



AGENDA
BOARD OF SUPERVISORS
WEDNESDAY, OCTOBER 14, 2026
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 Minutes of Work Session & Regular Meeting of Sept. 23, 2026
[BOS10-14-26MinutesWorkSession260923.pdf](#)
[BOS10-14-26MinutesRegMtg260923.pdf](#)
 - 6.B. Acceptance of Human Resources Committee Report of Sept. 25, 2026
[BOS10-14-26HRCommReport20260925.pdf](#)
 - 6.C. Human Resources Committee Item: The Committee recommends approval of the Sheriff's Office specialty assignment stipend program at \$3,000 annually for an employee's first qualifying specialty assignment and \$750 annually for each additional qualifying specialty assignment.
 - 6.D. Appropriation of \$118,000 to the IT budget for Phase II of the BerryDunn software evaluation project
[BOS10-14-26BerryDunnPhaseII_Approp.pdf](#)
7. **Board of Supervisors Comments**

8. **County Officials** – None

9. **Appointments to Boards, Committees, and Commissions**

- 9.A. Shawneeland Sanitary District Advisory Committee
2-year term of Micah Jacobs expires 11-9-26
Mr. Jacobs is eligible and willing to serve another term.

- 9.B. Extension Leadership Council - Red Bud Rep.
Vacant 4-year term expiring 10-28-27
See attached application of Jason Brown.

[BOS10-14-26App_BrownJason_Redacted.pdf](#)

- 9.C. Historic Resources Advisory Board - Stonewall Rep.
Vacant 4-year term expiring 6-30-27
See attached application of Anthony Gelomine.

[BOS10-14-26App_GelormineAnthony_Redacted.pdf](#)

- 9.D. Information Item - The Board is seeking applications for:

Economic Development Authority - 2 immediate vacancies

We are particularly interested in individuals with experience in the technology sector, large -scale manufacturing, and small business. Ideal candidates will bring strong industry knowledge, an entrepreneurial mindset, and a passion for supporting economic growth and innovation in Frederick County.

Board of Equalization - 1 vacancy beginning 1-1-27

Members must be freeholders in the county. The primary duty of the Board of Equalization is to hear appeals of real estate reassessment in the year the reassessment takes effect and shall conduct its business as required by the Code of Virginia. Members serve a three-year term. Members serve a four-year term.

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

10. **Committee Business** - None

11. **Public Hearings (Non Planning Issues)**

11.A.

Ordinance Regarding the Annual Distribution of the 6% Transient Occupancy Tax Revenues - \$250,000 of the 3% General Fund Portion to be Set Aside in a Separate Account to be Used for a Future Parks & Recreation Facility; \$250,000 of the General Fund Portion to be Allocated to the Economic Development Board to be Used for Site Readiness; and the Full 0.75% Required to be Used for Tourism-Related Projects as Defined by Virginia Statutes, to be Set Aside in a Separate Account to be Used for a Future Tourism-Related Facility.

[BOS10-14-26TransientOccTaxDistOrd.pdf](#)

11.B.

Amendment to the 2026-2027 Fiscal Year Budget - Pursuant to Section 15. 2-2507 of the Code of Virginia, 1950 as Amended, the Board of Supervisors will Hold a Public Hearing to Amend the Fiscal Year 2026-2027 Budget to Reflect a General Fund Supplemental Appropriation in the Amount of \$5,581,400. This Amount Reflects Plans to Develop the Old Charlestown Road Park Per the Signed Agreement to Accept a Reimbursable Grant from the National Park Service Land, Water, and Conservation Fund (LWCF) and Virginia Department of Conservation and Recreation (DCR).

[BOS10-14-26BudgetAmend-OldCharlesTownRdPkPark.pdf](#)

12. **Planning Commission Business - Public Hearings**

12.A.

Rezoning #07-26 for Aerogreen Solutions (Silverwolfe, LLC.), to Rezone 8.84 +/- Acres from B3 (Industrial Transition) District to the M2 (Industrial General) District. The Subject Property is Located at the Intersection of Martinsburg Pike (Route 11) and Woodside Road (671) and is Identified with Property Identification Number 33-A-124A in the Stonewall Magisterial District.

[BOS10-14-26_REZ07-26_Redacted.pdf](#)

Planning Commission Business - Public Hearings, *continued*

12.B.

Ordinance Amendment to the Frederick County Code Chapter 144 – Subdivision Ordinance – Modifications to Incorporate Policy Changes Recommended During the Phase I Subdivision Ordinance Update, Including Waivers, Exemptions, and Stormwater Management.

Article III – Subdivision Standards

[BOS10-14-26OA__SubdivisionUpdates.pdf](#)

12.C.

Ordinance Amendment to the Frederick County Code – Chapter 165 – Zoning Ordinance – Modifications to Incorporate Policy Changes Recommended During the Phase I Zoning Ordinance Update, Including Modifications to Master Development Plan Final Approval, Waivers, and Exemptions.

Article III - Permits and Applications

Part 306 – Master Development Plans

Article IV - Primary Zoning Districts

Part 407 – Industrial Districts

Part 408 – Planned Development Districts

Article VII - Additional Regulations for Specific

Uses Part 703 – Public/Civic/Recreational Use

Standards Part 704 – Commercial Use
Standards

Part 705 – Industrial Use Standards

[BOS10-14-26OA__ZoningUpdates.pdf](#)

Planning Commission Business - Public Hearings, continued

12.D.

**Ordinance Amendment to the Frederick County Code Chapter 165 –
Zoning Ordinance – Modifications to Incorporate 2026 Amendments to
the Code of Virginia Enacted by the General Assembly and Signed into
Law by the Governor of the Commonwealth of Virginia.**

Article IV – Primary Zoning Districts
Part 405 – Residential Districts

Article XI– Definition
Part 1105 – Use Terms

[BOS10-14-26OA_2026LegislativeUpdate.pdf](#)

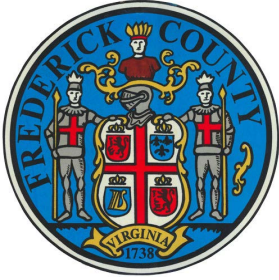
13. **Planning Commission Business - Other Planning Business** - None

14. **Board Liaison Reports**

15. **Citizen Comments**

16. **Board of Supervisors Comments**

17. **Adjourn**



Board of Supervisors
Agenda Item Detail
Meeting Date: October 14, 2026
Agenda Section: Consent Agenda

Title: Approval of Minutes of Work Session & Regular Meeting of Sept. 23, 2026

Attachments:

[BOS10-14-26MinutesWorkSession260923.pdf](#)
[BOS10-14-26MinutesRegMtg260923.pdf](#)

MINUTES
WORK SESSION
FREDERICK COUNTY BOARD OF SUPERVISORS
WEDNESDAY, SEPTEMBER 23, 2026
5:30 P.M.
BOARD ROOM, COUNTY ADMINISTRATION BUILDING
107 NORTH KENT STREET, WINCHESTER, VIRGINIA

ATTENDEES

Board of Supervisors: John F. Jewell, Chairman; Robert W. Wells, Vice Chairman; Robert T. Liero; Albert L. Orndorff; Michael D. Guevremont; and Gary R. Oates were present. Jason C. Aikens was absent.

Staff present: Michael Bollhoefer, County Administrator; Jay E. Tibbs, Deputy County Administrator; Wyatt Pearson, Deputy County Administrator; Andrew R. Fox, County Attorney; Patrick Fly, Director of Information Technologies; and Ann W. Phillips, Deputy Clerk to the Board of Supervisors.

CALL TO ORDER

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

DISCUSSION – GAP ANALYSIS SOFTWARE REPORT AND RECOMMENDATIONS

Ross DeFalle and Jonathan Grace of Berry, Dunn, McNeil & Parker, LLC, presented their report of the Phase 1 inventory and assessment of the current County software systems. They reviewed the project approach for Phase 2, which will consist of system evaluation and selection and will involve developing two coordinated Requests for Proposals, facilitating vendor evaluations, scoring, and contract negotiations. It was noted that the Treasurer and Commission of the Revenue wish to remain included in the process with the option to exit at their discretion.

By consensus, the Board agreed to move forward with Phase 2.

ADJOURN

There being no further business, the meeting was adjourned at 6:14 p.m.

MINUTES
REGULAR MEETING
FREDERICK COUNTY BOARD OF SUPERVISORS
WEDNESDAY, SEPTEMBER 23, 2026
7:00 P.M.
BOARD ROOM, COUNTY ADMINISTRATION BUILDING
107 NORTH KENT STREET, WINCHESTER, VIRGINIA

ATTENDEES

Board of Supervisors: John F. Jewell, Chairman; Robert W. Wells, Vice Chairman; Robert T. Liero; Jason C. Aikens; Michael D. Guevremont; Albert L. Orndorff; and Gary R. Oates were present.

Staff present: Michael Bollhoefer, County Administrator; Jay E. Tibbs, Deputy County Administrator; Wyatt Pearson, Deputy County Administrator; Andrew R. Fox, County Attorney; Wendy May, Communications Director; John Bishop, Planning Director; Mark Cheran, Zoning & Subdivision Administrator; Amy Feltner, Planner I; Patrick Fly, Director of Information Technologies; and Ann W. Phillips, Deputy Clerk to the Board of Supervisors.

CALL TO ORDER

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

INVOCATION

Pastor Cindy Waldrep, Community Chaplain of the Human and Sex Trafficking Task Force, offered the invocation.

PLEDGE OF ALLEGIANCE

Vice Chairman Wells led the Pledge of Allegiance.

ADOPTION OF AGENDA - APPROVED

Vice Chairman Wells moved for the adoption of the draft agenda. Supervisor Guevremont seconded the motion, which carried on a voice vote.

CITIZEN COMMENTS - None

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ADOPTION OF CONSENT AGENDA – APPROVED

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

| | | | |
|--------------------------|-----|-----------------|-----|
| Michael D. Guevremont | Aye | Robert T. Liero | Aye |
| Albert L. Orndorff | Aye | Robert W. Wells | Aye |
| Gary R. Oates | Aye | Jason C. Aikens | Aye |
| John F. Jewell, Chairman | Aye | | |

- Approval of Minutes of Regular Meeting of September 9, 2026 - CONSENT AGENDA APPROVAL

- Approval of Minutes of Closed Session & Work Session of September 14, 2026 - CONSENT AGENDA APPROVAL

- Acceptance of Finance Committee Report of September 16, 2026 - CONSENT AGENDA APPROVAL, Appendix 1

- Finance Committee Item: The Parks & Recreation Director requests a \$67,814 FY 2027 General Fund carry forward appropriation representing unspent FY 2026 funds for outstanding projects at Sherando Park. - CONSENT AGENDA APPROVAL

- Finance Committee Item: The Virginia Cooperative Extension Agent requests a \$4,007 FY 2027 General Fund carry forward appropriation representing unspent FY 2026 agent salaries and benefits. FY 2027 personnel costs are projected to be higher than originally budgeted. – CONSENT AGENDA APPROVAL

- Confirmation of Granting Voting Credentials on Behalf of Frederick County to Chairman John Jewell, with Deputy County Administrator Jay Tibbs as Alternate, for the 2026 Virginia Association of Counties Annual Business Meeting - CONSENT AGENDA APPROVAL

- Appointment of CPMT Nominee Courtney Phillips as Juvenile Court Services Unit (JCSU) Representative on the Community Policy & Management Team - CONSENT AGENDA APPROVAL

- Resolution for Changes in the Secondary System of State Highways: Abrams Pointe, Phases II & IV - CONSENT AGENDA APPROVAL

RESOLUTION

WHEREAS, the streets described on the attached Form AM-4.3, fully incorporated herein by reference, are shown on plats recorded in the Clerk’s Office of the Circuit Court of Frederick County; and
WHEREAS, the Resident Engineer of the Virginia Department of Transportation has advised this Board that the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation; and

***Regular Meeting Minutes
Frederick County Board of Supervisors
September 23, 2026***

WHEREAS, the County and the Virginia Department of Transportation have entered into an agreement on June 9, 1993, for comprehensive stormwater detention which applies to this request for addition; and
NOW, THEREFORE, BE IT RESOLVED, this Board requests the Virginia Department of Transportation to add the streets described in the attached Form AM-4.3 to the secondary system of state highways, pursuant to 33.2-705, Code of Virginia, and the Department's Subdivision Street Requirements; and
BE IT FURTHER RESOLVED, this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage; and
BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

- Resolution for Changes in the Secondary System of State Highways: The Oaks at Braddock

Crossing - CONSENT AGENDA APPROVAL

RESOLUTION

WHEREAS, the streets described on the attached Form AM-4.3, fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of Frederick County; and
WHEREAS, the Resident Engineer of the Virginia Department of Transportation has advised this Board that the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation; and
WHEREAS, the County and the Virginia Department of Transportation have entered into an agreement on June 9, 1993, for comprehensive stormwater detention which applies to this request for addition; and
NOW, THEREFORE, BE IT RESOLVED, this Board requests the Virginia Department of Transportation to add the streets described in the attached Form AM-4.3 to the secondary system of state highways, pursuant to 33.2-705, Code of Virginia, and the Department's Subdivision Street Requirements; and
BE IT FURTHER RESOLVED, this Board guarantees the performance of the street(s) requested herein to become part of the Secondary System of State Highways for a period of one year from the date of the acceptance of the referenced street(s) by VDOT into the Secondary System of State Highways. This Board will completely reimburse all costs incurred by VDOT, up to \$28,000.00, to repair any faults in the workmanship or materials of the referenced street(s) and related drainage facilities as determined exclusively by VDOT; and
BE IT FURTHER RESOLVED, this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills, and drainage; and
BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

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BOARD OF SUPERVISORS COMMENTS - None

COUNTY OFFICIALS

UPDATE: TRANSMISSION LINE PROJECTS

County Attorney Fox provided updates on the current status of each of the following: MidAtlantic Resiliency Link (MARL) Project; Gore-Doubs-Goose Creek Improvements Project; and Valley North Transmission Line Project.

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APPOINTMENTS TO BOARDS, COMMITTEES, AND COMMISSIONS

CARLEY WALKER REAPPOINTED TO WINCHESTER REGIONAL AIRPORT AUTHORITY - APPROVED

On motion of Vice Chairman Wells, seconded by Supervisor Aikens, Carley Walker was reappointed to fill a 4-year term expiring October 10, 2030, on the Winchester Regional Airport Authority.

COMMITTEE BUSINESS- FINANCE COMMITTEE

On motion of Supervisor Oates, seconded by Supervisor Guevremont , the following was approved on a recorded vote: The Planning Director requests a \$300,000 General Fund supplemental appropriation to establish a reserved fund balance available, by request, to the Conservation Easement Authority.

| | | | |
|--------------------------|-----|-----------------|-----|
| Michael D. Guevremont | Aye | Robert T. Liero | Aye |
| Albert L. Orndorff | Aye | Robert W. Wells | Aye |
| Gary R. Oates | Aye | Jason C. Aikens | Aye |
| John F. Jewell, Chairman | Aye | | |

PUBLIC HEARINGS (NON PLANNING ISSUES) - None

PLANNING COMMISSION BUSINESS – PUBLIC HEARINGS

CONDITIONAL USE PERMIT #04-26 FOR D & S INVESTMENTS, LLC., (MOUNTAIN FALLS MARKET) – APPROVED

Planner Amy Feltner reviewed the request for a conditional use permit (CUP) for a General Store without fuel sales in the RA (Rural Areas) Zoning District. She reviewed the conditions suggested by staff and noted that the Planning Commission recommended approval of the CUP.

Chairman Jewell opened the public comment period.

Leslie Spencer, Gainesboro District, spoke in favor of the CUP.

Chairman Jewell closed the public comment period.

Supervisor Orndorff moved to approve CONDITIONAL USE PERMIT #04-26 FOR D & S INVESTMENTS, LLC., (MOUNTAIN FALLS MARKET). Supervisor Guevremont seconded the motion, which carried on a recorded vote as follows:

| | | | |
|---------------------------------|------------|------------------------|------------|
| Michael D. Guevremont | Aye | Robert T. Liero | Aye |
| Albert L. Orndorff | Aye | Robert W. Wells | Aye |
| Gary R. Oates | Aye | Jason C. Aikens | Aye |
| John F. Jewell, Chairman | Aye | | |

ORDINANCE
CONDITIONAL USE PERMIT #04-26
COUNTRY GENERAL STORE without FUEL SALES (D & S INVESTMENTS, LLC)

WHEREAS, CONDITIONAL USE PERMIT APPLICATION #04-26 was submitted by D & S Investments, LLC, for a Country General Store without Fuel Sales. The property is located at 5387 Wardensville Grade, Winchester, Virginia and is identified with Property Identification Number 70-A-73 in the Back Creek Magisterial District; and

WHEREAS, the Frederick County Planning Commission held a public hearing on this Conditional Use Permit on September 2, 2026, and recommended approval; and

WHEREAS, the Frederick County Board of Supervisors held a public hearing on this Conditional Use Permit during their regular meeting on September 23, 2026; and

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

NOW, THEREFORE, BE IT ORDAINED by the Frederick County Board of Supervisors, that in accordance with Chapter 165 of the Frederick County Code, Zoning, Conditional Use Permit #04-26 to allow for a country general store without fuel sales on the parcel identified with Property Identification Number 70-A-73 is approved with the following conditions:

1. All review agency comments and requirements shall be complied with at all times.
2. A site plan shall be submitted to and approved by Frederick County and all improvements completed prior to the establishment of the use.
3. All parking areas shall have a gravel or hard surface.
4. The hours of operation shall be from 6 a.m. to 9 p.m. daily.
5. Any expansion or change of use shall require a new Conditional Use Permit.

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

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ORDINANCE AMENDMENT TO THE FREDERICK COUNTY CODE – MODIFICATIONS TO REMOVE “DATA CENTERS” AS A PERMITTED AND/OR CONDITIONAL USE (§165-603.02) IN CERTAIN ZONING DISTRICTS AND TO REMOVE OTHER REFERENCES TO DATA CENTERS INCLUDING DEFINITIONS (§165-1105.05) AND ADDITIONAL REGULATIONS FOR SPECIFIC USES (§165-705.01). – APPROVED

Planning Director John Bishop and County Attorney Andrew Fox reviewed the proposal to amend Chapter 165 - Zoning Ordinance to remove data centers as permitted and/or conditional uses across all zoning districts and to remove other references to data centers from the ordinance, including the legal background for removing a use from the Zoning Ordinance. They discussed a proposed resolution to grandfather the two existing data center applications that could be adopted if the specified land use were removed from the County’s ordinance.

Supervisor Oates discussed changing the allowable size of data center structures, saying a size change may mean that grandfathering existing applications would not be necessary.

At Supervisor Liero’s request, Mr. Bishop confirmed that the applicants had chosen not to have their applications moved forward to the Board following a recommended denial by the Planning Commission.

Chairman Jewell opened the public comment period.

The following spoke in favor of the amendment and in opposition to data centers being allowed to locate in Frederick County:

Alhyta, Winchester resident
Elizabreth Aylor, Back Creek District
Kaleb Aurand, District unknown
Alizah Lathrap, District unknown
Vicki Michaels, Stonewall District
David Dixon, Stonewall District
Rodrigo Iraheta-Leon, Winchester resident
Mark Steffler, Opequon District
Jo Pratt, Gainesboro District
Klio Stroubakis, Winchester resident
Alexander Ritter, Opequon District
Mark Berg, Back Creek District

Kurt Creager, Back Creek District
 Dana Brunn, Back Creek District
 Adam Perkins, Gainesboro District
 Penny Smith, Opequon District
 Wendy Dorsey, Gainesboro District
 Jack Tinsley, Gainesboro District
 Steve Karatchalo, Gainesboro District
 Beck Rager, Gainesboro District
 Leslie Spencer, Gainesboro District
 Vaughn Whitacre, Gainesboro District

Max Wiegard spoke on behalf of his client, who operates the existing data center near Middletown. He said his client was caught off guard by the proposed ordinance amendment which, if adopted, will force his client's business to become a permitted non-conforming use. He asked the Board to provide guidance and to consider including the business in the proposed grandfathering resolution to allow them to pursue an expansion at their current location.

