day of December,

1988.

MY Commission expires October 1, 1989.

[REDACTED]
NOTARY PUBLIC



E. R. NEFF EXCAVATING, INC.
P.O. Box 1027
STEPHEN'S CITY, VIRGINIA 22655
(703) 869-1010

The accompanying plat represents a survey of a portion of the land conveyed to Louis Clark Coffelt by deed dated August 22, 1945 and recorded in the Frederick County Court Clerk's Office in Deed Book 193 at Page 302.

The said land lies along the east side of Virginia Route 641 a short distance south of its intersection with Route 277 in Opequon District, Frederick County, Virginia and is bounded as follows:

Beginning at an iron pin set corner to Neff and 20' from the center line of Virginia Route 641; thence with the east boundary line of Virginia Route 641, N 02°18'22"E - 645.43' to an iron pin set in the east boundary line of Virginia route 641 and corner to Bowman; thence with Bowman for the 2 following courses S 69°33'53"E - 585.32' to a broken post in concrete; thence S 65°15'51"E - 306.20' to an iron pin found corner to Bowman and Orndorff; thence with Orndorff S 36°51'51"W - 268.99' to an iron pin found corner to Orndorff and Conner; thence with Conner S 36°28'26"W - 357.55' to a 10" dead pine in Conner's line and corner to Neft; thence with Neft for the 2 following courses N 65°44'23"W - 312.01' to an iron pin set; thence N 72°15'55"W- 203.87'; to the beginning.

Containing. 9.860 acres

Surveyed. September 12, 1988



VIRGINIA: FREDERICK COUNTY, SCT.
This instrument of writing was produced
to me on the 14 day of Dec-
1988 at 9:43 AM and with certificate
of acknowledgment thereto annexed was
admitted to record.

CLERK

[Payment Home](#) [Personal Property](#) [Real Estate](#) [Dog Tags](#) [Pay Parking Violation](#) [Pay FOIA Charges](#)
[Other Payments](#) [ShoppingCart\(0\)](#) [Pin Options](#) [Change Email](#)

COUNTY OF FREDERICK Real Estate Payments Paid for Tax Year 2023

Map Number: **86 A 77** Account#: **8025568**

| Dept# | Ticket# | Seq# | Owner Name | Bill Date | Description | Amount Paid |
|--------|---------|------|--------------|-----------|-------------|-------------|
| RE2022 | 29410 | 2 | NEFF E R INC | 4/25/2022 | 9.83 ACRES | \$578.58 |
| RE2023 | 29442 | 1 | NEFF E R INC | 4/15/2023 | 9.83 ACRES | \$528.62 |
| RE2023 | 29442 | 2 | NEFF E R INC | 4/15/2023 | 9.83 ACRES | \$528.61 |

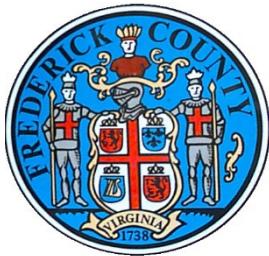
This amount represents payments applied during calendar year 2023 and does not include Penalty, Interest, Credit Card Fees or Rebate Amounts.

Total Paid: \$1,635.81

[Return to Search](#)

[Printer Friendly Page](#)

ORDINANCE



Action:

| | | |
|-----------------------|-------------------|----------------------|
| PLANNING COMMISSION: | February 19, 2025 | Recommended Approval |
| BOARD OF SUPERVISORS: | March 12, 2025 | Pending |

AMENDING THE ZONING DISTRICT MAP REZONING #01-25 FOR NEFF PROPERTY COMMERCIAL (E R NEFF EXCAVATING INC.)

