

**BOARD OF SUPERVISORS**  
**Agenda Item**

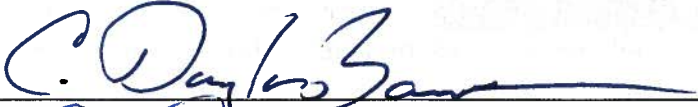

<b>Meeting Date:</b>	January 24, 2017
<b>Title:</b>	Consider a Request for a Conditional Use Permit to Allow an Increased Density Cluster Subdivision in the R-1, Suburban Residential Zoning District on Tax Map Parcel No. 29-4
<b>Department:</b>	Planning and Zoning
<b>Staff Contact:</b>	Jeffrey A. Harvey
<b>Board Committee/ Other BACC:</b>	Planning Commission
<b>Staff Recommendation:</b>	Approval
<b>Budget Impact:</b>	N/A
<b>Time Sensitivity:</b>	August 28, 2017 to comply with the one-year deadline for action

**ATTACHMENTS:**

1.	Background Report	6.	Generalized Development Plan dtd 8/19/16
2.	Proposed Resolution R17-10 (Approve)	7.	Architectural Renderings
3.	Proposed Resolution R17-11 (Deny)	8.	Application and Related Materials
4.	Land Use Action Request	9.	PC Minutes dtd 9/28/16 and 10/26/16
5.	Summary of Application Changes	10.	Proffers dtd 12/16/16

<b>Consent Agenda</b>		<b>Other Business</b>		<b>Unfinished Business</b>
<b>Discussion</b>		<b>Presentation</b>		<b>Work Session</b>
<b>New Business</b>	X	<b>Public Hearing</b>		<b>Add-On</b>

**REVIEW:**

X	Interim County Administrator	
X	County Attorney (legal review only)	

<b>DISTRICT:</b>	Garrisonville and Rock Hill
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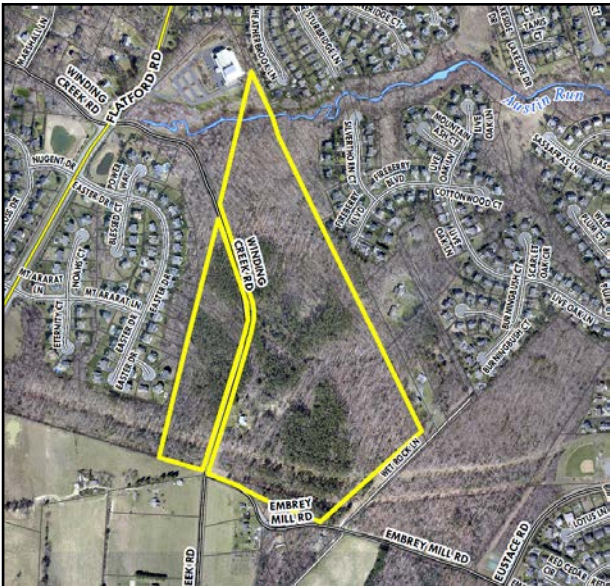
## **BACKGROUND REPORT**

Winding Creek Owner, LLC (Applicant) is requesting a conditional use permit (CUP) to allow for an increased density cluster development in the R-1, Suburban Residential Zoning District, on Tax Map Parcel No. 29-4 (Property), which totals 61.23 acres. The Applicant submitted a concurrent reclassification application, RC16151333, for the reclassification of the Property from the A-1, Agricultural Zoning District to the R-1, Suburban Residential Zoning District. The R-1 Zoning District would allow up to 91 residential lots on the Property. The approval of the CUP would result in an additional 6 dwelling units, for a total of 97 dwelling-units.

In 2014, similar applications for a rezoning and a CUP were submitted and processed for this proposed development. The application included a second parcel, Tax Map Parcel No. 29-5C, consisting of 1.90 acres, which abutted the east side of Parcel 29-4 and the western terminus of Fireberry Boulevard in the Autumn Ridge neighborhood. Parcel 29-5C was omitted from this new application, primarily to remove the Virginia Department of Transportation (VDOT) requirement for interparcel street connection to Fireberry Boulevard. During the public hearing process for the 2014 applications, the residents expressed opposition to the connection. The Board of Supervisors denied the application at its meeting on September 15, 2016. The new proposal on 61.23 acres is very similar to the original proposal on 63.13 acres, but has been modified based on the new acreage and street configuration. The proposed number of dwelling units has not changed. A summary of changes between the current and previous application is included in Attachment 5.

### **Existing Conditions**

The Property is located at the intersection of Winding Creek and Embrey Mill Road and is surrounded by single-



family residential uses. One single family residence exists on the property. An existing underground electric power easement transects the southern portion of the Property. Winding Creek Road transects the western portion of the Property and Austin Run transects the northern portion of the Property from west to east.

The Property includes areas of medium-aged mixed deciduous and coniferous forest. Austin Run flows through the northern portion, which is protected by a Critical Resource Protection Area (CRPA) buffer. Major portions of the Property are dominated by relatively young regrowth where Virginia pine trees are prevalent. There are areas of mature hardwood forest, consisting of white oak, southern red oak, American beech, and hickory trees, with diameter-at-breast-height (DBH) greater

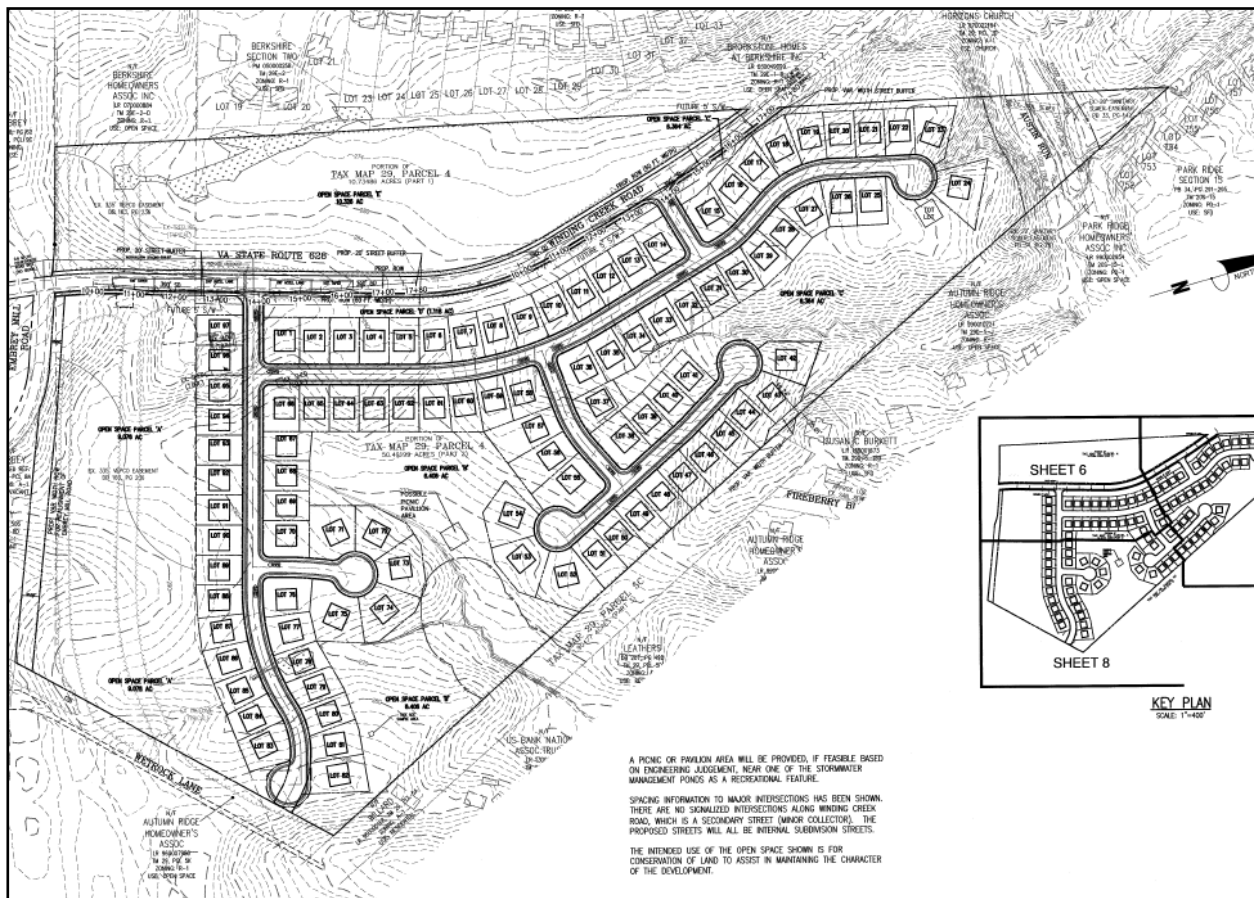
than 12 inches. These areas would remain predominantly within the designated open space areas as depicted on the Generalized Development Plan (GDP).

A Threatened and Endangered Species Review, dated April 25, 2014, and a Small Whorled Pogonia Survey (Survey), dated July 31, 2013, were completed on the Property, the result of which was a determination that the potential of occurrences or impacts related to listed species was considered low.

Areas of potential suitable habitat were identified during the Survey of the proposed development site for the small whorled pogonia, which is an orchid that is a State-listed endangered and Federal-listed threatened plant species. However, during the Survey, there were no individuals or colonies that were observed or identified on or immediately adjacent to the Property. Copies of the surveys are included in the reclassification application.

### Generalized Development Plan

The GDP, dated August 29, 2016 (Attachment 6), depicts the proposed design of the site to include 97 lots at a density of 1.58 dwelling units an acre (du/ac), which is above the 1.5 du/ac maximum by-right density for a cluster subdivision in the R-1 Zoning District. A maximum of 2.25 du/ac is allowable with issuance of a CUP. The proposed development identifies 33.29 acres, or 54.4% of the Property, as open space, well above the 30% minimum requirement. All residential units would be located on the portion of the Property to the east of Winding Creek Road. Build-out is expected to occur by 2021.



### *Generalized Development Plan*

The GDP identifies that the proposed development will have two access points to Winding Creek Road. Secondary access is shown via an inter-parcel connection in the vicinity of Wet Rock Lane, to the south of the development. The Applicant proffered the construction of a sidewalk to Winding Creek Road, and a crosswalk connecting the east and west side of Winding Creek Road, providing pedestrian access to Open Space Parcel E, located on the west side

of Winding Creek Road. This is consistent with Comprehensive Plan Policy 6.3.1., which states that development proposals should establish sidewalks to connect local neighborhoods with activity centers.

In its rezoning application, the Applicant proffered that Parcel E, consisting of 10.326 acres, would be preserved as open space and not developed or disturbed, except potentially for County park purposes. The proffers further state that the parcel may be dedicated to the County upon approval of the final subdivision plan for the first section, unless the County does not desire to accept Parcel E. In this case, Parcel E would be conveyed as preserved open space to the homeowner's association.

The proposed development would result in clearing approximately 34 acres of forested area. Staff recommended that existing tree canopy be protected and/or restored to the greatest extent possible. Comprehensive Plan Policy 3.5.2., states that the maximum amount of tree cover on developed and developing sites shall be protected or restored, and also with Section 200 of the design and construction standards for landscaping, buffering and screening (DCSL), which states that buffer yards are intended to "recreate or preserve native woodlands." In addition to the forested area encompassed within the common open space areas, the proposal includes a proffered 20-foot and variable width buffer consisting of a double row of evergreen trees between the residential lots and the right-of-way along Winding Creek Road. The Applicant also proffered to provide a tree in the rear yard of each lot.

The open space parcels encompass a Virginia Dominion Power easement, which transects the southern portion of the Property, and federally regulated wetlands. The GDP shows minor impacts to wetlands and streams that are not protected by the CRPA buffer, because they are not contiguous or connected by surface flow to a perennial stream. However, these would be within the maximum thresholds under the State's permitting process. The Applicant proffered that for all future property owners abutting the Virginia Dominion Power easement shown on the GDP, a disclosure notice will be provided to each buyer identifying the fact that in the future, overhead power lines may be constructed, in addition to the existing underground line within the Virginia Dominion Power easement.

### Transportation

A Transportation Impact Analysis (TIA) was submitted to the County with the rezoning application, and a copy is included in the reclassification staff report. Transportation impacts and staff's concerns under the CUP application are similar, if not the same, as under the Applicant's reclassification application, as the CUP would allow six additional homes beyond what is allowed with the R-1 Zoning District reclassification, if approved.

A summary of transportation improvements pursuant to the reclassification application are as follows:

- Dedication of 0.84 acre of right-of-way along Winding Creek Road;
- Dedication of 0.78 acre of right-of-way for the relocation of Embrey Mill Road,
- Construction of a right turn lane at the intersection of Eustace Road and Northampton Boulevard;
- Construction of a right turn taper and acceleration lane off of Winding Creek Road into the main entrance of the project;
- Require clearing, grading and sight line improvements along Winding Creek Road at the curve located roughly 530 feet north of the northern limit of the project.

## Comprehensive Plan

The Comprehensive Plan identifies this site as being within the suburban future land-use designation. The proposed development is generally consistent with the recommended development standards for the designation as described in the Comprehensive Plan. The proposed development's consistency with the Comprehensive Plan under the CUP application is the same, as under the Applicant's reclassification application, as the suggested residential density for the area is up to 3.0 dwelling units an acre.

Policy 1.2.12. of the Comprehensive Plan recommends that cluster subdivisions with increased density should meet the following criteria:

- Cleared natural resource area should be restored through the provision of increased landscaping in open space, buffer areas and on residential lots.
- Viable areas of existing agricultural uses and natural resources should be avoided when possible as part of the development design.
- Subdivisions should be located in areas of the County where public facilities (including schools, transportation, parks and recreation, water/sewer, emergency services) have planned capacity to absorb the demand of the additional density.
- Impacts of the development should be mitigated where existing public facilities are inadequate.
- Environmentally sensitive areas should be preserved within open space areas, including wetlands, floodplain, alluvial soils, slopes greater than 25%, designated trees and significant tree stands.
- Open space areas should be a continuous land mass that is not fragmented by the development of the subdivision and shall be of sufficient size and shape to support its intended use.
- The minimum side yard setback for each residential lot should be 10 feet or a fire suppression system should be provided within each dwelling unit.

This project generally meets the intent of these criteria.

## Impacts to Public Facilities

Impacts to Public Facilities and staff's concerns under the CUP application are similar, if not the same, as under the Applicant's reclassification application, as the CUP would allow six additional units above the R-1 Zoning District reclassification, if approved.

## Proposed Conditions

In its reclassification application, the Applicant has incorporated most of the original conditions related to the CUP application into the proffer statement. A summary of the proffers (Attachment 10), excluding the transportation proffers listed previously in this report, follows:

- Require the subdivision to be developed in general accordance with the GDP, but would allow for specified modifications in the final site plan;
- Provide a commitment to a general type, character, and quality of architectural design, details and materials of the units, and of an entrance feature, including:
  - Front elevation of 75% of units would be 60% brick;

- Side elevations facing the street on corner lots would have two operable windows;
  - All units would have brick or stone to grade on any side facing the street; and
  - Roofs would be symmetrically sloped no less than 5:12, except porches and attached sheds.
- Construction of a sidewalk to Winding Creek Road and a crosswalk connecting the east and west sides of Winding Creek Road;
  - Preservation of approximately 10.326 acres of land (Open Space Parcel E), which may be used for County recreation purposes, and require dedication to the County upon recordation of the first subdivision section, unless the County does not desire to accept Open Space Parcel E. If not accepted by the County, Open Space Parcel E will be conveyed to the homeowner's association for preservation;
  - Cash proffers with an estimated value of \$22,462.47 per unit;
  - Requirement for the property to be encumbered with conditions, covenants, restrictions, and easements prior to development, and the creation of a property/homeowners' association;
  - Offer fire sprinkler systems as an option to purchasers of any dwelling units;
  - On lots located within the CRPA buffer, require the installation of any required plant materials prior to the issuance of the certificate of occupancy, installation of a sign identifying the landward limits of the CRPA buffer, and provision of related deed restrictions;
  - Require a Phase I Cultural Resource Study to be completed if historical artifacts are discovered during site development and a Phase II study, if required by the Phase I Study;
  - Limit the development to 97 single-family dwelling unit (subject to the approval of the concurrent CUP application);
  - Require a 20-foot buffer consisting of a double row of evergreen trees between residential lots, and the Winding Creek Road right-of-way on Open Space Parcels A and D;
  - Require a variable width buffer consisting of a double row of evergreen trees between residential parcels and the Winding Creek Road right-of-way on Open Space Parcel C;
  - Require foundation landscaping and at least one tree in the rear yard of each lot;
  - Require the construction of a tot lot and picnic/pavilion area; and
  - Require a landscape buffer between Lots 43/44 and the adjacent property owner, consisting of a double row of evergreen trees.

The following additional development restrictions are proposed as conditions with the CUP:

1. This CUP allows for a cluster subdivision in the R-1, Suburban Residential Zoning District, which shall be limited to 97 single-family detached dwelling units.
2. The Applicant shall offer as an option to purchasers of any of the units, but not as a requirement, fire sprinkler systems within said units. In no event shall these fire sprinkler systems be a requirement for purposes of construction and/or permitting, but rather only an option payable by purchasers of the units.
3. This CUP may be revoked or conditions amended by the Board for violation of these conditions or any applicable county, state or federal code, law, ordinance or regulation.



Architectural Design

In its reclassification application, the Applicant proffered a commitment to a general type, character, and quality of architectural design, details and materials of the units, and has included the following examples as an attachment to the proffer statement:



*Architectural Elevations*

## Evaluation

Section 28-185 of the Zoning Ordinance lists six criteria to be considered at each public hearing for a CUP. A summary of each criteria is as follows:

1. The use shall not change the character and established pattern of development in the vicinity of the proposed use - *The Property is surrounded by single-family detached residential uses. The density and form of development is compatible with adjacent neighborhoods.*
2. The use shall be in harmony with uses permitted by-right under a zoning permit in the land- use district and shall not adversely affect the use of adjacent properties - *The proposed use is the same as permitted by-right use in the R-1 Zoning District.*
3. The location and height of buildings, the location, nature and height of walls and fences, and the nature and extent of landscaping on the site, shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof - *The proposed use will not hinder or discourage appropriate development or impair the value of the land and buildings on adjacent properties.*
4. The use shall not adversely affect the health or safety of persons residing or working in the vicinity of the proposed use - *The proposal does not directly present any health, safety, or general welfare concerns. However, surrounding residents expressed a concern about the safety of Winding Creek Road with the increase in vehicular trips to be generated by this development. The additional six homes would increase the traffic volume by as much as 60 vehicle trips per day.*
5. The use shall not be detrimental to the public welfare or injurious to property or improvements in the neighborhood - *Proposed conditions include the option of a fire sprinkler system within each home.*
6. The use shall be in accord with the purposes and intent of this chapter and the Comprehensive Plan of the County - *The proposed use is consistent with the land-use recommendations in the Comprehensive Plan, as the proposed location and the design configuration of the use are appropriate on the Property with the addition of the proposed conditions.*

## Summary of Positive and Negative Features

Positive:

1. The proposal is consistent with the established development pattern in the vicinity.
2. The proposed uses and development pattern meet the intent of the Comprehensive Plan, including land-use, building design, pedestrian connectivity, and open space recommendations.



3. The dedication of right-of-way would accommodate planned transportation improvements.

Negative:

1. While the Applicant has proffered in its reclassification application the dedication of right-of-way and significant improvements to Winding Creek Road, the Applicant has not proposed to upgrade Winding Creek Road in front of the property to an “urban two lane major local standard” as planned for in the Comprehensive Plan.

Recommendation

Staff believes that the positive aspects of this development outweigh the negative aspects and recommends approval of the CUP, with the conditions contained in proposed Resolution R17-10, subject to approval of reclassification application RC16151333.

At its meeting on October 26, 2016, the Planning Commission voted 4-2 (Ms. Vanuch and Mr. Coen voted no, Mr. English abstained) to recommend approval of the CUP application.

PROPOSED

BOARD OF SUPERVISORS  
COUNTY OF STAFFORD  
STAFFORD, VIRGINIA

RESOLUTION

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, George L. Gordon, Jr., Government Center, Stafford, Virginia, on the 24<sup>th</sup> day of January, 2017:

MEMBERS:

- Paul V. Milde, III, Chairman
- Meg Bohmke, Vice Chairman
- Jack R. Cavalier
- Wendy E. Maurer
- Laura A. Sellers
- Gary F. Snellings
- Robert "Bob" Thomas, Jr.

VOTE:

On motion of , seconded by , which carried by a vote of , the following was adopted:

A RESOLUTION TO APPROVE A CONDITIONAL USE PERMIT PURSUANT TO APPLICATION CUP16151334 TO ALLOW A CLUSTER SUBDIVISION WITH A MAXIMUM DENSITY OF UP TO 2.25 DWELLING UNITS/ACRE IN THE R-1, SUBURBAN RESIDENTIAL ZONING DISTRICT, ON TAX MAP PARCEL NO. 29-4, WITHIN THE GARRISONVILLE AND ROCK HILL ELECTION DISTRICTS

WHEREAS, Winding Creek Owner, LLC (Applicant), submitted application CUP16151334, requesting a conditional use permit (CUP) to allow a cluster subdivision with a maximum density of up to 2.25 dwelling units/acre in the R-1, Suburban Residential Zoning District, on Tax Map Parcel No. 29-4, located within the Garrisonville and Rock Hill Election Districts; and

WHEREAS, the application was submitted pursuant to Stafford County Code Sec. 28-35, Table 3.1, which permits this use in the R-1, Suburban Residential Zoning District, after a CUP is approved by the Board; and

WHEREAS, the Board carefully considered the recommendations of the Planning Commission and staff, and the public testimony, if any, received at the public hearing; and

WHEREAS, the Board finds that the request meets the standards of the Zoning Ordinance for issuance of a CUP; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, and good zoning practice require approval of this CUP request;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 24<sup>th</sup> day of January, 2017, that a conditional use permit (CUP) request, pursuant to application CUP16151334, to allow a cluster subdivision with a maximum density of up to 2.25 dwelling units per acre on Tax Map Parcel No. 29-4, be and it hereby is approved with the following conditions:

1. This CUP allows a cluster subdivision in the R-1, Suburban Residential Zoning District, which shall be limited to 97 single-family detached dwelling units.
2. The Applicant shall offer as an option to purchasers of any unit, a fire sprinkler system within the unit. The fire sprinkler system is not a requirement for purposes of construction and/or permitting, but rather only an option payable by the purchaser of the unit.
3. This CUP may be revoked or conditions amended by the Board for violation of these conditions or any applicable county, state or federal code, law, ordinance or regulation.

CDB:JAH:kb

R17-11

PROPOSED

BOARD OF SUPERVISORS  
COUNTY OF STAFFORD  
STAFFORD, VIRGINIA

RESOLUTION

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, George L. Gordon, Jr., Government Center, Stafford, Virginia, on the 24<sup>th</sup> day of January, 2017:

MEMBERS:

Paul V. Milde, III, Chairman  
Meg Bohmke, Vice Chairman  
Jack R. Cavalier  
Wendy E. Maurer  
Laura A. Sellers  
Gary F. Snellings  
Robert "Bob" Thomas, Jr.

VOTE:

On motion of , seconded by , which carried by a vote of , the following was adopted:

A RESOLUTION TO DENY A CONDITIONAL USE PERMIT PURSUANT TO APPLICATION CUP16151334 REQUESTING A CLUSTER SUBDIVISION WITH A MAXIMUM DENSITY OF UP TO 2.25 DWELLING UNITS/ACRE IN THE R-1, SUBURBAN RESIDENTIAL ZONING DISTRICT, ON TAX MAP PARCEL NO. 29-4, WITHIN THE GARRISONVILLE AND ROCK HILL ELECTION DISTRICTS

WHEREAS, Winding Creek Owner, LLC (Applicant), submitted application CUP16151334, requesting a conditional use permit (CUP) to allow a cluster subdivision with a maximum density of up to 2.25 dwelling units/acre in the R-1, Suburban Residential Zoning District, on Tax Map Parcel No. 29-4, located within the Garrisonville and Rock Hill Election Districts; and

WHEREAS, the application was submitted pursuant to Stafford County Code Sec. 28-35, Table 3.1, which permits this use in the R-1, Suburban Residential Zoning District, after a CUP is approved by the Board; and

WHEREAS, the Board carefully considered the recommendations of the Planning Commission and staff, and the public testimony, if any, received at the public hearing; and

WHEREAS, the Board finds that the request does not meet the standards of the Zoning Ordinance for issuance of a CUP;

R17-11  
Page 2

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 24<sup>th</sup> day of January, 2017, that a conditional use permit (CUP) request, pursuant to application CUP16151334, be and it hereby is denied.

CDB:JAH:kb



**LAND USE ACTION REQUEST**

**BOARD OF SUPERVISORS**

Date: January 24, 2017

New

Revised

Unfinished

**REQUEST:** Conditional Use Permit to allow an increased density cluster subdivision in the R-1, Suburban Residential Zoning District on Tax Map Parcel No. 29-4, consisting of 61.23 acres.

Conforms with the Comprehensive Plan?  Yes  No  N/A

**CONDITIONS:** See proposed Resolution R17-10.

**APPLICANT:**

Name: Frank Lackman  
Winding Creek Owner, LLC

Address: 1256 Welton Court  
Centreville, VA 20120

Agent: Charles W. Payne, Jr.  
Hirschler Fleischer

**TAX STATUS:** Paid through December 5, 2016.

**PLANNING COMMISSION RECOMMENDATION:** Approve  Deny

At its meeting on October 26, 2016, the Planning Commission voted 4-2 (Ms. Vanuch and Mr. Coen voted no, Mr. English abstained) to recommend approval of application CUP16151334.

**TIMING:**

Application Date June 17, 2016 (submitted); August 29, 2016 (completed)

Advertisement Date/s January 10, 2017 and January 17, 2017

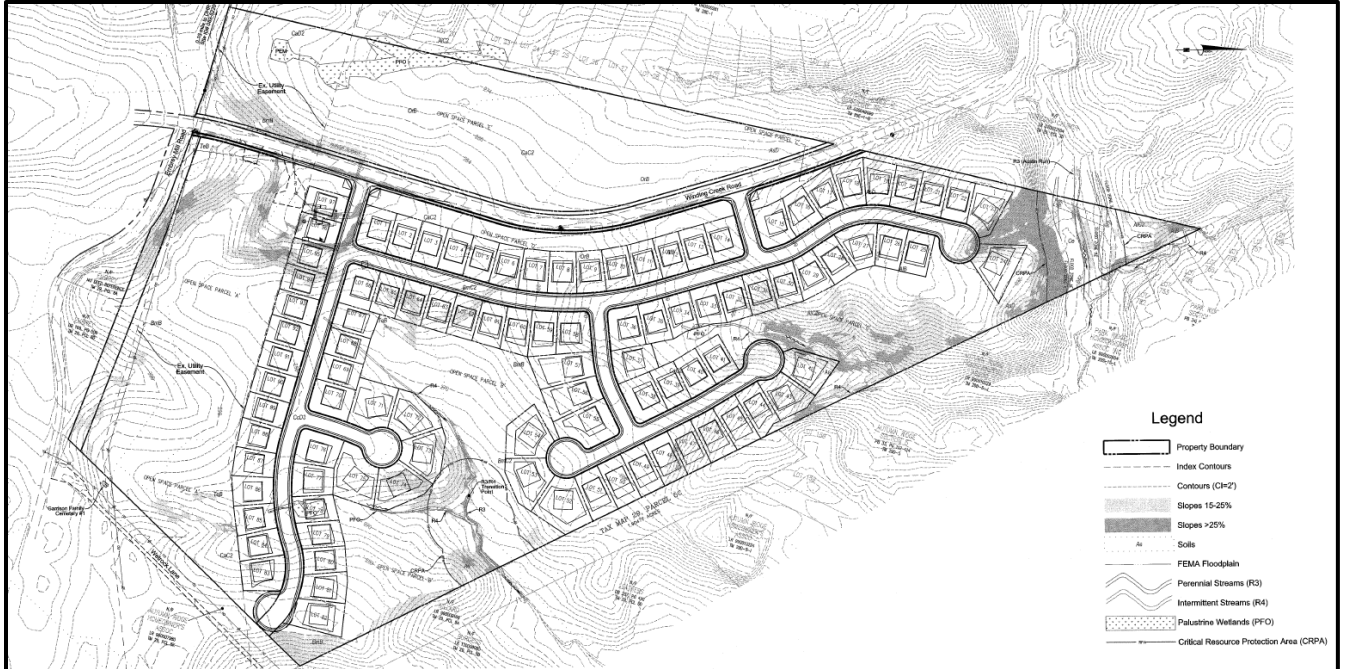
Plan. Comm. Action Date October 28, 2016 (Required) January 6, 2017

Proposed Board Action Date January 24, 2017 (Required) August 28, 2017

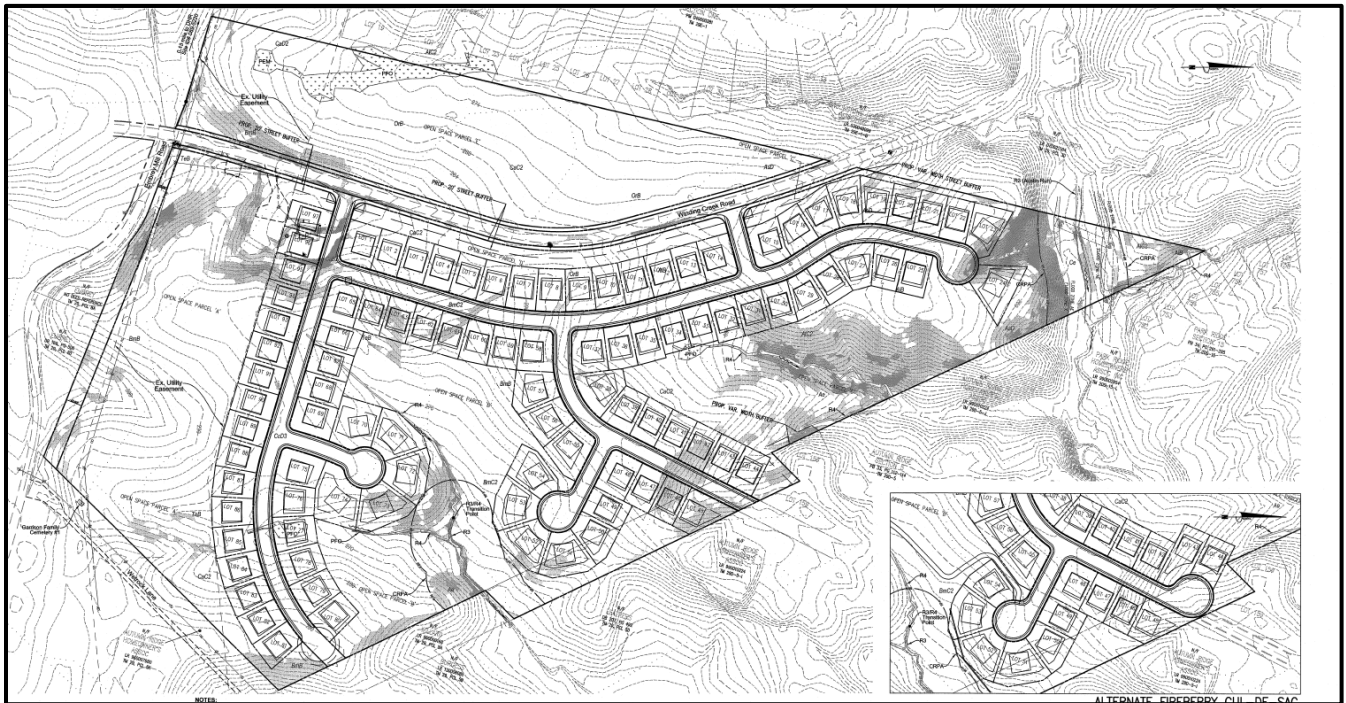
## Winding Creek Rezoning

### Summary of differences between 2014 and 2016 applications

	<b>2014</b>	<b>2016</b>
<b>Tax Parcel Nos.</b>	29-4 and 29-5C	29-4
<b>Acreage</b>	61.23	63.13
<b>Density</b>	1.54 units/acre	1.58 units/acre
<b>Allowable # of units</b>	142	137
<b>Open Space Proposed</b>	35.77 acres (56.6%)	33.29 acres (54.4%)
<b>Proposed Layout</b>	Included a street connection to Fireberry Boulevard	Removes street connection to Fireberry Boulevard, and street now ends in a cul-de-sac
	Future interparcel street connection to Parcel 29-5A	Future interparcel street connection to Wetrock Lane
<b>Proposed Proffers</b>	Included language regarding street connection to Fireberry Boulevard	Removes language regarding street connection to Fireberry Boulevard
	Required building elevations not be repeated within 3 units of each other	Removes language regarding repetition of architectural elevations
	Required architectural shingles on dwellings	Removes language regarding architectural shingles
	Required review for consistency with Neighborhood Development Standards (NDS)	Removes language regarding consistency with NDS (addressed in proffered architectural elevations instead)
		Removes duplicative proffers regarding open space and cultural resources



*2016 Generalized Development Plan*



*2014 Generalized Development Plan*



# GENERALIZED DEVELOPMENT PLAN WINDING CREEK GARRISONVILLE/ROCKHILL MAGISTERIAL DISTRICT STAFFORD COUNTY, VIRGINIA

**Bowman**  
CONSULTING

Bowman Consulting Group, LLC  
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Friston, Virginia 22646  
Phone: (540) 371-0288  
Fax: (540) 371-3479  
www.bowmanconsulting.com  
© Bowman Consulting Group, LLC

COVER SHEET  
WINDING CREEK  
GENERALIZED DEVELOPMENT PLAN  
GARRISONVILLE/ROCKHILL MAGISTERIAL DISTRICTS STAFFORD COUNTY, VIRGINIA

IC 1601330  
COUNTY PROJECT NUMBER  
COMMONWEALTH OF VIRGINIA  
WILLIAM S. FYLER  
Lic. No. 037556  
08/29/16  
PROFESSIONAL ENGINEER

PLAN STATUS  
08/29/16 NEW TOP SUBMISSION  
08/29/16 2nd SUBMISSION

DATE	DESCRIPTION
WSP DESIGN	CVF DRAIN WSP CHWD

SCALE: 1" = 100'  
JOB No. 9370-03-001  
DATE: MAY 2014  
FILE No. 9370-D-ZP-001

SHEET 1 of 11



VICINITY SKETCH MAP  
1" = 1000'

**OWNER**

JOHN J. MUSSELMAN, TRUSTEE  
327 WINDING CREEK ROAD  
STAFFORD, VA 22554

**APPLICANT**

WINDING CREEK OWNER, LLC  
C/O FRANK LACKMAN  
15256 WILSON COURT  
CENTREVILLE, VA 20120  
PHONE (703) 463-1808

**PLANNING COMMISSION APPROVAL**

CHAIRMAN STAFFORD COUNTY PLANNING COMMISSION	DATE
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**SHEET INDEX**

1. COVER SHEET
2. LEGEND, ABBREVIATIONS, NOTES AND DETAILS
3. EXISTING CONDITIONS / SOILS MAP
4. ENVIRONMENTAL INVENTORY PLAN
5. OVERALL KEY PLAN
- 6-8. GENERALIZED DEVELOPMENT PLAN
9. SIGHT DISTANCE PROFILES
10. GENERALIZED LANDSCAPE PLAN
11. OFFSITE IMPROVEMENTS

- APPENDIX**
- ARCHITECTURAL RENDERINGS (SHEET 1 OF 2)
  - ARCHITECTURAL RENDERINGS (SHEET 2 OF 2)

**VICINITY SKETCH MAP LEGEND**

SUBMISSION KEY	
◆ BERKSHIRE	◆ COLONIAL FORGE
◆ EMERY MILL	◆ LIBERTY KNOLLS
◆ AUGUSTINE NORTH	◆ AUSTIN RIDGE

**NOTES:**

1. SUBDIVISIONS ARE IDENTIFIED BY SHADING ON THE VICINITY SKETCH MAP THIS SHEET.
2. SUBDIVISION LIST OBTAINED FROM STAFFORD COUNTY ROAD MAP WITH ACTIVE SUBDIVISIONS DATED MAY 1, 2011. SUBDIVISIONS MAY OR MAY NOT BE RECORDED. ADDITIONAL INFORMATION FROM AEC MAP.