Blaine Dunn, Red Bud District, spoke in favor of data centers being allowed in the right location in the County.

Chairman Jewell closed the public comment period.

Supervisor Oates said the way to control mega data centers is to limit building size and to use design standards. He said an extreme solution is being sought, and he prefers moderation to deal with the issue.

Vice Chairman Wells moved to approve the proposed amendments to Chapter 165 to remove data centers as permitted and/or conditional uses across all zoning districts and to remove other references to data center from the ordinance. Supervisor Aikens seconded the motion, which carried on a recorded vote as follows:

| | | | |
|---------------------------------|------------|------------------------|------------|
| Michael D. Guevremont | Aye | Robert T. Liero | Aye |
| Albert L. Orndorff | Aye | Robert W. Wells | Aye |
| Gary R. Oates | No | Jason C. Aikens | Aye |
| John F. Jewell, Chairman | Aye | | |

ORDINANCE
 TO AMEND CHAPTER 165, ZONING ORDINANCE

ARTICLE VI
USE MATRIX
PART 603. USE PERMISSIONS.

ARTICLE VII
ADDITIONAL REGULATIONS FOR SPECIFIC USES
PART 705 – INDUSTRIAL USE STANDARDS.

ARTICLE XI
DEFINITIONS
PART 1105 – USE TERMS.

WHEREAS, a proposal to amend Chapter 165 – Zoning Ordinance to remove data centers as a permitted and/or conditional use (§165-603.02) in all zoning districts and to remove all other references to data centers including definitions (§165-1105.05) and additional regulations for specific uses (§165-705.01) for the explicit purpose of prohibiting the development of data centers in Frederick County; and

WHEREAS, the Board of Supervisors authorized staff to draft an ordinance amendment and hold public hearings on August 12, 2026; and

WHEREAS, it is the intent of the Board of Supervisors that data centers, as defined and set forth in §165-603.02 – Use Matrix and §165-705.01 and §165-1105.05 of the County Code in effect prior to the enactment of this Ordinance amendment, shall not be construed to be similar to any use listed in the Zoning Ordinance on the effective date of this Ordinance for the purposes of Section §165-602.01 of the County Code;

WHEREAS, the Development Review and Regulations Committee (DRRC) met and discussed this proposed amendment at their August 27, 2026 regular meeting; and

WHEREAS, the Planning Commission held a public hearing on September 2, 2026 and recommended approval of the ordinance amendment to remove data centers for the explicit purpose of prohibiting the development of data centers in Frederick County; and

WHEREAS, the Frederick County Board of Supervisors held a public hearing on this proposed ordinance amendment September 23, 2026;

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 to remove data centers as a permitted and/or conditional use (§165-603.02) in all zoning districts and to remove all other references to data centers including definitions (§165-1105.05) and additional regulations for specific uses (§165-705.01) for the explicit purpose of prohibiting the development of data centers in Frederick County is adopted.

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**RESOLUTION PROVIDING GRANDFATHERING OF CERTAIN LAND USE APPLICATIONS
SUBMITTED PRIOR TO ZONING AMENDMENTS ADOPTED ON SEPTEMBER 23, 2026 -
APPROVED**

Chairman Jewell moved to approve the Resolution providing for grandfathering of certain land use applications submitted prior to zoning amendments adopted just a moment ago with an amendment. He said item number 2 of the resolution sets a date for the applications to be heard on or before December 10, 2026, and proposed that be modified to be ON October 28th, 2026, and read as follows, "Any such application will retain its grandfathered status so long as the applicant diligently pursues approval of the application before the Board of Supervisors at a duly noticed and advertised public hearing occurring on

October 28th, 2026." He said the neighbors of these projects deserve timely answers on how this Board will handle them, and that he doesn't want to see these matters continue to drag out. Supervisor Guevremont seconded the motion, which carried on a recorded vote as follows:

| | | | |
|---------------------------------|------------|------------------------|------------|
| Michael D. Guevremont | Aye | Robert T. Liero | Aye |
| Albert L. Orndorff | Aye | Robert W. Wells | Aye |
| Gary R. Oates | Aye | Jason C. Aikens | Aye |
| John F. Jewell, Chairman | Aye | | |

A RESOLUTION PROVIDING FOR GRANDFATHERING OF CERTAIN LAND USE
APPLICATIONS SUBMITTED PRIOR TO ZONING AMENDMENTS ADOPTED ON
SEPTEMBER 23, 2026

WHEREAS, on July 8, 2026, the Board of Supervisors of Frederick County, Virginia (the "Board") adopted a resolution initiating amendments to the existing Frederick County Zoning Ordinance, Chapter 165 of the County Code (the "Zoning Ordinance") for the purpose of removing data centers as a permitted use in all County zoning districts and removing the Technology Manufacturing district as a zoning district as set forth in the Zoning Ordinance; and

WHEREAS, after a period of extensive public engagement, including input from affected regulatory agencies and departments, stakeholder groups, residents, business owners and other interested parties, County staff prepared draft Zoning Ordinance text amendments (the "Text Amendments") for consideration by the Planning Commission; and

WHEREAS, the Planning Commission held a public hearing on September 2, 2026, and received comment from the public on the Text Amendments and forwarded the Text Amendments to the Board with a recommendation of adoption; and

WHEREAS, on this day, following public hearing on the Text Amendments and this Ordinance, the Board adopted the Text Amendment removing data centers as a permitted use; and

WEHREAS, a grandfathering provision provides a legislative gratuity, permitting certain applications that have not yet met the standard for a vested right to continue through the process until ultimate approval or denial in accordance with prior law; and

WHEREAS, the Board seeks to balance the reasonable expectations of applicants seeking development approvals with the need to adopt Zoning Ordinance amendments to protect the long-term public health, safety and general welfare.

NOW THEREFORE, BE IT RESOLVED by the Board of Supervisors of Frederick County, Virginia that:

1. Subject to the terms and conditions of this resolution, applicants who have submitted an application for a legislative approval that has been officially accepted for review in accordance with applicable Frederick County ordinances and policies and which has been subject to one or more public hearings before the Planning Commission and for which the Planning Commission has rendered its recommendation pursuant to Virginia Code § 2285 and Part 302 of the Zoning Ordinance may continue to pursue, and the County will continue to process, their legislative application in accordance with the Use Table at Part 603 and Section 165-705.01 of the Zoning Ordinance in effect as of September 23, 2026, provided the applicant (i) does not make substantial modification(s) to such application, defined as a change that would require a new zoning amendment or conditional use application, unless it is offered as a result of comments from the Board or the Planning Commission in open meeting, or in response to a written

comment from the Zoning Administrator and (ii) diligently pursues such application in accordance with Section 2 below. If approved by the Board, the terms, conditions, proffers, and all existing requirements of the Zoning Ordinance as it existed prior to the amendments made this day remain in effect with respect to the application; and the application, if approved by the Board shall be treated as a “significant affirmative governmental act” for the purposes of Section 15.2-2307 of the Code of Virginia of 1950, as amended. This description is determined to apply only to application for conditional use permit #03-26 Winchester Gateway, LLC and to application for rezoning #04-26 Virginia Technology Park.

2. Any such application will retain its grandfathered status so long as the applicant diligently pursues approval of the application before the Board of Supervisors at a duly noticed and advertised public hearing occurring on or before October 28, 2026.
3. This resolution applies only to grandfathered applications with respect to the requirements of Use Table at Part 603 and Section 165-705.01 of the County Code. Nothing in this resolution is intended to grandfather, nor to be interpreted as grandfathering, any other applicable regulations under the Zoning Ordinance, Subdivision Ordinance, or any other ordinance.
4. This resolution shall be in effect upon adoption.

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ORDINANCE AMENDMENT TO THE FREDERICK COUNTY CODE – MODIFICATIONS TO REMOVE THE TM (TECHNOLOGY-MANUFACTURING PARK) ZONING DISTRICT AND OTHER REFERENCES TO THE TM ZONING DISTRICT FROM THE ORDINANCE – ACTION POSTPONED TO NOVEMBER 12, 2026

Planning Director John Bishop reviewed the proposal to amend Chapter 165 – Zoning Ordinance to remove the TM (Technology-Manufacturing Park) Zoning District and other references to the TM Zoning District from the ordinance. He said in light of the grandfathering resolution just approved by the Board, he recommends that action on the ordinance amendment removing the TM zone be postponed until the Board has decided on the rezoning for Virginia Technology Park, as they were seeking to go into the TM zone.

Supervisors Liero and Oates discussed the best date for action on the amendment, with the preferred date being the Board’s November meeting.

Chairman Jewell opened the public comment period.

Alhyta, Winchester, spoke in opposition to data centers.

Kurt Creager, Back Creek District, warned against postponing action, saying it could create illegal spot zoning.

Penny Smith, Opequon District, questioned how the proposed action would affect another project known as the Gibson Property.

Chairman Jewell closed the public comment period.

Vice Chairman Wells said that, given that the Board just provided a limited period of time to hear out an application that is proposing to use the TM zoning district, he moved the Board table a decision on this ordinance amendment until the November 12 regular Board meeting. Supervisor Aikens seconded the motion, which carried on a recorded vote as follows:

| | | | |
|--------------------------|-----|-----------------|-----|
| Michael D. Guevremont | Aye | Robert T. Liero | Aye |
| Albert L. Orndorff | Aye | Robert W. Wells | Aye |
| Gary R. Oates | Aye | Jason C. Aikens | Aye |
| John F. Jewell, Chairman | Aye | | |

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

PLANNING COMMISSION BUSINESS - OTHER PLANNING BUSINESS - None

BOARD LIAISON REPORTS

Supervisor Guevremont provided an update from the Fire & Rescue Association.

Supervisor Orndorff provided an update from the Planning Commission.

CITIZEN COMMENTS

Vicki Michaels, Stonewall District, commented on Board members publicly attacking other candidates.

Blaine Dunn, Red Bud District, discussed ways to raise County revenue since the Board has removed data centers as an allowed use.

Steven Albanese, Shawnee District, asked the Board to pass a resolution protecting the pre-born in Frederick County.

Alexander Ritter, Opequon District, thanked Vicki Michales for her comments, adding that he has past misdemeanor charges but has changed in the years since those occurred.

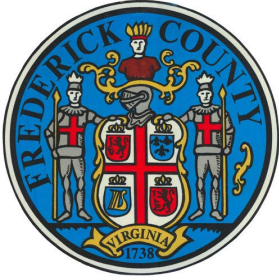
Jack Tinsley, Gainesboro District, commented on the upcoming referendum on a sales tax of up to 1%. He said there are many tools to raise money besides allowing data centers.

BOARD OF SUPERVISORS COMMENTS

Supervisor Oates noted a recent water issue in the Brucetown area. He said representatives from Frederick Water and Carmeuse are meeting and investigating concerns of wells going dry.

ADJOURN

On motion of Vice Chairman Wells, seconded by Chairman Jewell, the meeting was adjourned at 9:23 p.m.



Board of Supervisors
Agenda Item Detail
Meeting Date: October 14, 2026
Agenda Section: Consent Agenda

Title: Acceptance of Human Resources Committee Report of Sept. 25, 2026

Attachments:

[BOS10-14-26HRCCommReport20260925.pdf](#)

HUMAN RESOURCES COMMITTEE REPORT TO THE BOARD OF SUPERVISORS

Friday, September 25, 2026

8:45 a.m.

107 NORTH KENT STREET, WINCHESTER, VIRGINIA

The Human Resources Committee met in the First Floor Conference Room at 107 North Kent Street on Friday, September 25, 2026, at 8:45 a.m.

ATTENDEES:

Committee Members Present: Robert Liero, Jason Aikens, Sonia Marfatia-Goode, and Patrick Anderson

Committee Members Absent: Mike Guevremont

Staff present: Mike Bollhoefer, County Administrator; Andy Fox, County Attorney; Jay Tibbs, Deputy County Administrator; Lenny Millholland, Sheriff; Steve Hawkins, Major/Chief Deputy; Barry Kittoe, Captain; Melody Ramey, Accounting Manager; MiKayla Sheridan, HR Generalist – Talent Acquisition; Tonya Sibert, Commissioner of Revenue; and Brigitte Waits, HR Assistant

FOR BOARD ACTION:

Sheriff's Office Specialty Assignment Incentive/Stipends

Sheriff Lenny Millholland presented a request to establish a standardized annual stipend program for deputies and civilian personnel serving in designated specialty assignments. The Sheriff explained that these assignments require employees to assume responsibilities and commitments beyond their primary positions, including additional training, certifications, continuing education, physical or technical readiness, and availability. Several specialty teams are also experiencing recruitment and staffing challenges.

The specialty assignments identified in the Sheriff's request include:

| Specialty Assignments | Specialty Assignments |
|------------------------|--|
| Firearms Instructor | Field Training Officer |
| Tactical Team | Crisis Negotiation Team |
| Peer Support Team | Tactical Medic |
| Range Officer | Search and Rescue |
| Civil Disturbance Team | Crime Prevention Specialist |
| Dive Team | K-9 |
| Honor Guard | Defensive Tactics Instructor |
| Drone (UAS) Team | Other Sheriff-approved specialty assignments |

The Sheriff initially requested an annual stipend of \$1,500 for an employee's first qualifying specialty assignment and \$500 for each additional qualifying specialty assignment. After discussion, the Committee determined that a higher incentive was

appropriate to encourage employees to undertake the additional training, responsibilities, and commitments associated with these assignments.

| Specialty Assignment | Sheriff's Request | HR Committee Recommendation |
|---|-------------------|-----------------------------|
| First Qualifying Specialty Assignment | \$1,500 annually | \$3,000 annually |
| Each Additional Qualifying Specialty Assignment | \$500 annually | \$750 annually |

Based on the Committee's recommended stipend amounts, the program is estimated to cost approximately \$240,000 annually. The actual cost will vary depending on the number of participating employees and the ultimate mix of first qualifying specialty assignments and additional specialty assignments. Funding for the stipends during FY2027 will be provided from available funding associated with unfilled Sheriff's Office positions. Beginning in FY2028, the Sheriff will include the anticipated cost of the specialty assignment stipend program in the Sheriff's Office annual budget request.

The Committee recommends approval of the specialty assignment stipend program at **\$3,000 annually** for an employee's first qualifying specialty assignment and **\$750 annually** for each additional qualifying specialty assignment, **4 in favor and 0 against**.

ITEMS FOR INFORMATION PURPOSES ONLY:

The HR Committee reviewed the County Headcount Report and Department of Social Services Headcount Trends Report. The Committee requested that future County turnover reports provide a more detailed breakout identifying the specific department and position associated with each separation. The current report groups turnover into Sheriff, Fire & Rescue, Public Works, and All Other departments. This additional detail will allow the Committee to identify turnover trends by department and position more effectively.

Respectfully submitted,

HUMAN RESOURCES COMMITTEE

Robert Liero, Chairman
Jason Aikens
Michael Guevremont
Patrick Anderson
Sonia Marfatia-Goode

By Michael J. Marciano

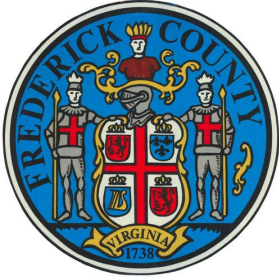
Michael J. Marciano, Director of Human Resources



Board of Supervisors
Agenda Item Detail
Meeting Date: October 14, 2026
Agenda Section: Consent Agenda

Title: Human Resources Committee Item: The Committee recommends approval of the Sheriff's Office specialty assignment stipend program at \$3,000 annually for an employee's first qualifying specialty assignment and \$750 annually for each additional qualifying specialty assignment.

Attachments:



Board of Supervisors
Agenda Item Detail
Meeting Date: October 14, 2026
Agenda Section: Consent Agenda

Title: Appropriation of \$118,000 to the IT budget for Phase II of the BerryDunn software evaluation project

Attachments:

[BOS10-14-26BerryDunnPhaseII_Approp.pdf](#)



COUNTY of FREDERICK

Office of the County Administrator

Tel: 540.665.6382

Fax: 540.667.0370

MEMORANDUM

To: Board of Supervisors
From: Michael Bollhofer, County Administrator
Date: October 9, 2026
Re: Appropriation Request

The Integrated Management Software Project Management Team is requesting an appropriation of \$118,000 to the IT budget to proceed with Phase II of the BerryDunn software evaluation project.

Phase I was completed on September 14, 2026, and the results were presented by BerryDunn during the Board of Supervisors' Work Session on September 23, 2026. By consensus, the Board agreed to move forward with Phase II.

Phase II will focus on the development and scoring of a Request for Information (RFI) and two Requests for Proposals (RFPs), as well as contract negotiations to support the County's evaluation and selection of future software solutions. Phase II is anticipated to be completed by July 2027.



Board of Supervisors

Agenda Item Detail

Meeting Date: October 14, 2026

Agenda Section: Appointments to Boards, Committees, and Commissions

Title:

Shawneeland Sanitary District Advisory Committee

2-year term of Micah Jacobs expires 11-9-26

Mr. Jacobs is eligible and willing to serve another term.

Attachments:



Board of Supervisors

Agenda Item Detail

Meeting Date: October 14, 2026

Agenda Section: Appointments to Boards, Committees, and Commissions

Title:

Extension Leadership Council - Red Bud Rep.

Vacant 4-year term expiring 10-28-27

See attached application of Jason Brown.

Attachments:

[BOS10-14-26App_BrownJason_Redacted.pdf](#)

Application Form

Profile

Jason

First Name

R.

Middle
Initial

Brown

Last Name

Email Address

110 Ware Place

Home Address

Winchester

City

VA

State

22602

Postal Code

Magisterial District:

☒ Red Bud

Which Boards would you like to apply for?

Extension Leadership Council: Submitted

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

☒ Yes ☐ No

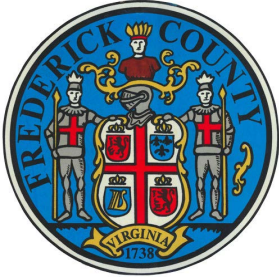
Do You Foresee Any Possible Conflicts Of Interest Which Might Arise By Your Serving On This Committee?

☐ Yes ☒ No

Interests & Experiences

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

I would like to obtain more experience serving on board or commission. I have interest in serving the community.



Board of Supervisors

Agenda Item Detail

Meeting Date: October 14, 2026

Agenda Section: Appointments to Boards, Committees, and Commissions

Title:

Historic Resources Advisory Board - Stonewall Rep.

Vacant 4-year term expiring 6-30-27

See attached application of Anthony Gelomine.

Attachments:

[BOS10-14-26App_GelormineAnthony_Redacted.pdf](#)

Application Form

Profile

Anthony

First Name

Gelormine

Last Name

Email Address

221 Kemper Ct

Home Address

Stephenson

City

VA

State

22656

Postal Code

Magisterial District:

☒ Stonewall

Primary Phone

Alternate Phone

Fusion Innovation

Employer

Business Process Analyst

Job Title

Which Boards would you like to apply for?

Historic Resources Advisory Board: 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

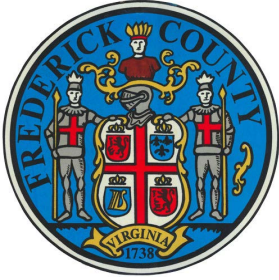
Interests & Experiences

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

I am pursuing a master's certificate in local government management to support my next professional chapter. From my varied background, education, and experience I hope to apply the material and concepts I've learned to support our district in a meaningful way as well as learn from all members of the staff and elected officials.