WHEREAS, REZONING #01-25 for Neff Property Commercial (E R Neff Excavating Inc.) submitted to rezone 6.6+- acres of a 9.83+-acre parcel from RA (Rural Areas) Zoning District to B2 (General Business) Zoning District with proffers to enable commercial development. The property is generally located south of Route 277 (Fairfax Pike) and immediately east of Double Church Road, Stephens City and is identified by Property Identification Number 86-A-77 in the Opequon Magisterial District; and

WHEREAS, the Frederick County Planning Commission held a public hearing on this rezoning on February 19, 2025, and recommended approval; and

WHEREAS, the Frederick County Board of Supervisors held a public hearing on March 12, 2025; and

WHEREAS, the Frederick County Board of Supervisors finds the approval of this rezoning to be in the best interest of the public health, safety, and welfare, and in conformance with the Comprehensive Plan;

NOW, THEREFORE, BE IT ORDAINED by the Frederick County Board of Supervisors, that Chapter 165 of the Frederick County Code, Zoning, the Zoning District Map is amended in accordance with Rezoning #01-25 for Neff Property Commercial (E R Neff Excavating Inc.) submitted to rezone 6.6+- acres of a 9.83+-acre parcel from RA (Rural Areas) Zoning District to B2 (General Business) Zoning District with proffers. The conditions voluntarily proffered in writing by the Applicant and the Property Owner are attached.

This ordinance shall be in effect on the date of adoption.

Passed this 12th, day of March 2025 by the following recorded vote:

Josh E. Ludwig, Chairman

John F. Jewell

Heather H. Lockridge

Robert W. Wells

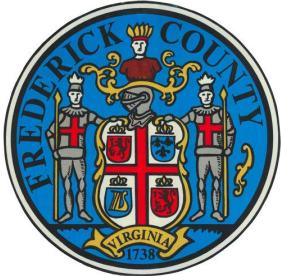
Blaine P. Dunn

Judith McCann-Slaughter

Robert T. Liero

A COPY ATTEST

Michael L. Bollhoefer
Frederick County Administrator



Board of Supervisors
Agenda Item Detail
Meeting Date: March 12, 2025
Agenda Section: Planning Commission Business - Public Hearings

Title:

Ordinance to Amend the Frederick County Code, Chapter 165 Zoning - Additions and Revisions to Define and Regulate Data Centers, Including Additional Regulations, Height, and Nuisances and Define and Regulate Power Generating Facilities.

Chapter 165 Zoning,

Article I

General Provisions; Amendments; and Conditional Use Permits

Part 101 – General Provisions

165-101.02 Definitions and word usage

Article II

Supplementary Use Regulations; Parking; Buffers; and Regulations for Specific Uses

Part 201 – Supplementary Use Regulations

165-201.12 Nuisances

Part 204 – Additional Regulations for Specific Uses

165-204.28 – Height Waivers in EM (Extractive Manufacturing), M1 (Light Industrial) and M2 (Industrial General) Districts

Article IV

Agricultural and Residential Districts

Part 401 – RA Rural Areas District

165-401.02 Permitted Uses;

165-401.03 Conditional uses

Article VI

Business and Industrial Zoning Districts

Part 604 – B3 Industrial Transition District

165-604.02 Allowed Uses

Part 605 – TM Technology Manufacturing Park District

165-605.02 Permitted Uses

Part 606 – M1 Light Industrial District

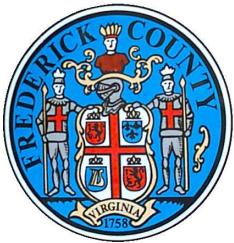
165-606.02 Allowed Uses

Part 607 – M2 Industrial General District

165-607.02 Allowed Uses

Attachments:

[BOS03-12-25OADATACenters_PowerGeneratingFacilities.pdf](#)



MEMORANDUM

TO: Frederick County Board of Supervisors

FROM: M. Tyler Klein, AICP, Senior Planner

SUBJECT: Ordinance Amendment – Data Centers, Public Utilities, Nuisances, & Height Waivers

DATE: March 3, 2025

Proposal:

This is a proposal to amend Chapter 165 - Zoning Ordinance to add a definition (§165-101.02) for data centers and include additional regulations for specific uses (§165-204). As proposed, data centers are defined as: *“a premises in which the majority of the use is occupied by computers and/or telecommunications and related equipment for processing, storing, or transferring information. Infrastructure such as utility substations, power generators, and other supporting equipment may also be included.”* Additional regulations for specific uses have been included to regulate the intensity of the use and to the extent possible mitigate impacts, particularly noise, on adjoining properties.

A number of clarifying minor text amendments to other sections of the Zoning Ordinance have also been proposed to fully address data centers and associated uses (for example, distinguishing between power generating facilities, transmission and distribution infrastructure for public utilities).