**SYMBOLS LEGEND**

Ⓟ PRIVATE STREET

🏫 SCHOOL LOCATED WITHIN ONE MILE OF THE SITE

--- MAGISTERIAL DISTRICT LINE

**NOTES:**

1. NO LIBRARIES ARE LOCATED WITHIN ONE MILE OF THE SITE.
2. NO PARKS ARE LOCATED WITHIN ONE MILE OF THE SITE.
3. NO FIRE OR RESCUE STATIONS ARE LOCATED WITHIN ONE MILE OF THE SITE.
4. TWO POLITICAL BOUNDARIES I.E. WITHIN ONE MILE OF THE SITE AS SHOWN.

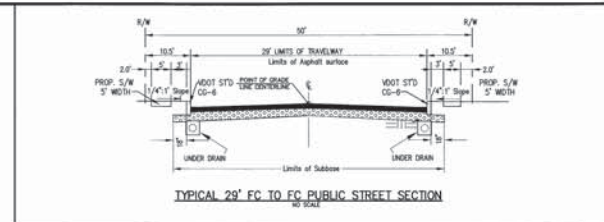


VICINITY MAP  
1" = 2000'



EXISTING	DESCRIPTION	PROPOSED
A	AREA OF ARC	AD
ASHTD	ALLEGED DIFFERENCE	AD
ASHTO	AMERICAN ASSOCIATION OF STATE HWY. & TRANSP. OFFICIALS	
ASTM	AMERICAN SOCIETY FOR TESTING AND MATERIALS	
AC	AGGREGATE	AGGR. E.P.
ED, E.P.	EDGE OF PAVEMENT	
CC-6	CURB AND GUTTER	CC-6R
CC-6	TRANSITION FROM CC-6 TO CC-6R	
CC-6R	PROPOSED HEADER CURB	
	PROPERTY LINE	
	DEPARTING PROPERTY LINE	
	LOT LINE	
	RIGHT-OF-WAY	
	CENTERLINE	
	FLOOD PLAN	
	CLEARING AND GRADING	
	TREE LINE	
	FLOW LINE OF SWALE	
	STREAM	
	OVERLAND RELIEF PATHWAY	
X	FENCE LINE	
EX. W.A.	EASEMENT	
EX. W.V.	WATER LINE	
EX. R.	WATER VALVE	
EX. R.	REDUCER	
EX. S.H.	SANITARY SEWER	
EX. S.H.	STORM SEWER	
	CABLE TV	
E	ELECTRIC SERVICE	
T	TELEPHONE SERVICE	
G	GAS LINE	
+25.32	SPOT ELEVATION	
#	UTILITY POLE	
	SON	
	SANITARY SEWER IDENTIFIER	
	STORM DRAIN IDENTIFIER	
	EASEMENT IDENTIFIER	
	WATER METER	
	FIRE HYDRANT	
	PARKING INDICATOR	
	INDICATES THE NUMBER OF TYPICAL PARKING SPACES	
	STREET LIGHT	
	VEHICLES PER DAY (TRAFFIC COUNT)	255 VPD
	TEST PIT LOCATION	
	RECOMMENDED/REQUIRED	
	CRITICAL SLOPE	
	SLOPE TO BE DIMENSIONED PERMANENT TO URBANA EROSION AND SEDIMENT CONTROL HANDBOOK	
	HANDICAP RAMP (CG-12)	
	DIRECTIONS LOCATION OF RTO VDOT CG-12 HANDBOOK AND STANDARD RAMP CONSTRUCTION	
	DENOTES CLEAR SIGHT TRIANGLE	
	TREE	
	BENCHMARK	
	ASPHALT TRAIL	
	CONCRETE SIDEWALK	
	END WALLS	
	END SECTIONS	
	STOP SIGN	
	STREET SIGN	
	OVERHEAD ELECTRIC	
	OVERHEAD TELEPHONE	
	HANDICAP PARKING SPACE (VAN)	
	RIP RAP	
	CROSSWALK	

ABBREVIATIONS	
A	AREA OF ARC
AD	ALLEGED DIFFERENCE
ASHTD	AMERICAN ASSOCIATION OF STATE HWY. & TRANSP. OFFICIALS
ASHTO	AMERICAN SOCIETY FOR TESTING AND MATERIALS
AC	AGGREGATE
AGGR.	AGGREGATE
ANSI	AMERICAN NATIONAL STANDARDS INSTITUTE
ASPH.	ASPHALT
AWWA	AMERICAN WATER WORKS ASSOCIATION
B	BREATH
BC	BOTTOM OF CURB
BF	EASEMENT FLOOR
BLDG	BUILDING
BM	BENCHMARK
BMP	BEST MANAGEMENT PRACTICES (WATER QUALITY)
BOV	BLOW OFF VALVE
BRL	BUILDING RESTRICTION LINE
BVCS	BEGINNING VERTICAL CURVE STATION
BVSE	BEGINNING VERTICAL CURVE ELEVATION
BW	BOTTOM OF WALL
C	CENTER CORRECTION ON VERTICAL CURVE
CA	Coefficient of friction
CATV	CABLE TELEVISION
CB	CAUTION BASH OR CHORD BEARING
CC	CENTER TO CENTER
CFS (Q)	CUBIC FEET PER SECOND
CH	CHORD
CG	CURB AND GUTTER
CG-6	CAST IRON PIPE
C	CENTERLINE
CL	CLASS
CMP	CORRUGATED METAL PIPE
CONC.	CONCRETE
CO	CURB CUT
CONT.	CONTINUATION
C/S	CURB STOP
CT	CURTAIN
C/A	CENTERLINE
D, D/d	DEPTH
DA	DESIGN AREA
DB	DECK BOARD
DEQ	VA. DEPARTMENT OF ENVIRONMENTAL QUALITY
DET.	DETAILED
D.I.	DRAIN INLET
DIA.	DIAMETER
DM	DRIP MANHOLE
DRG.	DRAWING
DRNG	DRAINAGE
DRNG	DRAINAGE
DMCT	POINT OF VERTICAL REVERSE CURVE
D/W	DELTA
A	DELTA
DU	DRAINAGE UNITS
DOM	DOMESTIC
C	CENTERLINE
E	ELEVATION
EC	EROSION CONTROL
EOL	ENERGY GRADIENT LINE
ECC	ENVIRONMENTAL QUALITY CORRIDOR
ESMT	EASEMENT
EG	EDGE OF GUTTER
ELEV.	ELEVATION
ENT.	ENTRANCE
EP	EDGE OF PAVEMENT
ES	END SECTION
EVCS	ENDING VERTICAL CURVE STATION
EVE	ENDING VERTICAL CURVE ELEVATION
EW	END WALL
EX.	EXISTING
ELEC.	ELECTRICAL
EBL	EAST BOUND LANE
F	FACE OF CURB
FA	FLOOR AREA RATIO
FC	FIRST FLOOR
FG	FRESH GRADE
FH	FIRE HYDRANT
FL	FLOOR LINE
FP	FLOOR PLAN
FS	FACTOR OF SAFETY
FT	FOOT
STD.	STANDARD
FPS	FEET PER SECOND
G	GRAVITY
G	GAS
GFA	GROSS FLOOR AREA
G.	GRADE
GR	GUARD RAIL
GA	GARAGE
H	HEAD
H	HEAD
HCP	HANDICAPPED PARKING SPACE
HOL	HYDRAULIC GRADIENT LINE
HP	HIGH POINT
HR	HAND RAIL
HT	HEIGHT
HW	HEADWATER
I	RAINFALL INTENSITY
I	INCH
IN	INCH
INV.	INVERT
IP	IRON PIPE
IPF	IRON PIPE FOUND
IPV	IRON PIPE VENT
J	JUNCTION BOX
K	SIGHT DISTANCE COEFFICIENT
Ke	CULVERT ENTRANCE LOSS COEFFICIENT
L	LENGTH
LA	LASTRAL
LF	LINEAR FOOT
LL	LOWER LEVEL
LLS	LINE OF SIGHT
LP	LOW POINT
LS	LOADING SPACE
LCS	LIMITS OF CLEARING & GRADING
LT	LEFT
M	MORNING FOUNT
MECH.	MECHANICAL
MANH.	MANHOLE
M.F.	MILE
MPH	MILES PER HOUR
M	MINIMUM
M	MINIMUM
MAX	MAXIMUM
M	MEAN SEA LEVEL
N	NOT APPLICABLE
N	NORTH BOUND LANE
NFA	NET FLOOR AREA
NOL#	NUMBER
NBL	NORTH BOUND LANE
N/A	NOT APPLICABLE
O	ON CENTER
OD	OVERHEAD DIAMETER
OH	OVERHEAD
O/H	OVERHEAD
P	PERMETER
PC	POINT OF CURVATURE
PCC	POINT OF COMPOUND CURVE
PCEP	POINT OF CURVATURE EDGE OF PAVEMENT
PCTC	POINT OF CURVATURE TOP OF CURB
PFM	PUBLIC FACILITIES MANUAL
P	PAGE
POL	POINT OF GRADE LINE
PI	POINT OF INTERSECTION
PL	POINT OF VERIFICATION
PREM.	PRELIMINARY
PREL.	PRELIMINARY
P	POINT OF TANGENCY
PVC	POINT OF VERTICAL CURVATURE
P	POINT OF VERTICAL INTERSECTION
PMCT	POINT OF VERTICAL INTERSECTION
PVT	POINT OF VERTICAL TANGENT
PLAN AND PROFILE	PLAN AND PROFILE
Q (C.F.S.)	AMOUNT OF RUNOFF
R	RADIUS
REQD.	REQUIRED
RCP	REINFORCED CONCRETE PIPE
REL.	RELIEF
RET.	RETAINING
REV.	REVISION
R/SURD.	R/SURD.
RTE.	ROUTE
R/W	RIGHT OF WAY
RGP	ROUGH GRADING PLAN
ROM	REMOTE OUTSIDE MONITOR
RMA	RESOURCE MANAGEMENT AREA
RPA	RESOURCE PROTECTION AREA
RT	RIGHT
S	SPREAD OR SLOPE
SAN.	SANITARY
S	SOUTH BOUND LANE
SD	SIGHT DISTANCE
SECT.	SECTION
SEW.	SEWER
SH	SHOULDER
SF	SQUARE FEET
SP	SITE PLAN
SP	SPECIFICATION
STA.	STATION
STD.	STANDARD
STK	STACK
STM.	STORM
SVC	SERVICE
SWM	STORM WATER MANAGEMENT
S/W	SIDE WALK
S	CROSS SLOPE
T	TANGENT
TC	TOP OF CURB
TC	TIME OF CONCENTRATION
TEL.	TELEPHONE
TP	TEST PIT
TP	TREE PROTECTION
TS	TOP OF BANK
TW	TOP OF WALL
TW	TALWATER
U	UNDERGRASS
UG	UNDERGROUND
UL	UPPER LEVEL
UP	UTILITY POLE
VAN	HANDICAPPED VAN PARKING SPACE
V	VELOCITY
V	VOLUME
VA	VIRGINIA
VC	VERTICAL CURVE
VA	VA. DEPT. OF TRANSPORTATION
VF	VERTICAL FOOT
W	WEIGHT OR WIDTH
W/M	WATER MAIN
WBL	WEST BOUND LANE
WQA	WATER QUALITY IMPACT ASSESSMENT
X	TRANSFORMER
I	INLET
YR	YEAR
Z	SIDE SLOPES



STREET NAME	CLASSIFICATION	DESIGN ADT (VPOD)	DESIGN SPEED (MPH)	POSTED SPEED (MPH)	ROW WIDTH (FT)	MW CL RADIUS (FT)	MIN SIGHT DISTANCE (FT)	FAVEMENT SECTION (FT TO IS)
ALL INTERNAL ROADS	PUBLIC (C&G), PARKING BOTH SIDES	UP TO 2000	25	35	50	200	150	200

ALL INTERNAL STREETS TO BE URBAN LOCAL SUBDIVISION STREETS

PROPERTY INFORMATION

- 1. PROPOSED ZONING: R-1 CLUSTER, AREA = 61,227 AC (GROSS)
- 2. PROPOSED # OF UNITS = 97
- 3. PROPOSED DENSITY = 1.58 UNITS/AC
- 4. ALLOWABLE DENSITY (R-1 CLUSTER) = 2.25 UNITS/AC
- 5. ALLOWABLE # OF UNITS = 137 UNITS

ZONING REQUIREMENTS - RESIDENTIAL R-1 CLUSTER

- 1. CLUSTER ZONING
- 2. PROPOSED USE: SINGLE FAMILY DETACHED
- 3. ALLOCATED DENSITY 2.25 DU / 1.0 AC = 137 UNITS
- 4. PROPOSED DENSITY: 1.58 DU / 1.0 AC = 97 UNITS
- 5. TOTAL AREA IN LOTS = 902,057.57 SF, or 20,708 AC.
- 6. TOTAL AREA IN EXTERIOR W/IN ZONE 'X' = 70,887.57 SF, or 1.622 AC.
- 7. TOTAL AREA IN INTERNAL R.O.W. = 244,180.57 SF, or 5.608 AC.
- 8. TOTAL AREA IN DESIGNATED OPEN SPACE = 1,450,135.7 SF, or 33,291 AC.
- 9. OPEN SPACE REQUIREMENT FOR CLUSTER SUBDIVISION: REQUIRED = 54.48 (33,291 AC / 61,227 AC) MINIMUM LOT AREA: REQUIRED = 8,000 S.F. PROPOSED = 8,000 S.F.
- 10. O.S.R. REQUIRED (PER SEC 39-25 DEFINITIONS) = 0.50 O.S.R. PROPOSED = (1.0 - 0.1922) = 0.8078
- 11. MINIMUM YARD REQUIREMENTS: FRONT: 30' SIDE: MINIMUM 18' TOTAL REAR: 25'
- 12. MINIMUM LOT WIDTH REQUIRED: 60' MINIMUM LOT WIDTH PROPOSED: 60'
- 13. MAXIMUM BLDG HEIGHT = 35'
- 14. NO LOTS SERVED BY PIPE STEMS, OR OS OF THE PLANNED 97 LOTS.

RPA NOTES

THE FOLLOWING NOTES SHALL BE ADDED TO THE CONSTRUCTION PLAN:

- (4) No certificate of occupancy shall be issued for a single-family dwelling on any residential lot or parcel with lot lines within the CRPA until the installation of any required plant materials is completed and documentation of such is submitted to the County Zoning Administrator.
- (5) No certificate of occupancy shall be issued for a single-family dwelling on any residential lot or parcel with lot lines within the CRPA until the installation of any required plant materials is completed and documentation of such is submitted to the County Zoning Administrator.
- (6) The needs for such lots shall include site restrictions providing the following:
  - a. The property owner shall be responsible for the maintenance and replacement of all vegetation as may be required by the provisions of the County's Chesapeake Bay Preservation Area Overlay District.
  - b. No certificate of occupancy shall be issued until the installation of any plant materials required by the County's Chesapeake Bay Preservation Area Overlay District is completed and documentation of such is submitted to the County Zoning Administrator.

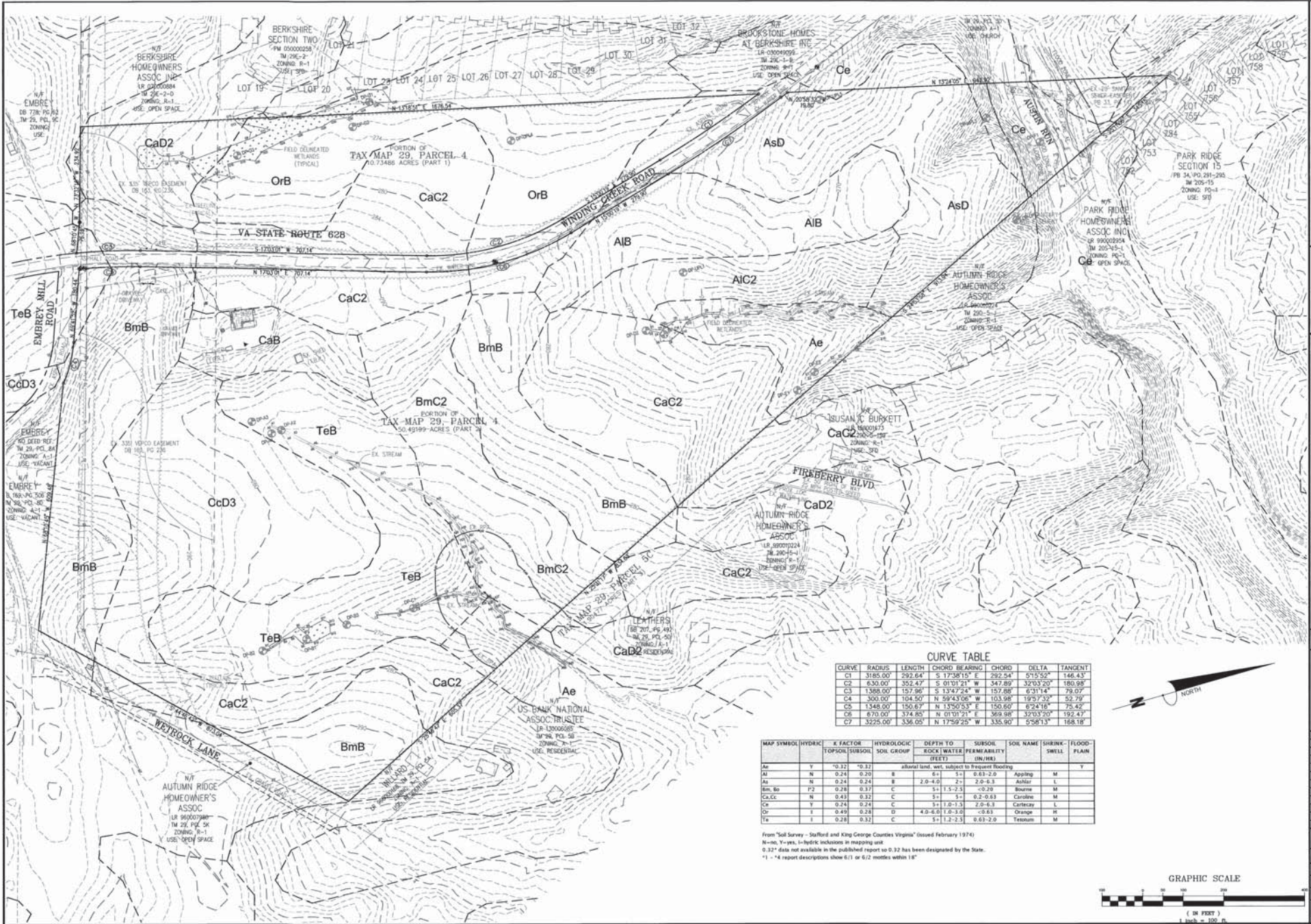
BUILDINGS	= 24200 SF	= 5.567034 ACRES
PAVEMENT	= 15787 SF	= 3.624816 ACRES
DRIVEWAY	= 57818 SF	= 1.322772 ACRES
SIDEWALK	= 54630 SF	= 1.254132 ACRES
TOTAL	= 512645 SF	= 11.769711 ACRES





PLAN STATUS

06/06/16	NEW SUBMISSION	
08/09/16	3RD SUBMISSION	
DATE	DESCRIPTION	
WSP DESIGN	CVF DRAIN	WSP CHORD
SCALE	1" = 100'	V. N/A
JOB No.	9370-03-001	
DATE	MAY 2014	
FILE No.	9370-D-ZP-001	

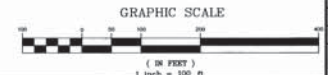


CURVE TABLE

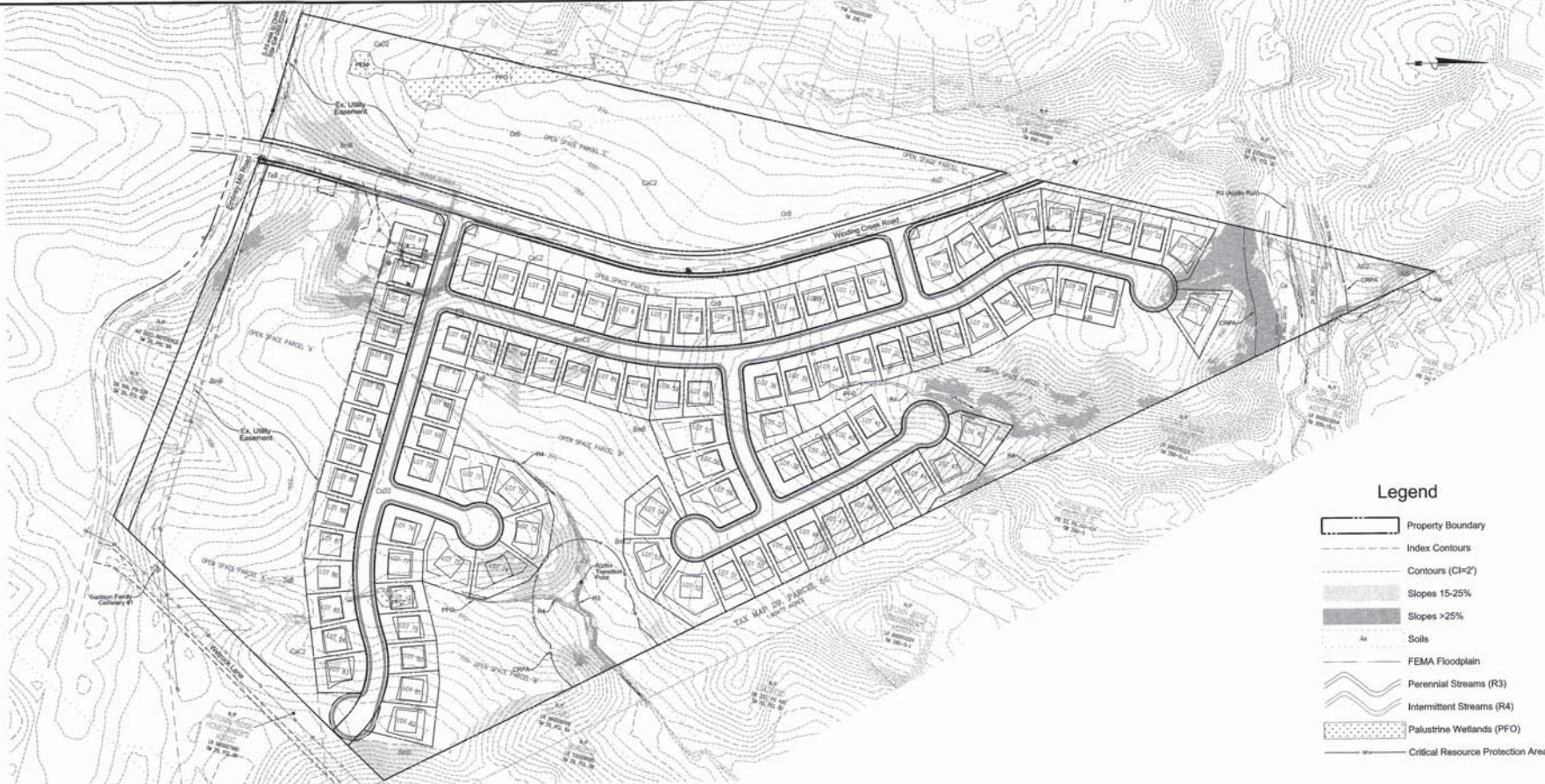
CURVE	RADIUS	LENGTH	CHORD BEARING	CHORD	DELTA	TANGENT
C1	3185.00'	750.84'	S 17°36'15" E	792.34'	57°52"	144.43'
C2	630.00'	352.47'	S 01°01'21" W	347.89'	32°03'20"	180.98'
C3	1388.00'	157.96'	S 13°47'24" W	157.88'	6°31'14"	79.07'
C4	300.00'	104.50'	N 59°43'06" W	103.98'	19°57'33"	52.79'
C5	1348.00'	150.67'	N 13°50'53" E	150.60'	6°24'18"	75.42'
C6	670.00'	374.85'	N 01°01'21" E	369.98'	32°03'20"	192.47'
C7	3225.00'	336.05'	N 17°59'25" W	335.90'	5°58'13"	168.18'

MAP SYMBOL	HYDRIC TOPSOIL/SUBSOIL	R FACTOR	HYDROLOGIC SOIL GROUP	DEPTH TO ROCK (FEET)	SUBSOIL ROCK WATER PERMEABILITY (IN/HR)	SOIL NAME	SHRINK SWELL	FLOOD PLAIN
Ae	Y	0.32	0.32		alluvial land, wet, subject to frequent flooding			Y
A1	N	0.24	0.28	0-1	0.63-2.0	Appling	M	
As	N	0.24	0.24	2.0-4.0	2.1	2.0-6.3	Ashlar	L
Bm, Bp	P2	0.28	0.37	C	5+ 1.3-2.5	<0.28	Bourne	M
CaC2	N	0.43	0.32	C	5+ 1.1	0.2-0.63	Caroline	M
Cc	Y	0.24	0.24	C	5+ 1.0-1.3	2.0-6.3	Cartersley	L
Or	I	0.49	0.28	D	4.0-6.0 1.0-3.0	<0.63	Orange	H
Te	I	0.28	0.32	C	5+ 1.2-2.5	0.63-2.0	Tetrum	M

From "Soil Survey - Stafford and King George Counties Virginia" (Issued February 1974)  
 R=No. 1-y=yes, 1-y=likely, 1-y=includes in mapping unit  
 0.32" data not available in the published report to D.32 has been designated by the State.  
 \* 1" = 4" report descriptions show 6 1/2" or 6 1/2" mottles within 18"







Legend

- Property Boundary
- Index Contours
- Contours (CI=2')
- Slopes 15-25%
- Slopes >25%
- Soils
- FEMA Floodplain
- Perennial Streams (R3)
- Intermittent Streams (R4)
- Palustrine Wetlands (PFD)
- Critical Resource Protection Area (CRPA)

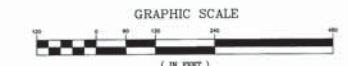
NOTES:

1. The approximately 63.1-acre Winding Creek Project is identified in Tax Map 29, Parcels 4 and 5C, and is located at 327 Winding Creek Road, approximately 0.6 mile north of its intersection with Courthouse Road, in Stafford County, Virginia. The Project is generally located at 28°27'10" N Latitude and -77°09'30" W Longitude on the Stafford, Virginia USGS Quadrangle Map.
2. Property boundaries, existing conditions mapping, and general development plan layout provided by Bowman Consulting Group, Ltd. (BCG). Topographic information obtained from the Stafford County GIS.
3. The Project area is generally comprised of medium-aged mixed-hardwood forest, with medium-aged coniferous forest located within the central, western, and southern portions of the Project area. These forested areas are dominated by American beech (*Fagus grandifolia*), red maple (*Acer rubrum*), sweetgum (*Liquidambar styraciflua*), and Virginia pine (*Pinus virginiana*) in the overstory, with sparse groundcover dominated by pinon pine (*Quercus muhlenbergii*) and Christmas fern (*Polystichum acrostichoides*). A small area within the southern portion of the Project area is comprised of a residential area with maintained lawns. An existing 335-foot VFDCC easement traverses the southern portion of the Project from east to west, and Winding Creek Road traverses the western portion of the Project from north to south.
4. Soils GIS information was obtained from the USDA, National Resources Conservation Service, Web Soil Survey 3.1, <http://websoilsurvey.nrc.usda.gov/SurveyAreaData/Version12/December13,2013/>, and is summarized in the Soils Summary Table included on this Plan.
5. An analysis of topographic mapping obtained from the Stafford County GIS indicates that there are slopes of 10 to 25 percent, and slopes greater than 25 percent, located within the Project, as shaded on this Plan.
6. According to FEMA Flood Insurance Rate Map No. 610504120E (Effective Date February 4, 2009), a Zone AE Floodplain is mapped along Austin Run within the northern portion of the Project, as approximated and shown on this Plan.
7. The waters of the U.S. and wetland boundaries depicted on this Plan and within the Project limits were delineated by BCG based on the requirements of the Corps of Engineers Wetlands Delineation Manual (1987) and the Regional Supplement to the Corps of Engineers Wetlands Delineation Manual: Eastern Shorelands and Piedmont (Version 2.0, 2012) (Report and Map dated April 25, 2014). The Sagged boundaries were confirmed by the U.S. Army Corps of Engineers (USACE) Project No. NA02-2014-0205E, and field-located by BCG using conventional survey methods.
8. Stream classifications (perennial vs. non-perennial, or intermittent) indicated on this Plan are based on a field assessment by BCG conducted in March and April 2014 using the North Carolina Division of Water Quality Identification Methods for the Origins of Intermittent and Perennial Streams (Version 4.11, September 2010), as approved for use by Stafford County (Report and Map dated April 25, 2014). Based on the results of the perennial flow evaluation, Stream A, up to the R3/R4 transition point located approximately 70 feet downstream from Flaga A20430, and the entirety of Stream F (Austin Run) within the Project limits should be considered perennial, all other stream channels located outside within the Project limits, should be considered non-perennial, or intermittent.
9. The site-specific Critical Resource Protection Area (CRPA) boundary depicted on this Plan is based on the results of the wetland delineation (Report and Map dated April 25, 2014) and streamflow flow evaluation and CRPA determination (Report and Map dated April 25, 2014) studies conducted by BCG for the Project. The results of the Perennial Flow Evaluation and CRPA Determination study were approved by Stafford County on July 22, 2014 (MP # 1400209). The final approved CRPA boundaries are indicated on this Map. In accordance with Section 29-62(3)(1) of the County's Chesapeake Bay Preservation Area (CBPA) Policy and the Virginia Department of Conservation and Recreation's Resource Protection Areas: Northeast Watershed, Guidance on the Chesapeake Bay Preservation Area Designation and Management Regulations, the CRPA boundary depicted on this Plan is mapped 100 feet outside or inward of the surveyed perennial stream boundaries (Stream A up to the R3/R4 transition point, located approximately 70 feet downstream of Flaga A20430, and Stream F (Austin Run)). The site-specific CRPA encompasses approximately 2.8 acres of the Project.
10. An evaluation of the likelihood of Federal and State-listed threatened and endangered species occurring on, or in the vicinity of, the Project was conducted by BCG based on information obtained from the U.S. Fish and Wildlife Service (FWS), the Virginia Department of Conservation and Recreation (DCR), and the Virginia Department of Game and Inland Fisheries (DGIF) (Report dated April 25, 2014). Additionally, a habitat assessment and field survey for the State-listed endangered and Federal-listed threatened small whorled poppies (*Isotria medeolae*) was conducted at the Project on June 25, 2013 by Mr. Philip J. Bell of BCG, who is an FWS Virginia Field Office site list of qualified surveyors for this plant, no individuals or colonies of the small whorled poppies were observed within the Project area during the field survey (Report dated July 31, 2013). Based on existing habitat conditions, and the evaluations for those identified Federal and State-listed species and the results of the small whorled poppies survey, the potential for occurrences of or potential impacts to listed species is considered low, and no Federal or State-listed threatened or endangered species are anticipated to be adversely affected by this Project.
11. Based on a review of the Virginia Department of Historic Resources (DHR) Virginia Cultural Resource Information System (V-CRIS) (<http://cris.dhr.virginia.gov/cris/>), no known archaeological sites or architectural resources or existing structures are located within the Project area. DHR ID# 688-8220 (Emory-English Cemetery) is identified within approximately 0.13-mile west of the Project on Parcel 29-5C, according to the DHR Architectural Survey Form, this resource is recommended as not eligible for listing on the National Register of Historic Places (NRHP). Another cemetery - Garrison Family Cemetery #1 - was identified just offsite to the southwest, as shown on this Plan. Adverse impacts to historic resources are not anticipated to result from this Project.
12. Minor impacts to environmentally sensitive features (wetlands and streams) are proposed with the development of the Project; however, these impacts will be within the threshold of the Virginia Water Protection (VWP) General Permit WPA and the State Program General Permit (12-SPGP-01). If permanent impacts exceed 300 linear feet of stream channel and/or 1 acre of wetlands, appropriate compensatory mitigation will be provided through the purchase of wetland and/or stream credits from USACE and DEQ-approved mitigation banks), or as otherwise required by the USACE and DEQ permits. No impacts are proposed to the onsite CRPA, nor are any adverse impacts to threatened and endangered species, critical habitat, or historic resources anticipated to result from the Project.