Additional Information Or Comments You Would Like To Provide:

I'm Tony Gelormine, an Army veteran and career federal government employee - both Staff and Contractor - for over 25 years. I'm currently an HR Consultant supporting a government client in the national intelligence sector where I'm creating the training and change management materials for a human resource platform overhaul. Virginia born and bred, I grew up in Chesapeake and attended the Virginia Military Institute, earning my bachelor's in International Studies in 2001 and a master's in Organizational Leadership from Shenandoah University in 2017. In addition to studying at VMI, I spent many hours in Amherst convincing a woman at Sweet Briar College to travel the world with me. We were married three months after I graduated and received my Army commission and left for our first duty station in Germany two weeks after she graduated in 2002. Our duty stations included Germany; South Carolina; Colorado (twice); Okinawa, Japan; and Omaha, Nebraska. My occupational fields included Infantry Platoon Leader, Senior HR officer, and Space Operations Officer. I deployed to Iraq and Bahrain and spent a little time in Afghanistan at the bequest of my former roommate where I taught tactical route planning to Afghan Intelligence officers; it was supposed to be a two-week trip that turned into six weeks due to snow. My final position was with the National Airborne Operations Center where I flew on a Boeing 747 serving as the command-and-control platform for the Chief of the Joint Chiefs of Staff. It was a great experience, but due to a mandated reduction in force I left the Army seeking other ways to continue my federal service. Transitioning out of the Army, we moved to Winchester, VA, where I worked for the FBI as a contractor and subsequently a government employee. I performed paper-to-digital records conversion and cataloging in response to Freedom of Information Act requests, but after three years I was enticed to join the consulting world with Deloitte to draft congressional funding requests on behalf of the governor of Puerto Rico after hurricanes Irma and Maria. As a manager with Deloitte, I also participated in tabletop crisis preparedness and response exercises with the state of New York, convening senior leaders in emergency management from around the state to wargame response actions and communication. On a personal note, our daughter was born in Germany and graduated from William & Mary last year and currently works in Virginia Beach, VA. Our son, born in Colorado, just started his freshman year at Virginia Tech, studying Accounting. Despite our children launching from home, our house is not empty. We have three dogs: a black labradoodle, a chocolate lab, and a yellow lab - one of each color! In my spare time, I enjoy playing golf with my son and father-in-law, visiting the myriad wineries in the Frederick and Loudoun County regions, and traveling to Cape Cod, MA, with my wife each year for the obligatory lobster roll.



Board of Supervisors

Agenda Item Detail

Meeting Date: October 14, 2026

Agenda Section: Appointments to Boards, Committees, and Commissions

Title:

Information Item:

The Board is seeking applications for:

Economic Development Authority - 2 immediate vacancies

We are particularly interested in individuals with experience in the technology sector, large-scale manufacturing, and small business. Ideal candidates will bring strong industry knowledge, an entrepreneurial mindset, and a passion for supporting economic growth and innovation in Frederick County.

Board of Equalization - 1 vacancy beginning 1-1-27

Members must be freeholders in the county. The primary duty of the Board of Equalization is to hear appeals of real estate reassessment in the year the reassessment takes effect and shall conduct its business as required by the Code of Virginia. Members serve a three-year term. Members serve a four-year term.

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

Attachments:



Board of Supervisors

Agenda Item Detail

Meeting Date: October 14, 2026

Agenda Section: Public Hearings (Non Planning Issues)

Title:

Ordinance Regarding the Annual Distribution of the 6% Transient Occupancy Tax Revenues - \$250,000 of the 3% General Fund Portion to be Set Aside in a Separate Account to be Used for a Future Parks & Recreation Facility; \$250,000 of the General Fund Portion to be Allocated to the Economic Development Board to be Used for Site Readiness; and the Full 0.75% Required to be Used for Tourism-Related Projects as Defined by Virginia Statutes, to be Set Aside in a Separate Account to be Used for a Future Tourism-Related Facility.

Attachments:

[BOS10-14-26TransientOccTaxDistOrd.pdf](#)



COUNTY of FREDERICK

Office of the County Administrator

Tel: 540.665.6382

Fax: 540.667.0370

TO: Frederick County Board of Supervisors

FROM: Mike Bollhoefer, County Administrator
Sharon Kibler, Finance Director

DATE: October 9, 2026

RE: Distribution of Frederick County Transient Occupancy Tax Revenues

The Board of Supervisors directed staff to create a policy defining the distribution of the transient occupancy tax revenues in the following manner:

1. \$250,000 of the 3% General Fund portion to be set aside in a separate account to be used for a future Parks & Recreation facility.
2. \$250,000 of the General Fund portion to be allocated to the Economic Development Board to be used for site readiness.
3. The full 0.75% required to be used for tourism-related projects as defined by Virginia Statutes, to be set aside in a separate account to be used for a future tourism-related facility.

Following the public hearing on October 14, 2026, staff is seeking Board action on the attached proposed ordinance.



ORDINANCE

REGARDING THE ANNUAL DISTRIBUTION OF THE 6% TRANSIENT OCCUPANCY TAX REVENUES

WHEREAS, the Board of Supervisors approved a 6% transient occupancy tax to be distributed in the following manner: 3% to the County's General Fund; 2.25% to the Winchester-Frederick County Tourism Board; and 0.75% to be used for other qualifying tourism-related uses as allowed by the Code of Virginia; and

WHEREAS, the Frederick County Board of Supervisors directed that \$250,000 of the 3% distributed to the General Fund be set aside yearly in a separate account to be used for a Parks & Recreation facility; and

WHEREAS, the Frederick County Board of Supervisors directed that \$250,000 of the 3% distributed to the General Fund be set aside yearly in a separate account to be allocated to the Economic Development Authority to be used solely for site readiness; and

WHEREAS, the Frederick County Board of Supervisors directed that the 0.75% distributed for other qualifying tourism uses be set aside in a separate account to be used for a future tourism-related facility; and

WHEREAS, the Frederick County Board of Supervisors directs staff to incorporate this information in a financial policy to be included in the yearly budget book;

NOW, THEREFORE, BE IT ORDAINED by the Frederick County Board of Supervisors, that in distributing the 6% transient occupancy tax revenues:

1. \$250,000 of the 3% distributed to the General Fund shall be set aside in a separate account to be used for a future Parks & Recreation Facility.
2. \$250,000 of the 3% distributed to the General Fund shall be allocated to the Economic Development Authority to be used solely for site readiness.
3. The 0.75% to be used for other tourism-related uses shall be set aside in a separate account to be used for a future tourism-related facility.
4. Staff is directed to draft a policy regarding the three preceding items and include the information in the yearly Budget Book.

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

Passed this 14th day of October 2026 by the following recorded vote:

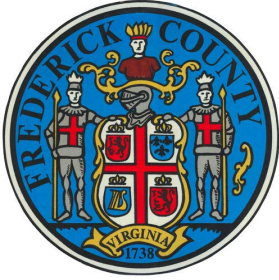
John F. Jewell, Chairman
Albert L. Orndorff
Michael D. Guevremont
Robert T. Liero

Jason C. Aikens
Robert W. Wells
Gary R. Oates

A COPY ATTEST

Michael L. Bollhoefer
Frederick County Administrator

No.



Board of Supervisors

Agenda Item Detail

Meeting Date: October 14, 2026

Agenda Section: Public Hearings (Non Planning Issues)

Title:

Amendment to the 2026-2027 Fiscal Year Budget - Pursuant to Section 15.2-2507 of the Code of Virginia, 1950 as Amended, the Board of Supervisors will Hold a Public Hearing to Amend the Fiscal Year 2026-2027 Budget to Reflect a General Fund Supplemental Appropriation in the Amount of \$5,581,400. This Amount Reflects Plans to Develop the Old Charlestown Road Park Per the Signed Agreement to Accept a Reimbursable Grant from the National Park Service Land, Water, and Conservation Fund (LWCF) and Virginia Department of Conservation and Recreation (DCR).

Attachments:

[BOS10-14-26BudgetAmend-OldCharlesTownRdPkPark.pdf](#)



COUNTY of FREDERICK

Office of the County Administrator

Tel: 540.665.6382

Fax: 540.667.0370

TO: Frederick County Board of Supervisors

FROM: Mike Bollhoefer, County Administrator
Sharon Kibler, Finance Director

DATE: October 9, 2026

RE: Supplemental Appropriation: \$5,581,400 to Develop the Old Charlestown Rd Park

We are requesting a budget amendment consisting of a supplemental appropriation in the amount of \$5,581,400 to develop the Old Charlestown Road Park per the signed agreement to accept a reimbursable grant from the National Park Service Land, Water, and Conservation Fund (LWCF) and the VA Dept of Conservation and Recreation (DCR). Of the total appropriation, 50% (\$2,290,700) is from the grant, while the Board approved the other 50% in December 2025 to come from the capital fund.

Following the public hearing on October 14, 2026, staff is seeking Board action on the attached proposed budget resolution.

RESOLUTION

FISCAL YEAR 2026-2027 BUDGET AMENDMENT

WHEREAS, Pursuant to Section 15.2-2507 of the Code of Virginia, 1950, as amended, the Frederick County Board of Supervisors, meeting in regular session on October 14, 2026, took the following action:

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors that the FY 2026-2027 Budget be Amended to Reflect:

General Fund Supplemental Appropriation in the Amount of \$5,581,400. This amount reflects plans to develop the Old Charlestown Road Park per the signed agreement to accept a reimbursable grant from the National Park Service Land, Water, and Conservation Fund (LWCF) and the VA Dept. of Conservation and Recreation (DCR).

Adopted this 14th day of October 2026 on the following recorded vote:

John F. Jewell, Chairman

Michael D. Guevremont

Albert L. Orndorff

Robert T. Liero

Jason C. Aikens

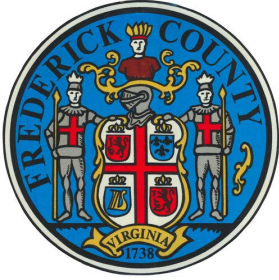
Gary R. Oates

Robert W. Wells

A COPY ATTEST:

Michael Bollhoefer
Clerk, Board of Supervisors
County of Frederick, Virginia

No:



Board of Supervisors

Agenda Item Detail

Meeting Date: October 14, 2026

Agenda Section: Planning Commission Business - Public Hearings

Title:

Rezoning #07-26 for Aerogreen Solutions (Silverwolfe, LLC.), to Rezone 8.84 +/- Acres from B3 (Industrial Transition) District to the M2 (Industrial General) District. The Subject Property is Located at the Intersection of Martinsburg Pike (Route 11) and Woodside Road (671) and is Identified with Property Identification Number 33-A-124A in the Stonewall Magisterial District.

Attachments:

[BOS10-14-26_REZ07-26_Redacted.pdf](#)



REZONING #07-26
Silverwolfe, LLC. (Aerogreen Solutions, LLC.)
Staff Report for the Board of Supervisors
Prepared: September 30, 2016
Staff Contact: Amy Feltner, Planner

| <u>Executive Summary:</u>
Meeting Schedule | |
|---|--|
| Planning Commission: September 16 2026 | Action: Recommended Approval |
| Board of Supervisors: October 14, 2026 | Action: Pending |
| Property Information | |
| Property Identification Number (PIN) | 33-A-124A |
| Address | Corner of Martinsburg Pike (Route 11) & Woodside Road (Route 671) |
| Magisterial District | Stonewall |
| Acreage | +/- 8.84 |
| Zoning & Present Land Use | Zoning: B3 (Industrial Transition) with proffers
Land Use: Vacant |
| Proposed Zoning | M2 (Industrial General) with proffers |
| Adjoining Property Zoning & Present Land Use | |
| North: RA (Rural Area) District | Land Use: Vacant |
| South: RA (Rural Area) District | Land Use: Residential |
| East: RA (Rural Area) District/Railroad | Land Use: Residential/Railroad |
| West: RA (Rural Area) District | Land Use: Residential |
| Proposed Use | |
| This is a request to rezone from B3 (Industrial Transition) District with proffers to M2 (Industrial General) District with proffers. The proposed rezoning proffers to limit the permitted use on the property to <i>“Soap and Cleaning Compound Manufacturing & General Warehouse/Storage.”</i> | |
| Positives | Concerns |
| The proposed rezoning includes proffers that restrict the permitted uses on the property to <i>“Soap and Cleaning Compound Manufacturing & General Warehouse/Storage”</i> and establish limitations on the amount of manufacturing and | The proposed M2 zoning district would allow a broader range of industrial uses than the current B3 zoning. While the proffers limit the permitted uses on the property, the proposed zoning is not directly consistent |

| | |
|---|---|
| warehouse space. Essentially, these restrictions would limit the range and intensity of uses that could otherwise be permitted within the M2 District. The proposed rezoning is also expected to result in reduced traffic volumes compared to the uses that could otherwise be permitted under the current zoning on the parcel. | with the Comprehensive Plan's "business" land use designation. The property is also adjacent to established residential properties to the east, west, and south. The potential impacts of the proposed industrial use on these residences should be considered, including the effectiveness of proposed buffering and other site design measures. |
|---|---|

Review Agency Comments:

| Review Agency | Comment Date | Comment Summary | Status |
|--|---------------------|---|---------------|
| Virginia Department of Transportation (VDOT) | 07/15/2026 | "VDOT has no comments. The rezoning is expected to result in reduced traffic volumes compared to current zoning." | |
| Frederick County Public Works | 6/11/2026 | "No Comment from Public Works. A comprehensive review of the erosion and sediment control and stormwater management plan will take place at the time of site plan submittal." | |
| Frederick Water | 7/15/2026 | "Water and Sewer lines currently existing along the property's Martinsburg Pike frontage. The water and sewer demand proposed in the rezoning application (6,700 GPD and 450 GPD, respectively) could be accommodated by the existing infrastructure along the site's frontage. The applicant is responsible for funding and constructing any improvements warranted to facilitate water and sewer service for the property." | |
| Frederick County Fire Marshal | 6/30/2026 | "Future development shall comply with the Frederick County Fire Prevention Code and other applicable codes." | |

| | | | |
|---------------------------|------------|---|-------------|
| Frederick County Attorney | 08/14/2026 | “The proffer statement meets the requirements of the Frederick County Zoning Ordinance and the Code of Virginia and is legally sufficient as proposed for recordation. I have not reviewed the substance of the proffers as to whether the proffers are suitable and appropriate for this specific development, as my understanding is that review is being undertaken by staff and the Planning Commission.” | Legal form. |
| Building Inspections | 6/12/2026 | “No Comment.” | |
| GIS | 8/12/2026 | “No Comment at this time.” | |

Planning & Zoning Staff Analysis:

Site History:

The current parcel was rezoned (REZ #08-06) from RA (Rural Area) District to B3 (Industrial Transition) District with proffers on March 14, 2007, and modified proffers amendment on March 13, 2013 (REZ #01-13). The parcel is currently vacant.

Comprehensive Plan Conformance:

The Comprehensive Plan (adopted November 2021) and the *Northeast Frederick Land Use Plan (NELUP, 2023)* provide guidance on the future development of the subject property. The Plan identifies the subject property as having a “business” land use designation. The property is within the Sewer and Water Service Area (SWSA) and outside the Urban Development Area (UDA).

While the Comprehensive Plan clearly identifies the subject property as “business,” The *NELUP* area plan identifies “significant areas for opportunities along the Martinsburg Pike, Hopewell Road, Cedar Hill Road, and areas *west* of Woodside Road” for commercial and industrial uses “strategically located with direct interstate and regional highway routes.”

§165-402.01 of the Frederick County Zoning Ordinance speaks to the intent of the General Industrial District use classification by shaping the intent of the zoning district intended to implement it.

“...[intended] to provide for a wide variety of heavy manufacturing, office and heavy traffic uses, including those which may not be compatible with nearby residential and general business areas.”

The rezoning generally implements typically associated with an ‘industrial’ land use designation in the Comprehensive Plan. The *NELUP* clearly identifies this parcel with a “business” land use.

The *NELUP* does not directly speak to the subject parcel. The plan speaks to business uses “between Old Charlestown Road and Stephenson Road, west of the rail corridor may be well suited to meet the community needs of anchor retail.” The subject parcel lies north of Stephenson Road just south of Cedar Hill Road and borders the future land use of Mixed Use Industrial/Office land use designation to the north.

The applicant has attempted to address this concern by limiting the area of the facilities and restricting the proposed use. The proffer speaks to limit the maximum area to a 40,000 square foot facility and to proffer the specific use to “soap and cleaning compound manufacturing” and “general warehouse/storage.”

The property is located in an area that contains existing established residential properties to the east, west, and south. Existing residential uses are located along Martinsburg Pike, in close proximity to areas planned for more intensive uses. While many of these residential uses are planned to transition in the future to higher intensity uses, development applications should seek to mitigate their impact on these residences near term.

The applicant has attempted to address this by providing an additional row of evergreen trees within the required Category C buffer to the east and south and the required corridor enhancement buffer along Martinsburg Pike.

The Comprehensive Plan provides that building and the site should be of high quality to ensure an attractive view for both residents and visitors.

Staff would note that the proffers do not address the building materials and/or high-quality design of the structure.

Transportation & Site Access:

The current proffer statement mirrors that which is proffered transportation improvements listed under REZ 01-13 & REZ 08-06 with the exception of a “12’ lane onto Martinsburg Pike, Route 11, along the site road frontage” built to VDOT standards and an additional “10’ strip of land dedicated to Commonwealth of Virginia” on Woodside Road. The proposed rezoning excludes these originally proffered items.

Staff would like to note that VDOT did not note any negative impact on the removal of the additional 12’ lane on Martinsburg Pike (turn lane) and the 10’ dedicated strip on Woodside.