This ordinance amendment was initiated by staff at the request of the Board of Supervisors.

Staff Notes:

During the SIC to NAICS ordinance conversion staff requested the Board of Supervisors also consider the addition of battery storage as an allowed or conditional use (requiring an approved conditional use permit or CUP) in the TM (Technology Manufacturing), M1 (Light Industrial) and M2 (Industrial General) Zoning Districts. Battery storage operations enable energy to be stored and then released when the power is needed most and are sometimes located near data centers to supplement power needs. Staff notes battery storage is a separate, distinctive, use from primary battery and storage battery manufacturing which is currently an allowed use in some industrial districts. As drafted this ordinance will allow storage batteries to be included accessory to a data center facility, and/or accessory to a public utility substation. From Staff's perspective it seems prudent to consider whether or not battery storage should be allowed as a standalone use and/or whether there should be additional regulations of specific uses pertinent to them.

The inclusion of battery storage as a primary use would require a separate ordinance amendment (TBD).

Current Standard:

Data centers are permitted as a by-right use in the B3 (Industrial Transition), TM (Technology-Manufacturing Park), M1 (Light Industrial) and M2 (Industrial General) Zoning Districts. There are no additional regulations currently adopted to regulate the siting or operation of data centers.

“Public Utilities,” as defined in the ordinance (§165-101.02) is inclusive of “power generating facilities”

and/or “transmission/distribution.” Public utilities are allowed in most zoning districts *unrestricted* with flexible setback requirements as deemed appropriate by the zoning administrator.

Meeting Summary & Requested Action:

The Board of Supervisors (BOS) discussed this item at their September 25, 2024, regular meeting and through consensus recommended it go forward to the committee for discussion and authorized scheduling for public hearing. Following BOS action in September 2024, Planning and Development staff have actively engaged with professionals in data center siting/construction, environmental advocacy groups, Frederick Water, and the Frederick County Economic Development Authority (EDA) regarding the proposed ordinance amendment components. Feedback from these stakeholders has been *invaluable* in preparing the final version of the text amendment.

The Development Review and Regulations Committee (DRRC) discussed this proposed amendment at their October 24, 2024, regular meeting and were supportive of the proposed text and amendments, noting a need to regulate data centers particularly to address potential noise impacts.

The Planning Commission held a public hearing on February 19, 2025. There were no public speakers. The primary discussion was noise, and the Commission consensus was the regulations proposed would mitigate noise impacting adjoining residences. One (1) Commissioner raised concern with the potential for battery storage accessory to data centers, and the impact to Fire and Rescue Services. The Planning Commission recommended approval of the proposed ordinance amendments (Commissioner Brannon – no; Commissioner Kerns – absent).

Staff are seeking a decision from the Board of Supervisors regarding these proposed ordinance amendments.

Questions regarding the proposal may be provided to staff.

Attachments:

- 1. Proposed Changes – Data Centers
- 2. Proposed Changes – Public Utilities, Nuisances & Height Waivers
- 3. Resolution

Chapter 165 – Zoning Ordinance

ARTICLE I
General Provisions; Amendments; And Conditional Use Permits

Part 101

General Provisions

§165-101.02. Data Centers. A premises in which the majority of the use is occupied by computers and/or telecommunications and related equipment for processing, storing, or transferring information. Infrastructure such as utility substations, power generators, and other supporting equipment may also be included.

ARTICLE II

Supplementary Use Regulations; Parking; Buffers; and Regulations for Specific Uses

Part 204

Additional Regulations for Specific Uses

§165-204.41. Data Centers.

All data centers must meet the following requirements:

- A. Data centers shall provide water use estimates prior to rezoning and/or site plan approval. Water use estimates shall be reviewed by the local public utility service provider.
- B. Generator testing and cycling shall be limited to weekdays (Monday to Friday) between the hours of 8:00 a.m. to 5:00 p.m. Notwithstanding the foregoing, all noise generated by any on-site generator shall comply with County Code §165-201.12.
- C. Mechanical Equipment.
 - a. Location. Ground mounted mechanical equipment shall be prohibited in the front yard setback.
- D. Screening. Ground mounted and roof top mechanical equipment shall be screened from public roadways and adjoining properties on all sides. An opaque screen shall be provided by either the principal building, louvered wall, or equivalent screen approved by the Zoning Administrator. The maximum height of the opaque screen should correspond to the tallest piece of equipment being shielded from view.
- E. Setback & Screening Requirements.
 - a. Structures must be setback at least 200 feet from the common property line when adjoining land is zoned RA, RP, R4, R5 & MH1. Otherwise, the base zoning district dimensional standards shall apply.
 - b. A category C full screen type buffer shall be provided around the perimeter of the property. If the adjoining property is zoned B3, TM, M1, or M2, no buffer is required.
- F. Noise and Noise Monitoring.
 - a. The applicant shall submit a noise study prepared by a qualified full member of the Acoustical Society of America (ASA), a Board-Certified member of the Institute of Noise Control Engineering (INCE), or other credentialed professional as approved by the Zoning Administrator. The purpose of such testing shall confirm baseline noise levels prior to the issuance of the Certificate of Occupancy (CO) at the facility.

A subsequent noise study shall be conducted 24-months after issuance of CO and submitted for review to the Zoning Administrator to assess the actual impact of the completed project. If the post construction noise study exceeds the maximum noise level permitted, additional noise mitigation strategies, improvements, or operational changes shall be required. Any additions, alterations, or expansion of a facility or its equipment shall require a new sound test to be submitted and approved by the Zoning Administrator.

- b. Any equipment necessary for cooling, ventilating, or otherwise operating the facility, including power generators or other power supply equipment on the Property, whether ground-mounted or roof-mounted, shall include the following noise mitigation elements:*

 - 1. Low noise emission fans.*
 - 2. Acoustic wraps for compressors and oil separators; and*
 - 3. An acoustic perimeter, which may include a perimeter around a group of individual chillers, which may be louvered or solid.*
 - 4. Other sound attenuation measures as approved by the Zoning Administrator.*
- c. The Owner shall provide documentation, in the form of technical specifications, photographs, and/or engineered plans, of the above mitigation measures contained in (b) with each building permit for a data center building on the Property and shall further provide documentation that such measures have been installed concurrently with each occupancy.*

Chapter 165 – Zoning Ordinance
ARTICLE I
General Provisions; Amendments; And Conditional Use Permits

Part 101
General Provisions

§165-101.02 Definitions and word usage.

Public Utilities

~~Power generating facilities, booster or relay stations, transformer substations, transmission lines and towers, pipes, meters and other facilities (including utility scale solar power generating facilities), and sewer and water treatment facilities, including sewer and water transmission lines. Such facilities may be owned by public utilities, public agencies, those operators with a certificate of public convenience, or those that are operating under a permit by rule (PBR).~~

Public Utilities, Power Generating Facilities

~~Generation of power via coal, natural gas, solar, wind, nuclear, biomass, hydroelectric or other methods Such facilities may be owned by public utilities, public agencies, those operators with a certificate of public convenience, or those that are operating under a permit-by-rule (PBR).~~

Public Utilities, Transmission and Distribution Facilities

~~Booster or relay stations, transformer substations, transmission lines and towers, pipes, meters and other facilities, and sewer and water treatment facilities, including sewer and water transmissions lines. Such facilities may be owned by public utilities, public agencies, those operators with a certificate of public convenience, or those that are operation under a permit-by-rule (PBR).~~

ARTICLE II

Supplementary Use Regulations; Parking; Buffers; and Regulations for Specific Uses

Part 201
Supplementary Use Regulations

§165-201.12 Nuisances.

H. Noise. In the B3 Industrial Transition, TM Technology-Manufacturing Park, M1 Light Industrial or M2 Industrial General Zoning District, sound levels at the perimeter boundary of a development shall not exceed 75 dba (A scale).

Part 204
Additional Regulations for Specific Uses

§165-204.28 Height Waivers in **B3 (Industrial Transition), TM (Technology-Manufacturing Park),** EM (Extractive Manufacturing), M1 (Light Industrial) and M2 (Industrial General) Districts.