Soils Summary Table				
Map Unit	Map Unit Name	Drainage Class	National Hydric Soils List	Hydric Component
Z0	Abundant land, wet	Y0	Yes	Abundant land, wet (25%)
AB	Applying fine sandy loam, 2 to 6 percent slopes	WO	No	N/A
AC2	Applying fine sandy loam, 6 to 15 percent slopes, eroded	WD	No	N/A
AAD	Ashlar fine sandy loam, 6 to 15 percent slopes	WO	No	N/A
Bn0	Braune fine sandy loam, 2 to 8 percent slopes	MWV0	No	N/A
Bn02	Braune fine sandy loam, 6 to 10 percent slopes, eroded	MWV0	No	N/A
Cn02	Caroline fine sandy loam, 6 to 10 percent slopes, eroded	WD	No	N/A
Cn02	Caroline fine sandy loam, 2 to 6 percent slopes, eroded	WD	No	N/A
Cn02	Caroline fine sandy loam, 6 to 10 percent slopes, eroded	WD	No	N/A
Cn02	Caroline fine sandy loam, 10 to 18 percent slopes, eroded	WD	No	N/A
Cn03	Caroline clay loam, 10 to 18 percent slopes, eroded	WD	No	N/A
C6	Carthage fine sandy loam, 2 to 6 percent slopes	SPD	Yes	Carthage (35%), Abundant land, wet (5%) Wetlands (3%)
OB	Orange loam, 2 to 6 percent slopes	MWV0	No	N/A
Tn0	Tenure fine sandy loam, 10 to 18 percent slopes	MWV0	No	N/A

Waters of the U.S. and Wetlands Summary Table			
Classification	Length (LF)	Area (SF)	Area (Ac)
Perennial Streams (R3)	498	N/A	N/A
Intermittent Streams (R4)	1,420	N/A	N/A
Palustrine Emergent Wetlands (PEM)	N/A	3,178	0.07
Palustrine Forested Wetlands (PFD)	N/A	27,504	0.62
<b>Total Waters of the U.S.</b>	<b>1,918</b>	<b>31,682</b>	<b>0.71</b>

The amount of wetlands of 0.71 ac was calculated using the data within the project limits. Stream classifications are based on field assessments by BCG in March and April, 2014 using the VCDWR identification methods for the Origin of Intermittent and Perennial Streams (Version 4.11, September 2010), as approved for use by Stafford County.





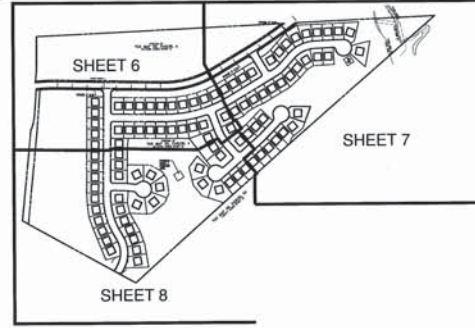
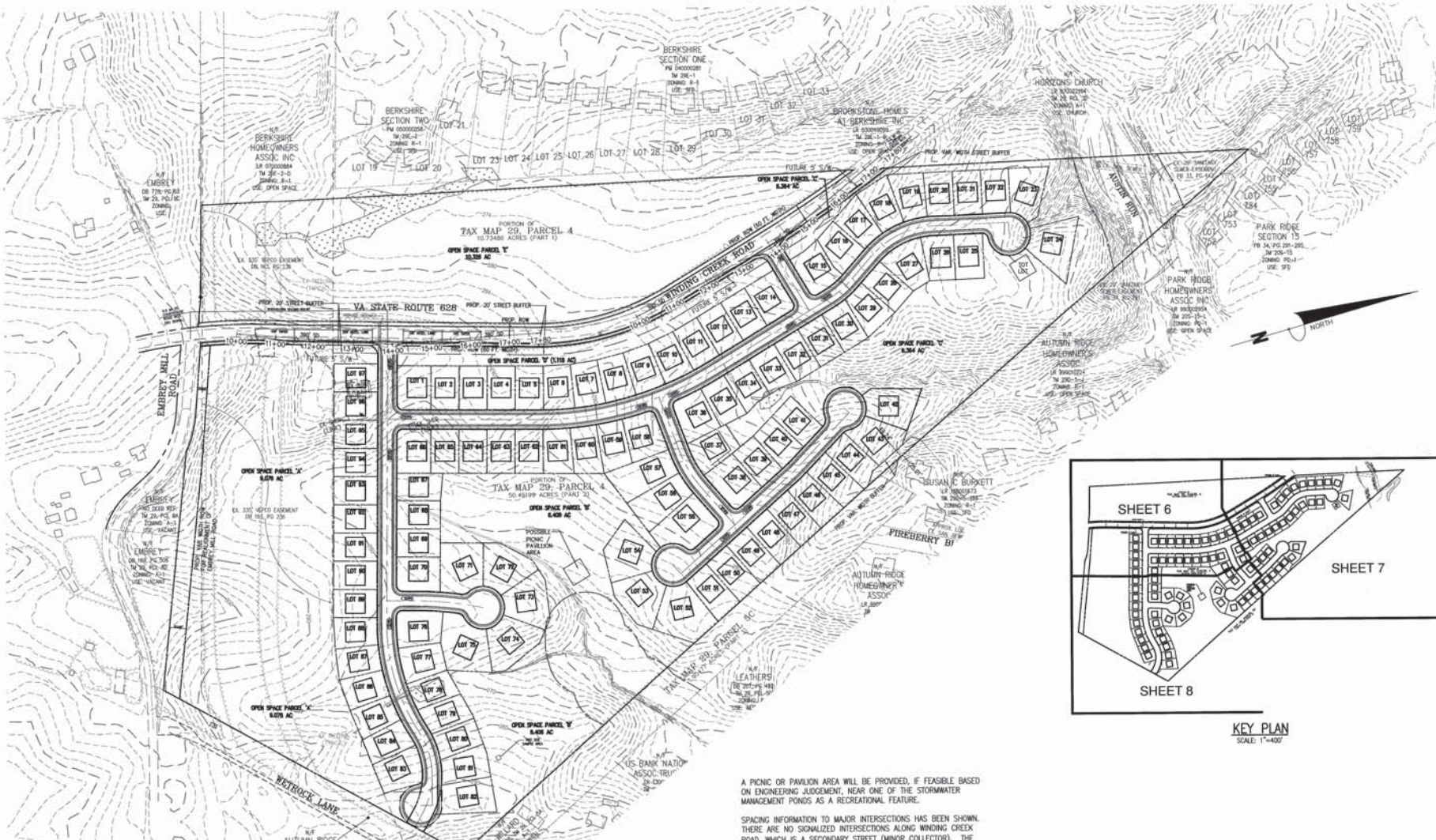
Bowman Consulting Group, Ltd.  
500A N. Main Street  
Fryingpan, Virginia 22646  
Phone: (540) 371-0288  
Fax: (540) 371-3479  
www.bowmanconsulting.com

OVERALL KEY PLAN  
WINDING CREEK  
GENERALIZED DEVELOPMENT PLAN  
GARRISONVILLE/ROCKHILL MAGISTERIAL DISTRICTS STAFFORD COUNTY, VIRGINIA

IC 1015330  
COUNTY PROJECT NUMBER  
COMMONWEALTH OF VIRGINIA  
Professional Engineer  
WILLIAM S. BYRLE  
Lic. No. 0375565  
05/20/16

PLAN STATUS	
02/15/16	NEW SUBMISSION
02/29/16	2nd SUBMISSION
03/17/16	REVISED LAYOUT
DATE	DESCRIPTION
WSP DESIGN	CVF DRAWING CHECKED
SCALE	H: 1" = 120'
	V: N/A
JOB No.	9370-03-001
DATE	MAY 2014
FILE No.	9370-D-ZP-001

SHEET 5 of 11



KEY PLAN  
SCALE: 1"=400'

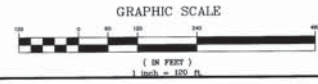


A PICNIC OR PAVILION AREA WILL BE PROVIDED, IF FEASIBLE BASED ON ENGINEERING JUDGEMENT, NEAR ONE OF THE STORMWATER MANAGEMENT PONDS AS A RECREATIONAL FEATURE.

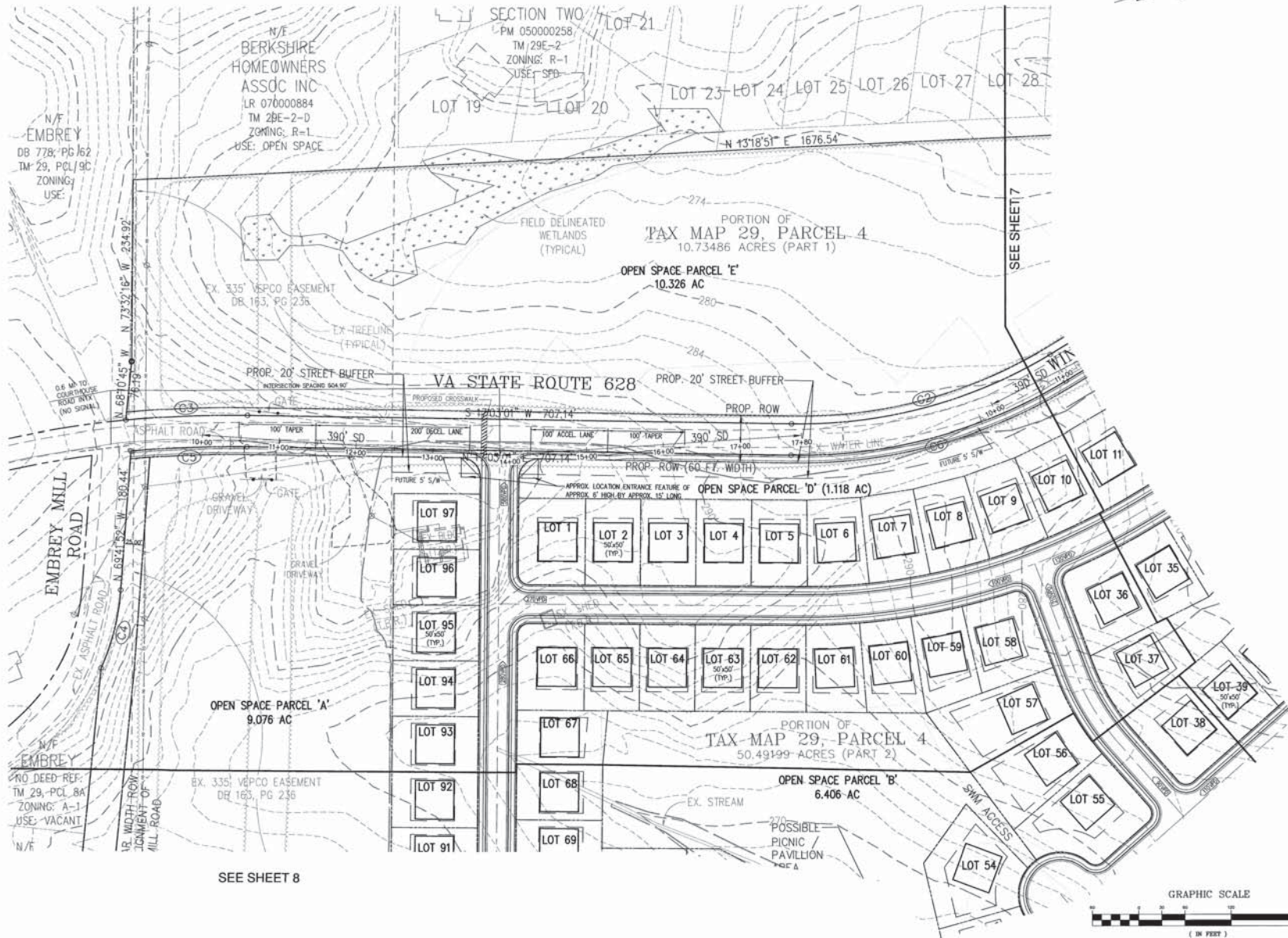
SPACING INFORMATION TO MAJOR INTERSECTIONS HAS BEEN SHOWN. THERE ARE NO SIGNALIZED INTERSECTIONS ALONG WINDING CREEK ROAD, WHICH IS A SECONDARY STREET (MINOR COLLECTOR). THE PROPOSED STREETS WILL ALL BE INTERNAL SUBDIVISION STREETS.

THE INTENDED USE OF THE OPEN SPACE SHOWN IS FOR CONSERVATION OF LAND TO ASSIST IN MAINTAINING THE CHARACTER OF THE DEVELOPMENT.

TO THE EXTENT PRACTICABLE AND FEASIBLE, A BUFFER STRIP HAS BEEN PROVIDED BETWEEN THE LOTS AND WINDING CREEK ROAD. IN THE EVENT THAT THE STORMWATER MANAGEMENT BASIN IS TO BE INSTALLED BEHIND LOTS 25-30 IS ABLE TO BE REDUCED IN SIZE, THE COLLECTOR MAY BE SHIFTED TO INCREASE THE WIDTH OF THE BUFFER BETWEEN LOTS 16-18 AND WINDING CREEK ROAD.







SEE SHEET 8

**Bowman**  
CONSULTING

Bowman Consulting Group, LLC  
8504 News Circle  
Friedrichsberg, Virginia 22406  
Phone: (540) 371-0488  
Fax: (540) 371-3479  
www.bowmanconsulting.com

GENERALIZED DEVELOPMENT PLAN  
WINDING CREEK  
GENERALIZED DEVELOPMENT PLAN  
GARRISONVILLE/HOOCHILL MAGISTERIAL DISTRICTS STAFFORD COUNTY, VIRGINIA

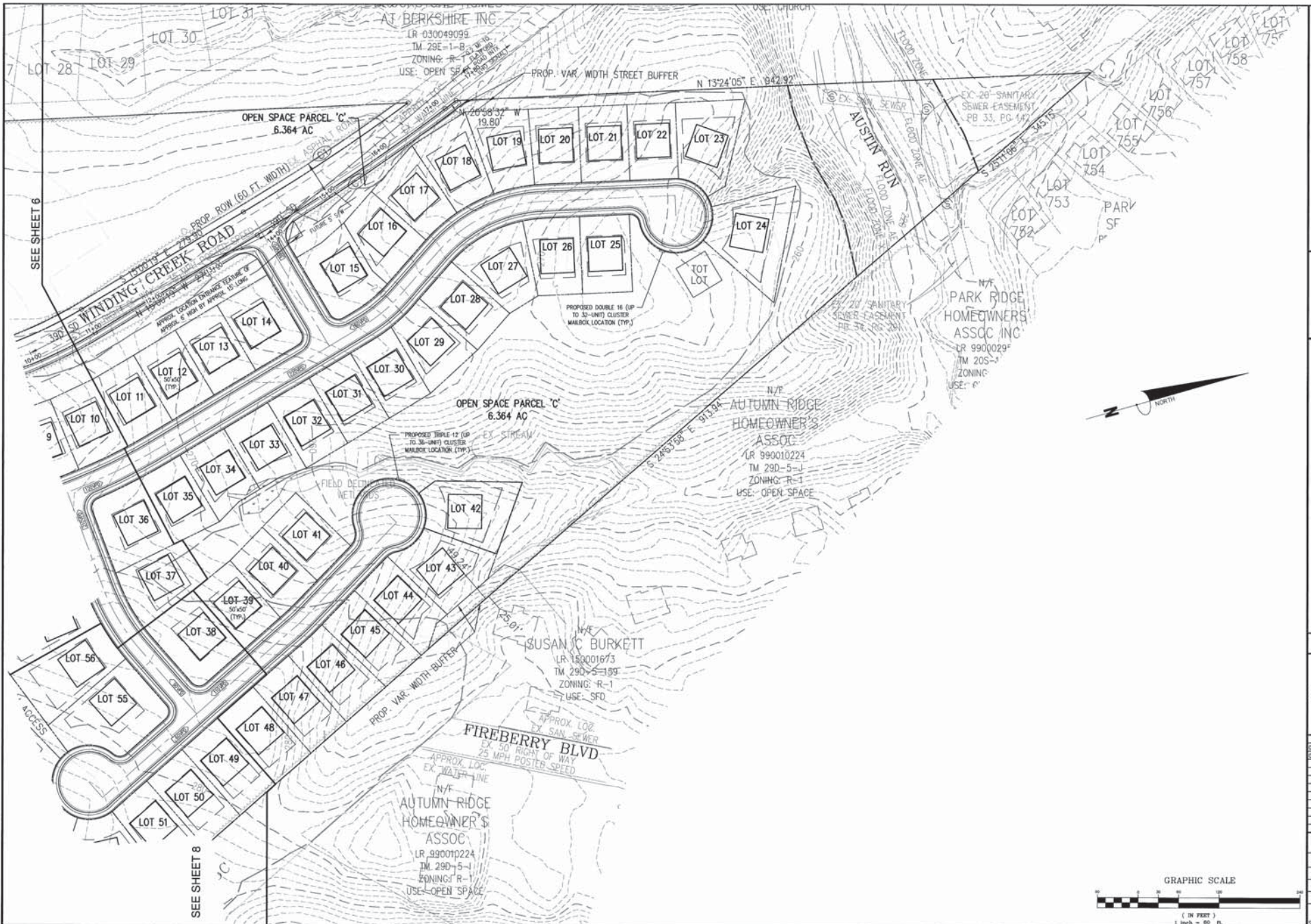
IC 1891330  
COUNTY PROJECT NUMBER  
COMMONWEALTH OF VIRGINIA  
WILLIAM S. FITE  
Lic. No. 037565  
04/29/16  
PROFESSIONAL ENGINEER

PLAN STATUS  
05/09/14 NEW SUBMISSION  
08/29/16 2nd SUBMISSION

DATE	DESCRIPTION
WSP	DESIGN
CVF	CHKD
WSP	CHKD
TY	407
V	N/A
JOB No.	9370-03-001
DATE	MAY 2014
FILE No.	9370-D-ZP-001

SHEET 6 OF 11





**Bowman**  
CONSULTING

Bowman Consulting Group, Ltd.  
800 Lakeside Court  
Farmingdale, Virginia 22036  
Phone: (404) 971-2008  
Fax: (404) 971-1476  
www.bowmanconsulting.com  
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GENERALIZED DEVELOPMENT PLAN  
WINDING CREEK  
GENERALIZED DEVELOPMENT PLAN  
GARRISONVILLE/ROCKHILL MAGISTERIAL DISTRICTS STAFFORD COUNTY, VIRGINIA

RC 16151330  
COUNTY PROJECT NUMBER

PROFESSIONAL SEAL OF  
HEALTH OFFICIAL  
JULIAN S. FIFE  
Lic. No. 007555  
05/22/16  
PROFESSIONAL ENGINEER

PLAN STATUS  
05/26/14 NEW CDP SUBMISSION  
09/29/15 2nd SUBMISSION

DATE	DESCRIPTION
WSP DESIGN	CVF DRAIN CHKD
SCALE	H: 1"=50'
	V: N/A
JOB No.	9370-03-001
DATE	MAY 2014
FILE No.	9370-D-ZP-001

SHEET 7 of 11



Bowman Consulting Group, Ltd.  
5000 Home Crossing  
Rockingham, Virginia 24086  
Phone: 540.771.2588  
Fax: 540.771.1475  
www.bowmanconsulting.com

GENERALIZED DEVELOPMENT PLAN  
WINDING CREEK  
GENERALIZED DEVELOPMENT PLAN  
GARRISONVILLE/ROCKHILL MAGISTERIAL DISTRICTS STAFFORD COUNTY, VIRGINIA

IC 16151330  
COUNTY PROJECT NUMBER

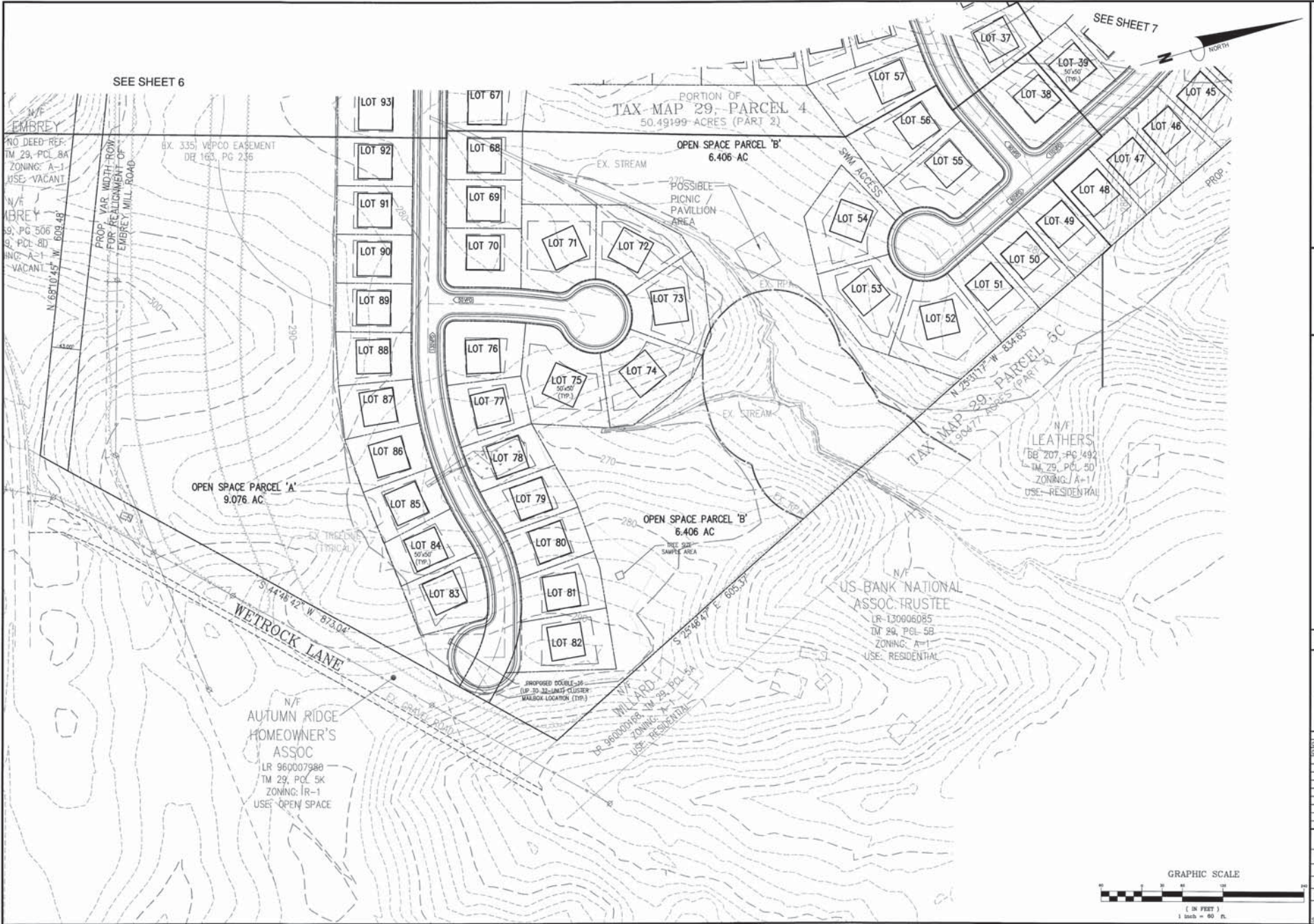


PLAN STATUS  
06/26/16: NEW GIP SUBMISSION  
09/29/16: 2nd SUBMISSION

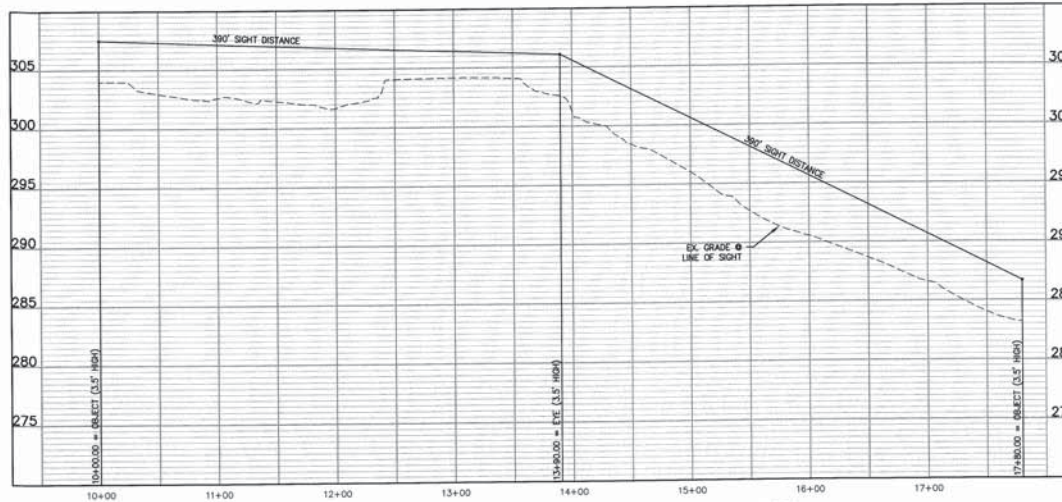
DATE	DESCRIPTION
WSP	CVF WSP
DESIGN	DRAWN CHKD
SCALE	H: 1"=50' V: N/A
JOB No.	9370-03-001
DATE	MAY 2014
FILE No.	9370-D-2P-001

DATE	DESCRIPTION
WSP	CVF WSP
DESIGN	DRAWN CHKD
SCALE	H: 1"=50' V: N/A
JOB No.	9370-03-001
DATE	MAY 2014
FILE No.	9370-D-2P-001

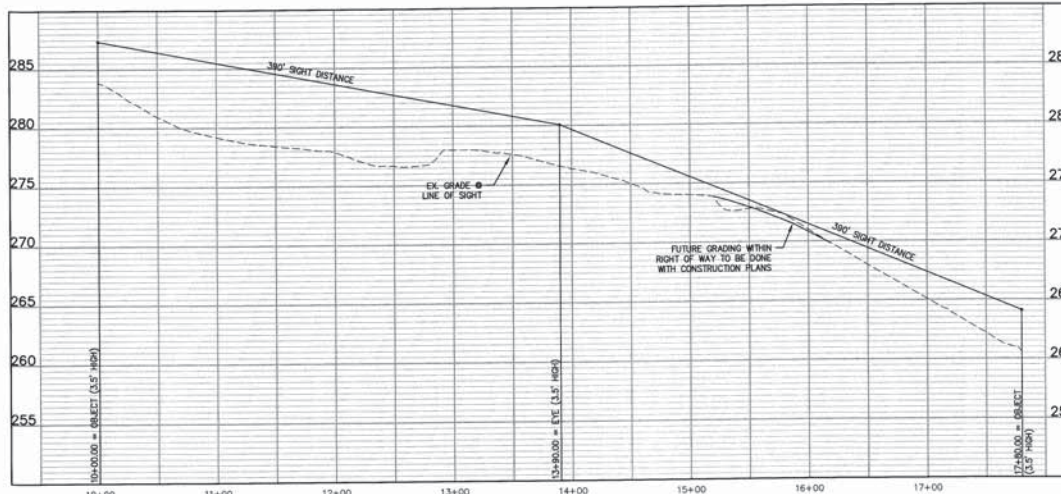
SHEET 8 OF 11



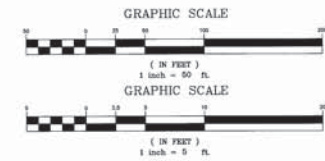




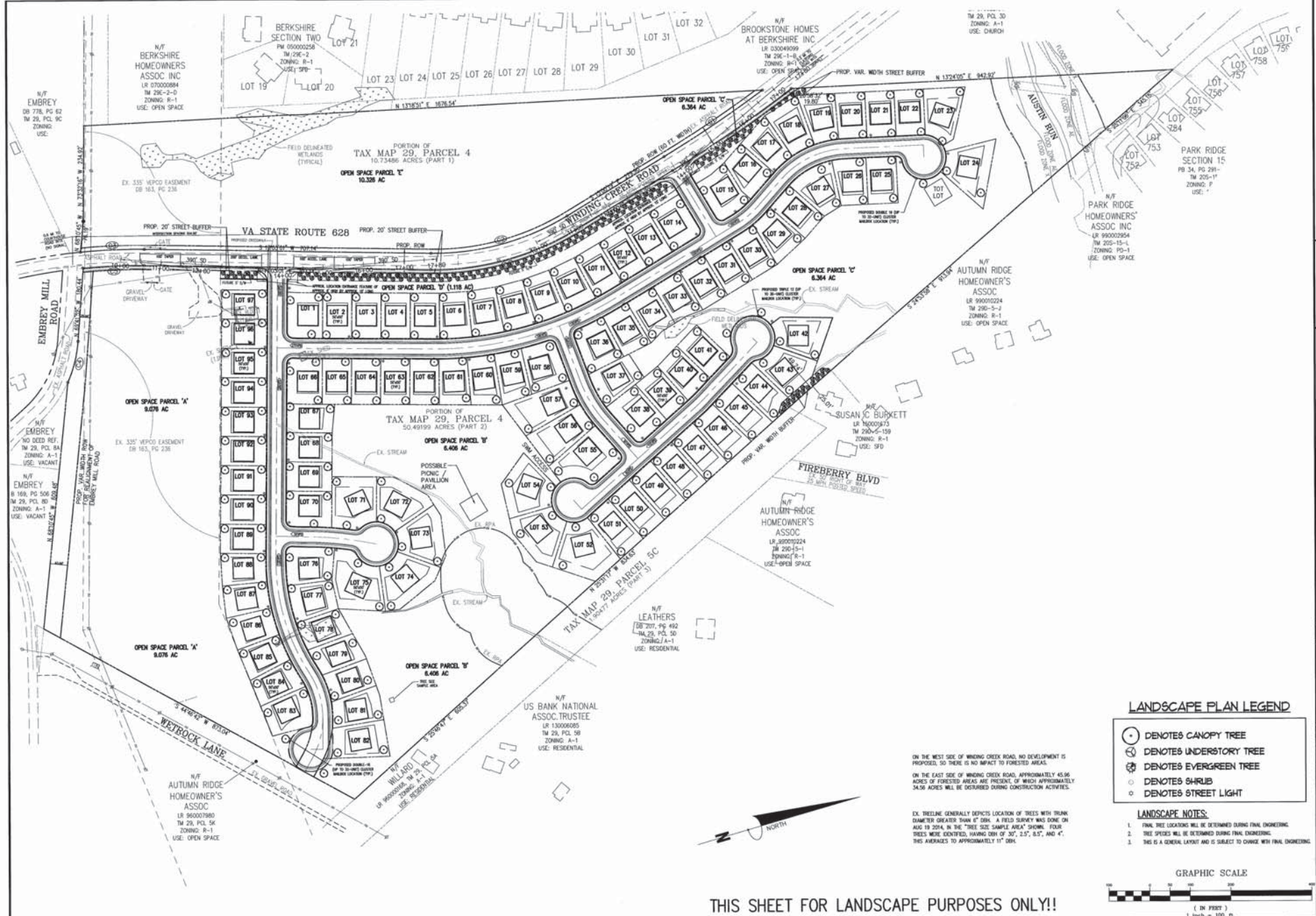
SIGHT DISTANCE - SOUTH ENTRANCE ROAD PROFILE VIEW  
HORIZONTAL SCALE: 1"=50'  
VERTICAL SCALE: 1"=5'



SIGHT DISTANCE - NORTH ENTRANCE ROAD PROFILE VIEW  
HORIZONTAL SCALE: 1"=50'  
VERTICAL SCALE: 1"=5'