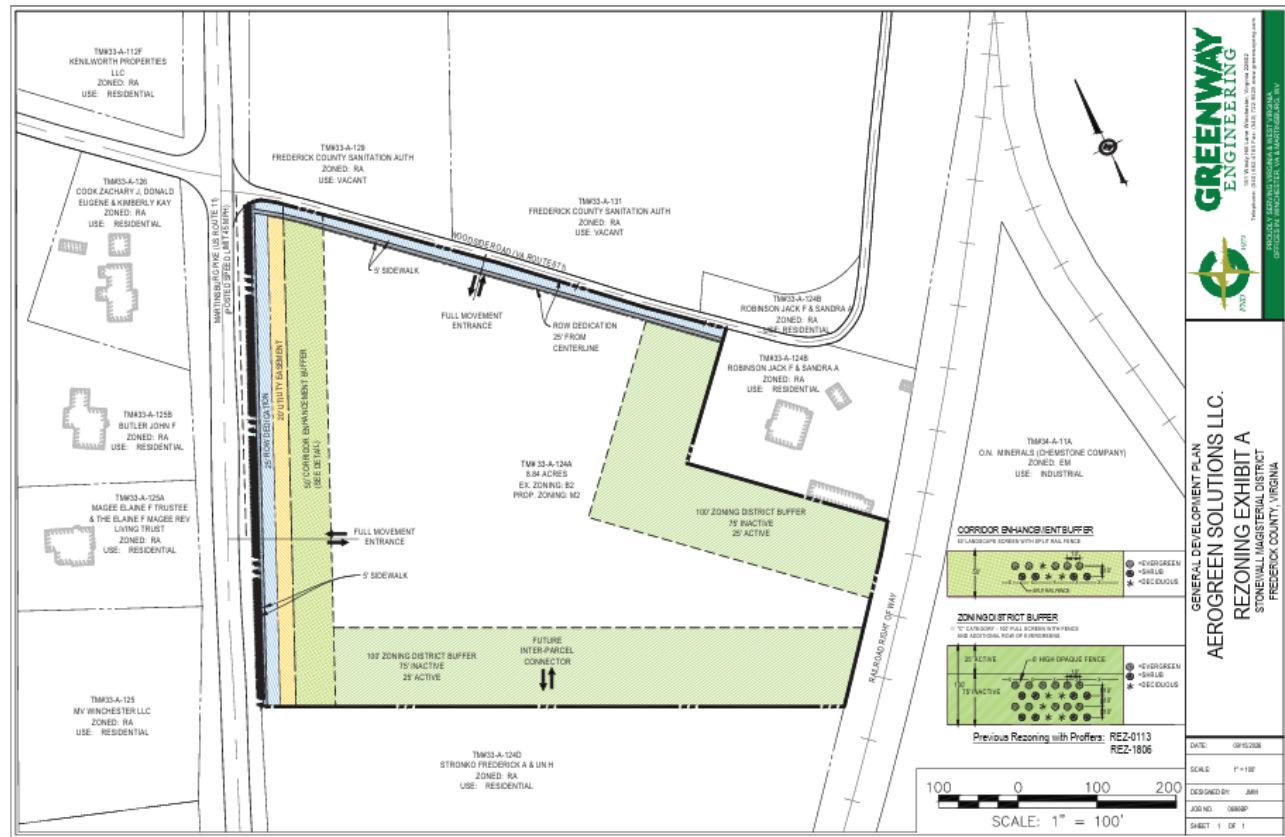
Woodside Road is identified in the Comprehensive Plan for improvement as part of Eastern Road Plan and identified as an improved major collector with an 80’ right-of-way. Currently, Woodside Road has a prescriptive easement of 15 feet in width. The applicant has proffered a dedication of

25' from the centerline of Woodside Road extending the entire frontage of the property. Martinsburg Pike currently has a dedicated right-of-way of 80' and any additional improvements needed for the commercial entrance onto Route 11/Martinsburg Pike can and will be addressed at the site plan stage.

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

| Proffers
(May 22, 2026, rev. September 28, 2026) | Staff Comment |
|--|---|
| A) Land Use Restrictions | Proffers “Soap and Cleaning Compound Manufacturing” and “General Warehouse/Storage” which limits the property use and any alternative use would require a new rezoning. |
| B) Limits Gross Floor Area (GFA), Building Height Limitation. | Proffer states a maximum 40,000 square foot facility (15,000 square foot Soap and Cleaning Compound Manufacturing & 25,000 square foot Warehouse). The revised proffer limits the height of the structure to 45 feet. |
| C) Access | Entrance from Martinsburg Pike is limited to one single entrance which remains unchanged from the original rezoning. The proffered single entrance on Woodside Road would be a change from the initial approved rezoning which permitted two entrances on Woodside Road. |
| D) Design Standards | The revised proffers contain minimal language to the construction materials or high-quality design of the facility. The property is located at highly visible location; the building and the site should be of high quality to ensure an attractive view for both residents and visitors.
Following the Planning Commission meeting, the revised proffers address the building face fronting Martinsburg Pike, stating that it would not contain loading bays nor metal siding material. |

Below is the Generalized Development Plan (GDP) revised September 15, 2026, which depicts the proposed (revised) land development and entrance locations.



Planning & Zoning Staff Analysis:

The Planning Commission held a public hearing during their regular meeting on September 16, 2026. Staff provided a revised proffer statement with a revised GDP received September 16, 2026. The change incorporated an increase to the initial 10 feet to 25 feet of right-of-way dedicated along Martinsburg Pike. All other proffers remain unchanged.

The Planning Commission inquired if the additional right-of-way was related to the 12-foot turn lane that was removed from the original approved proffers. Staff explained that the additional distance meets the Primary Road Improvement plan that had upgraded Martinsburg Pike from a Four-Through Lane to a Six-Through Lane with the adoption of the 2026-2027 Primary Road Improvement Plan June 10, 2026. All other road improvements, including any turn lanes and Woodside Road improvements, would be addressed at the site plan stage. The applicant understands these potential additional requirements.

The Planning Commission discussed the impacts on the neighboring residential dwellings including height of the proposed structure, specific elements of the buffer requirements, and hours of operation, noting that while this may be a less intense use than the approved rezoning use, additional regulations may be warranted.

The Planning Commission wanted clarification of the allowed use and if the proposed use would be allowed under the current rezoning approval. The proposed use under the NAICS (North American Industrial Classification System) places this use as *a chemical manufacturing industry* and is currently only permitted in the M-2 (Industrial General) Zoning District. The applicant has proffered out all other uses permitted within the M-2 (Industrial General) Zoning District.

The Planning Commission addressed the applicant with concerns of noise, specific species of plantings, specifics of the process and chemical operations, building materials, hours of operation, and the location of the loading bays. The applicant responded that mixing operations take place inside the building and the parking/loading area would be the source of noise. The applicant was not objectionable to proffering specific, high quality, building materials. Although the building orientation was not decided yet, the loading docks will not face Martinsburg Pike. The chemicals are all biodegradable and are mixed, packaged and ship to one specific industry where it is used as an ingredient to form a chemical. There are no hazardous chemicals process at this location.

Hours of operation were discussed. Although the applicant could not recall the specific hours of operation, the business only operates Monday through Friday. There was no object to proffering the hours of operation.

The Planning Commission recommended adding the following recommendations:

1. Structures may not exceed forty-five (45) feet in height.
2. The fence material shall be board-on-board fencing. All other fencing, including metal chain link fence, are prohibited.
3. The proffers shall reflect specific high-quality building material.
4. The proffers shall reflect a commitment to use only Virginia native planting species.
5. Loading bays cannot face Martinsburg Pike.
6. Hours of operation are limited to Monday-Friday, 8 a.m. to 5 p.m.

The Planning Commission recommended **approval** of the proposed rezoning application with the additional recommendations. (11-0, McKay & Crane absent).

Staff would note that the revised proffer statement received September 28, 2026, restricts landscape plantings to those of Virginia Native species only (D.3). All other items have been included in the proffer summary above. The revised proffers remain silent on other items recommended by the Planning Commission including the hours of operation, description of the high-quality building materials, and the commitment to exclude metal chain link fencing as recommended by the Planning Commission.

This is a rezoning requiring a public hearing.

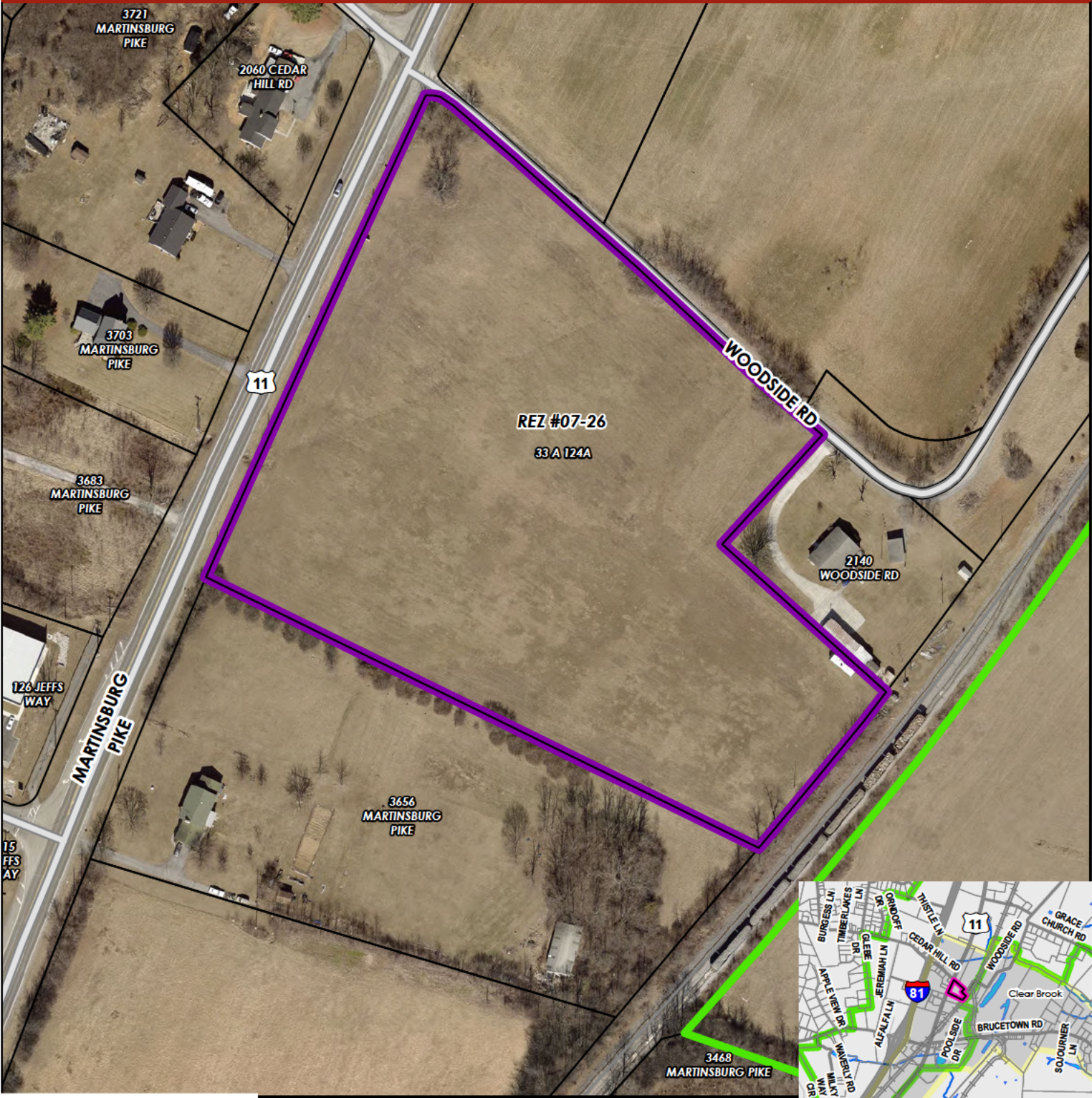
Following a public hearing, staff is seeking a decision from the Board of Supervisors on this rezoning application.

REZ # 07 - 26: Silverwolfe, LLC (Aerogreen Solutions)

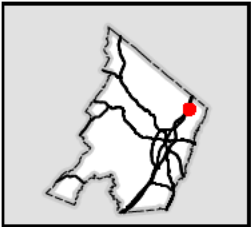
PIN: 33 - A - 124A

Rezoning from B3 to M2

Location Map



-  Application
-  Sewer and Water Service Area
-  Parcels



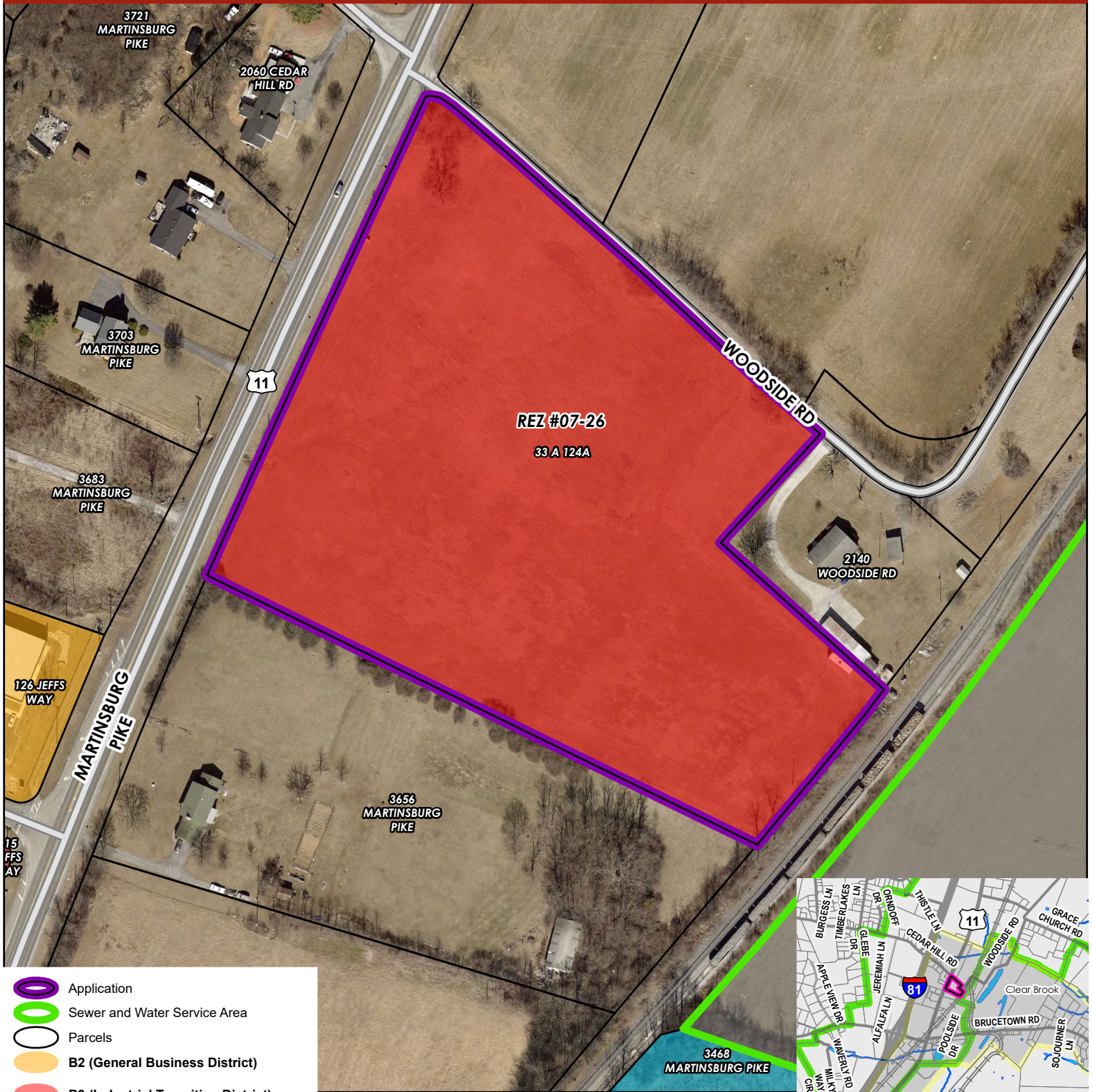
0 50 100 200 300 400 Feet

REZ # 07 - 26: Silverwolfe, LLC (Aerogreen Solutions)

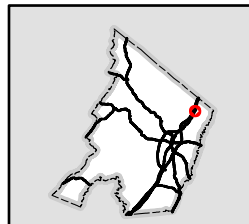
PIN: 33 - A - 124A

Rezoning from B3 to M2

Zoning Map



- Application
- Sewer and Water Service Area
- Parcels
- B2 (General Business District)
- B3 (Industrial Transition District)
- EM (Extractive Manufacturing District)
- M1 (Light Industrial District)

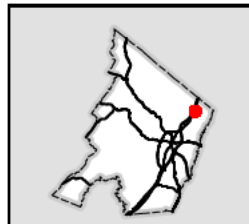
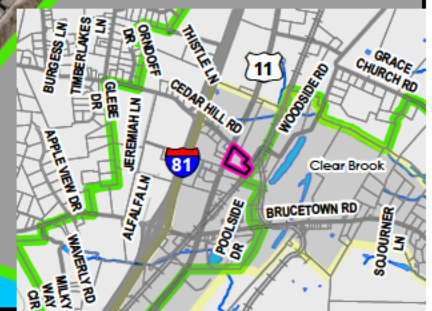
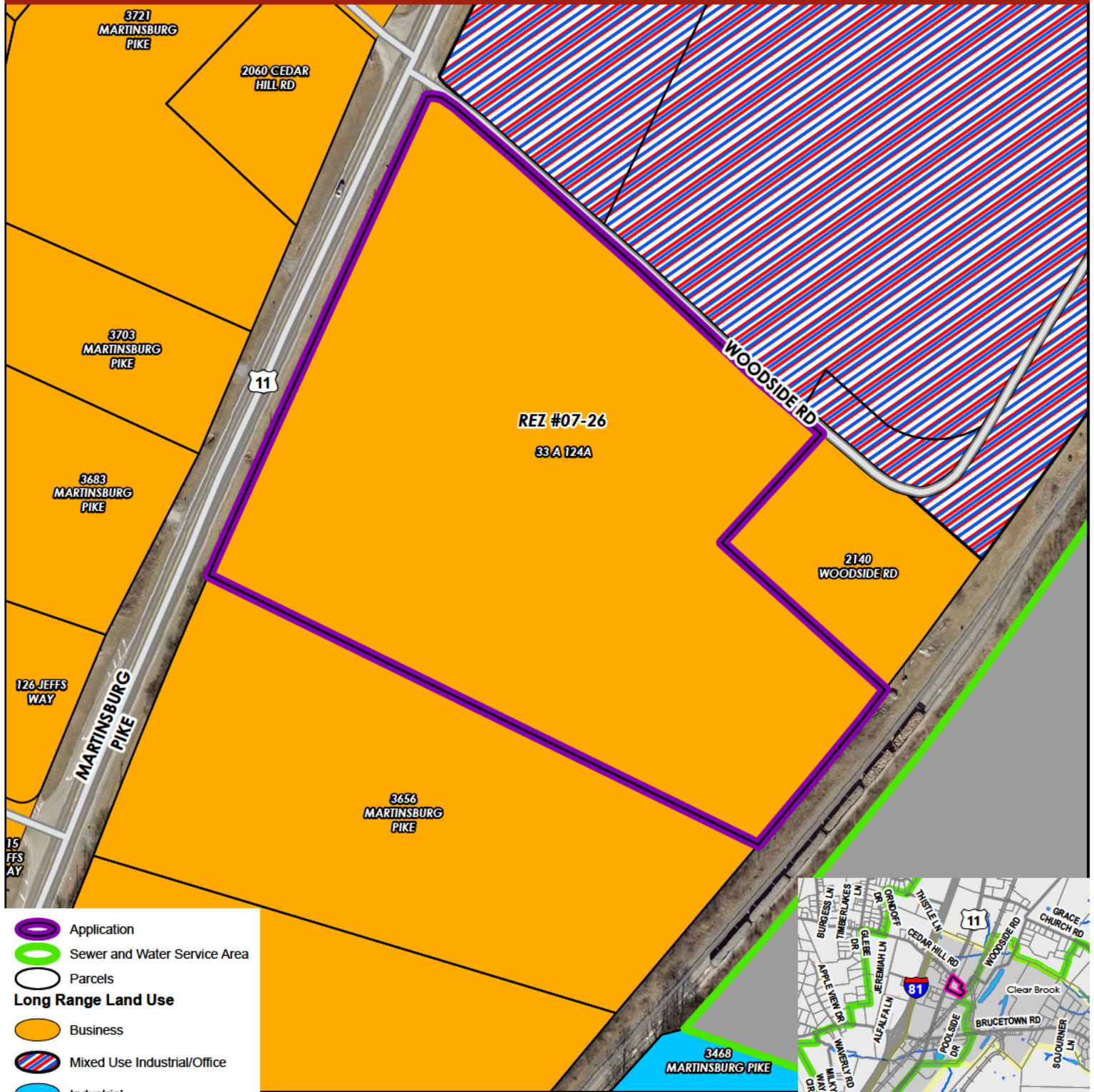


0 50 100 200 300 400 Feet

REZ # 07 - 26: Silverwolfe, LLC (Aerogreen Solutions)

PIN: 33 - A - 124A

Rezoning from B3 to M2
Long Range Land Use Map



0 50 100 200 300 400 Feet

**AEROGREEN SOLUTIONS LLC
PROFFER STATEMENT**

REZONING: RZ # 07-26
B-3, Industrial Transition District with proffers to M-2, Industrial General District with proffers

PROPERTY: 8.84± acres
Tax Map Parcel 33-A-124A (hereafter the **“Property”**)

RECORD OWNER: Silverwolfe, LLC (hereafter the **“Owner”**)

APPLICANT: Aerogreen Solutions, LLC (hereafter the **“Applicant”**)

PROJECT NAME: Aerogreen Solutions LLC Rezoning

ORIGINAL DATE
OF PROFFERS: May 22, 2026

REVISION DATE: July 29, 2026
September 15, 2026
September 25, 2026

Preliminary Matters

Pursuant to Section 15.2-2296 Et. Seq. of the Code of Virginia, 1950, as amended, and the provisions of the Frederick County Zoning Ordinance with respect to conditional zoning, the undersigned Owner hereby proffers that in the event the Board of Supervisors of Frederick County, Virginia, shall approve Rezoning Application #_____ for the rezoning of a 8.84±-acre parcel from the B-2, Business General District to M-2, Industrial General District to establish 8.84±-acres of the property with proffers, development of the 8.84±-acre subject property shall be done in conformity with the terms and conditions set forth herein, except to the extent that such terms and conditions may be subsequently amended or revised by the Owner and such be approved by the Frederick County Board of Supervisors in accordance with the said Code and Zoning Ordinance. In the event that such rezoning is not granted, then these proffers shall be deemed withdrawn and have no effect whatsoever. These proffers shall be binding upon this Owner and their legal successors, heirs, or assigns.