Waiver requests for height increases in the B3, TM, EM, M1 and M2 Zoning Districts shall adhere to the following requirements:

- A. Architectural renderings of the proposed structure shall be submitted for review by the Planning Commission and the Board of Supervisors.
- B. The Board of Supervisors may require buffer and screening elements and/or additional distance when deemed necessary to protect existing adjacent uses.
- C. The Board of Supervisors may require additional conditions as deemed necessary.
- D. This waiver shall not be permitted to increase the height of any signage regulated by § 165-201.06.
- E. The Planning Commission and the Board of Supervisors shall hold a public hearing for any height waiver request.

ARTICLE IV Agricultural and Residential Districts

Part 401 RA Rural Areas District

§165-401.02 Permitted Uses.

Q. Public Utilities, ~~except utility scale solar power generating facilities and power generating facilities.~~ **Transmission and Distribution Facilities.**

§165-401.03 Conditional Uses.

CC. Public Utilities, **Power Generating Facilities.** ~~Utility scale solar power generating facilities and power generating facilities.~~

GG. Utility-scale solar power generating facilities.

ARTICLE VI Business and Industrial Zoning Districts

Part 604 B3 Industrial Transition District

§165-604.02 Allowed uses.

Public Utilities, **including power generating facilities**

Part 605 TM Technology-Manufacturing Park District

§165-605.02 Permitted **Allowed** uses.

Public Utilities, **including power generating facilities**

Part 606
M1 Light Industrial District

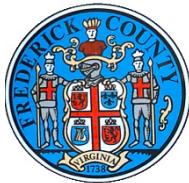
§165-606.02 Allowed uses.

Public Utilities, **including power generating facilities**

Part 607
M2 Industrial General District

§165-607.02 Allowed uses.

Public Utilities, **including power generating facilities**



ORDINANCE

Action:

| | | |
|-----------------------|-------------------|----------|
| PLANNING COMMISSION: | February 19, 2025 | Approved |
| BOARD OF SUPERVISORS: | March 12, 2025 | Pending |

TO AMEND CHAPTER 165 - ZONING

ARTICLE I General Provisions; Amendments; and Conditional Use Permits; **Part 101 – General Provisions;** **§165-101.02 Definitions and word usage**

ARTICLE II Supplementary Use Regulations; Parking; Buffers; and Regulations for Specific Uses; **Part 201 – Supplementary Use Regulations;** **§165-201.12 Nuisances;** **Part 204 – Additional Regulations for Specific Uses** **§165-204.28 – Height Waivers in EM (Extractive Manufacturing), M1 (Light Industrial) and M2 (Industrial General) Districts.**

ARTICLE IV Agricultural and Residential Districts; **Part 401 – RA Rural Areas District;** **§165-401.02 Permitted Uses;** **§165-401.03 Conditional uses**

ARTICLE VI Business and Industrial Zoning Districts; **Part 604 – B3 Industrial Transition District;** **§165-604.02 Allowed Uses;** **Part 605 – TM Technology Manufacturing Park District** **§165-605.02 Permitted Uses;** **Part 606 – M1 Light Industrial District;** **§165-606.02 Allowed Uses;** **Part 607 – M2 Industrial General District;** **§165-607.02 Allowed Uses**

WHEREAS, a proposal was presented to amend Chapter 165 – Zoning Ordinance to add a definition for data centers, to include additional regulations for specific uses for data centers, and to define power generating facilities and specify what districts they are permitted in; and

WHEREAS, the Development Review and Regulations Committee discussed the proposed amendment at their October 24, 2024 regular meeting and sent the amendment forward with no comments; and

WHEREAS, the Planning Commission held a public hearing on the proposed ordinance amendment

on February 19, 2025 and recommended approval of the ordinance amendment; and

WHEREAS, the Frederick County Board of Supervisors held a public hearing on this proposed ordinance amendment on March 12, 2025;

NOW, THEREFORE, BE IT ORDAINED by the Frederick County Board of Supervisors, that in the interest of public health, safety, general welfare, and good zoning practice, the amendment to Chapter 165 – Zoning Ordinance for data centers and power generating facilities; is adopted.

Passed this March 12, 2025, by the following recorded vote:

Josh E. Ludwig, Chairman

John F. Jewell

Heather H. Lockridge

Robert W. Wells

Blaine P. Dunn

Judith McCann-Slaughter

Robert T. Liero

A COPY ATTEST

Michael L. Bollhoefer
Frederick County Administrator