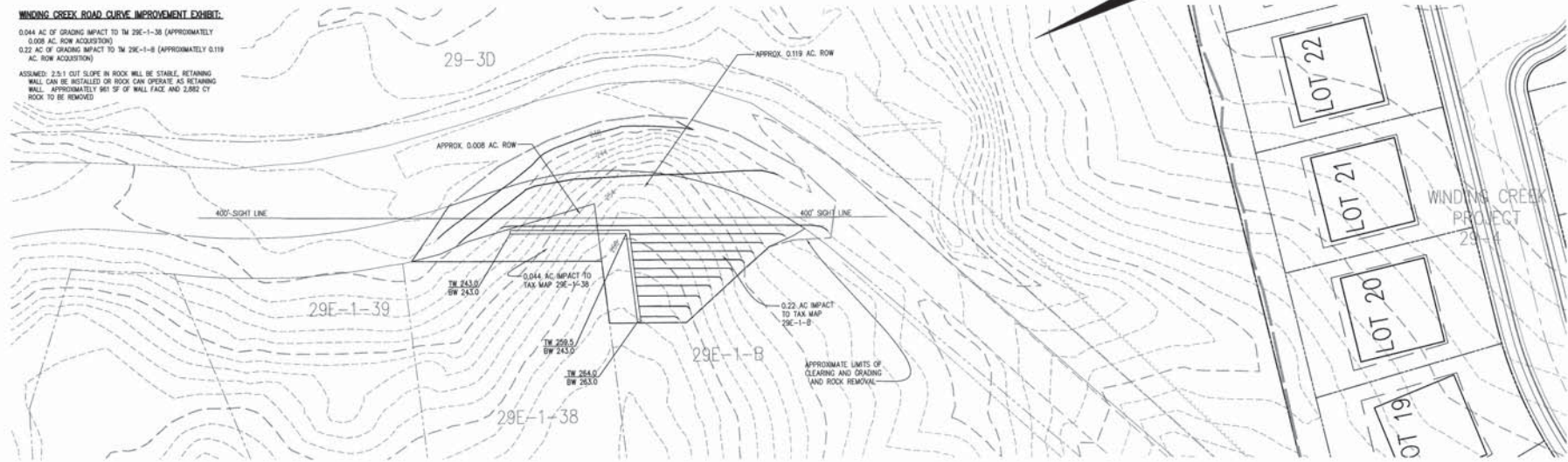


DATE	DESCRIPTION
WSP DESIGN	CVF (DRAWN) CHKD
SCALE	1" = 150'
JOB No. 9370-03-001	V. N/A
DATE : MAY 2014	
FILE No. 9370-D-ZP-001	

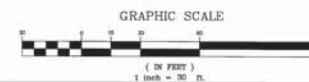
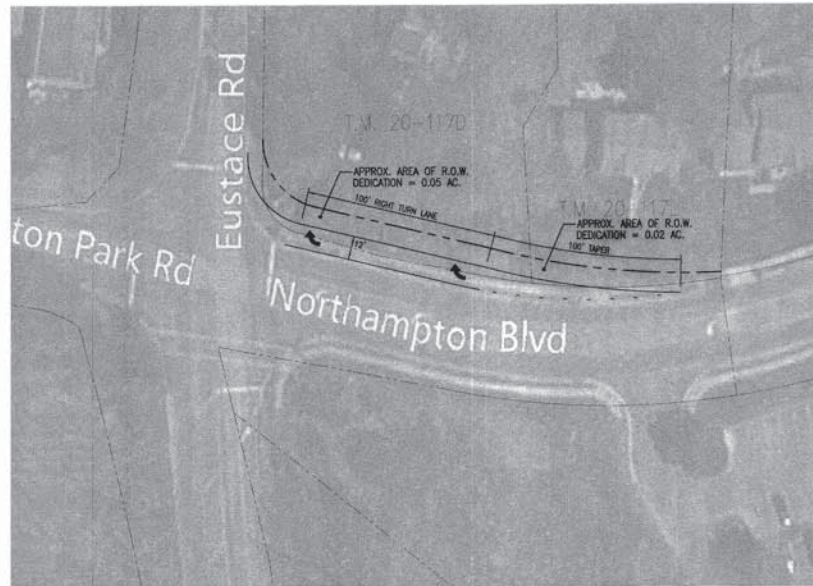




**WINDING CREEK ROAD CURVE IMPROVEMENT EXHIBIT.**  
 0.044 AC OF GRADING IMPACT TO TM 29E-1-38 (APPROXIMATELY  
 0.008 AC. ROW ACQUISITION)  
 0.22 AC OF GRADING IMPACT TO TM 29E-1-B (APPROXIMATELY 0.119  
 AC. ROW ACQUISITION)  
 ASSUMED: 2.5:1 CUT SLOPE IN ROCK WILL BE STABLE. RETAINING  
 WALL CAN BE INSTALLED OR ROCK CAN OPERATE AS RETAINING  
 WALL. APPROXIMATELY 961 SF OF WALL FACE AND 2,082 CY  
 ROCK TO BE REMOVED



**NOTE:**  
OFFSITE IMPROVEMENTS SUBJECT TO ACQUISITION.



**Bowman**  
CONSULTING

Bowman Consulting Group, Ltd.  
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OFFSITE IMPROVEMENTS  
**WINDING CREEK**  
 GENERALIZED DEVELOPMENT PLAN  
 GARRISONVILLE/ROCKHILL MAGISTERIAL DISTRICTS STAFFORD COUNTY, VIRGINIA

PC 1815130  
COUNTY PROJECT NUMBER



REVISION STATUS  
 08/06/18 1st SUBMISSION  
 09/29/18 2nd SUBMISSION

DATE	DESCRIPTION

WSP CVF WSP  
 DESIGN DRAWING CHKD  
 SCALE H: 1"=30'  
 V: N/A

JOB No. 9370-03-001  
 DATE: MAY 2014  
 FILE No. 9370-D-ZP-001

SHEET 11 of 11





# Winding Creek

ARCHITECTURAL ELEVATION ILLUSTRATIVE

**Bowman**  
CONSULTING

Stafford County, Virginia  
May 12, 2014





# Winding Creek

ARCHITECTURAL ELEVATION ILLUSTRATIVE

**Bowman**  
CONSULTING

Stafford County, Virginia

May 12, 2014

STAFFORD COUNTY  
Department of Planning and Zoning

**Project Information & Primary Contacts**

<b><u>PROJECT INFORMATION</u></b>		<b><u>PROJECT #</u></b> <u>16151333</u>
<u>Winding Creek</u>		
<b>PROJECT NAME</b>	<u>327 Winding Creek Road</u>	<b>SECTION</b> <u>61.227</u>
<b>ADDRESS (IF AVAILABLE)</b>	<u>29-4</u>	<b>TOTAL SITE ACREAGE</b> <u>A-1</u>
<b>TAX MAP / PARCEL(S)</b>	<u>Approximately .7 miles North of intersection of Courthouse Road and Winding Creek Road</u>	<b>ZONING DISTRICT</b>
<b>LOCATION OF PROJECT</b>		

<b><u>APPLICANT/AGENT</u></b> (Provide attachment if Applicant and Agent differ)		<b>Primary Contact Person</b> <input type="checkbox"/>	
<u>Frank Lackman (applicant)</u>		<u>Winding Creek Owner, LLC</u>	
<b>NAME</b>	<u>1256 Welton Court</u>	<b>CITY</b>	<u>Centreville</u>
<b>ADDRESS</b>	<u>703-463-1808</u>	<b>STATE</b>	<u>VA</u>
<b>PHONE NUMBER</b>		<b>ZIP</b>	<u>20120</u>
<b>FAX NUMBER</b>		<b>EMAIL ADDRESS</b>	<u>flackman@somersethomes.com</u>

<b><u>OWNER</u></b> (Provide attachments if multiple owners)		<b>Primary Contact Person</b> <input type="checkbox"/>	
<u>Earl F. Musselman Trust (c/o John J. Musselman, Trustee)</u>			
<b>NAME</b>	<u>200 Chatham Heights Road</u>	<b>CITY</b>	<u>Fredericksburg</u>
<b>ADDRESS</b>		<b>STATE</b>	<u>VA</u>
<b>PHONE NUMBER</b>		<b>ZIP</b>	<u>22405</u>
<b>FAX NUMBER</b>		<b>EMAIL ADDRESS</b>	

<b><u>PROFESSIONAL (Engineer, Surveyor, etc.)</u></b>		<b>Primary Contact Person</b> <input type="checkbox"/>	
<u>Bill Pyle</u>		<u>Bowman Consulting</u>	
<b>NAME</b>	<u>650A Nelms Circle</u>	<b>CITY</b>	<u>Fredericksburg</u>
<b>ADDRESS</b>	<u>540-371-0268</u>	<b>STATE</b>	<u>VA</u>
<b>PHONE NUMBER</b>	<u>540-371-3479</u>	<b>ZIP</b>	<u>22406</u>
<b>FAX NUMBER</b>		<b>EMAIL ADDRESS</b>	<u>bpyle@bowmanconsulting.com</u>

STAFFORD COUNTY  
Department of Planning and Zoning

**Project Information & Primary Contacts**

<b><u>PROJECT INFORMATION</u></b>	<b><u>PROJECT #</u></b> _____
<u>Winding Creek</u>	_____
<b>PROJECT NAME</b> <u>327 Winding Creek Road</u>	<b>SECTION</b> <u>61.227</u>
<b>ADDRESS (IF AVAILABLE)</b> <u>29-4</u>	<b>TOTAL SITE ACREAGE</b> <u>A1</u>
<b>TAX MAP /PARCEL(S)</b> <u>Approximately .7 miles North of intersection of Courthouse Road and Winding Creek Road</u>	<b>ZONING DISTRICT</b> _____
<b>LOCATION OF PROJECT</b>	

<b><u>APPLICANT/AGENT</u></b> (Provide attachment if Applicant and Agent differ)		<b>Primary Contact Person</b> <input checked="" type="checkbox"/>	
<u>Charles W. Payne, Jr. (agent)</u>		<u>Hirschler Fleischer</u>	
<b>NAME</b>	<b>ADDRESS</b>	<b>CITY</b>	<b>STATE</b> <b>ZIP</b>
<u>725 Jackson Street, Suite 200</u>	<u>Fredericksburg</u>	<u>VA</u>	<u>22401</u>
<b>PHONE NUMBER</b>	<b>FAX NUMBER</b>	<b>EMAIL ADDRESS</b>	
<u>540-604-2108</u>	<u>540-604-2101</u>	<u>cpayne@hf-law.com</u>	

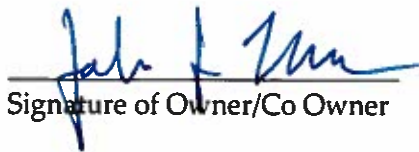
<b><u>OWNER</u></b> (Provide attachments if multiple owners)		<b>Primary Contact Person</b> <input type="checkbox"/>	
_____		_____	
<b>NAME</b>	<b>ADDRESS</b>	<b>CITY</b>	<b>STATE</b> <b>ZIP</b>
_____	_____	_____	_____
<b>PHONE NUMBER</b>	<b>FAX NUMBER</b>	<b>EMAIL ADDRESS</b>	
_____	_____	_____	

<b><u>PROFESSIONAL</u></b> (Engineer, Surveyor, etc.)		<b>Primary Contact Person</b> <input type="checkbox"/>	
_____		_____	
<b>NAME</b>	<b>ADDRESS</b>	<b>CITY</b>	<b>STATE</b> <b>ZIP</b>
_____	_____	_____	_____
<b>PHONE NUMBER</b>	<b>FAX NUMBER</b>	<b>EMAIL ADDRESS</b>	
_____	_____	_____	

STAFFORD COUNTY  
Department of Planning and Zoning

**Statements of Understanding**

I, as owner/co-owner of the property subject to this application, do hereby certify that I have read and understand the requirements for the submission of a reclassification as provided under the Stafford County Code, and further, that this submittal is in compliance with the requirements and applicable provisions of the Stafford County Zoning Ordinance, Chapter 28 of the Stafford County Code.

  
\_\_\_\_\_  
Signature of Owner/Co Owner

Sohn S. Musselmann 6-16-16  
Printed Name Date

\_\_\_\_\_  
Signature of Owner/Co Owner

\_\_\_\_\_  
Printed Name Date

\_\_\_\_\_  
Signature of Owner/Co Owner

\_\_\_\_\_  
Printed Name Date

I, as applicant or agent for the owner(s) of the property subject to this application, do hereby certify that I have read and understand the requirements for the submission of a reclassification as provided under the Stafford County Code, and further, that this submittal is in compliance with the requirements and applicable provisions of the Stafford County Zoning Ordinance, Chapter 28 of the Stafford County Code.

\_\_\_\_\_  
Signature of Applicant/Agent

\_\_\_\_\_  
Printed Name Date

\* Additional sheets may be used, if necessary.

STAFFORD COUNTY  
Department of Planning and Zoning

**Statements of Understanding**

I, as owner/co-owner of the property subject to this application, do hereby certify that I have read and understand the requirements for the submission of a reclassification as provided under the Stafford County Code, and further, that this submittal is in compliance with the requirements and applicable provisions of the Stafford County Zoning Ordinance, Chapter 28 of the Stafford County Code.

\_\_\_\_\_  
Signature of Owner/Co Owner

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Owner/Co Owner

\_\_\_\_\_  
Printed Name

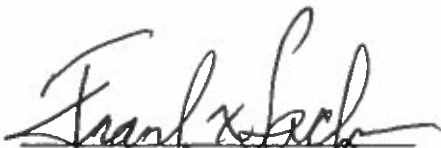
\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Owner/Co Owner

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

I, as applicant or agent for the owner(s) of the property subject to this application, do hereby certify that I have read and understand the requirements for the submission of a reclassification as provided under the Stafford County Code, and further, that this submittal is in compliance with the requirements and applicable provisions of the Stafford County Zoning Ordinance, Chapter 28 of the Stafford County Code.

  
Signature of Applicant/Agent

Frank X. Lackman 6/15/2016  
Printed Name Date

\* Additional sheets may be used, if necessary.

**STAFFORD COUNTY REZONING & CONDITIONAL USE PERMIT APPLICATIONS  
OWNER'S NOTARIZED CONSENT**

We, the undersigned, do hereby authorize the applicant, Winding Creek Owner, LLC, or its successors and assigns (collectively "Applicant"), to file on my behalf all rezoning, conditional use permit, special use permit or other land use or permitting applications necessary to rezone and develop Tax Map Parcel 29-4 from Agricultural-1 to R-1 with a cluster or other zoning designation as the Applicant may reasonably determine, and further authorize the Applicant, at its sole cost and expense, to procure, file and provide all necessary studies, application content regarding said property, any proffer statements, plans and other application materials, and to undertake all other actions necessary to obtain approval for all of the same.

**OWNERS ACKNOWLEDGMENT & CONSENT**

The Earl F. Musselman Trust created November 28, 2001

BY: *John J. Musselman*  
JOHN J. MUSSELMAN, TRUSTEE

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

The foregoing instrument was acknowledged before me this 16<sup>th</sup> day of June, 2016, by John J. Musselman, Trustee for The Earl F. Musselman Trust created November 28, 2001, owner.

*Betty J. Miller*  
Notary Public

My Commission expires: 8/31/2018  
Notary Registration number: 4060695

7894988-1 039798.00001



STAFFORD COUNTY  
Department of Planning and Zoning

### General Information

Clearly indicate all information that applies to this project:

#### DETAILED DESCRIPTION OF PROJECT

Rezoning of the property from A-1 to R-1 to allow for a cluster subdivision known as Winding Creek  
consisting of no more than 97 single-family detached units with an average lot size of 0.213 acres  
and a density of 1.58 dwelling units per acre.

#### INFORMATION FOR FEE CALCULATIONS

61.227 # of Acres

Type of Rezoning:

- Standard Rezoning
- Planned Development
- Proffer Amendment
- Minor Proffer Amendment
- Minor Proffer Amendment (when submitted simultaneously with Minor Conditional Use Permit Application)

#### INFORMATIONAL

Previous Ordinance # \_\_\_\_\_

Previous Resolution # \_\_\_\_\_

# of Lots (if rezoning to residential) 97

Original Zoning A-1

Proposed Zoning R-1

Proposed Use(s) Single family detached homes.

\_\_\_\_\_  
\_\_\_\_\_



STAFFORD COUNTY  
Department of Planning and Zoning

**Review Fee Calculations**

**STAFFORD COUNTY FEES:**

The County review fee calculations are divided into four sections. Each section is based on a different type of reclassification. Determine the application fee by filling out the one section that applies.

**Section I. Standard Rezoning:**

<b>X</b> A. Base Fee: (Required - Enter the dollar amount that applies)			
If less than 5.0 acres .....	\$4,375.00		
If 5.0 acres or greater .....	\$12,500.00	\$	<u>12,500.00</u> ✓
<b>X</b> B. General Fee: (If greater than 5 acres)			
( <u>61.227</u> Acres - 5) X \$125 .....	<u>56.227 X 125</u>	\$	<u>7,028.37</u> ✓
C. Fire & Rescue Review Fee (required).....		\$	<u>125.00</u> ✓
D. Utilities Department Review Fee (required).....		\$	<u>215.00</u> ✓
E. Public Works Review Fee (required).....		\$	<u>200.00</u>
F. Traffic Impact Analysis Review Fee: (If TIA required)			
Volume <1,000 VPD .....	\$200.00		
Volume >1,000 VPD .....	\$400.00	\$	<u>400.00</u>
<b>X</b> G. Adjacent Property Notification (required):			
( <u>12</u> Adjacent properties) X \$6.48 .....		\$	<u>77.76</u> ✓
<b>Sub-total</b> (Add appropriate amounts from lines A thru G above).....		\$	<u>20,546.13</u>
H. Technology Fee (sub-total x 2.75% or 0.0275).....		\$	<u>565.02</u>
<b>TOTAL</b> (Sub-total + H. Technology Fee).....		\$	<u>21,111.15</u> ✓

*19606.13*

STAFFORD COUNTY  
Department of Planning and Zoning

**Section IV. Minor Proffer Amendment:**

A. General Fee: .....	\$ <u>6,190.00</u>
B. Adjacent Property Notification (required): ( _____ Adjacent properties) X \$6.48 .....	\$ _____
<b>Sub-total (Add lines A and B) .....</b>	<b>\$ _____</b>
C. Technology Fee (sub-total x 2.75% or 0.0275).....	\$ _____
<b>TOTAL (Sub-total + C. Technology Fee).....</b>	<b>\$ _____</b>

**Section V. Minor Proffer Amendment (when submitted simultaneously with minor Conditional Use Permit Application):**

A. General Fee: .....	\$ <u>3,095.00</u>
B. Adjacent Property Notification (required): ( _____ Adjacent properties) X \$6.48 .....	\$ _____
<b>Sub-total (Add lines A and B) .....</b>	<b>\$ _____</b>
C. Technology Fee (sub-total x 2.75% or 0.0275).....	\$ _____
<b>TOTAL (Sub-total + C. Technology Fee).....</b>	<b>\$ _____</b>

Sections I, II, III, IV and V: MAKE CHECK PAYABLE TO "STAFFORD COUNTY".

- If an application is withdrawn prior to the first public hearing, fifty (50) percent of the amount of the application fee may be refunded to the applicant.
- If an application is withdrawn after the first public hearing, the application fee is non-refundable.

---

**VIRGINIA DEPARTMENT OF TRANSPORTATION FEES:**

**Transportation Impact Analysis Fee:**

(For applications that meet VDOT Traffic Impact Analysis thresholds)

A. Subject to low volume road criteria (see 24 VAC 30-155-40 A 3)	\$ <u>250.00</u>
B. All other submissions	\$ <u>1000.00</u>

**MAKE CHECK PAYABLE TO "VIRGINIA DEPARTMENT OF TRANSPORTATION"**

For a third or subsequent submission of a rezoning proposal that is requested by VDOT on the basis of the failure of the applicant to address deficiencies previously identified by VDOT, the fee is equal to the initial fee paid. (per 24 VAC 30-155, §15.2-2222.1 of the Code of Virginia)

### List of Adjoining Property Owners

The applicant is required to provide a list of the owners as shown on the current real estate tax assessment books of all abutting properties and properties immediately across the street or road from the property to be rezoned or issued a Conditional Use Permit. If the application requests a rezoning of only a portion of the parcel or a Conditional Use Permit on only a portion of the parcel, the entire parcel must be the basis for the below listing.

Provide additional pages if needed.

<b>See attached list</b>		
_____	_____	
TAX MAP / PARCEL	NAME	
_____		
MAILING ADDRESS		
_____		
CITY	STATE	ZIP

_____	_____	
TAX MAP / PARCEL	NAME	
_____		
MAILING ADDRESS		
_____		
CITY	STATE	ZIP

_____	_____	
TAX MAP / PARCEL	NAME	
_____		
MAILING ADDRESS		
_____		
CITY	STATE	ZIP

List of Adjoining Property Owners

**Tax Map Parcel:** 29 5K & 29D-5J      **Name:** Autumn Ridge Homeowners' Association

**Mailing Address:** P.O. Box 7268

**City:** Fredericksburg      **State:** VA      **Zip:** 22404-7268

---

**Tax Map Parcel:** 29 5A      **Name:** Willard, SueEllen

**Mailing Address:** 47 Wet Rock Lane

**City:** Stafford      **State:** VA      **Zip:** 22554-6815

---

**Tax Map Parcel:** 29 5C      **Name:** John J. Musselman, Trustee

**Mailing Address:** 200 Chatham Heights Road

**City:** Fredericksburg      **State:** VA      **Zip:** 22405

---

**Tax Map Parcel:** 29 9H      **Name:** Schuldt, Tammy Lynn

**Mailing Address:** 362 Winding Creek Road

**City:** Stafford      **State:** VA      **Zip:** 22554

---

**Tax Map Parcel:** 29D 5 159      **Name:** Susan C. Burkett

**Mailing Address:** 28 Fireberry Boulevard

**City:** Stafford      **State:** VA      **Zip:** 22554-7925

---

**Tax Map Parcel:** 20S 15 L      **Name:** Park Ridge Homeowners' Association Inc.

**Mailing Address:** c/o Landmarc Real Estate Co., P.O. Box 7268

**City:** Fredericksburg      **State:** VA      **Zip:** 22404-7268

**Tax Map Parcel:** 29 3D      **Name:** Horizons Church  
**Mailing Address:** 12 Flatford Road  
**City:** Stafford      **State:** VA      **Zip:** 22554-3949

---

**Tax Map Parcel:** 29E 1 B      **Name:** Brookstone Homes at Berkshire Inc.  
**Mailing Address:** P.O. Box 523  
**City:** Garrisonville      **State:** VA      **Zip:** 22463-0523

---

**Tax Map Parcel:** 29E 2 D      **Name:** Berkshire Homeowners Association Inc.  
**Mailing Address:** P.O. Box 7268  
**City:** Fredericksburg      **State:** VA      **Zip:** 22404-7268

---

**Tax Map Parcel:** 29 9C      **Name:** Embrey, Edwin L. Sr. & Evelyn F.  
**Mailing Address:** 28 Embrey Mill Road  
**City:** Stafford      **State:** VA      **Zip:** 22554-6808

---

**Tax Map Parcel:** 29 8A      **Name:** Embrey, Tammy Lynn  
**Mailing Address:** 362 Winding Creek Road  
**City:** Stafford      **State:** VA      **Zip:** 22554-6801

---

**Tax Map Parcel:** 29 8D      **Name:** Embrey, Edwin L. & Evelyn Frances  
**Mailing Address:** 28 Embrey Mill Road  
**City:** Stafford      **State:** VA      **Zip:** 22554-6808



STAFFORD COUNTY  
Department of Planning and Zoning

### Application Affidavit

This form to be filed with:

STAFFORD COUNTY  
BOARD OF SUPERVISORS  
  
1300 COURTHOUSE ROAD  
STAFFORD, VIRGINIA 22555

<b>Internal Use Only</b>	
Project Name:	<u>Winding Creek</u>
A/P #:	<u>10151333</u>
Date:	<u>06/17/16</u>

All applicants for a special exception, a special use permit, conditional use permit, amendment to the zoning ordinance or variance shall make complete disclosure of the equitable ownership of the real estate involved in the application, including in the case of corporate ownership, limited liability company ownership or similar business ownership, the name of stockholders, officers, managing partners, general partners, owners and members, and in any case the names and addresses of all of the real parties in interest. The requirement of listing names of stockholders, officers and directors shall not apply to a corporation whose stock is traded on a national or local stock exchange and having more than 500 shareholders. In the event the ownership of the involved real estate changes in any respect during the time the application is pending, the applicant shall make complete disclosure of the new equitable ownership of the real estate involved in the application as required herein. If the applicant is a contract purchaser, the ownership information required herein shall be provided for the contract purchaser in addition to the owner of the real estate involved in the application. This section applies to applications before the board of supervisors, planning commission and board of zoning appeals.

See Section 15.2-2289 for State Enabling Authority

#### 1. Applicant information

Name of Applicant Frank Lackman  
Name of Company Winding Creek Owner, LLC

Applicant Address 15256 Welton Court  
Centreville, VA 20120

Applicant's Signature 

Name of Agent Charles W. Payne, Jr.

Address of Agent 725 Jackson Street, Suite 200, Fredericksburg, VA 22401

#### 2. Type of Application

- |   |  |
|---|--|
| <input type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Variance          |
| <input checked="" type="checkbox"/> Rezoning    | <input type="checkbox"/> Special Exception |

STAFFORD COUNTY  
Department of Planning and Zoning

**Application Affidavit**  
**Page 2**

**Applicant:** Winding Creek Owner, LLC

Project Name:	<u>Winding Creek</u>
A/P #:	<u>10151330</u>
Date:	<u>6/17/18</u>

**3. Property Information**

**Assessors Parcel(s)** 29-4

**Address** 327 Winding Creek Road

**4. Unless the equitable ownership is a corporation, limited liability company or similar business ownership, list all equitable owners of the property.**

<u>Name of owners</u>	<u>Address</u>
<u>Earl F. Musselman Trust</u>	<u>200 Chatham Heights Road, Fredericksburg, VA 22405</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>

**5. If the equitable ownership of the property is a corporation, limited liability company or similar business ownership, list all officers, managing partners, general partners, share holders, owners and members. This provision shall not apply if the corporation is listed on a national or local stock exchange and has more than 500 share holders.**

<u>Name of Members</u>	<u>Address</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>

**6. Unless the applicant is a contract purchaser and is a corporation, limited liability company or similar business ownership, list all individuals involved with the purchase of the property.**

<u>Name of Members</u>	<u>Address</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>

STAFFORD COUNTY  
Department of Planning and Zoning

**Application Affidavit**

Page 3

Applicant: Winding Creek Owner, LLC

Project Name:	<u>Winding Creek</u>
A/P #:	<u>11/15/333</u>
Date:	<u>06/16/10</u>

7. If the applicant is a contract purchaser and is a corporation, limited liability company or similar business ownership, list all officers, managing partners, general partners, share holders, owners and members. This provision shall not apply if the corporation is listed on a national or local stock exchange and has more than 500 share holders

Name of Members

<u>Kevin J. O'Shea</u>	<u>15256 Welton Court, Centreville, VA 20120</u>
<u>Sonny Esposito</u>	<u>15256 Welton Court, Centreville, VA 20120</u>
<u>Frank X. Lackman</u>	<u>15256 Welton Court, Centreville, VA 20120</u>
_____	_____
_____	_____

8. Have all individuals listed on this affidavit been notified of the purpose of the application?

Yes                       No

9. If #8 is No, list all individuals who have not been notified about this application plus submit the cost required for the Department of Planning and Zoning or Code Administration to send certified letters notifying those listed below of this application prior to the public hearing.

<u>Name</u>	<u>Address, including zip code, no P.O. Box please</u>
_____	_____
_____	_____
_____	_____
_____	_____

Number of owners to be notified: \_\_\_\_\_ X  
 Cost for certified letters        \$ \_\_\_\_\_ (cost as of the day of submittal)  
 Total due:                            \$ \_\_\_\_\_ (Make checks payable to County of Stafford)

Please submit a check in the amount due with this application to cover the cost of serving the individuals listed in this section.

STAFFORD COUNTY  
Department of Planning and Zoning

**Application Affidavit**

Page 4

Applicant: Winding Creek Owner, LLC

Project Name:	<u>Winding Creek</u>
A/P #:	<u>16151333</u>
Date:	<u>6/17/16</u>

**10. Affirmation & Witness**

I hereby make oath or affirmation that the contents of this affidavit are true and correct to the best of my knowledge, information and belief. In the event the ownership of the involved real estate changes during the time the application is pending, I shall make complete disclosure of the new equitable ownership of the real estate involved in the application as required herein.

Printed name of Signer Frank X. Lackman

Corporate Office of Signer Member

Signature [Handwritten Signature]

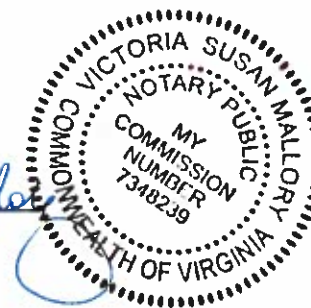
Date 6/15/2016

COMMONWEALTH OF VIRGINIA  
COUNTY OF STAFFORD, to wit:

The forgoing affidavit was acknowledged before me this 15 day of June, 2016 by Frank X Lackman owner/applicant.

My commission expires: 5/31/2018 *SM*

Victoria S. Mallory  
Notary Public





**Checklist for Generalized Development Plans (GDP)**

In accordance with Section 28-224 of the Stafford County Code, when a GDP involves engineering, architecture, urban land use planning or design, landscape architecture, or surveying, such work shall be performed by persons qualified and authorized to perform such professional work, in accordance with applicable provisions of the Code of Virginia.

N/A    COMPLETE

- |                                     |                                     |   |
|-------------------------------------|-------------------------------------|---|
|                                     |                                     | <b>Sec 28-225(1)</b>  |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Date of drawing,  |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | true north arrow,   |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | scale,  |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | legend for all symbols used,  |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | name of the applicant,  |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | name of the owner,  |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | name of the development,  |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | person preparing the drawing,   |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | match lines if applicable;  |
|                                     |                                     | <b>Sec 28-225(2)</b>  |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Boundaries of the area covered by the application,  |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | vicinity map showing the general location of the proposed development,<br>major roads and existing subdivisions at a scale of one inch equals two<br>thousand (2,000) feet; |
|                                     |                                     | <b>Sec 28-225(3)</b>  |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Approximate locations and identification of any easements and rights-of-<br>way on or abutting the site;  |
|                                     |                                     | <b>Sec 28-225(4)</b>  |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Approximate location of each existing and proposed structure on the site  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | the number of stories,  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | height,   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | roof line,  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | gross floor areas and   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | location of building entrances and exits;   |
|                                     |                                     | <b>Sec 28-225(5)</b>  |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Identification and location of uses and structures on all abutting<br>properties;   |
|                                     |                                     | <b>Sec 28-225(6)</b>  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Approximate location of all existing and proposed parking and loading<br>areas,   |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | outdoor trash storage,  |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | lighting facilities, and  |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | pedestrian walkways;  |
|                                     |                                     | <b>Sec 28-225(7)</b>  |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Approximate location, height and type of each existing and proposed<br>wall, fence, and other types of screening;   |

**Checklist for Generalized Development Plans (continued)**

N/A    COMPLETE

- |                                     |                                     |   |
|-------------------------------------|-------------------------------------|---|
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Sec 28-225(8)<br>Approximate location and description of all proposed landscaping;  |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Sec 28-225(9)<br>Approximate location, height and dimensions of all proposed signage on site;   |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Sec 28-225(10)<br>Approximate location of all existing drainage ways, floodplains and wetlands on site;   |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Sec 28-225(11)<br>Approximate location of all common open space, recreational areas and bufferyards;  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Sec 28-225(12)<br>Where the site abuts any tidal water body or impoundments, the approximate high water line, low water line, top of bank and toe of slope;   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Sec 28-225(13)<br>Approximate location and identification of all significant natural or noteworthy features including, but not limited to, historic and archeological sites, cemeteries, existing trees with a trunk diameter greater than six (6) inches DBH |

**Waiver of GDP Requirements**

In accordance with Section 28-223 of the Stafford County Code, the Director of Planning and Zoning may waive the requirement for the submission of a GDP if the application meets one of the following standards:

- (1) There will be less than two thousand five hundred (2,500) square feet of total land disturbance on lots or parcels of less than ten thousand (10,000) square feet.
- (2) For single-family dwellings intended for the occupancy of the applicant and where there will be less than five thousand (5,000) square feet of land disturbance.
- (3) For specific items of information when, in the opinion of the director of planning, their application to the subject property does not serve the purpose and intent of this article.

A request for a waiver shall be made in writing to the Director of Planning and Zoning identifying the sections in which you are requesting a waiver and the reason for the request.

STAFFORD COUNTY  
Department of Planning and Zoning

**RECLASSIFICATION  
TRANSPORTATION IMPACT  
ANALYSIS DETERMINATION**

Name of development Winding Creek  
Type of development Residential  
Parcel # 29-4

RECEIVED BUT NOT OFFICIALLY SUBMITTED:	
DATE: <u>6/17</u>	INITIALS: <u>[Signature]</u>
OFFICIALLY SUBMITTED:	
DATE: _____	INITIALS: _____

**Traffic Volume Calculations**

This site generates:

- 102 VPH (highest VPH)
- 1,021 VPD on state controlled highways (highest)
- 78 VPH Peak AM
- 102 VPH Peak PM
- 95 VPH Peak Saturday
- 1,021 VPD highest intensity\*

\*\*\*Attach a page showing the calculations and the ITE trip generation codes to this form.\*\*\*

**Minimum Thresholds to submit a TIA**

County: Any proposals generating 1,000 or more VPD.

VDOT: See "VDOT Traffic Impact Analysis Requirements" table on next page.