The Property, more particularly described as the land owned by Silverwolfe, LLC, being all of Tax Map Parcel 33-A-124A, as evident by Special Warranty Deed recorded as Instrument #060018520 and further described by Subdivision Plat prepared by Greenway Engineering and Surveying dated May 21, 1987 (see attached Survey Plat).

PROFFER STATEMENT

A) General Development Plan

1. The Applicant shall develop the Property in substantial conformance with the General Development Plan – Aerogreen Rezoning, prepared by Greenway Engineering, Inc., dated May 18, 2026 (the “GDP”), which is attached and included with this Proffer Statement as Exhibit A.
2. The content and components of the GDP may be adjusted to accommodate final design and engineering constraints without the need for new conditional rezoning approval by the Frederick County Board of Supervisors, provided said adjustments do not eliminate, relocate, or substantially alter the project components described herein.

B. Land Use and Intensity Restrictions

1. The Owner hereby proffers that permitted uses on the Property shall be limited to the following:
 - a. Soap and Cleaning Compound Manufacturing
 - b. General Warehouse/Storage
2. The Owner hereby proffers that development of the Property shall not exceed a maximum gross floor area (GFA) of 40,000 square feet, subject to the following occupancy restrictions:
 - a. Soap and Cleaning Compound Manufacturing use shall occupy a minimum of 15,000 square feet of GFA.
 - b. General Warehouse/Storage use shall occupy a maximum of 25,000 square feet of GFA.
3. The Owner hereby proffers to a building height restriction of no greater than forty-five feet.
4. The Owner hereby proffers no bay doors shall be front facing on Martinsburg Pike.
5. The Owner hereby proffers no metal siding will be front facing on Martinsburg Pike.

C. Transportation

1. The Owner hereby proffers to limit access to the Property from Martinsburg Pike (US Route 11) to one commercial entrance as generally depicted on the GDP. The final entrance location and design will be subject to VDOT review and approval at time of site plan.
2. The Owner hereby proffers to limit access to the Property from Woodside Road (Route 671) to one commercial entrance as generally depicted on the GDP. The final entrance location and design will be subject to VDOT review and approval at time of site plan.
3. The Owner hereby proffers to provide for an inter-parcel connection along the southern boundary of the Property as generally depicted on the GDP. The final location of the inter-parcel connection shall be determined at time of site plan.
4. The Owner hereby proffers to a future dedicate of right-of-way along the Martinsburg Pike (US Route 11) frontage of the Property to the Commonwealth of Virginia as depicted on the GDP. The dedication area shall consist of a strip of land twenty-five (25) feet in width extending along the entire Martinsburg Pike frontage of the Property. The dedication shall happen within 90 days of the request from the Commonwealth of Virginia.
5. The Owner hereby proffers to dedicate right-of-way along the Woodside Road (VA Route 671) frontage of the Property to the Commonwealth of Virginia as depicted on the GDP. The dedication area shall consist of a strip of land twenty-five (25) feet in width measured from the centerline of Woodside Road and extending along the entire Woodside Road frontage of the Property. The dedication shall be completed prior to approval of the first site plan for the Property.
6. The Owner hereby proffers to record a twenty (20)-foot drainage, pedestrian, and utility easement along the frontage of Martinsburg Pike (US Route 11) to Frederick County. The Owner shall retain the right to place the proffered split rail fence within this easement. Recordation of the easement shall be completed prior to approval of the first site plan for the Property.
7. The Owner hereby proffers to provide a monetary contribution of \$75,000.00 to assist in funding planned transportation improvements along the Martinsburg Pike (US Route 11) corridor. This monetary contribution may be used unconditionally by Frederick County to fund such improvements and may be used as local match funding for any applicable transportation improvement grant or enhancement applications. This monetary contribution will be made to Frederick County prior to the issuance of the first occupancy permit for the Property.

D. Site Design

1. The Owner hereby proffers to install an additional row of evergreen trees for a total of four rows of plantings in all areas required to provide a Zoning District Buffer per the Frederick County Zoning Ordinance as detailed on the GDP.
2. The Owner hereby proffers to provide a 50-foot-wide Corridor Enhancement Buffer along the Martinsburg Pike (US Route 11) frontage of the Property as depicted on the GDP. This buffer shall be subject to the following design standards:
 - a. The buffer shall be planted with the components of a landscape screen as detailed on the GDP. Placement of plantings may be adjusted to accommodate utility and entrance crossings. Landscaping shall be installed prior to issuance of the first occupancy permit for the Property.
 - b. A decorative split rail fence shall be installed in the buffer as detailed on the GDP. The split rail fence shall be installed prior to issuance of the first occupancy permit for the Property.
3. The Owner hereby proffers to plant Virginia Native species for landscaping for the Property.

E. Monetary Contribution

1. The Applicant hereby voluntarily proffers a cash contribution to the Treasurer of Frederick County, Virginia, of \$0.10 per building square foot to be disbursed to the Frederick County Fire and Rescue Department, to be paid prior to final site plan approval. The term "building square foot" shall be the combined floor area for each story.

OWNER SIGNATURE ON FOLLOWING PAGE

Owner Signature

The conditions proffered above shall be binding upon the heirs, executors, administrators, assigns and successors in the interest of the Applicant. In the event the Frederick County Board of Supervisors grants this rezoning and accepts the conditions, the proffered conditions shall apply to the land rezoned in addition to other requirements set forth in the Frederick County Code.

Respectfully Submitted:

Silverwolfe, LLC

By: _____
Authorized Agent Date

Commonwealth of Virginia,

City/County of _____ To Wit:

The foregoing instrument was acknowledged before me this ____ day of _____

20__ by _____

Notary Public

My Commission Expires _____

Applicant Signature

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Respectfully Submitted:

Aerogreen Solutions, LLC

By: _____
Authorized Agent Date

Commonwealth of Virginia,

City/County of _____ To Wit:

The foregoing instrument was acknowledged before me this ____ day of _____

20__ by _____

Notary Public

My Commission Expires _____

**AEROGREEN SOLUTIONS LLC
PROFFER STATEMENT**

REZONING: RZ # 07-26
B-3, Industrial Transition District with proffers to M-2, Industrial General District with proffers

PROPERTY: 8.84± acres
Tax Map Parcel 33-A-124A (hereafter the “**Property**”)

RECORD OWNER: Silverwolfe, LLC (hereafter the “**Owner**”)

APPLICANT: Aerogreen Solutions, LLC (hereafter the “**Applicant**”)

PROJECT NAME: Aerogreen Solutions LLC Rezoning

ORIGINAL DATE
OF PROFFERS: May 22, 2026

REVISION DATE: July 29, 2026
September 15, 2026
September 25, 2026

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OWNER SIGNATURE ON FOLLOWING PAGE

Owner Signature

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Respectfully Submitted:

Silverwolfe, LLC

By: _____
Authorized Agent Date

Commonwealth of Virginia,

City/County of _____ To Wit:

The foregoing instrument was acknowledged before me this ____ day of _____

20__ by _____

Notary Public

My Commission Expires _____

Applicant Signature

The conditions proffered above shall be binding upon the heirs, executors, administrators, assigns and successors in the interest of the Owner. In the event the Frederick County Board of Supervisors grants this rezoning and accepts the conditions, the proffered conditions shall apply to the land rezoned in addition to other requirements set forth in the Frederick County Code.

Respectfully Submitted:

Aerogreen Solutions, LLC

By: _____
Authorized Agent Date

Commonwealth of Virginia,

City/County of _____ To Wit:

The foregoing instrument was acknowledged before me this ____ day of _____

20__ by _____

Notary Public

My Commission Expires _____



REZONING APPLICATION
FREDERICK COUNTY, VIRGINIA

| | |
|--------------------|-------|
| Submittal Deadline | _____ |
| P/C Meeting | _____ |
| BOS Meeting | _____ |

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

Name: Silverwolfe, LLC

Specific Contact Person if Other than Above: Gary Oates

Address: 1073 Redbud Rd, Winchester, VA 22603

Telephone: 540-667-2001 Email: _____

Name: _____

Specific Contact Person if Other than Above: _____

Address: _____

Telephone: _____ Email: _____

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

Name: Aerogreen Solutions, LLC

Specific Contact Person if Other than Above: Bob Patel

Address: 1285 Brucetown Rd, Clear Brook, VA 22624

Telephone: 3 [REDACTED] Email: bob.patel@aerogreen.us

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

Firm Name: Greenway Engineering, Inc

Specific Contact Person at Firm: Marisa Whitacre

Address: 151 Windy Hill Ln, Winchester, VA 22602

Telephone: 540-662-4185

Email: mawhitacre@greenwayeng.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: Aerogreen Solutions Rezoning

5. Property Information:

| | |
|--|------------------|
| Property Identification Number(s): | 33-A-124A |
| Total acreage of the parcel(s): | 8.84 |
| Total acreage of the parcel(s) to-be-rezoned: | 8.84 |
| Current zoning designation(s) and acreage(s) in each designation: | B3, 8.84 |
| Proposed zoning designation(s) and acreage(s) in each designation: | M2, 8.84 |
| Magisterial District(s): | Stonewall |

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 property is on the east side of Martinsburg Pike and south of Woodside Rd

Is this property within ½ miles of the Town of Stephens City, the Town of Middletown, the City of Winchester, Clarke County, or Shenandoah County (specify which):

no

Adjoining Properties:

| | Zoning: | Use: |
|--------|---------|------------------|
| North: | RA | Vacant |
| South: | RA | Residential |
| East: | EM | Mining Operation |
| West: | RA | Residential |

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. 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: [Redacted] Silver White Manager Date 8-5-26

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): [Redacted] Date 8/12/26

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

Aereogreen Solutions, LLC (President)

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

**A signed Power of Attorney form is required if someone is signing on the owner(s) behalf.*

Adjoining Property Owners

Owners of property adjoining the land will be notified of the Planning Commission and the Board of Supervisors meetings. For 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. These can be obtained from Frederick County's GIS [Interactive Maps](#).

**The Town of Stephens City, Middletown, the City of Winchester, Clarke County, or Shenandoah County shall be notified if the proposal is within ½ mile of their boundary.*

| Name and Property Identification Number | Address |
|--|--|
| Name MV Winchester, LLC | 794 Center ST, Herndon, VA 20170 |
| Property # 33-A-125 | |
| Name Elaine F Magee | 3703 Martinsburg Pike, Clear Brook, VA 22624 |
| Property # 33-A-125A | |
| Name John F Butler | 3721 Martinsburg Pike, Clear Brook, VA 22624 |
| Property # 33-A-125B | |
| Name Zachary J Cook | 2060 Cedar Hill Rd, Clear Brook, VA 22624 |
| Property # 33-A-126 | |
| Name Frederick County Sanitation Authority | PO Box 1877, Winchester, VA 22604 |
| Property # 33-A-129 | |
| Name Frederick County Sanitation Authority | PO Box 1877, Winchester, VA 22604 |
| Property # 33-A-131 | |
| Name Jack & Sandra Robinson | 2140 Woodside Rd, Clear Brook, VA 22624 |
| Property # 33-A-124B | |
| Name O-N Minerals (Chemstone Company) | 692 Pointe Inverness Way STE 301, Fort Wayne, IN 46804 |
| Property # 34-A-11A | |
| Name Frederick A Stronko | 3656 Martinsburg Pike, Clear Brook, VA 2 |

| | |
|----------------------|--|
| Property # 33-A-124D | |
| Name | |
| Property # | |
| Name | |
| Property # | |
| Name | |
| Property # | |
| Name | |
| Property # | |
| Name | |
| Property # | |



**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:

Silverwolfe LLC - Gary Oates

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.

1073 Redbud Rd, Winchester, VA 22603

540-667-2001

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:

33-A-124A

do hereby make, constitute, and appoint:

Greenway Engineering, Inc

Name of Attorney-In-Fact

151 Windy Hill Ln, Winchester, VA 22602

540-662-4185

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

Conditional Use Permit

Master Development Plan (prelim. or final)

Subdivision Appeal or Waiver/Exception

☐
☒
☐

Subdivision

Site Plan

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) Manager, Silver Wolfe, LLC

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

I, Corey Blake Carter, 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 4 day of May, 2026

Notary Public

My Commission Expires: June 30, 2026

Registration Number: 7782909

COREY BLAKE CARTER

NOTARY PUBLIC

Commonwealth of Virginia

Registration No. 7782909

My Commission Expires June 30, 2026

AEROGREEN SOLUTIONS, LLC REZONING IMPACT ANALYSIS STATEMENT

**Tax Parcel 33-A-124A
Stonewall Magisterial District
Frederick County, Virginia**



May 22, 2026

Current Owner: Silverwolfe, LLC

Contact Person: Marisa Whitacre
Greenway Engineering, Inc.
151 Windy Hill Lane
Winchester, VA 22602
540-662-4185

AEROGREEN SOLUTIONS, LLC REZONING IMPACT ANALYSIS STATEMENT

INTRODUCTION

This report has been prepared for the purpose of assessing the impact on Fredrick County by the proffered rezoning of a parcel totaling approximately 8.84± acres from B3, Industrial Transition District to the M2, Industrial General District. The subject property is identified as Tax Parcel 33-A-124A and owned by Silverwolfe, LLC. The assemblage is adjacent and east of Martinsburg Pike (U.S. Route 11) and adjacent and south of Woodside Road (VA Route 671). (Please refer to the attached Location and Aerial Exhibits)

Site Information:

| | |
|-----------------------|--|
| Location: | East side of Martinsburg Pike (U.S. Route 11) and south side of Woodside Road (VA Route 671) |
| Magisterial District: | Stonewall District |
| Property ID Number: | 33-A-124A |
| Current Zoning: | B3, Industrial Transition District |
| Current Use: | Vacant/Undeveloped |
| Proposed Zoning: | M2, Industrial General District |
| Total Rezoning Area: | 8.84± acres |
| Proposed Use: | Chemical Manufacturing and General Warehouse/Storage |

COMPREHENSIVE POLICY PLAN

Comprehensive Plan Conformity

The 8.84± acre site is located wholly within the boundaries of the Northeast Land Use Plan (NELUP). The recent update to the NELUP, adopted by the Board of Supervisors on September 27, 2023, designates the future land use of the subject property as Business and it adjoins areas designated as Mixed Use Industrial/Office, Business, and Extractive Mining. (Please refer to the attached Planned Land Use Exhibit)

The proposed rezoning to the M2 District is for the express purpose of enabling the relocation of Aerogreen Solutions LCC (Aerogreen) from its existing location on Brucetown Road to the subject property. Aerogreen is a manufacturer of cleaning solutions whose products are derived from the combination of water and varying concentrations of baking soda. The Zoning Administrator classifies Aerogreen's operation as a Chemical Manufacturing use, which is only permitted in the M2 District. While the M2 District properly aligns with the Industrial land use designation, locating Aerogreen's facility in a Business-designated area is appropriate given the benign nature of its operating activities and commitments to enhanced site design elements, to include a road corridor buffer and enhanced landscaping. These characteristics will be compatible with and complementary to the commercial character envisioned for the Martinsburg Pike corridor. Additionally, by permitting Aerogreen's move to a desirable location, the proposed rezoning will ensure the retention of an existing business in Frederick County thereby promoting realization of the fiscal benefits anticipated by the Business Development policies of the Comprehensive Plan.

To further align the proposed M2 District rezoning with the Business land use designation, the proposed proffer statement restricts permitted land uses on the subject property to Chemical Manufacturing and Warehouse/Storage. No other uses permitted in the M2 District will be allowed to develop or operate on the subject property. Additionally, the proffer statement limits the intensity of development on the subject property by stipulating a maximum building size of 40,000 SF GFA, equivalent to a floor area ratio (FAR) of 0.10, of which 15,000 SF GFA will be occupied by Aerogreen's manufacturing facility and the remaining 25,000 SF GFA used for general storage/warehouse use. (Please refer to the proposed Proffer Statement)

Sewer and Water Service Area

The Sewer and Water Service Area (SWSA) generally aligns with the Urban Development Area (UDA) but also extends outside of the UDA to accommodate areas of the County in which only commercial and industrial development is desired, as is the case for most of the Martinsburg Pike (U.S. Route 11) corridor. The entirety of the 8.84±-acre subject property is located within the SWSA. (Please refer to the Planned Land Use Exhibit)

SUITABILITY OF THE SITE

Floodplains

The 8.84± acre site is located on FEMA NFIP Map #51069C0150E. This map designates the site as Category C – Area of Minimal Flooding. The FEMA NFIP map identifies the nearest areas of floodplain located on the northeastern side of the Quarry, associated with Turkey Run; therefore, the subject property is not impacted by floodplain area. (Please refer to the attached Environmental Features Map Exhibit)

Wetlands

The 8.84± acre site does not contain wetland areas as demonstrated on the National Wetlands Inventory (NWI) Map and per the Frederick County GIS Database. No evidence of wetland features or vegetation is present on the property; therefore, the subject site is not impacted by wetland areas. (Please refer to the attached Environmental Features Map Exhibit)

Steep Slopes

The 8.84± acre site is predominately level with slopes ranging from 2 to 7 percent; therefore, the subject property is not impacted by areas of steep slopes. (Please refer to the attached Environmental Features Map Exhibit)

Soil Types

The Soil Survey of Frederick County, published by the USDA Soil Conservation Service, was consulted to determine soil types contained on the 8.84± acre site. The subject property contains the following soil types:

32B – Oaklet silt loam, 2-7% slopes: This is the only soil type present on the parcel.

These soil types can be effectively managed through engineering design and do not pose any constraints for site development.

Other Environmental Features

The 8.84± acre subject property does not contain areas of lakes, ponds or natural storm water retention areas as defined by the Frederick County Zoning Ordinance. There are no environmental features present that create development constraints for the proposed land uses on this site.

SURROUNDING PROPERTIES

The zoning and present use of adjoining properties are as follows:

| | | |
|--------|--|---|
| North: | RA, Rural Areas District | Use: Vacant |
| South: | RA, Rural Areas District | Use: Residential |
| East: | EM, Extractive Manufacturing
RA, Rural Areas District | Use: Mining Operation
Use: Residential |
| West: | RA, Rural Areas District | Use: Residential |

(Please refer to the attached Zoning and Aerial Exhibits)

TRANSPORTATION

The 8.84± acre site has approximately 629' of frontage along Martinsburg Pike (U.S. Route 11) and approximately 625' of frontage along Woodside Road (VA Route 671). The subject property was rezoned from the RA, Rural Areas District to the B3 District upon approval of Rezoning #18-06, Woodside Commercial Center by the Frederick County Board of Supervisors ("BOS") on March 14, 2007. The originally approved proffer statement was subsequently revised upon approval of Rezoning #01-13 by the BOS on March 13, 2013. The subject property is currently undeveloped.