**Trip Generation Calculation Guidelines**

- Traffic volumes shall be based on the rates or equations published in the latest edition of the Institute of Transportation Engineers Trip Generation.
- If a site has multiple entrances to highways, volumes on all entrances shall be combined for the purposes of this determination.
- If the site does not have direct access to a state maintained road, the site's connection is where the site connects to the state highway system.
- Traffic volumes shall NOT be reduced through internal capture rates, pass by rates, or any other reduction methods.
- For redevelopment sites only: when the existing use is to be redeveloped as a higher intensity use, trips currently generated by the existing development that will be removed may be deducted from the total trips that will be generated by the proposed land use.
- When rezoning, use the highest possible traffic generating use unless development is limited by proffer to less than the possible highest traffic generation.

For development proposals that generate 1000 or more vehicle trips per peak hour the applicant shall request a scope of work meeting with VDOT and Stafford County Office of Transportation to discuss the required elements of a traffic impact analysis.

\*The highest intensity use is the highest possible use allowable under the zoning requirements for the entire property should it be developed to its fullest extent possible under the current building guidelines. The only exception is if proffers limit the area and type of uses.



[myStafford Payments Home](#) > [Account Search](#) > [Account Details](#)

**Stafford County Real Estate Tax Search/Payment**

**Owner**  
Name / Mailing Address:  
MUSSELMAN JOHN J TRUSTEE  
200 CHATHAM HEIGHTS RD  
FRÉDERICKSBURG VA 22405-2571

**Property Description**  
Map #: 29-4  
Alt. ID/PIN: 17906  
Legal: 327 WINDING CREEK RD

**Current Assessment**  
Land Value: \$642,900  
Improvement Value: \$163,600  
Land Use Value: \$101,400  
Total Taxable Value: \$265,000

[View Real Estate Details](#)

- Pay Total Due Today: \$0.00
- Pay Total For Year: \$1,311.75
- Select Invoices to Pay
- Pay Another Amount:

[Next](#)

**Invoice History**

*Filter by Year Paid to get tax payments for a particular year*

**Bill Type**  **Year Paid**

[Clear Filter](#)

[Print Version](#)

[Filter Results](#)

[Change Penalty/Interest Calculation Date](#)

Total Due: \$1,311.75    Total Tax Paid: \$40,908.65  
 Total Penalty/Int Paid: \$196.30  
 Total Fees Paid: \$0.00  
 Total Other Assessments: \$0.00

Year	Bill #	Type	Due Date	Rate	Levy Due	Penalty Due	Interest Due	Total Due	Total Paid	Date Paid
2016	17654	Real Estate	12/5/2016	0.990	\$1,311.75	\$0.00	\$0.00	\$1,311.75	\$0.00	
2016	17654	Real Estate	6/6/2016	0.990	\$1,311.75	\$0.00	\$0.00	\$0.00	\$1,311.75	6/3/2016
2015	17664	Real Estate	12/7/2015	1.019	\$1,241.14	\$0.00	\$0.00	\$0.00	\$1,241.14	12/3/2015
2015	17664	Real Estate	6/5/2015	1.019	\$1,241.14	\$0.00	\$0.00	\$0.00	\$1,241.14	6/3/2015
2014	17675	Real Estate	12/5/2014	1.019	\$1,241.14	\$0.00	\$0.00	\$0.00	\$1,241.14	12/5/2014
2014	17675	Real Estate	6/5/2014	1.019	\$1,241.14	\$0.00	\$0.00	\$0.00	\$1,241.14	6/4/2014
2013	17686	Real Estate	12/5/2013	1.070	\$1,204.29	\$0.00	\$0.00	\$0.00	\$1,204.29	11/26/2013
2013	17686	Real Estate	6/5/2013	1.070	\$1,204.29	\$0.00	\$0.00	\$0.00	\$1,204.29	6/5/2013
2012	17701	Real Estate	12/5/2012	1.070	\$1,160.42	\$0.00	\$0.00	\$0.00	\$1,160.42	12/4/2012
2012	17701	Real Estate	6/10/2012	1.070	\$1,160.42	\$0.00	\$0.00	\$0.00	\$1,160.42	6/13/2012

[Go Back](#)

100-18-0-018

Attachment 8  
Page 20 of 32

**LEGEND**

- ▲ SURVEY POINT
- ▬ PROPERTY BOUNDARY
- ▬ PAVEMENT CENTERLINE
- ▬ UNPAVED CENTERLINE
- ▬ DRAINAGE
- ▬ UTILITY CENTERLINE
- ▬ POWER CENTERLINE
- ▬ TELEPHONE CENTERLINE
- ▬ CEMENT CURB
- ▬ CONCRETE
- ▬ ASPHALT
- ▬ GRAVEL
- ▬ SAND
- ▬ ROCK
- ▬ FILL
- ▬ REMOVED FILL
- ▬ REMOVED SAND
- ▬ REMOVED GRAVEL
- ▬ REMOVED ASPHALT
- ▬ REMOVED CONCRETE
- ▬ REMOVED TELEPHONE
- ▬ REMOVED UTILITY
- ▬ REMOVED DRAINAGE

This is a detailed plat map for a residential subdivision. The central feature is **WINDING CREEK ROAD**, which runs diagonally from the upper left towards the lower right. Along this road, there are **LOTS 19 through 34**, each with its own area in square feet. To the left of the road is **LOT 130**. The map shows the **AUTUMN RIDGE HOMEOWNERS ASSOCIATION** boundaries and various utility lines. At the top right, **EMBURY ROAD** is shown. At the bottom, **FIREBERRY BOULEVARD** and **WINDING CREEK ROAD** are clearly marked. A **CURVE TABLE** is located on the right side of the map, detailing the curves for Winding Creek Road. A **VICINITY MAP** in the bottom left corner shows the project's location within a larger neighborhood. A **DETAIL** map in the top right corner shows a close-up of a specific area. The map is signed by **John J. Muselman**, Trustee of the **Karl F. Muselman Trust**, created on **November 26, 2001**.

**NOTES**

1. THE PLAT HAS BEEN PREPARED UPON THE BASIS OF A FIELD SURVEY. ALL ENCUMBRANCES NOT RECORDED ARE SHOWN.
2. THE PLAT HAS BEEN PREPARED UPON THE BASIS OF A FIELD SURVEY. ALL ENCUMBRANCES NOT RECORDED ARE SHOWN.
3. THE PROPERTY COULD BE STATED IN THE NAME OF JOHN F. MUSSELMAN, TRUSTEE OF THE KARL F. MUSSELMAN TRUST, CREATED 11/26/2001. THE PROPERTY COULD BE STATED IN THE NAME OF JOHN F. MUSSELMAN, TRUSTEE OF THE KARL F. MUSSELMAN TRUST, CREATED 11/26/2001. THE PROPERTY COULD BE STATED IN THE NAME OF JOHN F. MUSSELMAN, TRUSTEE OF THE KARL F. MUSSELMAN TRUST, CREATED 11/26/2001.
4. BOUNDARY SETTLEMENT AND ADJACENT INTERESTS OF OTHER PARTIES ARE SHOWN FROM RECORDS AND FIELD SURVEY. IT IS THE DUTY OF THE BUYER TO INVESTIGATE THE BOUNDARIES OF ALL ADJACENT PROPERTIES AND TO BE ADVISED OF THE EXISTING ADJACENT INTERESTS TO BE SHOWN HEREON.
5. ADJACENT AREAS SHOWN ARE NOT PART OF THIS SUBDIVISION. THE PROPERTY SHOWN ON THE PLAT IS THE PROPERTY OF JOHN F. MUSSELMAN, TRUSTEE OF THE KARL F. MUSSELMAN TRUST, CREATED 11/26/2001. THE PROPERTY COULD BE STATED IN THE NAME OF JOHN F. MUSSELMAN, TRUSTEE OF THE KARL F. MUSSELMAN TRUST, CREATED 11/26/2001. THE PROPERTY COULD BE STATED IN THE NAME OF JOHN F. MUSSELMAN, TRUSTEE OF THE KARL F. MUSSELMAN TRUST, CREATED 11/26/2001.

**VICINITY MAP**  
SCALE: 1" = 2000'

**Bowman CONSULTING**

**John J. Muselman, Trustee of the Karl F. Muselman Trust**  
CREATED 11/26/2001

DATE: APRIL 1, 2014

**Bowman CONSULTING**

10000 WINDING CREEK ROAD  
STAFFORD COUNTY, MISSOURI 64304

NO. PROJECT	100-18-0-018	DRAWN	2014-04-01	CHECKED	2014-04-01	DATE	APRIL 1, 2014
BY	JJM	DATE		BY	JJM	DATE	
CHECKED		DATE		CHECKED		DATE	

**CURVE TABLE**

STATION	BEARING	DISTANCE	CHORD	CHORD BEARING	ARC CENTER
19+00.00	S 85° 30' 00" W	100.00	100.00	85° 30' 00"	100.00
20+00.00	S 85° 30' 00" W	100.00	100.00	85° 30' 00"	100.00
21+00.00	S 85° 30' 00" W	100.00	100.00	85° 30' 00"	100.00
22+00.00	S 85° 30' 00" W	100.00	100.00	85° 30' 00"	100.00
23+00.00	S 85° 30' 00" W	100.00	100.00	85° 30' 00"	100.00
24+00.00	S 85° 30' 00" W	100.00	100.00	85° 30' 00"	100.00
25+00.00	S 85° 30' 00" W	100.00	100.00	85° 30' 00"	100.00
26+00.00	S 85° 30' 00" W	100.00	100.00	85° 30' 00"	100.00
27+00.00	S 85° 30' 00" W	100.00	100.00	85° 30' 00"	100.00
28+00.00	S 85° 30' 00" W	100.00	100.00	85° 30' 00"	100.00
29+00.00	S 85° 30' 00" W	100.00	100.00	85° 30' 00"	100.00
30+00.00	S 85° 30' 00" W	100.00	100.00	85° 30' 00"	100.00
31+00.00	S 85° 30' 00" W	100.00	100.00	85° 30' 00"	100.00
32+00.00	S 85° 30' 00" W	100.00	100.00	85° 30' 00"	100.00
33+00.00	S 85° 30' 00" W	100.00	100.00	85° 30' 00"	100.00
34+00.00	S 85° 30' 00" W	100.00	100.00	85° 30' 00"	100.00



**METES AND BOUNDS DESCRIPTION  
ON THE LANDS OF  
JOHN J. MUSSELMAN, TRUSTEE OF  
THE EARL F. MUSSELMAN TRUST,  
CREATED U/A/D NOVEMBER 28, 2001  
LR 060036235  
TAX MAP 29, PARCEL 4  
ROCK HILL MAGISTERIAL DISTRICT  
STAFFORD COUNTY, VIRGINIA**

**TAX MAP 29, PARCEL 4 (PORTION WEST OF WINDING CREEK ROAD)**

BEGINNING AT A POINT, SAID POINT BEING AN IRON PIPE SET (IPS) IN THE WESTERLY RIGHT OF WAY LINE OF WINDING CREEK ROAD – VIRGINIA STATE ROUTE 628 (40' WIDE RIGHT OF WAY) AND CORNER TO LANDS NOW OR FORMERLY STANDING IN THE NAME OF EMBREY (TAX MAP 29, PARCEL 9C – DEED BOOK 778, PAGE 62); THENCE, DEPARTING SAID WINDING CREEK ROAD – VIRGINIA STATE ROUTE 628 (40' WIDE RIGHT OF WAY) AND RUNNING WITH SAID EMBREY (TAX MAP 29, PARCEL 9C – DEED BOOK 778, PAGE 62) TWO (2) COURSES AS FOLLOW:

N 68°10'45" W 76.19' TO A POINT, SAID POINT BEING A NAIL FOUND IN A STUMP; THENCE

N 73°32'16" W 234.92' TO A POINT, SAID POINT BEING A PINCHED TOP PIPE FOUND (PPF) IN THE LINE OF SAID EMBREY (TAX MAP 29, PARCEL 9C – DEED BOOK 778, PAGE 62) AND CORNER TO PARCEL D – COMMON AREA OF BERKSHIRE – SECTION TWO (PM 050000258) BEING LANDS NOW OR FORMERLY STANDING IN THE NAME OF BERKSHIRE HOMEOWNERS ASSOCIATION INC. (TAX MAP 29E-2-D – LR 070000884); THENCE, WITH SAID PARCEL D – COMMON AREA OF BERKSHIRE – SECTION TWO (PM 050000258), IN PART, AND PARCEL B – COMMON AREA OF BERKSHIRE – SECTION ONE (PM 040000281) BEING LANDS NOW OR FORMERLY STANDING IN THE NAME OF BROOKSTONE HOMES AT BERKSHIRE, INC. (TAX MAP 29E-1-B – LR 030049099), IN PART, AND THE WESTERLY RIGHT OF WAY LINE OF WINDING CREEK ROAD – VIRGINIA STATE ROUTE 628 (40' WIDE RIGHT OF WAY) IN PART,

N 13°18'51" E, PASSING THROUGH A NAIL IN A STUMP FOUND AT 1,485.50, 1676.54' IN TOTAL, TO A POINT, SAID POINT BEING N 15°36' E 2.2' FROM A PPF AND IN THE AFOREMENTIONED WESTERLY RIGHT OF WAY LINE OF WINDING CREEK ROAD – VIRGINIA STATE ROUTE 628 (40' WIDE RIGHT OF WAY); THENCE, CONTINUING WITH SAID WESTERLY RIGHT OF WAY LINE OF WINDING CREEK ROAD – VIRGINIA STATE ROUTE 628 (40' WIDE RIGHT OF WAY) FIVE (5) COURSES AS FOLLOW:

292.64' ALONG THE ARC OF A CURVE DEFLECTING TO THE RIGHT (NON-TANGENT TO PREVIOUS COURSE) WITH A RADIUS OF 3185.00', A CENTRAL ANGLE OF 05°15'52", AND A CHORD BEARING AND DISTANCE OF S 17°38'15" E, 292.54' TO A POINT; THENCE

S 15°00'19" E 279.90' TO A POINT OF CURVATURE; THENCE

352.47' ALONG THE ARC OF A CURVE DEFLECTING TO THE RIGHT WITH A RADIUS OF 630.00', A CENTRAL ANGLE OF 32°03'20", AND A CHORD BEARING AND DISTANCE OF S 01°01'21" W, 347.89' TO A POINT; THENCE





S 17°03'01" W 707.14' TO A POINT OF CURVATURE; THENCE  
157.96' ALONG THE ARC OF A CURVE DEFLECTING TO THE LEFT WITH A RADIUS OF 1388.00', A  
CENTRAL ANGLE OF 06°31'14", AND A CHORD BEARING AND DISTANCE OF S 13°47'24" W, 157.88' TO  
THE POINT OF BEGINNING AND CONTAINING 10.73486 ACRES OF LAND, MORE OR LESS.

**TAX MAP 29, PARCEL 4 (PORTION EAST OF WINDING CREEK ROAD)**

BEGINNING AT A POINT, SAID POINT BEING IN THE EASTERLY RIGHT OF WAY LINE OF WINDING  
CREEK ROAD – VIRGINIA STATE ROUTE 628 (40' WIDE RIGHT OF WAY) AND ALSO BEING N 13°24' E 1.6'  
FROM A PPF ; THENCE, RUNNING WITH SAID EASTERLY RIGHT OF WAY LINE OF WINDING CREEK ROAD –  
VIRGINIA STATE ROUTE 628 (40' WIDE RIGHT OF WAY), IN PART, AND LANDS NOW OR FORMERLY  
STANDING IN THE NAME OF HORIZONS CHURCH (TAX MAP 29, PARCEL 3D – LR 070022104), IN PART,  
N 13°24'05" E, 942.92' TO A POINT, SAID POINT BEING S 13°24' W 0.3' FROM AN IRON PIPE  
FOUND (IPF) AS CORNER TO SAID HORIZONS CHURCH (TAX MAP 29, PARCEL 3D – LR 070022104) IN THE  
LINE OF PARCEL L – OPEN SPACE OF PARK RIDGE – SECTION 15 (PLAT BOOK 34, PAGE 291 – TAX MAP  
20S-15-L) BEING LANDS NOW OR FORMERLY STANDING IN THE NAME OF PARK RIDGE HOMEOWNERS'  
ASSOCIATION INC. – LR 990002954); THENCE, WITH SAID PARCEL L – OPEN SPACE OF PARK RIDGE –  
SECTION 15 (PLAT BOOK 34, PAGE 291 – TAX MAP 20S-15-L)

S 25°11'06" E 345.15' TO A POINT, SAID POINT BEING CORNER TO PARCEL L – OPEN SPACE OF  
PARK RIDGE – SECTION 15 (PLAT BOOK 34, PAGE 291 – TAX MAP 20S-15-L) AND PARCEL J – COMMON  
AREA OF AUTUMN RIDGE – SECTION 5 (PLAT BOOK 33, PAGE 112 – TAX MAP 29D-5-J) BEING LANDS  
NOW OR FORMERLY STANDING IN THE NAME OF AUTUMN RIDGE HOMEOWNER'S ASSOCIATION (LR  
990010224) AT OR NEAR THE CENTER OF AUSTIN RUN ; THENCE, WITH SAID PARCEL J – COMMON AREA  
OF AUTUMN RIDGE – SECTION 5 (PLAT BOOK 33, PAGE 112 – TAX MAP 29D-5-J), IN PART, AND LOT 159  
OF AUTUMN RIDGE – SECTION 5, IN PART,

S 24°53'58" E 913.94' TO A POINT, SAID POINT BEING AN IRON ROD FOUND (IRF) AS CORNER TO  
SAID LOT 159 OF AUTUMN RIDGE – SECTION 5 AND CORNER TO LANDS NOW OR FORMERLY STANDING  
IN THE NAME OF JOHN J. MUSSELMAN, TRUSTEE OF THE EARL F. MUSSELMAN TRUST, CREATED U/A/D  
NOVEMBER 28, 2001 (TAX MAP 29, PARCEL 5C – LR 070002671); THENCE, WITH SAID JOHN J.  
MUSSELMAN, TRUSTEE OF THE EARL F. MUSSELMAN TRUST, CREATED U/A/D NOVEMBER 28, 2001 (TAX  
MAP 29, PARCEL 5C – LR 070002671)

S 25°31'17" E 834.63' TO A POINT, SAID POINT BEING A 2" IPF AS CORNER TO SAID JOHN J.  
MUSSELMAN, TRUSTEE OF THE EARL F. MUSSELMAN TRUST, CREATED U/A/D NOVEMBER 28, 2001 (TAX  
MAP 29, PARCEL 5C – LR 070002671) AND LANDS NOW OR FORMERLY STANDING IN THE NAME OF  
WILLARD (TAX MAP 29, PARCEL 5A – LR 960000168); THENCE, WITH SAID LANDS OF WILLARD (TAX MAP  
29, PARCEL 5A – LR 960000168)

S 25°46'47" E 605.37' TO A POINT, SAID POINT BEING AN IPF IN THE LINE OF SAID LANDS OF  
WILLARD (TAX MAP 29, PARCEL 5A – LR 960000168) AND CORNER TO LANDS NOW OR FORMERLY  
STANDING IN THE NAME OF AUTUMN RIDGE HOMEOWNER'S ASSOCIATION (TAX MAP 29, PARCEL 5K –  
LR 960007980); THENCE, WITH SAID LANDS OF AUTUMN RIDGE HOMEOWNER'S ASSOCIATION (TAX  
MAP 29, PARCEL 5K – LR 960007980)

S 44°46'42" W 873.04' TO A POINT, SAID POINT BEING AN IPF AS CORNER TO SAID LANDS OF  
AUTUMN RIDGE HOMEOWNER'S ASSOCIATION (TAX MAP 29, PARCEL 5K – LR 960007980) AND LANDS  
NOW OR FORMERLY STANDING IN THE NAME OF EMBREY (TAX MAP 29, PARCEL 8D – DEED BOOK 169,  
PAGE 506); THENCE, WITH SAID LANDS OF EMBREY (TAX MAP 29, PARCEL 8D – DEED BOOK 169, PAGE



506), IN PART, AND OTHER LANDS NOW OR FORMERLY STANDING IN THE NAME OF EMBREY (TAX MAP 29, PARCEL 8A – NO DEED REFERENCE FOUND), IN PART,

N 68°10'45" W 609.48' TO A POINT, SAID POINT BEING AN IPS AS A POINT OF CURVATURE IN THE NORTHERLY RIGHT OF WAY LINE OF EMBREY MILL ROAD – VIRGINIA STATE ROUTE 733 (50' WIDE RIGHT OF WAY); THENCE, WITH SAID NORTHERLY RIGHT OF WAY LINE OF EMBREY MILL ROAD – VIRGINIA STATE ROUTE 733 (50' WIDE RIGHT OF WAY) TWO (2) COURSES AS FOLLOW:

104.50' ALONG THE ARC OF A CURVE DEFLECTING TO THE LEFT (NON-TANGENT TO PREVIOUS COURSE) WITH A RADIUS OF 300.00', A CENTRAL ANGLE OF 19°57'32", AND A CHORD BEARING AND DISTANCE OF N 59°43'06" W, 103.98' TO A POINT, SAID POINT BEING AN IPS; THENCE

N 69°41'52" W 180.44' TO A POINT, SAID POINT BEING AN IPS AT A POINT OF CURVATURE IN THE AFOREMENTIONED EASTERLY RIGHT OF WAY LINE OF WINDING CREEK ROAD – VIRGINIA STATE ROUTE 628 (40' WIDE RIGHT OF WAY); THENCE, CONTINUING WITH THE SAID EASTERLY RIGHT OF WAY LINE OF WINDING CREEK ROAD – VIRGINIA STATE ROUTE 628 (40' WIDE RIGHT OF WAY) SIX (6) COURSES AS FOLLOW:

150.67' ALONG THE ARC OF A CURVE DEFLECTING TO THE RIGHT WITH A RADIUS OF 1348.00', A CENTRAL ANGLE OF 06°24'16", AND A CHORD BEARING AND DISTANCE OF N 13°50'53" E, 150.60' TO A POINT; THENCE

N 17°03'01" E 707.14' TO A POINT OF CURVATURE; THENCE

374.85' ALONG THE ARC OF A CURVE DEFLECTING TO THE LEFT WITH A RADIUS OF 670.00', A CENTRAL ANGLE OF 32°03'20", AND A CHORD BEARING AND DISTANCE OF N 01°01'21" E, 369.98' TO A POINT; THENCE

N 15°00'19" W 279.90' TO A POINT OF CURVATURE; THENCE

336.05' ALONG THE ARC OF A CURVE DEFLECTING TO THE LEFT WITH A RADIUS OF 3225.00', A CENTRAL ANGLE OF 05°58'13", AND A CHORD BEARING AND DISTANCE OF N 17°59'25" W, 335.90' TO A POINT; THENCE

N 20°58'32" W 19.80' TO THE POINT OF BEGINNING AND CONTAINING 50.49199 ACRES OF LAND, MORE OR LESS.

**STAFFORD COUNTY, VIRGINIA**

**ZONING RECLASSIFICATION AND CONDITIONAL USE PERMIT APPLICATION**

**IMPACT STATEMENT**

Applicant: Winding Creek Owner, LLC

Property Owner: John J Musselman, Trustee of the Earl F. Musselman Trust

Property: Tax Parcel 29-4

Rezoning Request: From A-1 to R-1

Project Name: Winding Creek

CUP Request: Cluster subdivision in the R-1 District

Date: June 15, 2016

File No. RC \_\_\_\_\_  
CUP \_\_\_\_\_

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**Application Request**

The property owner, as provided above (collectively the “Owner”), through the contract purchaser, Winding Creek Owner, LLC, or its assigns or successors (the “Applicant”), hereby requests a rezoning of the following property from Agricultural (A-1) to Suburban Residential (R-1) in accordance with the Stafford County Zoning Ordinance (the “Zoning Ordinance”), including without limitation Article III, Section 28-35, Article X, Section 28-161, et seq., and Article XII Section 28-201, et seq.:

Tax Parcel 29-4 (of record by Instrument No. LR060036235) (the “Property”), consisting of approximately 61.227 acres total, and generally located approximately 0.7 miles north of the Courthouse Road and Winding Creek Road intersection, within the Rock Hill Magisterial District and the Garrisonville Magisterial District, all as more particularly described on the attached “Winding Creek Generalized Development Plan” dated May 2014, as last revised June 6, 2016, prepared by Bowman Consulting, which plan is incorporated as a material part of this application by this reference (the “GDP”)<sup>1</sup>.

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<sup>1</sup>The GDP is a general overview of the proposed development and improvements to the Property in accordance with Article XIII, Section 28-221, et seq., of the Zoning Ordinance. The Applicant reserves the right to make modifications or amendments to the GDP in order to address final site engineering, architectural, and design issues, internal road placements and entry areas, RPA requirements, and to ensure compliance with applicable federal, state and county regulations, laws and ordinances.



The R-1 district permits cluster subdivisions by right, except for densities greater than 1.5 dwelling units per acre, which then require a conditional use permit (“CUP”). Concurrently with the proposed rezoning, the Applicant requests a CUP to develop the Property for a cluster subdivision all as shown on the GDP.

We have also included with this application several illustrative elevations and renderings depicting the proposed architectural design and building material features, which only include general type, character, and quality of architectural design, details, and materials, all as generally shown on sheets 10 and 11 of the GDP (collectively, the “Renderings”).

*This application provides the following key development features:*

- (1) no more than 97 single-family detached units;
- (2) average lot size of 0.213 acres;
- (3) density of 1.58 dwelling units per acre
- (4) open space of 33.291 acres, or 54.4% of the Property, far exceeding the R-1 district’s minimum requirement;
- (5) clustering of lots to promote appropriately dense development;
- (6) proffered architectural and design features as generally provided on the Renderings;
- (7) dedication of 0.84 acres of right of way along Winding Creek Road to widen the right of way to a width of sixty feet (60'), plus the 0.78 ac of right of way along Embrey Mill Road to allow for the future relocation of that road as shown on GDP;
- (8) an approximate 10.33 acre open space area for transportation buffering and passive recreation activity west of Winding Creek Road;
- (9) monetary cash proffers of \$2,619,000, all as provided more particularly in the attached proffer statement;
- (10) project is located within Stafford County’s (the “County”) Urban Service Area, and will connect to public water and sewer; and
- (11) project is consistent with the County’s Comprehensive Plan (the “Comp Plan”), as described below.

## **Overview**

As noted above, the Property is currently zoned A-1. The Applicant proposes changing the zoning of the Property from A-1 to R-1 and to allow a clustered subdivision. Section 28-34 of the County’s Zoning Ordinance states the following concerning the R-1 district:

The purpose of the R-1 district is to provide areas which are in close proximity to existing or future development of equivalent or higher densities, and which are intended for low density residential development where public water and sewerage facilities are available. Development in the R-1 district is intended to be characterized by single-family dwellings.

Pursuant to Article III, Section 28-35 of the Zoning Ordinance, a CUP is required in order to develop a cluster subdivision in the R-1 district if the applicant requests a density of dwelling units greater than 1.5 per acre. The Zoning Ordinance defines “cluster” as “[a] subdivision development design technique that concentrates detached single-family dwellings in specific areas on the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features and rural character . . .”

Cluster subdivisions in the R-1 district permit an average density of up to 2.25 dwelling units per acre, while conventional subdivisions permit an average density of up to 1.5 dwelling units per acre. The proposed development includes 1.58 dwelling units per acre, which requires a conditional use permit.

The Applicant’s proposed cluster subdivision includes 97 lots located on approximately 61.227 acres. The GDP reflects 33.291 acres of open space accounting for approximately 54.4% of the Property. This far exceeds the 30 percent minimum required by the R-1 district for cluster subdivisions. The open space will be used for stormwater management facilities, and recreational and natural areas.

The Property is bisected by Winding Creek Road, which intersects Courthouse Road approximately 0.7 miles to the south of the Property. Embrey Mill Road and Wetrock Lane border the Property immediately to the south. Adjacent and nearby properties are generally developed as similar cluster subdivisions, while some nearby properties are wooded. Existing and planned residential subdivisions in the area include Berkshire, Embrey Mill, Augustine North, Colonial Forge, Liberty Knolls, and Austin Ridge. The Applicant’s proposal will be compatible with existing and planned uses in the area and proposed home prices will average approximately \$525,000. Additionally, the Applicant’s proposal will further enhance the local housing stock while maintaining the rural character of the area through inclusion of appropriate buffering and open space.

As described below, the Applicant’s proposal conforms to the policies established by the Comp Plan. Adjacent properties will experience minimal impacts. Furthermore, the proposal will result in minimal impacts on public facilities and services, and impacts related to roads, schools, and parks will be offset through proffers.

In regard to the foregoing, the Applicant retained S. Patz and Associates, Inc. (“Patz”), to review the proposed project and prepare a fiscal impact analysis. Patz’s analysis, entitled “Market and Fiscal Impacts Analyses Winding Creek Subdivision Stafford, Virginia,” dated May 2014 (the “FIA”), concludes, in relevant part, that the Applicant’s proposed project will generate gross county tax revenues of approximately \$1,176,170 annually with a net fiscal benefit of \$357,390 (on and off-site impacts), all in constant 2014 dollars. The consultant also applied three different pupil generation rates of 1.3, 1.06 and 0.66 per household. The net revenue findings (see page 34 of the report) range from \$546,000 to \$244,230, all of which are a net positive surplus. Based on these factors, the proposal will result in a net benefit to the County and its citizens and the project will pay for itself from an operating expense perspective, which surplus also contributes to necessary county capital improvements. Please also see additional details regarding the analysis in the attached FIA, which was been submitted as a material part of this application.

## **Comprehensive Plan**

### *Future Land Use Map*

The Comp Plan's Future Land Use Map classifies the Property as part of the "Suburban" designation. This designation encourages low density residential development, as well as limited commercial development. Development is expected to occur on quarter to half acre lots, with densities of up to three dwelling units per acre. Townhouses and multifamily development are generally discouraged. Additionally, the Suburban designation promotes preservation of sensitive environmental features and open space through use of innovative development techniques such as clustering and planned unit developments. The Plan encourages preservation of 25 to 50 percent of land for a combination of natural and usable open space.

The Suburban designation supports the Applicant's proposed development consisting of single family detached dwellings. The GDP provides for approximately 1.58 dwelling units per acre, which is within the Comp Plan's density policy of 3.0 dwelling units per acre. The GDP also shows 54.4% of the Property as open space in the form of stormwater management facilities, and recreational and natural areas. This exceeds the Plan's policy of preserving 25 to 50 percent of land for both natural and usable open space. In general, the type and density of the proposed development, as well as the preserved open space, meet the Suburban designation's policies.

The Plan's Quantico Noise and Range Compatibility Zones Map includes the property in Noise Zone 1. Properties in Zone 1 may experience occasional noise of less than 62 dB from the Quantico Marine Corps Base. This level of noise causes minimal impact on the properties within Zone 1.

### *Urban Service Area*

The Comprehensive Plan includes the Property in the "Urban Service Area". This designation attempts to funnel new development in the County to the land around I-95 and other major transportation corridors in order to take advantage of existing public utilities in the area. The Urban Service Area supports any new development which is compatible with the Property's Future Land Use Map designation.

The Property's location in the Urban Service Area supports the project's utilization of existing public utilities. Based on nearby development patterns, several nearby subdivisions are already utilizing public utilities, which means the Applicant should be able to extend water and sewer lines from nearby rights of way in order to serve the Property.

### *Transportation*

The Property is located north of Embrey Mill Road and is bisected by Winding Creek Road, both of which are classified as rural local roads. The Comprehensive Plan's Anticipated Transportation Needs Map designates Winding Creek Road as a 2-lane road requiring upgrades.



The types of upgrades are not specified. For purposes of the foregoing and as provided in the Applicant's proffer statement, the Applicant will proffer dedication of 0.84 acres of right of way along Winding Creek Road to widen the right of way to a width of sixty feet (60') at a value of \$74,343.89, as generally shown on the GDP. Additionally, the Applicant will proffer dedication of 5.61 acres of right of way for internal subdivision roads to be maintained by VDOT, plus the 0.78 acres for relocation of Embrey Mill Road, all as generally shown on the GDP.

### **Impact Analysis**

1. **Current capacity of and anticipated demands on highways, utilities, storm drainage, schools and recreational facilities.**

- A. **Highways.** Based on the Traffic Impact Analysis, dated June 13, 2016, prepared by Bowman Consulting (the "TIA"), the project will generate 1,021 new trips per 24 hour period. Of these trips, 78 new trips will occur during the AM peak hour and 102 new trips will occur during the PM peak hour. These traffic volumes do not exceed traffic thresholds outlined in §15.2-2222.1 of the Code of Virginia and the Virginia Traffic Impact Analysis Regulations (24 VAC 30-155), which are commonly referred to as "Chapter 527" requirements. Primary access to the Property is proposed via two full movement entrances along Winding Creek Road. Internal roadways will be terminated via a "cul-de-sac" alignment. In addition, the TIA shows that 2021 traffic conditions with the build out of the Property will be adequately accommodated at the study intersections with no need for offsite improvements.

We are not aware of any specific traffic volume capacity based on the classification by either the County or VDOT. Classification is based on the function and character of the road than the volume of traffic it could (or should) carry. For instance, a six-lane divided urban roadway designed to serve numerous business while carrying 30,000 vehicles per day could have a lower functional classification than a two-lane rural road carrying 8,500 vehicles per day and designed to carry traffic between regional destinations.

Stafford County's Comprehensive Plan calls for development applications to meet a Level of Service C or better or to show non-degradation. The TIA shows that all studied intersections will operate at LOS C or better with the exception of the westbound approach to the Eustace Road/Northampton Blvd/Hampton Park Road intersection which operates at LOS E during the PM peak hour under existing conditions. The analysis shows that the approach would continue to operate at LOS E in 2021 with or without the buildout of the site. Therefore the application meets Stafford County's Comprehensive Plan requirement of LOS C or non-degradation.

To offset any alleged impacts the Applicant will dedicate 60' of right-of-away along Winding Creek Road at a value of \$74,343.89 and not develop on the west side of Winding Creek Road, as shown on the GDP, at a value of \$895,657. Please review further details in the attached proffer statement.

By Right Impact: If the Property is developed as a cluster subdivision under the existing A-1 zoning, the maximum traffic intensity would occur with build out of approximately 20 single family residential dwelling units. Pursuant to a by-right clustered development, the aggregate new daily trips would be approximately 771 per a 24 hour period, 54 new trips during the AM peak hour, and 76 new trips during the PM peak hour.

- B. Utilities. As noted above, the proposed rezoning is located within the County's Urban Service Area and has access to public water and sewer. The proposed project will have minimal impact on utility demands. Existing water and sewer lines are located in the Winding Creek Road right of way. These utility lines and applicable water and sewer treatment facilities appear to have available capacity, or the reasonable ability to be upgraded to provide adequate capacity.

Public Water: This project is located in the Garrisonville Zone. There is an existing 12" DIP water line in the Winding Creek Road right of way. Onsite water lines will generally be constructed along the proposed roads within the development creating loops and networks throughout the Property. The anticipated daily demand for water is as follows: 97 lots x 240 gpd/lot = 23,280 gpd

Sewer: This project is located in the Austin Run sewer service area. An existing 12" sewer line is located in the Winding Creek Road right of way. Onsite sewer lines will generally be constructed along the proposed roads within the development creating loops and networks throughout the Property. The anticipated daily demand for sewer is as follows: 97 lots x 300 gpd/lot = 29,100 gpd

By-Right Impact: If the Property is developed as a cluster subdivision under the existing A-1 zoning, the maximum traffic intensity would occur with build out of approximately 20 single family residential dwelling units. Under this scenario, the anticipated daily demand for water and sewer follows:

Water - 20 lots x 240 gpd/lot = 4,800 gpd

Sewer - 20 lots x 300 gpd/lot = 6,000 gpd

- C. Storm Drainage. The proposed development will incorporate low impact development techniques as well as conventional stormwater management techniques in order to reduce the post-developed runoff from the site to

pre-developed levels in accordance with County and State requirements. The GDP depicts four stormwater management facilities, and projects that approximately 19.22% of the Property will consist of impervious surface, which is a relatively low percentage for a subdivision of this size. The proposed development will have minimal impacts downstream of the Property.

By Right Impact: Since both a by-right development and the proposed development would be subject to the same stormwater management regulations, both the by-right and proposed developments would result in the same post-developed flow requirements and would have minimal impacts downstream.

- D. Schools. The proposed rezoning will generate sufficient revenue to pay for any impacts to the school system, all as more particularly provided in the FIA. It is estimated that the project will generate approximately 64 to 127 school aged pupils (depending on formula applied of 0.66, which is county wide number per unit or 1.06, which is the average number including new developments or 1.3 which is the average for new developments only) as provided in the attached FIA. As noted above, we believe the Applicant's project will generate adequate net tax revenue (on-site and off-site) to pay for annual operational impacts to the County's schools and additional dollars towards necessary capital improvements. The Applicant will also provide cash proffers in the amount of \$1 million dollars to offset any school capital impacts in the relevant school attendance zone area of the Property. Please review additional details in the attached proffer statement.

By Right Impact: A by-right development would result in approximately 20 dwelling units or approximately 14 to 26 school aged students without the benefit of any proffers for school improvements.

- E. Recreational Facilities. The proposed rezoning will have minimal impact on park and recreational facilities. The GDP includes significant open space, including approximately 10.33 acres of open space west of Winding Creek Road, which will serve as a passive recreation area. Additionally, the GDP provides for a sidewalk system that can be connected to the surrounding residential neighborhoods. The Applicant will also provide cash proffers in the amount of \$200,000 for new park facilities. Please review additional details in the attached proffer statement.

By-Right Impact: A by-right development would generate approximately 20 dwelling units without the benefit of any proffers for park improvements as provided in the attached proffer statement.



2. **Fiscal Impact.** The FIA concludes that for purposes of complete build-out, the project will generate (based on 2014 constant dollars) approximately \$1,176,170 in gross annual tax revenues for the county with a net annual tax revenue benefit of \$357,390, all as provided more particularly in the attached FIA. In addition and as noted above, the FIA applied three different school aged generation number of 0.66, 1.06 and 1.3 all as shown in the FIA. In applying these three variations of school aged impact numbers, the annual net tax revenue surplus generated by the project is projected at \$244,230 to \$546,00. In essence, the project will pay for itself as applied to the costs of annual county services, plus generate additional tax dollars for use towards necessary county capital improvements. The FIA's assumptions are based on several factors, including the County's current tax rate, budget and CPI projections, County estimates for the costs for public services, market business activity (including BRAC, courthouse and hospital industry expansion) and conditions, and County demographics, all as more particularly described in the FIA.
  
3. **Environmental Impact.** A Wetland Delineation was completed for the Property by Bowman Consulting Group, Ltd. (Report and Map dated April 25, 2014, revised August 27, 2014), and approved by the U.S. Army Corps of Engineers under Jurisdictional Determination No. NAO-2014-00895 dated September 12, 2014. A Perennial Flow Evaluation and Critical Resource Protection Area (CRPA) Determination study was also completed for the Property by Bowman Consulting Group, Ltd. (Report and Map dated April 25, 2014) and approved by Stafford County on July 22, 2014 (AP# 1400209). As depicted on the GDP, two perennial streams are located on the Property: Austin Run is located at the Property's north end, and an unnamed tributary is located on the Property's east side. The portions of these perennial streams located on the Property total 466 linear feet; all other stream channels located on the Property were determined to be non-perennial, or intermittent. The GDP also depicts approximately 0.61 acre of palustrine wetlands located throughout the Property; none of these wetlands were determined to be contiguous to or connected by surface flow to a perennial stream. In accordance with the County's CBPA Policy and Virginia Department of Conservation and Recreation's Resource Protection Areas: Nontidal Wetlands, Guidance on the Chesapeake Bay Preservation Area Designation and Management Regulations, the CRPA boundaries are mapped 100-foot upslope or landward of the surveyed perennial stream boundaries, encompassing approximately 2.4 acres of the Property. As depicted on the GDP, the proposed development will not impact any perennial streams or their associated CRPAs.

A threatened and endangered species evaluation was completed by Bowman Consulting Group, Ltd. based on information obtained from the U.S. Fish and Wildlife Service, the Virginia Department of Conservation and Recreation, and the Virginia Department of Game and Inland Fishers for the Property. Additionally, habitat assessment and field surveys for the State-listed endangered and Federal-listed threatened small whorled pogonia (*Isotria medeoloides*) were conducted on the Property by Bowman Consulting Group,

Ltd. (Reports dated July 31, 2013 and updated July 31, 2015). Based on existing site habitat conditions and the results of the threatened and endangered species evaluation and small whorled pogonia surveys, no adverse impacts to Federal or State-listed threatened and endangered species or critical habitat are anticipated from the development of the Property.

The proposed development has been designed to avoid disturbance to the CRPA and the majority of the wetlands and streams on the Property, with only minor impacts to environmentally sensitive features proposed, and those impacts being within the thresholds of the Virginia Water Protection (VWP) General Permit WP4 and the State Program General Permit (12-SPGP-01). If permanent impacts exceed 0.1 acre of wetlands and/or 300 linear feet of stream channel, appropriate compensatory mitigation will be provided through the purchase of wetland and/or stream credits from approved mitigation bank(s), or as otherwise required by the U.S. Army Corps of Engineers and Virginia Department of Environmental Quality permits. No impacts are proposed to the CRPA, nor are any adverse impacts to threatened and endangered species or critical habitat anticipated. Less than 0.01 acre of land within the CRPA is proposed to be located on subdivision lots; however, these areas are located outside of the buildable areas for the lots, and construction activities on these lots will not impact the CRPA.

By-Right Impact: Any development utilizing the same developable area will have the same impacts on environmentally sensitive features.

4. **Impact on Adjacent Properties.** Nearby properties are either wooded or developed for cluster subdivisions similar to the Applicant's proposal. The GDP provides for appropriate buffering along shared property lines and rights of way to maintain the rural character of the area and to minimize impacts on adjacent properties. The proposed low density residential development is compatible with and similar to development on surrounding properties and is a positive in-fill residential development plans in accordance with the Comp Plan policies for this area.
5. **Historical Sites.** This Property has no known archeological or architecturally significant sites. Accordingly, there is no impact to historical sites under the proposed development.

*Planning Commission Minutes*  
*September 28, 2016*

1. RC16151333; Reclassification – Winding Creek - A proposed reclassification from the A-1, Agricultural Zoning District to the R-1, Suburban Residential Zoning District, to allow for a greater density, single-family detached dwelling unit subdivision, of up to 97 units, to be developed on Tax Map Parcel No. 29-4. The property consists of 61.23 acres; is located at the intersection of Winding Creek Road and Embrey Mill Road, within the Garrisonville and Rock Hill Election Districts; and is concurrently under consideration for a conditional use permit to allow a greater density cluster subdivision in the R-1 Zoning District. **(Time Limit: January 6, 2017)**
2. CUP16151334; Conditional Use Permit – Winding Creek - A request for a Conditional Use Permit (CUP) to allow a cluster subdivision of up to 2.25 dwelling units per acre on Tax Map Parcel No. 29-4, which is concurrently under consideration for a reclassification from the A-1, Agricultural Zoning District to the R-1, Suburban Residential Zoning District. The property consists of 61.23 acres, located at the intersection of Winding Creek Road and Embrey Mill Road, within the Garrisonville and Rock Hill Election Districts. **(Time Limit: January 6, 2017)**

Mr. Harvey: Thank you Mr. Chairman. The next agenda item is a rezoning, as well as a conditional use permit for the Winding Creek project; if you could please recognize Kathy Baker for the presentation.

Mr. Apicella: Thank you Ms. Baker.

Ms. Baker: Good evening. And I will be presenting both of these in one combined presentation. May I have the computer please? This application is a reclassification, as well as a conditional use permit for Winding Creek. This is a reclassification from A-1, Agricultural to R-1, Suburban Residential Zoning District. The conditional use permit is for a cluster subdivision with increased density, as allowed in the Zoning Ordinance. The applicant is Winding Creek Owner, LLC, and Mr. Charles Payne is the agent here this evening that will be representing the applicant and property owners. And this does split the Garrisonville and Rock Hill Election Districts. Just as a refresher, there were similar applications that went through the Planning Commission and the Board of Supervisors in 2014 and 2015. The Board of Supervisors did end up turning down the application in 2015 in the fall. And this was primarily due to concerns from residents of the adjacent Autumn Ridge development regarding a street connection at Fireberry Boulevard, which was an existing street in their neighborhood. And under Virginia Department of Transportation requirements, this connection from the new proposed neighborhood would had to have been made to that Fireberry Boulevard. So, the application has now been revised to remove one specific parcel from the application and, therefore, that's removing the requirement for the connection to Fireberry. And I'll show you some more as we go through the presentation. Also, the differences in the application were included in Attachment 2 in your packages. As you can see, the subject property, outlined in yellow, you see Embrey Mill Road to the south or the lower bottom portion of the screen. Winding Creek Road actually separates the parcel... one parcel, approximately 10 acres to the west and then the remaining subject property. You'll see the surrounding neighborhoods, Autumn Ridge Subdivision to the east or on the right-hand side, and Berkshire Subdivision to the west. Also, to the north is Park Ridge Subdivision. And to the south is Embrey Mill Road which eventually will extend and connect to the new Embrey Mill development. As you can see, the majority of the parcel is forested and there is one single-family residence that fronts on Winding Creek Road. The small rectangle, red rectangle that you see was the original parcel that was included with the prior application, about 1.9 acres, and that has now been removed from this application. And as you see on the screen in that vicinity, in this area... okay, right where you can see Fireberry Boulevard -- thank you Jeff -- in that connection is where the connection would have been made from the new development. And this is a zoning map

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showing the A-1 parcel and you have R-1 to the east and the west, PD-1 to the north, and A-2 up in the top left corner. And then A-1 also to the south of the property. And this is the future land use designation which is Suburban for the subject property, as well as the surrounding properties. You do see Resource Protection to the top of the screen and this is surrounding Austin Run. This is just a bird's eye view from Winding Creek Road/Embrey Mill Road intersection looking to the northeast. And you can see the single-family residence that fronts on Winding Creek Road. This is just a view looking from Winding Creek Road as you're headed north. So, the 10-acre parcel on the left-hand side and then the frontage of the property in the vicinity of the single-family residence on the right. And this is the proposed Generalized Development Plan with the new application. Let me try one more time to see if I can highlight. As you see, I've turned the project now just so it will fit on the screen. No, it's not working. Jeff, if you could highlight please Winding Creek Road with your two entrances into the subdivision off of Winding Creek Road. That's the northern entrance, this is the southern entrance. And there will be one future inter-parcel connection down to the bottom of your screen. That goes into a parcel that's actually owned by the Autumn Ridge Homeowner's Association. It contains a private gravel road called Wet Rock Lane that serves several private lots... or individual lots off of Wet Rock Lane. To the left of the screen is future right-of-way dedication for realignment of Embrey Mill Road from the intersection of Winding Creek Road. And you can't really see on the GDP but there would be additional right-of-way dedication along the full frontage of Winding Creek for the property. There are areas of open space. To the top of the screen is the 10-acre separated parcel. That is intended to stay as an open space parcel. It would be dedicated ultimately to the County if the County desired to accept it. It may be that it would not serve the purposes for the County. In that case, if the County turns it down, then it would revert to the Homeowner's Association and be maintained as a preservation parcel that's currently wooded, as I stated prior. There's also additional open space parcels to the left of the screen, as open space in the vicinity under a Virginia Power easement. There is one overhead easement to the far left of the property, to the left side of the screen, but there is an underground utility. There are additional open space areas in between the lots where there's proposed a picnic and pavilion area in this vicinity. And a tot lot up in this vicinity. And then there are also Resource Protection Areas as I stated which would be located within open space areas. The total open space is about 54%; the requirement under cluster is 30%. And just to show you the prior GDP and the primary difference is the connection of Fireberry Boulevard. Jeff, if you could show that general area. And then the other change is the actual street extension on the other cul-de-sac near Wet Rock Lane. It previously went into a different adjacent parcel. And in comparison, this is what the new GDP looks like, so just a slight change to the cul-de-sac and then the extension into Fireberry. The applicant has submitted architectural renderings for what the homes would look like, and there are certain proffers that do discuss that are in compliance with these renderings. And I'll go over those in a little bit more detail. With regard to some of the transportation improvements, there was a traffic impact analysis that was submitted. It wasn't required; it did not meet the thresholds to be reviewed by VDOT. However, VDOT did review it. They did just send us a letter after your staff report went out and that was handed out to you all at your desks this evening. Generally, they concurred with the findings in the Traffic Impact Study which basically said that they're... that this development was not going to hinder any of the capacity for Winding Creek Road. They did have some safety recommendations and they did have one concern about the proposed crosswalk, which would come from the development across Winding Creek Road to the future park site. And that would be based on the warrants not being met for a pedestrian crosswalk. The area that you see circled is an area of improvement for a turn lane into the site and an acceleration lane coming out of the site along Winding Creek Road. Additionally, the red circle you see up to the top of the screen, that would be an offsite improvement for... there's a curve in this location along Winding Creek Road and to the left side of that curve is a hill with stone embedded. So, it is an area of concern for site distance for people traveling on that road. And I'll talk a little bit more and I'll show you a visual on that in just a moment. And then



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again, you'll see the dedicated right-of-way for future Embrey Mill. One thing with the prior application and this application, the Comprehensive Plan does recommend upgrades to Winding Creek along the entire segment of Winding Creek in this area to a standard which would include safety improvements such as wider shoulders, sidewalk along the frontage, and the applicant has not proposed to do these improvements and that's just one carryover item that the staff would still recommend. This slide just shows the curve that you see as you're heading north. And this would be the afterview once this improvement would be made. The applicant has noted that there are third party considerations for this because they would need permission from these property owners. And they have had discussions with them in the past. If, for any reason, the applicant wasn't able to do the construction, the amount that they have determined, around \$412,000 I believe, would then go to cash towards the project. This is one additional item that was identified in the Traffic Impact Study that the intersection at Eustace Road, Northampton Boulevard, and Hampton Park would have an increased delay, but it already has a Level of Service E and the applicant has proffered to do a right-turn lane improvement from Northampton onto Eustace Road. And this improvement would actually reduce the Level of Service from E... excuse me, improve it from a Level E to a Level C. So, that would be in compliance with the Comp Plan. There may have been a misstatement in the staff report that that wasn't addressed. But it has been addressed in the proffers. With regard to schools, the proposed development would generate 64 students versus 13 under the by-right development, if it were developed under A-1. That's based on a student generation rate of .66 per household. The schools in this vicinity where students would attend is Winding Creek Elementary School, Rodney Thompson Middle School, and Colonial Forge High School. The capacities right now of those schools; Winding Creek is about 92%, I believe Rodney Thompson about 85%, and Colonial Forge is about 97% capacity. That's based on projected students this year; those weren't based on actual student counts. We didn't have that information available. The applicant is proffering a cash amount of \$16,000 plus per unit to go towards schools.

Mr. Apicella: Ms. Baker, before you move on, what would the number of students be under the new construction methodology?

Ms. Baker: I believe it would just about double, because I think the generation rate is around 1.3. So that would probably equate to close to 130 students, something like that. That's using the new developments as opposed to a countywide average which is spread across all types of housing units across the County.

Mr. Apicella: Thank you.

Ms. Baker: The applicant did submit a fiscal impact analysis. This was also submitted with the prior application. It determined that the net fiscal benefit would be a little over \$350,000 annually. The fiscal impact analysis did show three alternate scenarios, and those were based on the different student generation rates which is what you just asked about. Those costs would range between \$244,500 and 46,000 based on differences in the student generations. Just to go through the proposed proffers -- and I will note that the application was submitted prior to July 1<sup>st</sup> and you all are aware that there have been changes to state proffer legislation from the state level, and then the County followed suit to be in accordance with state law that we no longer have the monetary proffer guidelines. And so this application was submitted prior to that, therefore, they are actually... have offered proffer guidelines according to our 2015 proffer guidelines. The proffers do state that it would develop in accordance with the Generalized Development Plan, would commit to a general type character and quality of architectural design, and that includes front elevations of 75% of the units to be primarily brick. It would have operable windows on side elevations facing the street on corner lots, just to give some more accord with our Neighborhood Design Standards. All units would be brick or stone on any side facing the street. And your roofs would

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be symmetrically sloped. There would be right-of-way dedication along Winding Creek Road, as I mentioned, as well as Embrey Mill Road. The right turn lane as I stated at the intersection of Eustace Road and Northampton Boulevard; the right turn taper and acceleration lane, as well as deceleration lane at the main entrance, the primary entrance into the property. Again, clearing and grading the curve with the hillside along Winding Creek Road to the north of the project offsite. Sidewalk to Winding Creek Road and a crosswalk connecting the east and west sides of Winding Creek Road, and, of course, that would obviously be the time of site plan development subject to VDOT approval. The dedication of approximately 10.3 acres of open space, which is that open space Parcel E on the west side of the road for recreational purposes. A total cash proffer amount of \$22,000-plus per unit. And the property would be encumbered with the conditions, covenants, restrictions, and easements prior to development and the creation of a Homeowner's Association. One of the covenants would be that homes... purchasers of homes along the VEPCO easement, they would be notified that at some time there could be overhead lines constructed within that easement.

Mrs. Bailey: Ms. Baker?

Ms. Baker: Yes.

Mrs. Bailey: Would that statement and disclosure be within the HOA disclosure? Or is that going to be a standalone disclosure made to first-time purchasers of the property? Do you know?

Ms. Baker: I'll have to get confirmation on that. I'm sure Mr. Payne can address that if you can wait for him to comment on that.

Mr. Apicella: Ms. Baker, before you move on, on the dedication of the open space, I'm looking at the proffer -- it's number 5. It says, open space Parcel E will be conveyed to the... in the event the County does not desire to accept the dedication of open space, Parcel E will be conveyed to the project's Homeowner's Association and restricted as to any use. I don't really know what that means, and I'm wondering if you've had any conversations with the applicant or their agent about putting a conservation easement on the 10.3 acres should the County not desire to use it for recreation purposes.

Ms. Baker: I'm not sure if that was discussed during the last application round. I did not personally have conversations with them during the review of this application.

Mr. Apicella: But putting an easement, a conservation easement would ensure that, again, they're not going to sell the property and/or put something else on there, the Homeowner's Association, should they take possession of it, right?

Ms. Baker: As long as the homeowner's were a valid conservation easement holder, determined to be a valid conservation easement holder.

Mr. Apicella: Okay, thanks.

Ms. Baker: Just a few more proffers. They would offer... the applicant would offer fire sprinkle systems as a purchase option in the homes. The plant materials and notification signage for properties... for lots that contain RPA would be installed prior to occupancy permits. A Phase 1 Cultural Resource Study has been proffered to be conducted, and a Phase 2 follow-up if warranted during the initial Phase 1. Proffers would limit the maximum number of homes to 97. There would be a 20-foot buffer between lots and the

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lots that are located along Winding Creek Road; they would be between the lots and Winding Creek Road. The foundation, landscaping, and one tree would be planted in each rear yard to supplement some of the landscaping. There would be the tot lot and pavilion picnic areas which I showed on the GDP. And then there would be a buffer to the rear of lots 43 and 44 and the adjacent property. And just to summarize the Conditional Use Permit, under R-1 zoning, the applicant would be permitted up to 91 residential lots, or 1.5 units per acre. A conditional use permit would permit up to 137 lots based on 2.25 units per acre. So this would be an allowable increase of 46 lots. As I stated, this proposal's for 97 lots which is equivalent to 1.58 units per acre and an increase of 6 lots what would be permitted just under R-1 zoning without the increased density allowed by the conditional use permit. And the proposed conditions are very limited because generally everything is already covered in the proffers. Additionally, the conditions would be limiting to 97 units and then include the purchase option for the fire sprinkle systems. So, during the review, we do find that this proposal is consistent with the established development pattern in the vicinity. And the proposed uses and development pattern meets the intent of the Comprehensive Plan, including the Land Use, Transportation, building design, pedestrian connectivity, and open space recommendations. Also, their dedication of right-of-way would accommodate future planned transportation improvements. And the proffered improvements to Winding Creek Road as presented would improve safety. Just from the negative standpoint, the monetary proffers are below the per unit amount recommended under the current proffer guidelines which is around \$48,000. It is noted that there are several transportation and other improvements that do have an in-kind amount that the applicant has considered. And while the applicant has proffered the right-of-way dedication and certain improvements, they still, as I mentioned, have not proposed any upgrades to Winding Creek to that urban two-lane major local standard. And there's no timing at this point to make those improvements or VDOT. Staff is recommending approval of the rezoning, as well as the Conditional Use Permit. Pursuant to the Comprehensive Plan, we would recommend the applicant again consider upgrading Winding Creek Road. And with that I'll be happy to answer any questions.

Mr. Apicella: So, on that... on that last recommendation, upgrading the road to an urban two-lane major local standard, can you pull up the... either the GDP or something that shows that Winding Creek Road segment and how much of that road are you suggesting, or staff suggesting be upgraded to the urban two-lane?

Ms. Baker: Well, typically it would be along the entire frontage of the property, which Winding Creek extends from the southern end to the northern end of the property through the entire length. What you're looking at as far as the upgrade would be wider shoulders... I think I said that already... wider shoulders and sidewalk and...

Mr. Rhodes: Curb and gutter?

Ms. Baker: Was I missing something there? But basically widening it out to allow more travel lanes, wider travel lanes.

Mr. Apicella: And how much wider? I don't know what it is currently but, in terms of feet?

Ms. Baker: I'd have to look back at the information submitted and answer that for you.

Mr. Apicella: Okay, thanks.

Ms. Baker: If you give me a few minutes, I can do that.

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Mr. Apicella: Any questions for staff?

Mr. Rhodes: Do we have an estimation of how much something like that costs? With that recommendation, how much?

Ms. Baker: I'm not certain that there has been any cost estimate done.

Mr. Apicella: Other questions? Mr. Coen?

Mr. Coen: Mr. Apicella brought up the idea of proffering it for recreation and if it wasn't wanted by the County for recreation, then it goes back. Is it feasible or possible for that to be recreation or for a conservation easement? Because can't the County own a conservation easement if the... you raised a possibility that the HOA may not be able to do that. Can the County do that?

Ms. Baker: The County is a qualified easement holder. The Board would certainly have to determine if it's a property that they would entertain holding an easement on because there are certain requirements such as annual monitoring and if trees fall across the road, it's up to the County to go and do that.

Mr. Coen: Right.

Ms. Baker: But there are other entities that could be entertained.

Mr. Coen: Okay, thank you.

Mr. Apicella: Other questions? Okay, seeing none, would the applicant come forward?

Ms. Baker: And just before I leave, there is a diagram in the staff report that shows what the widths of the lanes and shoulders may be for the upgrades along Winding Creek Road. That's on page 7 of your report.

Mr. Apicella: Thank you.

Ms. Baker: I didn't have that on the slides.

Mr. Payne: Chairman Apicella and other members of the Planning Commission, my name is Charlie Payne with the law firm Hirschler Fleischer and we represent the applicant. Thank you for your time this evening. I haven't seen you in a bit. Hope you all had a nice summer. It's always a pleasure to be here. This project's not new to you; at least not to most of you. Mrs. Vanuch was not on the Planning Commission when we last presented this to the Planning Commission last July/August of 2015. Staff has given you sort of the history. From there it went to the Board of Supervisors in September where it was denied 4-3, mainly in our interpretation on the connection to Fireberry Boulevard. The adjoining neighbors at Autumn Ridge were very concerned about that and the impacts to their development. Of course, our hands were a little tied because VDOT was requiring us to do it. After the denial, we went kind of back to the drawing board if you will and talked to VDOT about how we could find a solution to this, obviously also working with the community; it wasn't just isolated. So we were very transparent about how that process would play out. I know I participated in one community meeting; met neighbors individually and otherwise to assure them that we've resolved that issue, that the connection to Fireberry Boulevard is no longer required, which is why the 1.9 acres is not part of the project. That was the link, if



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you will, that required the connection. So just to catch you up to kind of where we are. In regards to... and I appreciate staff's presentation; they've covered a lot of bases and I just want to reiterate a couple of points in regards to the application and kind of some reminders of why we structured the proffers the way that we did and why they're presented this way this evening. As staff had noted, obviously this project does bisect two districts, both Rock Hill and Garrisonville. On the Rock Hill side, there's about approximately 11 acres that's going to be undeveloped. I know there's been some questions about if the County doesn't accept it as park land, could we put a conservation easement on it. We're absolutely open to that. One of the challenges to a conservation easement is that the easement holder is willing to accept it and to maintain it. So, if we're unable to find a holder, whether it's the County or Virginia Outdoor Foundation or some other group, what we'll do is we'll encumber it into perpetuity that it can't be developed. So that will be... that is part of our proffer. Mr. Apicella had asked that question in following through the proffer statement if you go from 5 to 7, you'll see that there's a preservation requirement in our covenants that we'll have to provide to assure that. So, that's why it doesn't say conservation easement or park. It's just we would provide a conservation easement as long as the easement holder would accept it. As staff had noted, the project is consistent with the Comprehensive Plan. Overall, this is a very low density project in comparison to the Comprehensive Plan which encourages 3 units to an acre. This is at 1.58. We've preserved 54% of the property in regards to open space which far exceeds the requirements of 30% for cluster developments. I know in the past this Planning Commission has been concerned about what cluster developments should look like. I think this is a very good model for how that should look. In regards to the other open space, the 1.9 acres which had been concern for the connection which is not part of the application, that too will be put into a conservation easement. But the same sort of rule if we can't find a holder, it will be... there will be a covenant that prohibits any development into perpetuity. In regards to fiscal impacts, the analysis that we had done and continue to support is that the project will generate positive revenue. In the sense of operating revenue it will more than pay for itself, both onsite and offsite impacts. Staff has discussed what the school generation numbers will be. We are proffering over \$16,000 a unit; that's if you apply it across 97 units. If you just took out 20 units, which would be the by-right units, we're at close to \$21,000 a unit, which is very consistent with the guidelines from before, from 2015 guidelines. We discussed... staff had presented what our architectural features will look like and it's very consistent with prior projects that have been approved by the County. It's high quality to ensure high value which will obviously be very positive from a tax revenue perspective. Just from a transportation perspective, I'd like to kind of walk through that process as well. We are dedicating right-of-way along Winding Creek for future expansion. The staff recommendation regarding the collector road construction, remember, we're only talking about a portion of a segment of that road. And it would not include the improvements to the north of the site, which seem to be the issue with many drivers on Winding Creek which is the big turn that we have proffered... I have it here on the computer, computer please. Just to show you real quickly and you should have copies of those diagrams of what it looks like now. And this is what it looks like now. And Kathy, how do I get to the next one? Thank you. And this is what it'll look like after the improvement. So, you'll see an extensive site line opening here that will clearly allow drivers to see further down the road than they are today. So, again, if we were required to put improvements for the collector road, which hasn't been designed or planned for and it's not in the County's 10-year CIP, so we're not sure when the rest would ever be improved. This to us is a much, is a greater benefit for the community, certainly in the near term. And let's not forget, we do have 200-foot taper lanes, right-turn lanes into the site, and on both the north and the south side. So it's just not going to be simply coming off the road; you'll have the taper lanes getting into the area as well. And again, these improvements have to be made in the beginning, the first phase of the development. So this is not going to be down the road. We're proffered to do this up front. The other improvements that are proposed are the... at the intersection of Eustace and Northampton Boulevard, which was part of our TIA. I think it's important to note that the TIA was not

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required, but we did do it and we did update it without the connection to Fireberry Boulevard. There was no recommendations for any other changes. Based on that, the Level of Services along Winding Creek will stay A or B which is very good, and will improve the Level of Services at the intersection of Eustace and Northampton. The overall improvements that we're proposing from a transportation perspective would be about \$819,000, including the right-of-way dedication. But most of that is going to be on the site line improvements that we'd have to make, again, having to work with third parties. If we're unable to get approval of those third parties, although we've had preliminary discussions, we think they're very positive in that regard, that money reverts to cash. So, it doesn't go away. So there's still... there's about a million dollars total... actually there's a total of a million dollars proffer for transportation on this project, even though our TIA did not recommend any improvements. Again, for purposes of schools, it's 1.6 million dollars total being proffered, which we just went through those numbers per unit, about \$17,000 per unit for 97, almost \$21,000 per unit for if it was by-right. There are some Park and Rec cash proffers as well, about \$150,000; libraries; Fire and Rescue; and general government. All total in cash proffers were about \$2.189 million, which comes out about \$22,571.73 per unit for 97 units, about \$28,434.52 per unit for 77 units, which was taking out the by-right number. Again, that number could change. It could go up, not down, if we're unable to get an agreement from parties to the north of us. The in-kind proffers come out to about \$1.7 million. So the total all in is about \$3.9 million, which is a very large proffer package. I think probably one of the largest ones that the County has had presented to it as suggested last time in our last presentation to the County in this regard. All in basically for in-kind and cash comes out to about \$40,437.77 for 97 units and about \$50,941 for 77 units; which again, backing out the 20 by-right units and doing that analysis. Again, I think some of the (inaudible) key comments I'd like to reiterate. Again, after last September, we kind of went back to the drawing board. We did reach out to the community. We went back to VDOT, said we've got to find a way to resolve this. We did, and we resolved the Fireberry Boulevard connection which was the big issue for many, for the folks who came out to speak. We are dedicating right-of-way for the improvements and providing transportation proffers even though our TIA said we didn't have to. When I say that I think the proffers will benefit the entire community, including this project. And we have provided proffers, significant proffers for schools to address those impacts. I think some of the highest per unit proffers probably this Planning Commission has seen for schools. With that, I'm happy to answer any questions you may have and I appreciate your time this evening.

Mr. Apicella: Thank you Mr. Payne. Any questions?

Mr. Rhodes: Yes, Mr. Chairman.

Mr. Apicella: Mr. Rhodes?

Mr. Rhodes: Mr. Payne, I do have a question but I did want to comment that very appreciative of the offsite effort; that certainly has been an issue and a concern for so many in the entire area. So, something to try and attempt to address that curve in the stone that's in there is certainly a tremendous add to the proposal. So thank you for the consideration from the offsite for the area. But I did have one small question. The pavilion -- the tot lot and the pavilion, nice added features for the community. The tot lot very obviously and apparently accessible. The pavilion -- what's the vision there to get to that pavilion?

Mr. Payne: I'm sorry, I just want to make sure I don't forget this. Let me see if I can... Mark, you want to address that?

Mr. Rhodes: Computer please.

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Mr. Payne: Mark King from Bowman Consulting.

Mr. Rhodes: Yeah, but we'll need the mic just for the vast television audience.

Mr. Apicella: That's millions and millions Mr. Rhodes.

Mr. Rhodes: That's right. Competing with the debate numbers.

Mr. King: I'm Mark King with Bowman Consulting. What we'd be looking at, Mr. Rhodes, if... Kathy, I'm going to blow this machine up because I'm terrible with computers. Does this work? Well, something was working there a second ago. There's an access point... if you go from the top of the page down from the first circle, there's an access point right there. You just passed it Jeff, one more. There's a place to be able to get in there.

Mr. Rhodes: So, where he's at right now, the cursor, is it that one and below it, just a little...?