The revised proffer statement approved in 2013 ("approved proffers") limits land uses and development intensity on the subject property and further includes transportation commitments. Regarding land uses and intensity, the approved proffers limit the development to Gasoline Service Stations – identified as "high traffic" land uses - further applicable restrictions to establishment of a Gasoline Service Station (e.g., one business will be allowed to have retail fuel, twelve or fewer pumps no diesel fuel sales to over-the-road trucks and on two diesel fuel pumps). The approved proffers further prohibit development of Transportation by Air, Rental of Railroad Cars, Mobile Home Dealers, and Drive-In Movie Theatre on the subject property. However, there is no limitation on the development of other uses permitted in the B3 District.

The proffered transportation commitments are based on a Traffic Impact Analysis (TIA) prepared by Patton Harris Rust and Associates for the original rezoning of the subject property from RA to B3. Completed in 2006, the TIA assumed a maximum development intensity of 75,000 square feet of Retail use. Based on rates published in the 7th Edition of the Institute of Transportation Engineer's (ITE) Trip Generation Report, the TIA indicated the proposed B3 zoning would generate 5,633 vehicle trips and distributed these trips across the surrounding road network to assess intersection impacts and identify needed mitigation measures. Notably, in addition to limiting points of access, the approved proffers provide for construction of additional 12-foot-wide travel lanes along the entire site frontage on both Martinsburg Pike (US Route 11) and Woodside Road (VA Route 671).

M2 Rezoning Proposal

As stated previously, Aerogreen plans to construct a building on the subject property totaling 40,000 SF GFA, of which 15,000 SF GFA will be occupied by Aerogreen's manufacturing facility and the remaining 25,000 SF GFA used for general storage/warehouse use. The proposed proffer statement stipulates that the subject property will develop only with these uses and establishes these gross floor area values as the base development scenario (minimum manufacturing, maximum warehouse/storage). The proposed proffer statement would permit manufacturing to occupy the entirety of the 40,000 SF GFA building, which represents the most intensive development scenario vis-à-vis trip generation. No other uses permitted in the M2 District will be permitted to develop or operate on the subject property.

Trip Generation Comparison

The tables below compare trip generation attributable to the proposed M2 rezoning application with what would otherwise be possible if the subject property developed pursuant to the existing B3 zoning. The values used for these projections were obtained from the *Institute of Traffic Engineers (ITE) Trip Generation Manual, 12th Edition* (ITETripGen), which is the source currently utilized by VDOT and Frederick County for preparation of transportation impact analysis statements.

PROPOSED M2 ZONING – BASE DEVELOPMENT PROGRAM PROJECTED TRIP GENERATION

| Land Use | Projected Yield | ITE Code | ITE Rate
(avg. trips per
1,000 SF GFA) | Weekday Trip Generation | | |
|---------------|-----------------|----------|--|-------------------------|---------|-----------|
| | | | | AM Peak | PM Peak | Total ADT |
| Manufacturing | 15,000 SF GFA | 140 | 4.27 | 11 | 12 | 64 |
| Warehouse | 25,000 SF GFA | 150 | 1.38 | 4 | 5 | 35 |
| | | | | 15 | 17 | 99 |

PROPOSED M2 ZONING – MAXIMUM DEVELOPMENT INTENSITY PROJECTED TRIP GENERATION

| Land Use | Projected Yield | ITE Code | ITE Rate
(avg. trips per
1,000 SF GFA) | Weekday Trip Generation | | |
|---------------|-----------------|----------|--|-------------------------|---------|-----------|
| | | | | AM Peak | PM Peak | Total ADT |
| Manufacturing | 40,000 SF GFA | 140 | 4.27 | 30 | 31 | 171 |

EXISTING B3 ZONING - PROJECTED TRIP GENERATION

| Land Use | Projected Yield | ITE Code | ITE Rate
(avg. trips per
1,000 SF GLA) | Weekday Trip Generation | | |
|--------------------------------|------------------|----------|--|-------------------------|---------|-----------|
| | | | | AM Peak | PM Peak | Total ADT |
| Shopping Plaza
(40k - 150k) | 75,000 SF
GLA | 821 | 65.38 | 271 | 440 | 4,904 |

As shown above, the projected trip generation for the proposed M2 zoning is significantly less than would be expected with development of uses entitled under the existing B3 zoning. Specifically, compared to the existing B3 zoning, the M2 rezoning would **reduce the site's projected traffic generation by 96% (4,733 fewer trips) to 98% (4,805 fewer trips)** based on the most intensive and least intensive development scenarios enabled by the proposed proffer statement, respectively.

Ultimate site development under the proposed M2 zoning will generate nominal traffic and result in minimal impact on the surrounding road network, particularly in comparison to the existing B3 zoning. Indeed, the traffic generated by the Aerogreen facility already exists as part of the surrounding road network's background conditions. As such, the proposed rezoning will not cause any discernable change to traffic conditions at area intersections or on the roads in the vicinity of the subject property. Given the dramatic decrease in traffic generation attributable to the proposed M2 rezoning, the extent of any frontage improvements on Martinsburg Pike and/or Woodside Road can be appropriately limited to those necessary for safe and efficient site access.

SEWAGE CONVEYANCE AND TREATMENT

As previously stated, the subject property is located wholly within the Sewer and Water Service Area (SWSA) and is therefore entitled to be served by public sewer based on County Policy. Frederick Water is the provider of public sewer service within this area of the County. Aerogreen's manufacturing process does not generate any sewage/wastewater demand. Anticipated employee counts include eight (8) for Aerogreen's manufacturing use and ten (10) for the warehouse/storage use. As such, sewage/wastewater flow generated by the planned M2 development is projected to total 450 gallons per day (25 GPD per employee). Aerogreen will extend all sewer infrastructure required to serve the site.

WATER SUPPLY

As previously stated, the subject property is located wholly within the Sewer and Water Service Area (SWSA) and is therefore entitled to be served by public water based on County Policy. Frederick Water is the provider of public water service within this area of the County. Water demand generated by Aerogreen's manufacturing process is projected to total approximately 6,250 gallons per day (GPD). Water demand attributable to employees of both the manufacturing use and warehouse/storage use is projected to total approximately 450 gallons per day (25 GPD per employee). The total projected water demand for the rezoning is therefore approximately 6,700 GPD. Aerogreen will extend all water infrastructure required to serve the site.

SITE DRAINAGE

Topographic relief on subject parcels slopes from west to east towards the center of the property. A complete stormwater management plan will be designed at the time of final engineering design. All associated stormwater quantity and quality measures will be designed in conformance with all applicable state and local regulations; therefore, site drainage and stormwater management impacts will be fully mitigated.

HISTORICAL SITES AND STRUCTURES

The 8.84± acre site does not contain structures deemed to be historically significant, nor are there potentially significant structures adjacent to the subject property. The Frederick County Rural Landmarks Survey does not identify any historical landmarks on or near the property, therefore, the development of this property will not adversely impact any structures or their viewsheds.

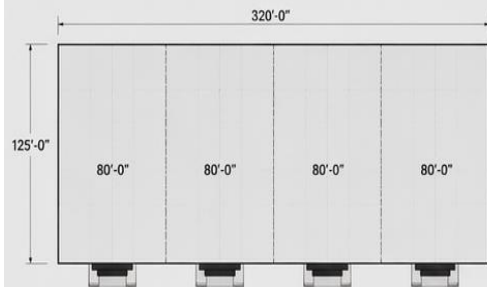
WARM MODERN

125' x 320' BUILDING

4 SECTIONS • EQUAL SPACING



BUILDING PLAN (TOP VIEW)



FRONT ELEVATION



MATERIAL PALETTE



STACKED STONE



WOOD LOOK



DARK METAL PANEL



LIGHT PANEL



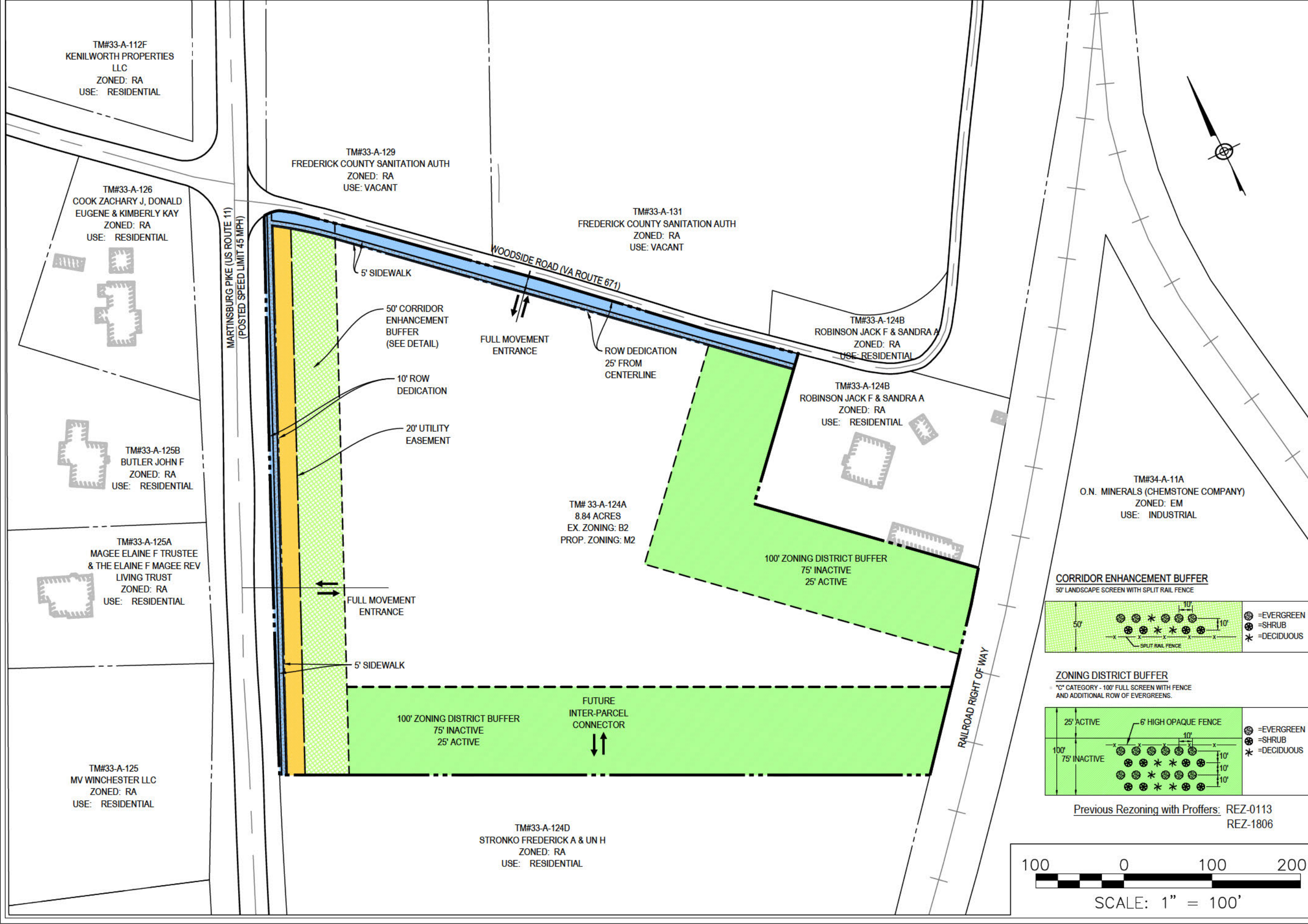
BLACK ALUMINUM



GLASS

SIDE ELEVATION





TM#33-A-112F
KENILWORTH PROPERTIES
LLC
ZONED: RA
USE: RESIDENTIAL

TM#33-A-126
COOK ZACHARY J, DONALD
EUGENE & KIMBERLY KAY
ZONED: RA
USE: RESIDENTIAL

TM#33-A-125B
BUTLER JOHN F
ZONED: RA
USE: RESIDENTIAL

TM#33-A-125A
MAGEE ELAINE F TRUSTEE
& THE ELAINE F MAGEE REV
LIVING TRUST
ZONED: RA
USE: RESIDENTIAL

TM#33-A-125
MV WINCHESTER LLC
ZONED: RA
USE: RESIDENTIAL

TM#33-A-129
FREDERICK COUNTY SANITATION AUTH
ZONED: RA
USE: VACANT

TM#33-A-131
FREDERICK COUNTY SANITATION AUTH
ZONED: RA
USE: VACANT

TM#33-A-124B
ROBINSON JACK F & SANDRA A
ZONED: RA
USE: RESIDENTIAL

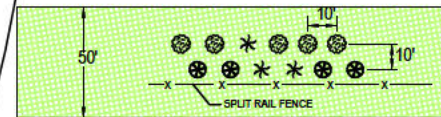
TM#33-A-124B
ROBINSON JACK F & SANDRA A
ZONED: RA
USE: RESIDENTIAL

TM# 33-A-124A
8.84 ACRES
EX. ZONING: B2
PROP. ZONING: M2

TM#34-A-11A
O.N. MINERALS (CHEMSTONE COMPANY)
ZONED: EM
USE: INDUSTRIAL

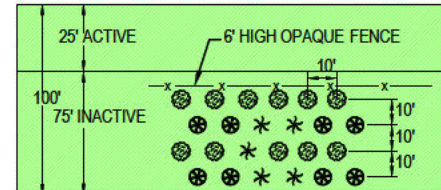
TM#33-A-124D
STRONKO FREDERICK A & UN H
ZONED: RA
USE: RESIDENTIAL

CORRIDOR ENHANCEMENT BUFFER
50' LANDSCAPE SCREEN WITH SPLIT RAIL FENCE



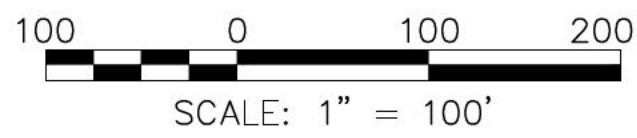
- = EVERGREEN
- = SHRUB
- * = DECIDUOUS

ZONING DISTRICT BUFFER
"C" CATEGORY - 100' FULL SCREEN WITH FENCE AND ADDITIONAL ROW OF EVERGREENS.



- = EVERGREEN
- = SHRUB
- * = DECIDUOUS

Previous Rezoning with Proffers: REZ-0113
REZ-1806



GENERAL DEVELOPMENT PLAN
AEROGREEN SOLUTIONS LLC.
REZONING EXHIBIT A
STONEWALL MAGISTERIAL DISTRICT
FREDERICK COUNTY, VIRGINIA

| | |
|--------------|------------|
| DATE: | 08/04/2026 |
| SCALE: | 1" = 100' |
| DESIGNED BY: | JMM |
| JOB NO. | 0696BP |
| SHEET | 1 OF 1 |



GREENWAY
ENGINEERING

151 Windy Hill Lane Winchester, Virginia 22602
Telephone: (540) 682-4185 Fax: (540) 722-9528 www.greenwayeng.com



1971
FND

PROUDLY SERVING VIRGINIA & WEST VIRGINIA
OFFICES IN: WINCHESTER, VA & MARTINSBURG, WV

REQUEST FOR REZONING COMMENTS



Project Name: Silverwolfe, LLC

Acreage: 8.84

PIN(s): 33-A-124A

Address (or general location):

Located at the corner of Martinsville Pike and Woodside Road

Existing Zoning District: B3 (Industrial Transition)

Proposed Zoning District: M2 (Industrial General)

Staff Name (Email Address): alight@fcva.us

Agency Name Completing Comments (select one):

- ☐ Frederick Water
- ☐ Virginia Department of Transportation
- ☐ Winchester Regional Airport
- ☐ Virginia Department of Health
- ☐ Historic Resources Advisory Board
- ☐ Frederick County (FC) Public Schools
- ☐ FC Public Works
- ☐ FC Inspections
- ☐ FC Fire Marshal
- ☐ FC Parks & Recreation
- ☒ FC County Attorney
- ☐ Other (Specify): _____

Reviewer Name (Email Address): andrew.fox@fcva.us

Review Agency Comments:

**Comments that may not fit in the box should be attached to the cover sheet on agency or department letterhead.*

The proffer statement meets the requirements of the Frederick County Zoning Ordinance and the Code of Virginia and is legally sufficient as proposed for recordation. I have not reviewed the substance of the proffers as to whether the proffers are suitable and appropriate for this specific development, as my understanding is that review is being undertaken by staff and the Planning Commission.

Resubmission to address comments requested? Y ☐ or N ☒

REQUEST FOR REZONING COMMENTS



Project Name: Silverwolfe, LLC

Acreage: 8.84

PIN(s): 33-A-124A

Address (or general location):

Located at the corner of Marlinsburg Pike and Woodside Road

Existing Zoning District: B3 (Industrial Transition)

Proposed Zoning District: M2 (Industrial General)

Staff Name (Email Address): alight@fcva.us

Agency Name Completing Comments (select one):

- ☐ Frederick Water
- ☐ Virginia Department of Transportation
- ☐ Winchester Regional Airport
- ☐ Virginia Department of Health
- ☐ Historic Resources Advisory Board
- ☐ Frederick County (FC) Public Schools
- ☒ FC Public Works
- ☐ FC Inspections
- ☐ FC Fire Marshal
- ☐ FC Parks & Recreation
- ☐ FC County Attorney
- ☐ Other (Specify): _____

Reviewer Name (Email Address): bwhitlock@fcva.us

Review Agency Comments:

**Comments that may not fit in the box should be attached to the cover sheet on agency or department letterhead.*

No comments from Public Works. A comprehensive review of the erosion and sediment control and stormwater management plan will take place at the time of site plan submittal.

Resubmission to address comments requested? Y ☐ or N ☒

REQUEST FOR REZONING COMMENTS



Project Name: Silverwolfe, LLC

Acreage: 8.84

PIN(s): 33-A-124A

Address (or general location):

Located at the corner of Martinsburg Pike and Woodside Road

Existing Zoning District: B3 (Industrial Transition)

Proposed Zoning District: M2 (Industrial General)

Staff Name (Email Address): alight@fcva.us

Agency Name Completing Comments (select one):

- ☒ Frederick Water
- ☐ Virginia Department of Transportation
- ☐ Winchester Regional Airport
- ☐ Virginia Department of Health
- ☐ Historic Resources Advisory Board
- ☐ Frederick County (FC) Public Schools
- ☐ FC Public Works
- ☐ FC Inspections
- ☐ FC Fire Marshal
- ☐ FC Parks & Recreation
- ☐ FC County Attorney
- ☐ Other (Specify): _____

Reviewer Name (Email Address): elawrence@frederickwater.com

Review Agency Comments:

**Comments that may not fit in the box should be attached to the cover sheet on agency or department letterhead.*

Water and sewer lines currently existing along the property's Martinsburg Pike road frontage. The water and sewer demands proposed in the rezoning application (6,700 GPD and 450 GPD, respectively) could be accommodated by the existing infrastructure along the site's frontage. The applicant is responsible for funding and constructing any improvements warranted to facilitate water and sewer service for the property.