Mr. King: Yes, enough to be able to put like a trail, some type of a trail in there for the pavilion for people to access it.

Mr. Rhodes: Alright. Okay, I just saw it out there; I couldn't figure out how they were getting there. Thank you.

Mr. Apicella: Other questions?

Mr. King: Mr. Rhodes, there's also an access point... they just took it down off the computer... the two cul-de-sacs? There's an access point right there as well.

Mr. Rhodes: Hmm. Okay. Thank you. Thank you Mr. Chairman.

Mr. Apicella: Mr. Coen, you look like you have a question.

Mr. Coen: Well, I'm just looking at the nice map we got -- you might as well stay up dude. So, I'm gathering, even though it's not on the GDP, it's between maybe lots 68/67 or 67/56 that there would be some sort of path that would go by into there?

Mr. King: Yes, yes sir.

Mr. Apicella: Other questions? Mrs. Bailey?

Mrs. Bailey: Mr. Payne, back to the question that I had about the VEPCO easement disclosure. Will that... can you put verbiage in the HOA documents?

Mr. Payne: Yes. Typically, it would be and we can do that; not a problem.

Mrs. Bailey: Okay, just want to make sure it's covered. Thank you.

Mr. Payne: Yes ma'am, we can do that.

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Mr. Apicella: Anyone else? Okay, seeing no further questions, thank you Mr. Payne.

Mr. Payne: Thank you Mr. Chairman.

Mr. Apicella: I'll now open the public hearing on these matters, items 1 and 2, Winding Creek Reclassification and CUP. This is an opportunity for the public to comment. Please direct your comments to the Planning Commission as a whole, not to any specific member. You have up to 3 minutes to speak. When you come forward, please state your name and address. The yellow light indicates you have 1 minute left. The red light means you need to quickly wrap up your comments. So, if anyone would like to come forward and speak, please do so. Okay, seeing no one coming...

Mr. Coen: Oh, she's waving now.

Mr. Apicella: Okay. I missed the wave.

Ms. Sykes: Good evening, my name is Stacey Sykes. I live in Autumn Ridge. And I still have concerns about this development. I was here last year when you guys were first presented it. My kids go to Winding Creek School, and even though they are proposing only so many kids to be there, that's going to be 4-bedroom houses. And I can't see that there would be just one child per house. So my kids are crammed in with over 25 kids in each classroom. And if you talk to the Winding Creek staff, they're overwhelmed. So my concern is even though they have done a great job of redesigning and they've heard our pleas, I still have concerns about the capacity for our schools to be able to handle the volume of kids that are coming with all the other new developments that are in our area zoned for Winding Creek School. The other thing I'd ask you to look at is I'd ask you to drive Winding Creek Road. Because even though they're going to go ahead and blow that rock off, and I applaud them for doing that and I also recognize that they've worked hard to have that accomplished, I still think that has a deadly turn. And even though you can see the cars coming, that turn whips around and then it's icy, it is icy. And I drive that road every single day. So I challenge you to go drive it. The other thing I'd ask you to go do is look at it tomorrow, because it often floods and they put signs up it's flooded. So, although I know they've made some great changes and tried to accommodate our concerns, I still think that this project still... I have some great reservations about it. And I ask you to just kind of drive that road, think about our schools, think about our kids in that school, because it does impact my kids and all the kids in our community. Thank you.

Mr. Apicella: Thank you. Anyone else? Okay, I'll close the public comment portion on these matters. Mr. Payne, do you have anything else to add?

Mr. Payne: Mr. Chairman, I appreciate the opportunity to just make another comment. We appreciate obviously our neighbors' concerns and appreciate their comments. And we've endeavored I think for an extensive period of time to address all those issues, including transportation and schools. If you look at our proffers, they're very high. And the high end I think for applicants that you've had before you in the past, and likely into the future. The transportation improvements I think will have a significant benefit to drivers along Winding Creek. If you look at the stretch of our site, that stretch is fairly straight without a curve, without a lot of turning, and we do have tapers. So we don't want folks to think that we're just going to be diving into the site. So there will be 200-foot tapers to our entrance and a right-turn lane to the south and likewise to the north. So anyways, I just wanted to add that that we have addressed those concerns, at least to the extent the best we can. Not everything's a perfect fix, but I think we've come a very long way to address many of those issues. I'm happy to answer any questions you may have.



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Mr. Apicella: Any further questions? Okay, thank you. Oh, Mr. Coen?

Mr. Coen: I just remember when it was here before we went around and around and around a cul-de-sac, or a roundabout with the whole Fireberry. And it, I mean, it seemed as though it was adamant; we had to do it, VDOT was forcing us. I mean, it was adamant. And so I'm sort of surprised that now it's like VDOT's like, yeah, okay, don't need it. So I just want to make sure, so people understand, you know, why it sort of dropped and is it never ever, ever going to be you know brought back in a TRC where the public isn't going to be able to have an input.

Mr. Payne: I think it's a really good question and fair question. If I can have the computer and, since I can't move anything around, Mr. Harvey, if you could show the general area where that connection would be on Fireberry Boulevard. It's to the east of the site. You see there's a strip of land, about 1.9 acres... excuse me, I'm losing my voice a little bit... but it's about 1.9 acres that was part of the prior application. This triggered the connection. You see Fireberry Boulevard here. You'll see how we've T'd the houses there. And on top of the fact that we can't include those in our proffer statement because it would be part of the application, but the plan is to put that 1.9 acres in a conservation easement because we will only control it. But we've T'd it there so there's no way to connect into the future. So we'd actually have to come back to you to get a proffer amendment to allow us to connect, and to also to redevelop that 1.9 acres as well. So, I think we've got layers and layers and layers of assurances here that that's not going to happen. And believe me, we don't want to go back there. I think we've addressed that issue. Thank you.

Mr. Apicella: Thank you Mr. Payne.

Mr. Payne: Thank you; I appreciate it.

Mr. Apicella: Okay, I'll bring this matter back to the Commission. Mr. Rhodes?

Mr. Rhodes: Mr. Chairman, I did have one question for staff just to confirm.

Mr. Apicella: Okay.

Mr. Rhodes: With the 1.9 out so that it wasn't abutting the subdivision any longer, where would the notifications for public hearing... where did they end up going to? Did they still go to the HOA and to the other...?

Ms. Baker: Let me look back in our application. It would be any property that's immediately abutting the boundary line.

Mr. Rhodes: Yeah, now that we dropped that one, I'm just trying to recall what is now abutting since we dropped that one parcel that was the impact to the inter-parcel connector.

Ms. Baker: I'll have to look it up for you and see.

Mr. Rhodes: Thank you.

Mr. Apicella: Mr. Coen?

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Mr. Coen: And then I'm just curious. We had a good number of people come out to speak. Did we reach out to them? Because I remember there was the Fireberry, but there also were a number of people who just were talking about the traffic on Winding Creek, as the nice lady tonight was talking about. So, did we reach out to them to say hey, by the way, this is coming back up again just to let you know?

Ms. Baker: No, other than posting the signs on the property. We had 3 signs posted along the right-of-way frontages and the notifications and the advertisement in the newspaper.

Mr. Coen: Okay.

Ms. Baker: I understand they had a public information meeting, the applicant did back in April.

Mr. Coen: Okay.

Mr. Apicella: Do you want to come forward? Did you get any comments at that, or can you summarize the comments that you got?

Mr. Payne: Again, Mr. Chairman, Charlie Payne with the law firm Hirschler Fleischer; I represent the applicant. We did have the public information meeting back in April. It included many of the residents who were at obviously the last public hearings. The main issues that were discussed were obviously the Fireberry Boulevard connection; those were the main issues that were discussed. You know, schools were a question as well. We were at Winding Creek Elementary so there were some school questions. But typically that was the main issue.

Mr. Apicella: Okay, thank you.

Mr. Payne: Thank you.

Mr. Apicella: Okay, again, bringing this back to the Commission. Mrs. Vanuch, Mr. Rhodes, it's in your districts. How would you like to proceed?

Mrs. Vanuch: So, I'm not sure that this is really a question, but I just read recently, a couple days ago, an article in the Free Lance-Star of the overcrowding at Colonial Forge. And, you know, as I'm looking at the numbers of the school students, even as the woman pointed out, I think I would like some time to kind of meet with staff and discuss the school numbers and how we came up with the 1.3 per household. I agree that 4 bedrooms is probably not realistic to account for 1. -- I don't know how you have a .3 child, maybe a niece or a nephew -- to account for 1.3 students per house. I think the new development numbers of around 130 students is probably more realistic. And when you look at the numbers just at Colonial Forge alone, I think they're over capacity by 153 is the current numbers. So, that's very concerning. And when I look at that and then I add it onto the new proffer legislation, and I think okay, if this neighborhood or this development is approved, it sits here for two or three years and then we do end up having open seats or no burden on transportation because it's not been developed yet but it's in queue to be developed. How will that impact the additional developments coming forward to the Commission where those... the residents that aren't there yet are occupying... are not occupying the seats in the schools and transportation and public safety? So, I personally would like some time to kind of research that and really make it a much better advised decision before just accepting these numbers and moving forward.

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Mr. Apicella: So, was that a motion to defer, Mrs. Vanuch, with some commentary associated with it?

Mrs. Vanuch: Yeah, with a lot of commentary. I think that would be my motion, but I also want to give Commissioner Rhodes an opportunity to comment to.

Mr. Apicella: Well, you made a motion, I think...

Mr. Rhodes: Second.

Mr. Apicella: Is there a second?

Mr. Rhodes: Second.

Mr. Apicella: Okay. Motion to defer, it's been seconded. Do you have anything else to add Mrs. Vanuch?

Mrs. Vanuch: That's it.

Mr. Apicella: Mr. Rhodes?

Mr. Rhodes: I would just submit that, I mean, we've got a very comprehensive package, and thank you, but boy was it comprehensive. And so I don't know that I went through every single part of it, because I'm still downloading some of it I think. But it was a very good package. So, waiting till the next meeting I think is good just to make sure we're understanding the implications and the other elements of we've always wrestled with some of the student numbers. And I think it's good to know on the capacity on Winding Creek on others, so I support the effort to make sure we're comfortable on those pieces. I will submit that I think they did a fairly good job; there's never a perfect package, but they did a fairly good job of building on the strengths, the positive parts of the last application and addressed... working to address further. I am exceptionally pleased by the couple of offsite improvements, so leveraging those, particularly there on the Winding Creek corner. I mean, that has been something that has been a concern of people; I go by that road every day as well. I mean, that's just one of the most horrible features sticking out on that road anywhere. And it is a heavily used road; it's not like it's on the way back corner road, it's a heavily used road. So, something to actually get that done and addressed is a tremendous plus, and so I appreciate the consideration of that in this package. And that, I recall, was a lot of the commentary last time and then the other was the inter-parcel connector. And with the reconfiguration, removing the small rectangular lot from the application, I mean, it precludes that one in the process as well. So I think it's certainly gone a lot further. And we're not having ones that are going to be bringing money in on proffers much anymore. So, those are all pluses, but I think it's worth just taking a little time to make sure we're comfortable, we've not left anything on the table. Thank you Mr. Chairman.

Mr. Apicella: Thank you Mr. Rhodes. Any other comments on the motion to defer items 1 and 2?

Mr. Coen: If I may sir.

Mr. Apicella: Mr. Coen?

Mr. Coen: If staff could also contact the Sheriff's office for information and statistics on accidents and etcetera on that, particularly that swath of road, that might be helpful. While I appreciate that there was a

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public meeting in April, that was a long time ago. I mean, that was two conventions, one debate, and several primaries ago. So I think it would be nice if we would reach out to the people who spoke at our meeting and at the Supervisors' meeting and let's let them know that this was coming back up again. If it's just a matter of postage, I'm sure, you know, some of us could help or I would help with that aspect. I also... it might be useful to reach out to the school system; ask the Chair of the School Board their feeling about this as far as since they're closer to the impact of these bodies. I'm really interested, as Mr. Apicella pointed out, about the real student generation, the numbers, because that sort of is a difference and that's a significant difference. And I think if the methodology of the County went to develop that number as the one they felt more comfortable with, I think that may be a better one to look at it. And so I'm not sure whether that just one meeting is good. I don't know if the people who made the motion want to go to the second meeting, you know, two meetings from now rather than the next meeting. And then also maybe talk to Parks and see if they're actually interested in that land. That might give the applicant some idea of whether or not which road to go on or which path to go on to how to deal with that parcel of land, if Parks is pretty clear they don't think so. If memory serves me from our sort of meeting with VDOT, they're stopping their widening which includes sidewalks at Winding Creek. So therefore anybody farther than that would not be able to use that park because there's no sidewalk unless you're going to have them walking on Courthouse Road to try to get there.

Mr. Rhodes: Well, they're not doing an improvement all the way up Winding Creek either.

Mr. Coen: That's right, yeah. So, it just would... maybe it just isn't a feasible thing to put a park in that parcel, and it would be good to know that sort of ahead of time. So, those are sort of my concerns about that. And just as an aside, it's interesting, if we use the by-right, that's only 20 homes, period. So it's always weird to say well, it's going to be 97 but we'll take out 20 for whatever. If we didn't do 97, it only would be 20. So, I always just find that an interesting dichotomy there.

Mr. Apicella: Thank you Mr. Coen. Will you accept it as a friendly amendment to postpone this or defer it until the second meeting in October, Mrs. Vanuch?

Mrs. Vanuch: I'm good with that.

Mr. Apicella: Mr. Rhodes?

Mr. Rhodes: I guess so. I would just share that Ms. McClendon was able to find that they did notify for the public hearing all the surrounding HOA associations, so Park Ridge, Berkshire, and the others. So they were contacted. I thought I recalled from the last time that Parks was asked about this and they weren't really interested in that little sliver of land for a park that it's not really usable for that purpose and function. And I think all the packets from the public hearing do go to the schools, so they do have the opportunity to look at these, but double-checking on numbers is fine. I just don't know that it'll take that long but, if that's what we need to do, that's fine too.

Mr. Apicella: Okay, I would just also ask that in the language regarding the transfer of the property to the HOA, in the absence of the County wanting that parcel, if we could somehow... if you could somehow strengthen the language to make it clear that there will be no development or sale of that property, and/or to allow it to be put under a conservation easement. Again, I don't know what the right language would be, but I just kind of threw it out there. So, there's a motion to defer until the second meeting in October, which I believe is the 26<sup>th</sup>, please cast your votes. Okay, the motion carries... I'm trying to count my numbers here... 6 with 1 abstention (*Mr. English abstained*). Okay, thank you.





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3. RC16151333; Reclassification - Winding Creek - A proposed reclassification from the A-1, Agricultural Zoning District to the R-1, Suburban Residential Zoning District, to allow for a greater density, single-family detached dwelling unit subdivision, of up to 97 units, to be developed on Tax Map Parcel No. 29-4. The property consists of 61.23 acres; is located at the intersection of Winding Creek Road and Embrey Mill Road, within the Garrisonville and Rock Hill Election Districts; and is concurrently under consideration for a conditional use permit to allow a greater density cluster subdivision in the R-1 Zoning District. **(Time Limit: January 6, 2017) (History: Deferred on September 28, 2016 to October 26, 2016)**
  
4. CUP16151334; Conditional Use Permit - Winding Creek - A request for a Conditional Use Permit (CUP) to allow a cluster subdivision of up to 2.25 dwelling units per acre on Tax Map Parcel No. 29-4, which is concurrently under consideration for a reclassification from the A-1, Agricultural Zoning District to the R-1, Suburban Residential Zoning District. The property consists of 61.23 acres, located at the intersection of Winding Creek Road and Embrey Mill Road, within the Garrisonville and Rock Hill Election Districts. **(Time Limit: January 6, 2017) (History: Deferred on September 28, 2016 to October 26, 2016)**

Ms. Baker: And I will note I will be discussing item 3 and 4 together, which is the reclassification as well as the conditional use permit. So, these applications for Winding Creek went to public hearing on September the 28<sup>th</sup>. And just to recap, the request is to reclassify the property from A-1, Agricultural to R-1, Suburban Residential, and the conditional use permit is for a cluster subdivision with an increased density. This is just an overview of the property again, with Winding Creek Road generally through the... bisecting the parcels and Embrey Mill to the bottom of your screen. And this was the proposed Generalized Development Plan for 97 single-family lots with two entrances on Winding Creek Road. To the top of the screen you see approximately 11-acre parcel that would be dedicated for open space. At your public hearing, there were several issues raised by the Commission that staff went back to provide information for. And that included providing further information on potential school impacts, and I'll get into a little bit more specifics on the next couple of slides. Also, the request to obtain accident reports from the Sheriff's Office on Winding Creek Road, specifically focusing on the area of the... in front of the proposed site. But we also obtained the information for the entire length of Winding Creek Road, knowing that that was some information that the public spoke about. We were also requested to show a comparison of the Comprehensive Plan typical section of what would be required for upgrades to Winding Creek Road versus your existing road. Also, to provide more information for the proposed park site or open space area, and then to reach out to speakers for the prior application. With regard to that, I will note that we went back to the 2014 and '15 public hearings we found the speakers that spoke at those meetings and we did send out notification letters I'm going to say last week -- I don't remember the exact date -- just to let them know of the meeting tonight, that the public hearing was held, and provided them where they could find more information on the application. So, with regard to some of the school information, you did request that we provide the current enrollment of the three schools impacted by this proposal, which is Winding Creek Elementary School, Rodney Thompson Middle School, and Colonial Forge High School. At your last meeting we showed the projected forecast and then we reached out to the schools to see if they had updated numbers based on actual enrollment. So you see the comparison specifically in this column. And this column the enrollment, actual enrollment for Winding Creek is actually a little bit lower than initially anticipated in being forecast. Rodney Thompson was higher, as well as Colonial Forge. So in the fourth column you'll see the percent capacity of each of those schools, and then available seats left. And this information was in your report.

Mr. Coen: Mr. Chairman?

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Mr. Apicella: Mr. Coen?

Mr. Coen: I'm just curious, Ms. Baker. Have we received, and I think I mentioned it to Mr. Harvey in my email, have we received up-to-date numbers? I mean, these are the projections. Have we... I know that the school system, and Mr. Apicella served on the same committee I did at one time where they had up-to-date numbers of actual enrollment. Did we get any current numbers?

Ms. Baker: This third column shows current as of two weeks ago.

Mr. Coen: Okay.

Ms. Baker: We didn't update it today, but that was what the school provided after the actual enrollment at the beginning of the school year. The forecast numbers were from I want to say July. The Commission had also asked to compare the countywide average of student generation rate versus the new neighborhood average. And just for some background on that, staff right now uses the countywide average of .66 for single-family. The new neighborhood average is the average of .96 which was discussed back in 2015 with regard to updating proffer guidelines. That number has never been officially adopted; it's not a policy that we use, so we still do go with the .66 rate which is the countywide average. But we did, however, provide the comparisons for that which you can see on this chart; the total student generation of 64, which breaks out across the three different levels of school, and then compared to the new neighborhood average of 93 students, broken out by school level. You had also asked us to project out how many students per year, based on this application, and based on information provided by the applicant that said that they would likely be built out between 5 and 8 years. We kind of took that timeframe and estimated from 2020 through 2024 what your total student generation rate by year, by school is. And you can see on these two charts, again the countywide average at the top and the new neighborhood average at the bottom. And these charts were also included in your reports. One more note on the schools -- you did ask us to reach out to Holly Hazard, the Chairman of the School Board. We did send a letter to her... or excuse me, an email. She did respond to us that she nor the School Board was actually taking a formal action or recommendation on this report, but leaving it to the school staff if they had any additional comments. You'd also asked us to reach out, as I said, for the accident report. And keeping specific to the section of Winding Creek Road on this slide, between Embrey Mill Road and the Flatford Road intersection, there was a total of 28 accidents over a 6-year period going back to 2010. This includes 13 accidents at the intersection of Winding Creek Road and Flatford Road/Walpole Street, which is a four-way intersection. There were 12 over the 6-year period at the intersection of Winding Creek and Embrey Mill Road. And 3 actually between Flatford Road/Walpole Street and Embrey Mill Road, which does include the frontage of this property. The full accident report over those 6 years for the entire length of Winding Creek Road was submitted in your report. With regard to the Comprehensive Plan street section, this does show the urban 2-lane major local standard of having a 60-foot right-of-way, which the applicant is dedicating right-of-way for this project. The proposal would be to have two 11-foot travel lanes with 6-foot shoulders. The alternative, if you were providing sidewalk, would be to have a 5-foot shoulder with a 4-foot buffer area and a 5-foot sidewalk. As that compares to what's existing out there, you basically have two existing 11-foot travel lanes with 22 feet of pavement width total, you have no paved shoulders, and there's no sidewalks. So, that's how it compares. And then with regard to the open space site which is the area I've zoomed in on here at the top of the screen, we did reach out to the Parks and Rec staff. I didn't note in the previous report that we had reached out for the prior application and indicated under the former Parks and Rec Director that they would not likely accept this site as a County park site. And the maintenance would be difficult if it were just left in open space because it's treed. They would have to take into consideration if trees fell on the road or onto neighboring properties, how to maintain that. So, at the time, they indicated there wasn't a need or desire to own the property or

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take it on as a County school... park site. Not a school site, a park site. We did reach out to the current acting Director of Parks and Rec and he basically concurred with that assessment. You'd also asked about any additional access that could be provided and that would be up to whoever might take ownership in the long run of this property, or if it remains with the Homeowner's Association whether additional infrastructure such as a separate parking area could be provided on the west side of the road. Sorry, one thing I did not mention on this was the proffer that the applicant has revised indicating how would be... they've strengthened the language to ensure that it would be retained as open space. And the potential for a conservation easement would be considered. So just to recap, that staff is recommending approval of both the reclassification and the conditional use permit. We do still recommend that the applicant consider the urban 2-lane major local standard upgrade to Winding Creek Road in the vicinity in front of the site. I'll be happy to answer any questions. I have additional graphics or anything that you need (inaudible).

Mr. Apicella: Questions for staff? Mrs. Vanuch?

Mrs. Vanuch: (Inaudible - microphone not on). *Notification process; I got a couple of inquiries in my district that they were not notified.*

Mr. Harvey: Yes ma'am. The adjacent property owners, including those across the street, would be notified. That's what the Ordinance requires. So that's who we sent the notice to. That included open space parcels for both those neighborhoods, so the HOAs were notified.

Mrs. Vanuch: Okay. And do we send it by certified mail? What is our current requirement for the County? Do we send it by certified mail (inaudible - microphone not on)?

Mr. Harvey: We send them by certified, yes.

Mrs. Vanuch: Yes. Do we have a copy of the certified letter that was signed (inaudible) HOA?

Ms. Baker: We don't necessarily receive a letter from them.

Mr. Harvey: Yes. We send them certified but not return receipt certified.

Ms. Baker: Correct.

Mrs. Vanuch: So, in the future, is there anything you can do (inaudible - microphone not on) just to ensure that the HOAs are receiving them and can verify that they have received them? Because in spite of this (inaudible - microphone not on) residents came forward and said that their HOA had not been notified in that time. So, again, we can't control what happens with the HOA and how they fill their notification processes. However, I believe we should be able to prove that they did in fact receive a copy of the notification so that we can share that with residents so that they... that the County can have that proof. And I just have a really hard time without having that proof when a resident comes to me and says that they... their neighborhood is saying that they didn't reply, that there are several neighbors who want to be able to reach out but they didn't find out about it until after the public hearing was already (inaudible - microphone not on) at the very beginning of this particular meeting on Winding Creek because (inaudible - microphone not on) didn't have the opportunity to speak to the Commission. So, (inaudible - microphone not on) other things that we can do for that because I feel like it's not (inaudible - microphone not on) ample time to (inaudible - microphone not on).

Ms. Baker: I'm going to just have to take time to look at the Ordinance and what's...

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Mr. Harvey: Yes, it adds additional cost to the notification process. But the code does not require verification that the person sign for it, because often times with certified receipts, people won't sign for them because they're concerned it's some collection agency or whatever.

Mrs. Vanuch: (Inaudible - microphone not on).

Mr. Rhodes: Actually, if they're not home, it doesn't... you know.

Mr. English: I think what if we just sent it and maybe I'm not hearing you right, but could we just send it directly to the HOA President and then it'd be up to them to get the information out, for the certified part of it, for the signed, that way you would only do one certified and return receipt...

Mrs. Vanuch: Yeah, just to the HOA (inaudible).

Mr. English: ... just to the HOA President of each organization, that way you're not sending a thousand of these out.

Mrs. Vanuch: Or the management company or something. Or putting the sign out by the neighborhood or something because this is kind of common themed where the HOAs don't notify the residents. You know, we can argue all day long that that's the HOAs fault (inaudible - microphone not on), but I feel that (inaudible - microphone not on) our residents that what we're doing isn't working. We need to do something maybe a little bit differently. So, I would even encourage us to put a sign out (inaudible - microphone not on) hearing (inaudible - microphone not on). Just say hey, there's a public hearing on the neighborhood (inaudible - microphone not on).

Mr. Rhodes: You need a permit for that.

Ms. Baker: We post signs on the property frontage.

Mrs. Vanuch: But if it's not something (inaudible - microphone not on). Like I know with my house, it's in the backside of the neighborhood. I would never drive down that road and so I would never see the sign; but I drive up and down 610 all the time. (Inaudible - microphone not on), I think in the future we should look at that.

Mr. Apicella: Mrs. Vanuch and other members of the Commission, Mr. Rhodes will remember this. There was a point in time when we talked about setting up a subcommittee to look at noticed requirements. It never really went anywhere. That's probably something we could revisit. Probably now is not the best time to do it, but that might be something we want to talk about at a future meeting. So, is that okay?

Mrs. Vanuch: That is fine. So that is the one thing that I just wanted to mention. And I don't want to derail this conversation today; I know we probably have a lot of other questions, but I feel very strongly because there are several residents in my district who feel they did not have the opportunity to come and speak. And I spoke to Mr. Harvey about possibly creating a new public hearing process for this particular development and there is a path forward. We could re-advertise, we can rehear this and have a public hearing a vote on it at the very beginning of December. That is a possibility. And, you know, I'm not going to make a motion yet because I want everybody to be able to ask their questions on this particular issue, but I feel very strongly about we should be able to re-notify the residents, especially the people who

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spoke at the previous meetings because we didn't do that until after we had the public hearing... oh sorry (turned microphone on) so none of those people could talk. Don't make me repeat everything I just said.

Mr. Apicella: Start from the first word.

Mrs. Vanuch: I have no idea what I just said. So anyway, I'm just going to throw those comments out there. I want everybody to be able to ask their questions before I move forward.

Mr. Apicella: Okay, other questions?

Mr. Rhodes: Mr. Chairman?

Mr. Apicella: Mr. Rhodes?

Mr. Rhodes: If I could, Ms. Baker, so on the accident reports, the 143 accidents were from the beginning of 2010 through October 2016?

Ms. Baker: That's correct.

Mr. Rhodes: So, almost 7 years. And only three of those were, over those 7 years, were on the segment that has that corner that's always been of concern, right? I just want to make sure I understood that right.

Ms. Baker: Let me find my information.

Mr. Rhodes: That wasn't just for the latest year; that was for the entire 7 years?

Ms. Baker: Over the entire 7 years...

Mr. Rhodes: You had one subset then you had another subset that talked about 28, we're on the segment between Embrey Mill and...

Ms. Baker: Correct, that was between the two intersections. And I can go to the screen...

Mr. Rhodes: Okay. But that's for the entire 7 years, not in a subset of.

Ms. Baker: Correct.

Mr. Rhodes: Okay. And the 25 were at the two intersections and three were between.

Ms. Baker: In between the two intersections, yes.

Mr. Rhodes: Okay. I just wanted to make sure I was understanding that correctly. Thank you. Thank you Mr. Chairman.

Mr. Apicella: Okay, any other questions for staff? Okay, seeing none, would the applicant like to come forward?

Mr. Payne: Mr. Chairman and other members of the Planning Commission, my name is Charlie Payne with the law firm Hirschler Fleischer and we represent the applicant. It's always a pleasure to be here before you and appreciate your time, appreciate staff's time. I know it's had a lot of information that was



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put together for your presentation this evening, and we've also been going through; so it's been quite a bit of information to respond to so we want to do that as quickly as we can. I've got Mark King from Bowman Consulting here, as well as our engineer on the project to address any questions you may have. I'm going to reiterate and sort of clarify a little bit of the crash data that was presented. I think Mr. Rhodes correctly identified the fact that it's fairly modest crash activity between the two intersections, most of it occurring at the intersections, whether all four-way stop signs and other traffic modes of control. And just on the traffic component, I think it's first important to just remind the Planning Commission that a Traffic Impact Analysis was performed in 2014. It was updated in 2016 and obviously approved by staff and also by VDOT, for purposes of the scoping. For purposes of that Traffic Impact Analysis, there were no recommendations for offsite improvements. Despite that recommendation, the application does provide in its proffers offsite improvements, including improving the site line north of the site where there is the curve that many have complained about in public hearings that would improve the site line. You've seen the before and after versions of that. We've also obviously proffered turn lanes and tapers into the site, both along Winding Creek. We've also proffered to improve the right-turn lane at Eustace and Northampton. And just for examples of all of that, including with or without our improvements, the Level of Services don't change with our project. They stay A or B along Winding Creek, which is very good. And the fact that we don't degrade the Level of Service is consistent with your Comprehensive Plan. In fact, at Eustace and Northampton, we improve that intersection from E to C even though we only contribute about 1% of the traffic there based on our traffic study. So, for folks to take the position or have the perception that somehow this project is going to cause more problems along Winding Creek is just simply inconsistent with the facts and the data. And, in fact, we went beyond the facts and data and saying we're not going to provide any improvements, we went ahead and provided about a million dollars' worth of improvements which we believe will not only benefit our project but also all of those traveling along Winding Creek. It's also important to know for purposes of the traffic component here that we've done the analysis for traffic accidents. The County does not have this in their 10-year plan for improvements and certainly not in the VDOT 6-year plan. So, even for purposes of the County, this is not per se a priority for improvements. Suggesting that we should improve our segment of Winding Creek to a 2-lane collective road with sidewalks, etcetera, when the County hasn't designed or funded the entire project, and doesn't appear it's going to do so anytime soon, just doesn't make a lot of sense. What seems to make more sense is to address the issue that is more concerning to the community, and that is the site line issue north of Winding... north of our site by about 6 or 800 feet, which we think will vastly improve traffic activity on that corridor. In regards to the school data, we always appreciate additional analysis. We also appreciate comments from the public in regards to concerns about over-capacity issues, in regards to concerns about where kids are going to school, attendance zones, etcetera. I think it's important to note that this is a fairly modest project. It is an infill project that's consistent with your Comprehensive Plan. This Planning Commission just diligently went through that exercise to amend the Comprehensive Plan, and for that purposes, identified and continue to identify this site as a Suburban district site. It's an infill project. We're surrounded by very similar uses; 300-plus units at Autumn Ridge, close to 80 units at Berkshire, etcetera. We are developing or planning to develop or propose developing 97. Given the current market, we think that build-out of that project will be 5 to 8 years at best. If you just take a look at a very similar project which is at Shelton Woods, which was approved in 2012 if my memory serves me, construction started about 2013; they've only got 20 homes in there today. It's a very similar home that's going to be constructed at this site. High end, 495/525 and up type of development. So, those homes do sell slower but they also provide a greater asset, a greater punch if you will for the tax base. As you know, and if you read from our analysis, they provide adequate tax base not only for the cost of operations from each unit, but they also have a surplus which benefits the entire community and helps subsidize some of the losses that we have on a per capita basis for operating costs in our County. In addition to that, folks who live there have disposable incomes. So they're going to attract more commercial enterprises, they're going to attract retail, restaurants, etcetera, which is a priority from

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economic development perspective for our County. In addition to that, they're paying their share for potential impacts, even though I believe the analysis is fairly modest which was not only presented by us but also confirmed by staff. In that, we're paying \$17,000 a unit for schools over 1.6 million in addition to our other cash proffers. It's likely one of the highest cash proffers per unit for schools that's been before the Board. So I think that is something that we're very proud of and something I think addresses the concerns of the community. In regards to capacity issues at schools, it's not the developer's job to decide what school should be redistrict, when schools should be built. It's our job to address the analysis in regards to what the impact may be based on your guidelines and to provide and make a proffer, if you will, of how we think we can best address it. The public policy regarding redistricting is again beyond our pay scale, something we have little control over, and something that in my opinion should not be part of this application, respectfully. So, with that, I will move onto the next point. And parks, as you may recall, obviously the 11-acre site that is west of Winding Creek, part of this application, is proposed to be undeveloped. That was a desire of the leadership at the time when we moved forward with this application initially, it was the desire of the adjoining property owners and Berkshire and others, and what we were encouraged to do was leave it open for either active recreational space or passive, which we have done in our proffer statement. I noticed a comment from the Recreation Department. They were not interested in accepting it; for one reason, it's tough for them to maintain it and they've got to construct it and pay to do that. It's a resource issue, which we understand. The fact that there's a utility easement across there should not be an issue to deter or prohibit the use for recreational uses all the time. Those utilities were relocated and affects only about two-plus acres of the site; of course, that's close to 11 acres. We have, as an option, agreed if the County did not want to accept it for recreational purposes we would preserve it in perpetuity be undeveloped. I think fulfills the goals of the kind of leadership again that we were working with in the past, this Planning Commission, and also with the adjoining neighbors. In regards to notice, I do take exception if there is a desire to have another public hearing on this. I think that's inappropriate and unfair. This project has been before this Planning Commission more than just this time, and the public hearing process was quite extensive before. Not only were there public meetings prior to the application... I'm sorry, prior to the public hearing last year, after the first public hearing I recall that Mr. Gibbons asked that the public hearing remain open so that we can meet with folks at Berkshire and in his district; which we did at Hampton Oaks. I believe Mr. Rhodes was there, I know Mr. Gibbons was there, my clients were there, as well as staff. Thereafter, obviously there were several public hearings. The main issue at those public hearings, as many of you recall, were the residents at Autumn Ridge who were concerned about Fireberry connection. Basically, in our opinion the project was turned down for that reason. We went back to the drawing board, we desired to appease and address the issues of the community, fought very hard thereafter, had several community meetings with folks, including this past April. I know that I met with residents personally on Sunday afternoons to talk to them about their concerns to address this issue. And, in all fairness, there was one person who came and spoke out against the project at the last public hearing, and her concern was schools. And she, in fact, I thin commended us for the efforts that we had undertaken in regards to the Fireberry Boulevard connection and listening to the neighborhood. In regards to notice for purposes of the first public hearing, it was my understanding that the County did go above and beyond its current ordinance and policy and notified not only adjacent property owners, but also persons who spoke last year at the public hearings against or for the project. They were all notified is my understanding. Staff can correct me if I'm wrong but that's my understanding.