Resubmission to address comments requested? Y ☐ or N ☒

REQUEST FOR REZONING COMMENTS



Project Name: Silverwolfe, LLC

Acreage: 8.84

PIN(s): 33-A-124A

Address (or general location):

Located at the corner of Martinsburg Pike and Woodside Road

Existing Zoning District: B3 (Industrial Transition)

Proposed Zoning District: M2 (Industrial General)

Staff Name (Email Address): alight@fcva.us

Agency Name Completing Comments (select one):

- ☐ Frederick Water
- ☐ Virginia Department of Transportation
- ☐ Winchester Regional Airport
- ☐ Virginia Department of Health
- ☐ Historic Resources Advisory Board
- ☐ Frederick County (FC) Public Schools
- ☐ FC Public Works
- ☐ FC Inspections
- ☒ FC Fire Marshal
- ☐ FC Parks & Recreation
- ☐ FC County Attorney
- ☐ Other (Specify): _____

Reviewer Name (Email Address): Adam Hounshell fmo@fcva.us

Review Agency Comments:

**Comments that may not fit in the box should be attached to the cover sheet on agency or department letterhead.*

See attached.

Resubmission to address comments requested? Y ☐ or N ☒



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

Owner

Silverwolfe LLC

Martinsburg Pike Woodside Rd

Clear Brook, Virginia 22624

Applicant:

Aerogreen Solutions LLC

Printed Date: 06/30/2026

General Information

| | | | |
|--------------------|------------|------------------|-----------------------------|
| Received Date: | 06/08/2026 | Occupancy Type: | Outside or Special Property |
| Review Begin Date: | 06/30/2026 | Property Use: | Outside or special property |
| Review End Date: | 06/30/2026 | Activity Number: | I066068 |
| Hours: | 1.5000 | Review Cause: | Application |

Activity Details

Project Name

Rezoning - B3 to M2

Comments:

All future development shall comply with the Frederick County Fire Prevention Code and other applicable codes.

Adam Hounshell
Lieutenant/Assistant Fire Marshal



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION
STAUNTON DISTRICT – Edinburg Residency
14031 Old Valley Pike
Edinburg, VA 22824
(540) 984-5601

Stephen C. Brich, P.E.
COMMISSIONER

July 15, 2026

Eric Bittner
Frederick County Planning Department
107 N. Kent Street
Winchester, VA 22601

Subject: VDOT Comments – Aerogreen Solutions LLC Rezoning
TM 33-A-124A

Dear Mr. Bittner,

The Virginia Department of Transportation (VDOT) has reviewed the Aerogreen Solutions Rezoning application located at TM 33-A-124A. Our review has focused on potential transportation and roadway impacts associated with the proposed use. The following comments are provided for Frederick County's consideration:

- VDOT has no comments. The rezoning is expected to result in reduced traffic volumes compared to current zoning.

These comments are being provided to Frederick County for inclusion with the overall staff review of this application. VDOT will continue to coordinate with the County as needed to ensure that transportation impacts are addressed.

Sincerely,
J. Ryan Spielman
Land Use Engineer
Virginia Department of Transportation – Staunton District /Edinburg Residency

REQUEST FOR REZONING COMMENTS



Project Name: Silverwolfe, LLC

Acreage: 8.84

PIN(s): 33-A-124A

Address (or general location):

Located at the corner of Martinsburg Pike and Woodside Road

Existing Zoning District: B3 (Industrial Transition)

Proposed Zoning District: M2 (Industrial General)

Staff Name (Email Address): alight@fcva.us

Agency Name Completing Comments (select one):

- ☐ Frederick Water
- ☐ Virginia Department of Transportation
- ☐ Winchester Regional Airport
- ☐ Virginia Department of Health
- ☐ Historic Resources Advisory Board
- ☐ Frederick County (FC) Public Schools
- ☐ FC Public Works
- ☐ FC Inspections
- ☐ FC Fire Marshal
- ☐ FC Parks & Recreation
- ☐ FC County Attorney
- ☒ Other (Specify): GIS

Reviewer Name (Email Address): 7/15/2026 Ethan Homesley ethan.homesley@fcva.us

Review Agency Comments:

**Comments that may not fit in the box should be attached to the cover sheet on agency or department letterhead.*

No comment at this time. GIS will review streets at time of a site plan submission.

Resubmission to address comments requested? Y ☐ or N ☒

REQUEST FOR REZONING COMMENTS



Project Name: Silverwolfe, LLC

Acreage: 8.84

PIN(s): 33-A-124A

Address (or general location):

Located at the corner of Martinsburg Pike and Woodside Road

Existing Zoning District: B3 (Industrial Transition)

Proposed Zoning District: M2 (Industrial General)

Staff Name (Email Address): alight@fcva.us

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- ☐ FC Public Works
- ☒ FC Inspections
- ☐ FC Fire Marshal
- ☐ FC Parks & Recreation
- ☐ FC County Attorney
- ☐ Other (Specify): _____

Reviewer Name (Email Address): 6/12/26 John Lee. Johnathan.Lee@fcva.us

Review Agency Comments:

**Comments that may not fit in the box should be attached to the cover sheet on agency or department letterhead.*

No comment.

Resubmission to address comments requested? Y ☐ or N ☒

August 4, 2026

Amy Feltner
Frederick County Planning and Development
107 N. Kent Street
Winchester, VA 22601

RE: Aerogreen Solutions Rezoning

Dear Ms. Feltner,

Please see the following responses below to address your comments dated July 24, 2026 for the Proposed Aerogreen Solutions Rezoning located at PIN 33-A-124A.

1. Comprehensive Plan Conformance:

The proposal is not compliant with the Comprehensive Plan. The M2 (Industrial General) Zoning District is not typically associated with planned land use, “business.” The M2 Zoning Districts contains many of the most intense and impactful uses allowed in Frederick County and would otherwise not be a “transitional” district between “business and industrial areas”, such as the existing zoning, B3.

Staff recognize that the adjacent land use designation to the north, “Mixed-Use Industrial Office (MUIO)” is intended for more intense uses, however significant areas of “business” land use are planned around the subject property. Given the immediate adjacency to this future planned MUIO use, it could be appropriate to consider the rezoning at this location if the uses are limited and impacts are fully mitigated. Mitigation strategies should be considered for adjacent residential uses. Additionally, the County expects new industrial development exhibit high-quality architecture and site layout. The proposal does not speak to the design or siting of buildings, which could include certain building materials, renderings or elevations.

The use with this rezoning as “soap and cleaning compound manufacturing” has minimal impact on sewer/wastewater usage and chemical waste as the products used for manufacturing consist of water and varying baking soda concentrations.

Please see attached illustrative for building design.

2. Transportation:

A sidewalk is also required along Woodside Road. The proposed proffer and GDP do not address the pedestrian accommodation. The dedicated right-of-way is not clear on the GDP.

The GDP has been revised to show the sidewalk along Woodside Road and the dedication of right-of-way has been updated.

3. Proffer Statement:

- a. Proffer A.2 should be removed.
Removed
- b. Proffer B.1 should be revised to use the NAICS use terminology as it relates to the specific manufacturing commodity.
Revised to "Soap and Cleaning Compound"
- c. Proffer B.2 should replace "Chemical Manufacturing" to align with the proposed manufacturing facility proposed.
Revised to "Soap and Cleaning Compound"
- d. Proffer C.6 remove monument sign from proposed 20 foot easement
Sign has been removed from proposed easement
- e. Proffer D.2.c should be removed
Proffer removed

Please do not hesitate to reach out if you have any questions.

Sincerely,



Marisa Whitacre, Planning Manager
Greenway Engineering



COUNTY OF FREDERICK
P.O. BOX 225

WINCHESTER, VA 22604-0225
C. WILLIAM ORNDOFF, JR

Real Estate Taxes Paid for Tax Year 2026

Map Number: 33 A 124A Account#: 8006506

| Dept# | Ticket# | Seq# | Owner Name | Bill Date | Description | Tax Paid |
|--------|---------|------|-----------------|-----------|-------------|------------|
| RE2026 | 39888 | 1 | SILVERWOLFE LLC | 4/15/2026 | 8.84 ACRES | \$2,291.19 |
| RE2026 | 39888 | 2 | SILVERWOLFE LLC | 4/15/2026 | 8.84 ACRES | \$2,291.19 |

Total Paid: \$4,582.38

This amount represents payments applied during calendar year 2026 and does not include Penalty, Interest or Credit Card Fees.

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ORDINANCE



Action:

PLANNING COMMISSION:
BOARD OF SUPERVISORS:

September 16, 2026
October 14, 2026

Recommended Approval with conditions
Pending

**AMENDING THE ZONING DISTRICT MAP
REZONING #07-26 FOR SILVERWOLFE, LLC.
(AEROGREEN SOLUTIONS, LLC.)**

WHEREAS, REZONING #07-26 of Silverwolfe, LLC (Aerogreen Solutions, LLC) submitted to rezone 8.84+/- acres from B3 (Industrial Transition) Zoning District with proffers to M2 (Industrial General) Zoning District with proffers. The property is located at the corner of Martinsburg Pike and Woodside Road, Clear Brook and is identified by Property Identification Number 33-A-124A in the Stonewall Magisterial District; and

WHEREAS, the Frederick County Planning Commission held a public hearing on this rezoning on September 16, 2026, and recommended approval with conditions; and

WHEREAS, the Frederick County Board of Supervisors held a public hearing on October 14, 2026; and

WHEREAS, the Frederick County Board of Supervisors finds the approval of this rezoning to be in the best interest of 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 #07-26 of Silverwolfe, LLC (Aerogreen Solutions, LLC) submitted to rezone 8.84+/- acres from B3 (Industrial Transition) Zoning District with proffers to the M2 (Industrial General) Zoning District with proffers dated September 28, 2026. 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 14th day of October 2026 by the following recorded vote:

John F. Jewell, Chairman

Jason C. Aikens

Albert L. Orndorff

Robert W. Wells

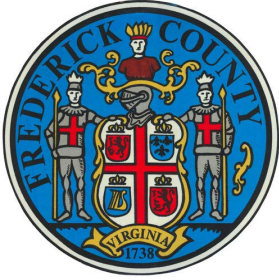
Michael D. Guevremont

Robert T. Liero

Gary R. Oates

A COPY ATTEST

Michael Bollhoefer
Frederick County Administrator



Board of Supervisors

Agenda Item Detail

Meeting Date: October 14, 2026

Agenda Section: Planning Commission Business - Public Hearings

Title:

Ordinance Amendment to the Frederick County Code Chapter 144 – Subdivision Ordinance – Modifications to Incorporate Policy Changes Recommended During the Phase I Subdivision Ordinance Update, Including Waivers, Exemptions, and Stormwater Management.

Article III – Subdivision Standards

Attachments:

[BOS10-14-26OA__SubdivisionUpdates.pdf](#)



MEMORANDUM

TO: Frederick County Board of Supervisors
FROM: Planning and Development Staff
SUBJECT: Ordinance Amendment – Subdivision Ordinance Updates
DATE: September 21, 2026

Proposal:

This is a proposal to amend Chapter 144 – Subdivision Ordinance to incorporate Phase I ordinance update recommendations from the Berkley Group. These recommendations were identified during the Phase I Subdivision and Zoning Ordinance Update but were “policy” type changes outside of the Phase I project scope.

Proposed changes to **Chapter 144** include implementing best practices for waivers, exemptions and alternative use standards at the discretion of the Subdivision Administrator rather than an action of the Board of Supervisors for certain requirements contained in §144-302 (General Access; Streets, Sidewalks; Easements) and to remove an outdated requirement at the direction of Public Works contained in §144-302.13 (Environmental Features and Protections).

Current Standard:

Chapter 144 – Subdivision Ordinance was adopted by the Board of Supervisors on May 13, 2026.

Summary & Requested Action:

The Board of Supervisors at their August 11, 2026, regular meeting authorized staff to incorporate recommended changes to Chapter 144 and proceed with committee review and advertising for public hearing (Planning Commission public hearing – September 2, 2026).

The Development Review and Regulations Committee (DRRC) reviewed the proposed amendments at their August 27, 2026, meeting. The DRRC offered no comments.

The Planning Commission held a public hearing on September 16, 2026. There were no speakers. The Planning Commission unanimously recommended approval of the proposed amendment (Commissioner Crane – absent).

Following a public hearing, staff is seeking a decision by the Board of Supervisors on this proposed ordinance amendment.

Questions regarding the proposal may be directed to staff.

MTK/pd

Attachments: 1. Proposed Changes – Chapter 144
2. Resolution

Chapter 144 – Subdivision Ordinance

Article III. Subdivision Standards.

§144-302.05. General Access.

B. Exempt.

- 1) The **Subdivision Administrator** ~~Board of Supervisors~~ may waive the public street requirement specified in A, above, to allow for a complete system of private streets within proffered age-restricted communities.

§144-302.07. Streets; Sidewalks.

A. **Public Streets.** The following standards are intended to ensure that an adequate network of streets is created which provides multiple access points to subdivisions.

- 1) All proposed subdivision streets shall be public streets dedicated to Frederick County for eventual acceptance into the state secondary road system and shall meet the following design standards, as well as the subdivision street requirements of VDOT. Where conflicts occur, the more restrictive requirement shall apply.
 - iii. **Interparcel Connectivity.** Provisions shall be made for the continuation of planned, existing, or platted streets on adjoining lots. The design of such streets shall be coordinated in terms of location, width, grades, and drainage.
 - e. The requirement for interparcel connector streets may be waived by the **Subdivision Administrator** ~~Board of Supervisors~~, if the **Subdivision Administrator** ~~Board~~ finds that:
 - i. A connector street to an adjoining lot is not likely to be needed;
 - ii. The connector street would be required to be placed in a location which is impractical for location of a street;
 - iii. An adjoining undeveloped lot is not likely to be developed in a manner to make a connector street necessary or appropriate; or
 - iv. Other good cause shown by the applicant not contrary to good planning policy.
 - v. **Intersections.** Streets shall intersect at approximately right angles.
 - a. The **Subdivision Administrator** ~~Board of Supervisors~~ may allow intersections of lesser angles. However, in no case shall a street intersect another at an angle of less than 80°.
 - vii. **Cul-de-sacs.**
 - a. A permanent cul-de-sac shall not exceed 1,000 feet in length unless required by VDOT standards for connectivity.
 - i. The turnaround provided shall have a ROW radius of not less than 50 feet and a paved radius of not less than 45 feet.

- ii. The **Subdivision Administrator** ~~Board of Supervisors~~ may waive this requirement in cases where extreme topography or other factors make it impractical.
- iii. Loop streets are preferred to a cul-de-sac, where possible.
- iv. In no case shall the street serve more than 25 lots.

xiv. **Streetlights.**

- ~~d. The Board of Supervisors may waive the requirement for streetlights.~~

B. Private Streets.

- 3) In addition, curb and gutters, standard curb CG-6, CG-7 or roll-top curb and sidewalks shall be provided along private roads; ~~however, the Subdivision Administrator may approve a waiver of sidewalks on private streets, provided that another recreational amenity is substituted for the sidewalk.~~

§144-302.11. Easements.

- B. Communication Easements.** In accordance with Code of Virginia § 15.2-2241(A)(6), once a developer conveys a common or shared easement permitting electric, cable, or telephone service to be furnished to a subdivision, the developer shall, within 30 days after written request, grant an easement to such provider for the purpose of furnishing cable television and/or communications services to the subdivision.

- 3) **Underground Utilities.** All electric, telephone and cable television lines shall be installed underground. ~~This requirement may be waived by the Board of Supervisors for the following:~~
 - ~~i. Subdivisions and lots in business and industrial zoning districts not requiring an approved MDP; or~~
 - ~~ii. Subdivisions in business and industrial zoning districts that were approved prior to May 13, 2026.~~

§144-302.13. Environmental Features and Protections.

E. Stormwater Management.

1. Stormwater Management Plan.

- ~~iii. The Subdivision Administrator may exempt subdivisions in which all lots are 15,000 square feet or more in area from the above requirements; this waiver shall only be permitted when acceptable to the Director of Public Works. In such cases, the exempted subdivision shall meet the requirements of 9VAC25-875-560.(A)(19).~~



ORDINANCE

Action:

PLANNING COMMISSION:

September 16, 2026

Recommended Approval

BOARD OF SUPERVISORS:

October 14, 2026

Pending

TO AMEND CHAPTER 144 - SUBDIVISION ORDINANCE

ARTICLE III SUBDIVISION STANDARDS

WHEREAS, a proposal to amend Chapter 144 – Subdivision Ordinance to incorporate Phase I ordinance update recommendations from the Berkley Group to implement best practices for waivers, exemptions and alternative use standards at the discretion of the Subdivision Administrator to certain requirements and to remove an outdated requirement for stormwater management contained in §144-302.13; and

WHEREAS, the Board of Supervisors authorized staff to draft an ordinance amendment and hold public hearings on August 12, 2026; and

WHEREAS, the Development Review and Regulations Committee (DRRC) met and discussed this proposed amendment at their August 27, 2026, regular meeting; and

WHEREAS, the Planning Commission held a public hearing on September 16, 2026, and recommended approval of the ordinance amendment; and

WHEREAS, the Frederick County Board of Supervisors held a public hearing on this proposed ordinance amendment October 14, 2026;

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 144 – Subdivision Ordinance to incorporate Phase I ordinance update recommendations is adopted.

Passed this October 14, 2026, by the following recorded vote:

John F. Jewell, Chairman

Michael D. Guevremont

Albert L. Orndorff

Robert W. Wells

Jason C. Aikens

Gary R. Oates

Robert T. Liero

A COPY ATTEST

Michael L. Bollhoefer
Frederick County Administrator



Board of Supervisors

Agenda Item Detail

Meeting Date: October 14, 2026

Agenda Section: Planning Commission Business - Public Hearings

Title:

Ordinance Amendment to the Frederick County Code – Chapter 165 – Zoning Ordinance – Modifications to Incorporate Policy Changes Recommended During the Phase I Zoning Ordinance Update, Including Modifications to Master Development Plan Final Approval, Waivers, and Exemptions.

Article III - Permits and Applications

Part 306 – Master Development Plans

Article IV - Primary Zoning Districts

Part 407 – Industrial Districts

Part 408 – Planned Development Districts

Article VII - Additional Regulations for Specific Uses

Part 703 – Public/Civic/Recreational Use Standards

Part 704 – Commercial Use Standards

Part 705 – Industrial Use Standards

Attachments:

[BOS10-14-26OA__ZoningUpdates.pdf](#)



MEMORANDUM

TO: Frederick County Board of Supervisors
FROM: Planning and Development Staff
SUBJECT: Ordinance Amendment – Zoning Ordinance Updates
DATE: September 21, 2026

Proposal:

This is a proposal to amend Chapter 165 - Zoning Ordinance to incorporate Phase I ordinance update recommendations from the Berkley Group. These recommendations were identified during the Phase I Subdivision and Zoning Ordinance Update but were “policy” type changes outside of the Phase I project scope.

Proposed changes to **Chapter 165** include removal of the County Administrator signature requirement from Master Development Plans (§165-306.06(D)) and implement best practices for waivers, exemptions and alternative use standards at the discretion of the Zoning Administrator rather than an action of the Board of Supervisors for certain requirements contained in §165-407 (Industrial District Standards), §165-408 (Planned Development Districts), §165-703 (Public/Civic/Recreational Use Standards), §165-704 (Commercial Use Standards), §165-705 (Industrial Use Standards).

Current Standard:

Chapter 165 – Zoning Ordinance was adopted by the Board of Supervisors on May 13, 2026.

Summary & Requested Action:

The Board of Supervisors at their August 11, 2026, regular meeting authorized staff to incorporate recommended changes to Chapter 165 and proceed with committee review and advertising for public hearing (Planning Commission public hearing – September 2, 2026).

The Development Review and Regulations Committee (DRRC) reviewed the proposed amendments at their August 27, 2026, meeting. The DRRC offered no comments.

The Planning Commission held a public hearing on September 16, 2026. There were no speakers. The Planning Commission unanimously recommended approval of the proposed amendment (Commissioner Crane – absent).

Following a public hearing, staff is seeking a decision by the Board of Supervisors on this proposed ordinance amendment.

Questions regarding the proposal may be directed to staff.

MTK/pd

Attachments: 1. Proposed Changes – Chapter 165
2. Resolution

Chapter 165 – Zoning Ordinance
Article III. Permits and Applications.
Part 306. Master Development Plans.

§165-306.06. Final Master Development Plan Submission.

D. An MDP shall not be considered final and approved until it is signed by the Director of Planning and Development and the County Administrator.

Article IV. Primary Zoning Districts.
Part 407. Industrial Districts.

§165-407.01. Industrial District Standards.

B. EM, Extractive Manufacturing Standards

- 1) **General.** All uses shall conform to applicable state, federal, and local regulations, including those governing noise and vibration.
- 2) **Development Standards.**
 - i. *All crushing or screening machinery shall be set back at least 300 feet from any property boundary. If such equipment is fully enclosed within a building which maintains the effective protection afforded adjacent properties, the yard requirement may be reduced to a minimum of 200 feet.* ~~All crushing or screening machinery shall be set back at least 300 feet from any property boundary. If such equipment is fully enclosed within a building which maintains the effective protection afforded adjacent properties, the Board of Supervisors may reduce this yard requirement to a minimum of 200 feet.~~

Part 408. Planned Development Districts.

§165-408.02. R5. Residential Recreational Community District Standards.

C. **Street Standards.** The residential recreational community shall be provided with a complete system of public streets dedicated to VDOT. The road system shall conform with the Frederick County Comprehensive Plan and with road improvement plans adopted by the County.

- 1) Within any portion of a residential recreational community, the Board of Supervisors may waive the public street requirement and allow for the installation of private streets, provided that a program for the perpetual maintenance of all streets is provided which is acceptable to the Board of Supervisors and the Zoning Administrator.
 - i. Three (3) classes of private streets permitted shall be identified on an MDP as follows:

- a. **Greenways.** All private streets with a projected Average Daily Traffic (ADT) count of over 3,000 shall have a minimum ROW of 50 feet and shall have no direct lot frontage. Greenways shall be lined on both sides with street trees having a minimum caliper of two (2) inches at the time of planting, spaced not more than 50 feet apart. Along the portions of ROW which abut mature woodland, the ~~Planning Director~~ **Zoning Administrator** may waive the requirement for street trees. The horizontal center line geometrics and vertical profile design shall meet the VDOT criteria for subdivision streets with a design speed of 30 miles per hour (mph).

Article VII. Additional Regulations for Specific Uses.
Part 703. Public/Civic/Recreational Use Standards.

§165-703.03. Frederick County Sanitary Landfill.

B. Landfills.

- 1) A minimum buffer of 600 feet shall be maintained on parcels containing a landfill adjacent to properties containing residences or properties zoned RP, MH1, R4, or R5.
 - i. Such buffers shall be along the boundary of the property adjacent to the properties so zoned or containing the residences.
 - ii. In addition, ~~the Board of Supervisors may require a~~ landscape screening or full screening in the buffer as described Article VIII, Part 802, of this Ordinance **is required.**

Part 704. Commercial Use Standards.

§165-704.18. Welding Repair.

B. General Standards.

- 1) Hours of operation shall not exceed 7:00 a.m. through 7:00 p.m., Monday through Saturday.
- 2) All outdoor storage or repair areas shall be screened by a six (6) foot board-on-board fence, evergreen screen or berm.
- 3) ~~The Board of Supervisors may require buffer and screening elements and/or distance when deemed necessary to protect existing adjacent uses.~~

Part 705. Industrial Use Standards.

§165-705.06. Tractor Truck and Tractor Trailer Truck Parking.

A. General Standards.

- 1) No facility shall be located adjacent to residential uses.

- 2) All areas utilized for the parking of tractor trucks and the storage of trailers shall utilize a gravel or paved surface.
 - i. All paved and gravel surfaces shall be properly maintained to ensure that dirt, mud, gravel, or the like is not distributed onto roadways.
- 3) The following activities shall be prohibited at such facilities:
 - i. Fuel sales;
 - ii. Maintenance of trucks and trailers; and
 - iii. The parking or storage of inoperable tractor trucks, damaged/salvage trailers, or unlicensed trailers.
- 4) Facilities shall be required to landscape the yard area within the front setback to provide for a double row of evergreen trees that are staggered and planted a maximum of 12 feet on center. The side and rear yards shall be planted with a single row of evergreen trees that are planted a maximum of 40 feet on center.
 - i. All trees shall be a minimum of four (4) feet in height at the time of planting.
 - ii. The **Zoning Administrator** ~~Board of Supervisors~~ may allow for alternative landscaping based on topography and/or adjacent land uses.
- 5) A Site Plan in accordance with the requirements of Article III, Permits and Applications of this Ordinance, shall be submitted to and approved by Frederick County.



ORDINANCE

Action:

PLANNING COMMISSION:
BOARD OF SUPERVISORS:

September 16, 2026
October 14, 2026

Recommended Approval
Pending

TO AMEND CHAPTER 165, ZONING ORDINANCE

ARTICLE III PERMITS AND APPLICATIONS PART 306 – MASTER DEVELOPMENT PLANS

ARTICLE IV PRIMARY ZONING DISTRICTS PART 407 – INDUSTRIAL DISTRICTS PART 408 – PLANNED DEVELOPMENT DISTRICTS

ARTICLE VII ADDITIONAL REGULATIONS FOR SPECIFIC USES PART 703 – PUBLIC/CIVIC/RECREATIONAL USE STANDARDS PART 704 – COMMERCIAL USE STANDARDS PART 705 – INDUSTRIAL USE STANDARDS

WHEREAS, a proposal to amend Chapter 165 – Zoning Ordinance to incorporate Phase I ordinance update recommendations from the Berkley Group to address remove County Administrator signature requirement from Master Development Plans and implement best practices for waivers, exemptions and alternative use standards at the discretion of the Zoning Administrator to certain requirements; and

WHEREAS, the Board of Supervisors authorized staff to draft an ordinance amendment and hold public hearings on August 12, 2026; and

WHEREAS, the Development Review and Regulations Committee (DRRC) met and discussed this proposed amendment at their August 27, 2026 regular meeting; and

WHEREAS, the Planning Commission held a public hearing on September 16, 2026 and recommended approval of the ordinance amendment; and

WHEREAS, the Frederick County Board of Supervisors held a public hearing on this proposed ordinance amendment October 14, 2026;

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 to incorporate Phase I ordinance update is adopted.

Passed this October 14, 2026, by the following recorded vote:

John F. Jewell, Chairman

Albert L. Orndorff

Jason C. Aikens

Robert T. Liero

Michael D. Guevremont

Robert W. Wells

Gary R. Oates

A COPY ATTEST

Michael L. Bollhoefer
Frederick County Administrator



Board of Supervisors

Agenda Item Detail

Meeting Date: October 14, 2026

Agenda Section: Planning Commission Business - Public Hearings

Title:

Ordinance Amendment to the Frederick County Code Chapter 165 – Zoning Ordinance – Modifications to Incorporate 2026 Amendments to the Code of Virginia Enacted by the General Assembly and Signed into Law by the Governor of the Commonwealth of Virginia.

Article IV – Primary Zoning Districts

Part 405 – Residential Districts

-

Article XI– Definition

Part 1105 – Use Terms

Attachments:

[BOS10-14-26OA_2026LegislativeUpdate.pdf](#)

**MEMORANDUM**

TO: Frederick County Board of Supervisors

FROM: Planning and Development Staff

RE: 2026 Legislative Update – Ordinance Amendments

DATE: September 21, 2026

Background:

Amendments to the Code of Virginia enacted by the General Assembly and signed into law by the Governor of the Commonwealth of Virginia should be annually reviewed, and where applicable, incorporated in the County ordinances. This is a best practice identified through the Zoning and Subdivision Diagnostics (2025) and the Phase I Zoning and Subdivision Ordinance Updates (2026) as recommended by the Berkley Group.

Applicable laws for 2026 to Frederick County have been reviewed by Planning staff and the County Attorney. Only those bills requiring amendment to the County’s adopted codes and ordinances are summarized below. Numerous other bills either did not apply or the County’s adopted codes and ordinances were already compliant.

Proposal:

This is a proposal to amend Chapter 165 – Zoning Ordinance to incorporate changes to the Code of Virginia, enacted in 2026.

| Bill Number | Description | Recommended Action | Staff Notes |
|--------------------|---|--|---|
| HB 1212 | Any locality with a population of 50,000 or more shall adopt and maintain a zoning district classification that permits one-family and two-family dwellings and townhouses as a by-right use on lots with a minimum lot area not exceeding 3,000 square feet. | Partially compliant; Ordinance amendment required | Amend §165-405.01 (RP, Residential Performance District Standards; Table IV-3) to reduce single-family small lot “minimum lot size” to comply with state code.

Single-family-attached requirements for minimum lot size (Table IV-4) complies with state code. |
| HB 655 | Amends existing provisions that require localities to permit manufactured homes in areas zoned for agriculture by expanding | Ordinance amendment required | Amend §165-1105.02 (Use Terms) for “single-family |

| | | | |
|--|--|--|---|
| | such requirement to all zoning districts where site-built housing is allowed, with certain conditions. | | dwelling” to remove statement “not including manufactured homes.” |
|--|--|--|---|

Summary & Requested Action:

The Board of Supervisors at their August 11, 2026, regular meeting authorized staff to incorporate mandated changes to the Code of Virginia and proceed with committee review and advertising for public hearing.

The Development Review and Regulations Committee (DRRC) reviewed the proposed amendments at their August 27, 2026, meeting. The DRRC noted that these changes in the state code are mandated on localities and offered no additional comments.

The Planning Commission held a public hearing on September 16, 2026. There were no speakers. The Planning Commission unanimously recommended approval of the proposed amendment (Commissioner Crane – absent).

Following a public hearing, staff is seeking a decision by the Board of Supervisors on this proposed ordinance amendment.

Questions regarding the proposal may be directed to staff.

MTK/pd

Attachments: 1. Proposed Changes
 2. Code of Virginia Amendments
 3. Resolution

-

Chapter 165 – Zoning Ordinance

Article IV

Primary Zoning Districts

Part 405. Residential Districts.

§165-405.01. RP, Residential Performance District Standards

| Table IV-3. RP Residential Performance District Standards – Residential Uses
Single-Family Detached Development. | | | | | |
|---|------------------------------------|--------------------------------------|--------------------------------------|--------------------------------------|--|
| Single-family detached rural traditional | Single-family detached traditional | Single-family detached urban | Single-family detached cluster | Single-family detached zero lot line | Single-family small lot |
| Minimum Lot Size | | | | | |
| 100,000 sq. ft. | 15,000 sq. ft. | 12,000 sq. ft. | 8,000 sq. ft. | 6,000 sq. ft. | ~~3,750 sq. ft.~~
3,000 sq. ft. |
| Minimum Lot Width | | | | | |
| | 80 ft. | At Setback: 70 ft.
At ROW: 40 ft. | At Setback: 60 ft.
At ROW: 30 ft. | | |
| Minimum Lot Depth to Width Ratio | | | | | |
| 1:3 | | | | | |
| Maximum Site Impervious Surface Ratio | | | | | |
| | | | | | |
| Minimum Setbacks – Principal Structures | | | | | |
| <i>Front</i> | | | | | |
| 60 ft. | 35 ft. | 35 ft. | 25 ft. | 25 ft. | 25 ft.* |
| <i>Side</i> | | | | | |
| 15 ft. | 10 ft. | 10 ft. | 8 ft. | 25 ft. | Detached: 5 ft.
Attached: 10 ft. |
| <i>Rear</i> | | | | | |
| 50 ft. | 25 ft. | 25 ft. | 20 ft. | 25 ft. | 15 ft. |
| Minimum Setbacks – Accessory Structures, all sides | | | | | |
| 5 ft. | | | | | |
| Minimum Setbacks – Unroofed Decks, Stoops, Landings, and Similar Features | | | | | |
| <i>Front</i> | | | | | |
| 50 ft. | 25 ft. | 25 ft. | 15 ft. | 15 ft. | 15 ft.** |
| <i>Side</i> | | | | | |
| 10 ft. | 5 ft. | 5 ft. | 5 ft. | 20 ft. | 5 ft. |
| <i>Rear</i> | | | | | |
| 35 ft. | 15 ft. | 15 ft. | 10 ft. | 15 ft. | 10 ft.
5 ft. <i>if from open space</i> |
| Maximum Height | | | | | |
| Principal Structure: 35 ft. | | | | | |
| Accessory Structures: 20 ft. | | | | | |

| Table IV-3. RP Residential Performance District Standards – Residential Uses
Single-Family Detached Development. | | | | | |
|--|------------------------------------|------------------------------|--------------------------------|--------------------------------------|-------------------------|
| Single-family detached rural traditional | Single-family detached traditional | Single-family detached urban | Single-family detached cluster | Single-family detached zero lot line | Single-family small lot |
| Additional Dimensional Standards Included? | | | | | |
| | | | | Yes
(D.1., below) | Yes
(D.2., below) |
| <p>* The setback may be reduced to 15 feet, provided that the residential unit utilizes a rear alley for access and there are no driveways on the private or public road fronting the residential unit.</p> <p>** The setback is reduced to 10 feet, provided that the residential unit utilizes a rear alley.</p> | | | | | |

Article XI

Definitions

Part 1105. Use Terms.

§165-1105.02. Residential.

E. Dwelling, Single-Family. A structure, ~~not including manufactured homes~~, arranged or designed to be occupied by one household.

VIRGINIA ACTS OF ASSEMBLY - 2026 SESSION

CHAPTER 751

An Act to amend the Code of Virginia by adding a section numbered 15.2-2286.2, relating to small lot residential zoning district.

[H 1212]

Approved April 13, 2026

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 15.2-2286.2 as follows:

§ 15.2-2286.2. Small lot residential zoning district required.

A. Any locality with a population of 50,000 or more shall adopt, maintain, and apply to land within its boundaries at least one zoning district classification that permits a single-family dwelling on a lot with a minimum lot area not exceeding 3,000 square feet.

B. Such zoning district classifications shall not impose minimum lot widths exceeding 30 feet or setback, lot coverage, or density requirements that would preclude construction of eligible dwellings on conforming lots.

C. A locality shall satisfy the requirements of this section through either (i) the maintenance of one or more existing zoning district classifications already applying to land within the locality's boundaries and meeting the requirements of this section or (ii) the amendment of the requirements of one or more existing zoning district classifications already applying to land within the locality's boundaries to meet the requirements of this section.

D. This section shall not apply to areas within a historic district established pursuant to § 15.2-2306.

VIRGINIA ACTS OF ASSEMBLY - 2026 SESSION

CHAPTER 19

An Act to amend and reenact §§ 15.2-2247 and 15.2-2290 of the Code of Virginia, relating to zoning; manufactured housing.

[H 655]

Approved March 31, 2026

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-2247 and 15.2-2290 of the Code of Virginia are amended and reenacted as follows:

§ 15.2-2247. Applicability of subdivision ordinance to manufactured home parks.

Any locality may designate, by ordinance, the areas within its jurisdiction in which ~~manufactured homes may be located or~~ manufactured home parks may be established, notwithstanding the absence of a zoning ordinance in such locality. Such ordinance may also apply to any of the provisions of §§ 15.2-2241 through 15.2-2245 in the regulation and governing of the location, establishment, and operation of ~~manufactured homes or~~ manufactured home parks. The ordinance may apply to any park or portion thereof licensed as a campground pursuant to Title 35.1 ~~of this Code~~. In the event of irreconcilable conflict between the ordinance and state law, the state law shall supersede the ordinance.

§ 15.2-2290. Uniform regulations for manufactured housing.

A. *Localities adopting and enforcing zoning ordinances under the provisions of this article shall provide that in all agricultural zoning districts, or districts having similar classifications regardless of name or designation, where agricultural, horticultural, or forest uses such as those described in § 58.1-3230 are the dominant use and where site-built housing is allowed, the placement of manufactured homes shall be permitted.*

B. *Localities adopting and enforcing zoning ordinances under the provisions of this article shall provide that, in all ~~agricultural zoning districts or districts having similar classifications regardless of name or designation where agricultural, horticultural, or forest uses such as but not limited to those described in § 58.1-3230 are the dominant use,~~ other than zoning districts listed in subsection A, where site-built housing is allowed, the placement of manufactured ~~houses~~ homes shall be permitted for manufactured homes that are on a permanent foundation (i) converted to real property in accordance with § 46.2-653.1, (ii) constructed so that the certificate of occupancy is issued within five years following the date of manufacture listed on the home's data plate, and (iii) placed on individual lots shall be permitted, subject to development standards that are equivalent to those applicable to site-built single family dwellings within the same or equivalent zoning district. Localities shall not adopt or enforce any zoning, land-use, or development regulation that treats manufactured homes differently or more restrictively than a single-family site-built dwelling allowed in the same zoning district. Nothing in this subsection shall be construed as limiting the authority of localities to adopt ordinances pursuant to §§ 10.1-2206.1 and 15.2-2306 designed to protect existing or future areas of historical or archaeological significance, historical sites, historical landmarks, and historical buildings and structures, or to establish local historical districts.*

~~B.~~ C. *Localities adopting and enforcing zoning regulations under the provisions of this article may, to provide for the general purposes of zoning ordinances, adopt uniform standards, so long as they apply to all residential structures erected within the ~~agricultural zoning district or other districts identified in subsection A of this section incorporating such standards.~~ The standards shall not have the effect of excluding manufactured housing built in compliance with the Virginia Manufactured Housing Construction and Safety Standards Law (§ 36-85.2 et seq.).*

~~C.~~ D. *Local zoning ordinances adopting provisions consistent with this section shall not relieve lots or parcels from the obligations relating to manufactured housing units imposed by the terms of a restrictive covenant.*



ORDINANCE

Action:

PLANNING COMMISSION:
BOARD OF SUPERVISORS:

September 16, 2026
October 14, 2026

Recommended Approval
Pending

TO AMEND CHAPTER 165, ZONING ORDINANCE

ARTICLE IV PRIMARY ZONING DISTRICTS PART 405 – RESIDENTIAL DISTRICTS

ARTICLE XI DEFINITIONS PART 1105 – USE TERMS

WHEREAS, a proposal to amend Chapter 165 – Zoning Ordinance to incorporate 2026 amendments to the Code of Virginia enacted by the General Assembly and signed into law by the Governor of the Commonwealth of Virginia; and

WHEREAS, amendments are necessary to §165-405.01 (RP, Residential Performance District Standards; Table IV-3) and §165-1105.02 (Use Terms) to remain fully compliant with the Code of Virginia; and

WHEREAS, the Board of Supervisors authorized staff to draft an ordinance amendment and hold public hearings on August 12, 2026; and

WHEREAS, the Development Review and Regulations Committee (DRRC) met and discussed this proposed amendment at their August 27, 2026, regular meeting; and

WHEREAS, the Planning Commission held a public hearing on September 16, 2026, and recommended approval of the ordinance amendment; and

WHEREAS, the Frederick County Board of Supervisors held a public hearing on this proposed ordinance amendment October 14, 2026;

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 amendments to Chapter 165 to RP, Residential District Standards (§165-405.01) and Use Terms (§165-1105.02) to remain fully compliant with the Code of Virginia is adopted.

Passed this October 14, 2026, by the following recorded vote:

John F. Jewell, Chairman

Albert L. Orndorff

Jason C. Aikens

Robert T. Liero

Michael D. Guevremont

Robert W. Wells

Gary R. Oates

A COPY ATTEST

Michael L. Bollhoefer
Frederick County Administrator