Mrs. Vanuch: Can I interject? Mr. Harvey, were they notified prior to the public hearing?

Mr. Harvey: Mrs. Vanuch, no they were not. They were notified of this meeting tonight.

Mrs. Vanuch: Okay.

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Mr. Harvey: The additional notification was.

Mr. Payne: Prior to the first public hearing, it was my understanding that the County sent notices to all the residences in Autumn Ridge. Is that not correct?

Mr. Harvey: No sir.

Mr. Payne: Okay. I'm sorry. Just the HOA. Sorry. We also, prior to the public hearing -- and I apologize if I provided misinformation; I was informed that we did notify them. It's not our responsibility, by the way. Prior to the public hearing last September 28<sup>th</sup>, the President of Berkshire's HOA was here, Philip Canoyer. And he was here because I asked him to come because we had a discussion about the hearing going forward. In fact, we were in discussions with him last year, met with him last year in regards to the improvements at Winding Creek, north of our site as we had discussed earlier. So, this has been a very extensive public process. I think a very transparent one and one that we have reached out to the community extensively. So, to... no disrespect, but to suggest that we have not undertaken all efforts to try to accomplish that goal I think is unfair. In addition to that, there's going to be another public hearing process going forward at the Board of Supervisors which folks can come to and speak. And we're more than welcome to meet again with the Berkshire HOA to discuss the project, or any other HOA for that matter. So, with that I'm happy to answer any questions you may have. But I just wanted to make sure that we got that information out and filled some gaps and some questions that may be out there. Thank you Mr. Chairman.

Mr. Apicella: Questions for the applicant? Could you just refresh our memory -- give us the highlights of what's changed between the version that was approved by the Planning Commission, what, a year or two ago? Versus the version that's in front of us today.

Mr. Payne: The only major change that has occurred is the fact that we have removed... well, the 1.2-plus acres is not part of the rezoning application which required the connection to Fireberry Boulevard. That is the major change.

Mr. Apicella: Thank you.

Mr. Payne: And the most recent change is in regards to preserving the open space that you have requested.

Mr. Apicella: Right, thank you. Other questions? Mrs. Vanuch?

Mrs. Vanuch: I have a couple questions. So, help me understand the site line improvement from... on Winding Creek Road. How... what changes are you exactly going to make in order to improve the site line to you said 6 to 800 feet, if I'm correct?

Mr. Payne: The site is 800... 6 to 800 feet from us. So, what we'll be doing is improving the site line to the curve where the curve is. So you'll be able to see through the curve versus the wooded area blocking that turn. Do we have the slide? We have a before and after slide that may be very helpful. And Mark, do you want to come up and talk about the details as the engineer on the project? About what has to be done.

Mr. King: I'm Mark King with Bowman Consulting. I'm the Civil Engineer on this project. This curve that you're looking at here -- see how it kind of bends right to left. On the left-hand side there is a very

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large exposed rock that's there. So, what we want to do is be able to help the driver as they navigate this turn to be able to see beyond those rocks. So, as Kathy just moved up here, we're going to lay that back. There'll be a small retaining wall. We need some property from Mr. Greg Henderson who we have met with and he has no problem with that. And what that does is you can see here; now as you're coming to that curve, you can see through all the way over to Flatford and Walpole Street, which is a four-way stop. So, that in my opinion really makes this area a much safer place, just not for our development, I think for the entire County and Mr. English especially if he has to respond to any accidents there. But I think it's significant. It's something that needed to be done years ago, probably even when Berkshire went in. But, you know, they don't have an access point on Winding Creek; it's both on Walpole Street.

Mrs. Vanuch: So, you said you have to obtain some property. And there are some contingencies in your proffer. So what happens if you can't get the... what happens if you can't do that?

Mr. Payne: So, we're not necessarily obtaining property. It's an easement. It'll be a site line easement and we'll landscape it if it's agreeable to all the parties. If we can't get the agreement of two parties, one of which will have to be the Berkshire HOA and the other will be Mr. Henderson, and Mr. Henderson's already given his permission. Berkshire gave us their OK last year; we want them to reiterate that again this year, that's why we're having a discussion with them. If we get one of two, then we would go ahead and make the improvements that we can to clear that area, and then the difference in cash would be paid in cash proffers. So, it's a million dollars total; the improvements just to this site is about \$412,000. If we get nobody to work with us, then we give \$412,000 towards transportation proffers. So it doesn't go away if we're not able to do it. And the formula is in section 4.c. of the proffer statement.

Mrs. Vanuch: And then I think you also said in a previous comment something about the retaining wall needing further engineering?

Mr. King: So we don't go and impact the properties, you know, Mr. Henderson's property, the HOA property, extensively. It is a big hill and a lot of... you know, to lay that back, to take up less property, we would put in a retaining wall that would stabilize that slope and then we would, you know, plant grass and replace what vegetation we need to. Yeah, we did, we provided that cost to the County. That's the \$412,000 that Mr. Payne referred to. Yeah.

Mrs. Vanuch: Okay. And then, I have a question on the traffic impact studies. So you guys are offering up some proffers for Eustace which obviously I think is a good thing for the County and for residents. Did you do any studies for Winding Creek and... the intersection of Winding Creek and Courthouse?

Mr. King: We did not. When we were doing this, we were looking to analyze our site and the intersections near our site. VDOT and Stafford County has done that work with the improvements that are about to start in January. Shirley Contracting has been, what I've heard, awarded the contract and it's supposed to start in early 2017, and all the improvements and I believe it includes the new interchange are supposed to be completed by 2020. At that point... that's going to clean up another really bad area because of the offset in the intersections of Ramoth Church and Winding Creek.

Mrs. Vanuch: Yeah, that's terrible.

Mr. King: So they're going to line up those two roads. There's going to be a stoplight. Right. The scoping was done by the County and VDOT and not us.

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Mrs. Vanuch: And so that's the reason you didn't study it. It wasn't... because, you know, I think you guys did appropriate studies if you were to have the Fireberry connector. But if you remove the Fireberry connector, now most of that traffic's going to go out to Winding Creek because there's nowhere else really for it to go.

Mr. King: It didn't change. We updated the study here before we resubmitted this plan without the Fireberry connection, and it did not change the Level of Service; it was A and B.

Mr. Payne: The irony in the Fireberry connection is the fact that we were actually just contributing little traffic to cross Fireberry. Most of it was still going to Winding Creek. So the analysis didn't change that much.

Mrs. Vanuch: And so just... I want to just repeat it. So but you didn't do the analysis of Courthouse and Winding Creek because the County had already done an assessment based on the changes that were going to be coming to Winding Creek and Courthouse?

Mr. Payne: Well, I don't know the answer. I don't know if that's accurate; I just know that we go in and they say this is the intersections we want you to study and that's what we study, for the TIA. I mean, that's a basic requirement for the traffic impact analysis.

Mrs. Vanuch: Got it. So, I have an additional question on proffers. If you guys are... in your application package you talk about using some of the school impacts to 2020, you're counting on the road impacts of Courthouse and Winding Creek being completed by 2020 which you just mentioned. You also have mentioned that like neighborhoods that are selling in the high \$400's to mid-\$500's build out really slowly, they sell much slower. So would you be opposed to doing an occupancy permit for 2020 to kind of align with all of the other information that you've provided?

Mr. Payne: Yes.

Mrs. Vanuch: So you guys would be willing to proffer that?

Mr. Payne: Yeah, I mean, the market drives the development. But first of all in the scope... the only thing that we've addressed in regards to build-out is scoping because that's what you're required to do to see if the traffic impacts are based on your estimated full build-out plan. So I think that was five years or so. Is that what we did? I mean, that's pretty much a standard for the size of the development. For schools, we only provided that information; we provided it 5 to 8 years because we were asked what our build-out plan may be. But the market drives it. I don't want to handcuff my folks if the market picks up, especially in the high-end market, and say hey, you can't build a home till 2020. It just wouldn't be, in my opinion, fair or reasonable.

Mrs. Vanuch: Okay.

Mr. Payne: But if you think about the timeline that how these projects get up and running, even if it was approved today you wouldn't have the first OP or OC... occupancy permit, I'm sorry, you know, for 2-plus years, even if I was able to go fast. You've got to get a site plan approval, construction plans, you've got to get construction plans, you've got to get your building permits. And remember, we're building in the first phase of this all the infrastructure improvements up front. So we're not waiting till the last days of the development to put these improvements in; they're all happening up front.



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Mrs. Vanuch: And then I think I just have one more question hopefully and then I can turn it off to the others. You guys did mention that in April you met with additional HOA's; I think you might have said you met with Autumn Ridge this April.

Mr. Payne: Mm-hmm, yeah.

Mrs. Vanuch: Did you happen to meet with the Berkshire HOA in April to talk about your changes?

Mr. Payne: We didn't send out the invites, I think the County sent... Jeff, remind me. I think the County sent out the invites by the direction of Supervisor Sellers if my memory serves me. I don't think we sent out the invites.

Mrs. Vanuch: For the April meeting?

Mr. Payne: April, right.

Mrs. Vanuch: Okay.

Mr. Payne: Including anybody who spoke at the last public hearing; I think it included... it probably went to the HOA's. I'm not going to speculate but we did not handle those invitations.

Mr. Harvey: My recollection was it was a Town Hall meeting. My department was not involved in the notification for the Town Hall, so I don't know who was notified.

Mrs. Vanuch: Okay.

Mr. Harvey: I know that there was a fair attendance; there was probably 20 or more people there.

Mr. Payne: Right.

Mrs. Vanuch: Do we know if most of those residents were from Autumn Ridge or Berkshire?

Mr. Payne: My bet is Autumn Ridge.

Mrs. Vanuch: Okay. Because I think that's one of my underlying concerns is that we remove the concerns from Autumn Ridge, which is the Fireberry connector, which then creates a whole new set of concerns for the residents in the Berkshire neighborhood which they didn't have previously just because of the way the traffic pattern changes. So, I don't know if there's anything you can do to address those concerns.

Mr. King: Let me address that Mrs. Vanuch. We also had a meeting at Porter Library. And that was really a Berkshire meeting that Phil had asked us to do. And there were five people that attended.

Mrs. Vanuch: When did you do that?

Mr. King: That was... five people attended it and one of them was Wendy Maurer, before she was elected.

Mrs. Vanuch: So that was before the Fireberry connector was removed.

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Mr. King: That is correct, that is correct, yeah.

Mrs. Vanuch: Okay. So that's the crux of the issue. Once you remove the Fireberry connector, then the Berkshire people have a different issue. So they were probably okay with that connector, but now they're probably not.

Mr. King: We are meeting with them Tuesday evening. They have their annual HOA meeting and they... Landmarc Realty had reached out to us about... Mr. Payne and I about attending that meeting which we are going to do.

Mrs. Vanuch: Well, I think that's great and I think that might even set us up for if we were to advertise for an additional public hearing for December, you guys have a chance to meet with those residents and hopefully can address their concerns so that I'm not getting hundreds of emails and Wendy's not and we don't have a very contentious Supervisor meeting.

Mr. Payne: I'm surprised that that many folks would be contacting you guys in regards to this project. It's been very public for a very long time, including... again, I'm not trying to throw the President of the HOA under the bus by any means because he's great to work with, but this project's not new to anybody in that area. So, we're happy to meet with them. We're going to meet with them next week. They'll have an opportunity to come to the public hearing with the Board of Supervisors. I think it's, just in my opinion, not equitable to open this back up to another public hearing. It's not my call; if you're able to do it I'll have to come and do my job. I'm asking respectfully, since this project has been out there for quite a while, again we worked very hard to go back to the community to address their concerns, their major concerns that came up in the last run of this if you will, including going to the County Board of Supervisors to get a waiver for the 12-month re-application process. So, that's my request respectfully. Not trying to be disrespectful to you. I understand that your addressing your constituents' questions and concerns. But again, we can do that next week and we can also play a role in the public hearing process thereafter.

Mrs. Vanuch: I'm done.

Mr. Apicella: Other questions?

Mr. Rhodes: Yes, Mr. Chairman.

Mr. Apicella: Mr. Rhodes?

Mr. Rhodes: Mr. Payne, just to confirm, when in the schedule would you be doing the work on the improvement north of the property for the corner there?

Mr. Payne: During the construction of the first phase of the units.

Mr. Rhodes: Could you help me understand?

Mr. Payne: It's in the proffer statement on the bottom of page 3.

Mr. Rhodes: Right. So, once you start constructing the first units, you'll start the work on the corner there?

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Mr. Payne: Is that the plan? We've got to do the site work obviously.

Mr. Rhodes: I know. You've got the site work...

Mr. Payne: While we're doing the site work it's going to be cheaper, if you will, you know, more efficient for us to go ahead and do it all at the same time.

Mr. King: We would include that as part of the design construction plan.

Mr. Rhodes: Okay.

Mr. King: Which what we're looking at, if this got approved here by the Planning Commission and the Board in this calendar year, this wouldn't even start construction until 2019.

Mr. Rhodes: Right.

Mr. King: So, it's, you know, it's a couple years out.

Mr. Rhodes: But when you start that site work, it's in that front end... that is part of your site work (inaudible).

Mr. King: It's going to be in that first phase... it'll be in the first phase of it. We know what has to happen. We've looked at it already. It's just a matter of getting the... all the elevations and surveying that all in to make sure it ties off correctly.

Mr. Rhodes: And when you do the turn-in, you've got a tapered turn-in for one of the entrances, right?

Mr. King: Right. Both of them.

Mr. Rhodes: Both of them, okay. And how will those be finished? Will they be curbed?

Mr. King: We will run the curb out around the returns toward Winding Creek. And then there's tapers...

Mr. Rhodes: Right, so in and out and along the taper you'll have curbing.

Mr. King: Yes.

Mr. Rhodes: So there'll actually be a little improvement on there.

Mr. King: Yes.

Mr. Rhodes: And lastly, I didn't think to try and pull it up and it just triggered my mind as we were talking tonight, do you recall what percentage of the traffic was estimated to be towards Fireberry versus (inaudible)?

Mr. King: I want to say it was like 10%.

Mr. Rhodes: Okay, that's what I kind of thought too. So it flowed the other 10% back out that way.

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Mr. King: Yeah, yeah.

Mr. Rhodes: Okay, thank you. Thank you Mr. Chairman.

Mr. Apicella: Other questions? Okay, seeing none; thank you.

Mr. Payne: Thank you Mr. Chairman.

Mr. Apicella: I'll bring it back to the Commission. Mr. Rhodes, Mrs. Vanuch, it's in your districts.

Mrs. Vanuch: So, I just want to reiterate and I'm willing to get some feedback from my fellow Commissioners about the public hearing process. I know I kind of went off on a tangent earlier.

Mr. Apicella: I'm sorry, I never do that.

Mrs. Vanuch: I know... I was going to say I was trying to be like you but I didn't want to hurt your feelings. So, I feel very, very strongly that we give the Berkshire residents the opportunity to come speak. And if nobody shows up, then we know our path forward. And if only one person shows up, at least we know where that neighborhood stands and we've given them the opportunity and we've set up a very successful recommendation to the Board of Supervisors. So, I'm willing to listen to feedback. Anybody?

Mr. Rhodes: I would just, and certainly if that's the will of the fellow Commissioners, you know, I wouldn't stand in the way. I think the beauty of the process that we have, while it's if you're not involved with it, it is a bit surprising as we go along at times, you know, when you learn things and start understanding how it works. But the beauty of the process is really, the Planning Commission process is the feeler. And it's to get the awareness. Part of it is just getting the awareness and the attention of people realizing that something's out there. And sometimes it comes at the public hearing and sometimes it comes following the public hearing as you do in the continuing sessions like we are tonight, and it gets that awareness. But it's that first stage... there is the entire additional public hearing portion, so there's a whole nother opportunity for the voice in the other sessions to occur in the process. So, I'm not sure for the cost involved in the other notifications and delay, that there's a part of me that just doesn't know how much more it adds because there is the other public hearing. I would never want anybody to be lost out on their opportunity, but we do have that there. And there's a part of me that says with the commitment of Mr. and Mrs. Hall, there is not going to be anywhere in Berkshire that's not aware of the public hearing that's happening with the Board of Supervisors, if that were the way it's going to go. There's not going to be a lack of awareness, even if we only did the limits of the ordinance of the public hearing and it only went to the HOA, I have a funny feeling that it wouldn't matter if it only went to the management company. There's still going to be a lot of people who are going to know about it, if that's the route that we go with. So, there's a part of me that's not as concerned there. I will tell you what has motivated the heck out of me and excited the heck out of me on this project, and it's not the project. I started learning about public hearings and stuff because I didn't have a clue how they worked when I got roped into doing this weird thing called the Youth Driver Task Force. And it kind of just came out of the blue and it was after four kids got killed on these roads, and my daughter was getting ready to get her driver's permit, my eldest daughter. And, so there's been nothing that has motivated me more than improving the dangerous curves than limiting the amount of sprawl and trying to do anything we can to keep it from spreading out onto those crazy roads that cannot support any infrastructure, and keep it as close in as possible. Maybe not perfect with the infrastructure, but as close in as possible with the infrastructure that we do have and that will get improved. But it's the things about the road. So, when I saw in the proposal that they were going to attack that corner, which is not going to get touched -- it is not going to get touched for the next

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10 years. It's probably not going to be touched for 15 more years. When I saw something that's going to touch that corner, and it may only be 3 accidents on that road but it scares the heck out of me because I drive it almost every day and it's always kind of freaky when you come around the corner and you actually see another car that's over there. So I was so surprised those numbers were down. I thought maybe it was a one-year number. I just wanted to make sure I (inaudible). When I saw that in there, I've got to tell you, I was motivated forward; because there's no other way that's going to get done for a long time. And then we add to that the fact that this is one of the last things, at least the way the state legislature has it for us, to actually have \$1.6 million that's going to go towards the schools, that's going to have other proffers that are coming forward. There's a part of me that's actually attracted to this in many ways. It is a Level of Service A/B, it doesn't change. You know, those are things; we are going to have Courthouse Road that's improved there. So, I have some... I just have a lot of positive leanings. I'll just lay it out there. But a bunch of it is because they finally directed it towards that corner. I like seeing that corner that's improved. So, if others feel they'd like to go back and do another public hearing, I just... knowing that there's another one, that's always important to me and this is what stimulates a lot of times the interest that actually gets all the comments out there. I'd certainly go with how others want to go, but I don't know that that's necessary. And I think moving it forward... and if the Board isn't satisfied -- it's going to come down to the Board's the deciding entity. Are they satisfied with the improvements in the corner and the amount limit or scope of the implications that are on there or not. I think there's not much new that's going to be (inaudible) by having another six weeks in the process. It's going to be the same issues that'll be brought forward. So, those are my points. Thank you, Mr. Chairman, for that long-winded thought.

Mr. Apicella: Are there other comments? I guess I think you've said it well, Mr. Rhodes. And you always hear me raise concerns about setting precedents. I've been here 5-plus years; you've been here a lot longer. I can't remember a time where we re-advertised a public hearing for a reclassification. We may have done it for ordinance changes, but that's because we made a change that necessitated us to have to have another public hearing -- if that even happened; I can't even recall that happening. So, I appreciate that some issues and concerns have been raised by one of the residents. And it's why I ask the question: what's changed between the last time this was in front of us and I think it passed almost unanimously, and the one that's in front of us today and it's only a minor change in the grand scheme of things, which is taking out the Fireberry Road inter-parcel connection which was requested by some of the property owners. So, I would be concerned about, again, setting a precedent and re-advertising for another public hearing without having a real driving force, a very strong reason for doing it. I'm not... I hear what you're saying; I appreciate it. We're always going to have somebody who is going to be opposed to a project. And if that's going to be our... or somebody who didn't know there was a public hearing although it's advertised in the paper, somebody's always not going to be happy that they didn't get the notice that they thought they should have gotten. And so, if we're going to reopen public hearings because of that, then we're going to be doing it quite often. So, again, I respect and appreciate all of the comments that you made. And we're not the last stop here. If we were, I might see it differently. I think Mr. Rhodes is spot on; all we do is make a recommendation. The folks you really need to talk to at the end of the day are the Board of Supervisors and they're going to make the final decision. Everything that you've provided to us you can certainly provide it to them and then some. And, as Mr. Rhodes said, you can certainly, you know, rattle the tree with your neighbors and get them to come to that public hearing as well. So, I'm not quite sure there's a motion.

Mrs. Vanuch: I didn't make a motion because I wanted it to be up for discussion.

Mr. Apicella: So, I just wanted to offer my comments. So I'm going to throw it out there again. Is there a motion on these two matters in front of us?



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Mr. Rhodes: I make a motion to recommend forward to the Board of Supervisors recommending approval.

Mr. Apicella: Is there a second?

Mrs. Bailey: Second.

Ms. McClendon: Mr. Chairman, you need to take them up separately; the reclassification first and the CUP second.

Mr. Apicella: Okay.

Mr. Rhodes: I'm sorry, RC16151333, Reclassification, Winding Creek, a motion to recommend it forward.

Mrs. Bailey: I'll second.

Mr. Apicella: Okay, there's been a motion that's been seconded. Any further comment Mr. Rhodes?

Mr. Rhodes: Yeah, not to belabor because I took way too long in my other comments. I appreciate and respect the passion that Mrs. Vanuch showed in responding, and this is in no way against it. I believe absolutely in everything you said. And it is in no way meaning to diminish or slow down the roll. It's just knowing... I now know absolutely the Berkshire community and all those that have comments and want to make those known will be able to bring that. And that is the positive part that works in the Planning Commission. So, I mean that. The long diatribe was not meant in any way to be a negative towards that. I just think all the facts are out there. We know exactly where... I think we know most of the facts that are out there. And that's what the Board is elected to consider. And now we know a fulsome version of the facts from the Berkshire's perspective will definitely come out along with all the others. So I think it'll be good, I think it'll be fulsome. As you said, Mr. Chairman, if this were the public hearing, I'd have a completely different perspective. I'd be much... not that I'm not concerned, but I would much more concerned if there were folks that didn't feel they were getting it. But knowing that there was a full cycle to go, I feel comfortable recommending it forward. I do think... I don't think anything's perfect; I do think the pros outweigh the cons, that's why I would recommend approval. It can always be better and I'm sure the Board will glean out the best parts of it and take it to the right place. Thank you Mr. Chairman.

Mr. Apicella: Thank you Mr. Rhodes; Mrs. Bailey?

Mrs. Bailey: Mr. Chairman, just briefly. I do appreciate the comment and the concerns that Mrs. Vanuch expressed in regards to making sure that we have adequate and appropriate sending out notices to the public. And there are always going to be those that don't receive notices, thought that they received notices, and so forth and so on; I don't know what the cure is to that. But I do believe that Mrs. Vanuch is acting out in trying to just protect the interests of the people within her district and I applaud that. But having said that, I do believe that we're also in abeyance with our due process that we have here, and the applicant has indicated that they will be meeting with the residents of Berkshire. So, I'm sure that within that meeting, when it goes forward towards to the Board of Supervisors, there'll be plenty of time to discuss the issues and concerns and to take a look at those at that particular point in time. This project does bring... for me I'm a little bit on the fence, pro and con, but I think the positives outweigh the negatives. The curves in Winding Creek Road, you know, that's the way that God made it and when the

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road was first put in, that's the way that the individual saw fit. That doesn't mean that it's right for public transportation and automobiles and so forth and so on. But that is one part of the road there that I'm glad that the applicant is willing to take on and try to correct. If not, then that road would be there in that condition even longer. So that is really the point out of all of this that persuades me in that direction, as well as the... I think it's a very good strong proffer package from the applicant and I do appreciate that.

Mr. Apicella: Thank you Mrs. Bailey. Mr. Coen?

Mr. Coen: Yes, and a lot of my comments I'll save for the second vote. But just since we're spending a lot of time on what Mrs. Vanuch said, I sort of agree with her. I hope, and I think I asked Mr. Harvey that in the future, if we have something that has come before us and for whatever reason the Supervisors reject it and then it comes back, that our normal protocol will be to automatically when we send out notices contact people who spoke at the public hearing when it came before us the first time. I think that's the least we could do. And then to the applicant, since they're having to meet with the Berkshire people next Tuesday, that might be a lesson for future reference that when there's something and you've substantively changed development in a plan from last April to now, or two years ago to now, it might be a better move to reach out to all the various neighborhoods because you end up having to do it anyways. So, I'm not... I will include in my second, when we get to the next vote, all the reasons why I was the lone vote against this the last time and I'm still going to be probably one of the minority in this this time.

Mr. Apicella: Other comments? Okay. I just want to add to what's been said primarily with respect to Mrs. Bailey and Mr. Rhodes. I agree with the comments that you all made. I also want to add my thanks and appreciation for strengthening the language about the open space piece, especially in light of the comments that we just got from the Parks Director. Alright, there's a motion on the floor recommending approval of RC16151333; cast your vote. Okay, the motion carries 4 with 2 nays and 1 abstention. (*Mr. Coen and Mrs. Vanuch opposed; Mr. English abstained.*) Okay, is there a motion on the Conditional Use Permit?

Mr. Rhodes: Yes, Mr. Chairman, I make a motion to approve the Conditional Use Permit, 16151334.

Mrs. Bailey: I'll second.

Mr. Apicella: Okay, there's been a motion and it's been seconded. Any further comment Mr. Rhodes?

Mr. Rhodes: I'm going to stop talking.

Mrs. Bailey: No further comment.

Mr. Apicella: Anyone else? Mr. Coen?

Mr. Coen: Okay, this is where I go on. And I respect... I understand...

Mr. Apicella: We're going to take a pause.

Mr. Coen: Yeah, really... for station identification. Several things about this that I didn't agree with when it first came to us and I still don't agree with now. First, I totally understand the concept of infill development. I have supported it in different areas; however, to me there's a world of difference between infill and then humongous fill. You could have done the 20 by-right units as infill. You could have made it 30 or 40 or 50. I think jumping up to 97 is problematic. I understand where individuals say that there's

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not that many accidents, but as Mr. Rhodes pointed out, it is unnerving on that road period. And you're adding, the last census said 2.3 cars per household, so roughly between 200 and 300 cars onto that road. And that is going to be problematic. And yes, I understand that that road's not on our list to be fixed for a while, but I still... to me, logic tells me you're adding 2 to 300 cars on a road. That is still, even if you do that widening, it's still a precarious road. On the issue of the schools, I think the Halls -- do I have their last name right? -- the Halls had very good information on that and I think it really bears mentioning that the state has altered how it calculates capacity for schools. It used to, and the County is just following the state guidelines, but it used to be seat capacity. Now it is they include the entire building. So, they include the auditorium, the library, the gymnasium, even though logic says you're not using all that space. So for a school to be at 98% capacity, when you're figuring in the entirety of an auditorium, that means the school is overcrowded and it just is problematic to sit there and just look at this in a bubble and say, well this is only x number of students when, because we're jumping up to 97, you're adding more to an already overcrowded three schools that are definitely overcrowded. And I don't think anybody said that we are ordering the school system to redistrict, we're just saying the facts on the ground are this is the number of houses, this is the number of students, it's overcrowded; there's nothing going to be built, this is a fact. And that to me is just sort of a real logical argument to say, if we're going to approve jumping from 20 to 97, the proffers should be commensurate. Part of the proffers, if I remember correctly, includes the value of that land which the County doesn't want for that park space. And part of that is certainly the amount of money that's going, and if I remember staff's report from last meeting, the proffer is once again below what we have calculated we need. Granted this may be one of the last ones under the old proffer system and, you know, I've been on this since I've been on the Board, that we continue we say what we need and then we come in lower, and I know I will go out with that. I really have, and it may be my questioning nature, but I looked back at our minutes, I thought back; the entirety of the time we discussed the Fireberry connection, never was it discussed that it's solely because there was 1.2 acres. And logic would have said to me when we were going back and forth and back and forth and whether we're going to have a cul-de-sac or not have a cul-de-sac and can we do this, to me logic would have said, hey, there's 1.2 acres here. If we just took it out of this, we wouldn't have to have a connection with the Fireberry Road so there's not a problem. And so I'm just leery that now that somehow that we now say the 1.2 acres isn't included, that somewhere down the road -- no pun intended -- at a TRC or somebody, you know, Fire, VDOT, somebody's not going to sit there and say we want another connection because that was what we were crabbed at. The reason for Fireberry was there had to be a separate entrance for Fire and Rescue. And when we kept going on, I remember, you know, the whole great discussion of we'll look into a cul-de-sac discussion. And again, it was -- it was a roundabout I think -- the roundabout discussion was because we had to have that connection. And I'm just leery of all of a sudden... I just don't... to me it doesn't connect. No pun intended. But why didn't that just... that would have been a solution when this came to us two years ago. We would just say hey, we'll just pull out the 1.2, we don't need a connection and it would have gone through. So, I just... I'm leery of that. And again, the cumulative impact to this are by making it... by going up from 20 to 97 will have an impact. And I too go on that road and it's leery, and more cars it's just going to be leery. And, you know, I just don't think that the impact with the proffers below what we have said we believe there are and the public safety of the roads, I just don't feel comfortable with it. So that's why I'm going to vote no once again.

Mr. Apicella: Thank you Mr. Coen. Anyone else? Okay, seeing no one else, all those in favor of the motion cast your vote. Okay, the motion carries with 4 yeses, two no's (*Mr. Coen and Mrs. Vanuch*), and one abstention (*Mr. English*). Thank you very much.

**STAFFORD COUNTY, VIRGINIA**

**PROFFER STATEMENT**

Applicant: Winding Creek Owner, LLC (the “Applicant”)

Property Owner: John J Musselman, Trustee of the Earl F. Musselman Trust (the “Owner”)

Property: Tax Parcel 29-4 (the “Property”)

Rezoning Request: From A-1 to R-1

Project Name: Winding Creek (the “Project”)

Date: Originally dated June 15, 2016, and updated as of December 12, 2016

County File No. RC 16151330  
CUP 16151334

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**1. General Requirements.**

(a) The following proffers are being made pursuant to Sections 15.2-2298 and 15.2-2303, et al. of the Code of Virginia (1950), as amended, and Section 28-161, et seq. of the Stafford County Zoning Ordinance. The proffers provided herein are the only proffered conditions offered in this rezoning application, and any prior proffers to which the Property (as generally defined above and shown on the GDP) may be subject to or previously offered with the Applicant’s application or otherwise previously proffered are hereby superseded by these proffers, and further said prior proffers are hereby void and of no further force and effect. In addition and notwithstanding the foregoing, the proffers provided hereunder are conditioned upon and become effective only in the event the Applicant’s rezoning application No. RC 16151330 and associated conditional use permit application 16151334 are approved (including through applicable appeal periods) by the Stafford County Board of Supervisors (the “County”).

(b) Subject to the terms hereunder, the Property will be developed in accordance with that certain generalized development plan entitled “Winding Creek Generalized Development Plan” dated May 2014, as last revised August 29, 2016, prepared by Bowman Consulting, attached hereto as Exhibit A (the “GDP”), which plan includes a clustered development with a maximum of ninety-seven (97) single family detached units (“Units” or Unit”). The aforesaid number of units are subject to the approval of the Applicant’s companion conditional use permit application #16151334.

(c) For purposes of the final site plan, which will supersede the GDP, proposed parcel lines, parcel sizes, building envelopes and footprints, access points, building sizes, building locations, public road locations, private driveway, road and travel way locations, interparcel connectors, RPAs and wetland areas, utility locations, storm water management facilities, and dimensions of undeveloped areas shown on the GDP may be relocated and/or amended from time-to-time by the Applicant to address final development, engineering, and design requirements and/or compliance with federal or state agency regulations including, but not limited to, VDOT, DEQ, Army Corps of Engineers, etc., and compliance with the requirements of the County's applicable development regulations and design standards manual.

**2. Architecture & Materials.** For purposes of the proposed development, the architectural design of the Units shall be in general accordance with the renderings attached hereto as Exhibit B (the "Renderings"). The Renderings are illustrative only and do not depict the final elevations for this Project. In this regard, the Renderings depict (i) a commitment to a general type, character, and quality of architectural design, details and materials; and (ii) the general types of architectural and decorative elements and features. In addition, the Units will specifically include the following:

(a) The front elevation of 75% of the Units will consist of a minimum of 60% brick, natural stone, or cultured stone (excluding doors, windows and garages). All homes will include beaded vinyl and Applicant will offer fiber cement siding as an option to buyers.

(b) The side elevation facing the street of a Unit on a corner lot will have at least two operable windows.

(c) All Units will have brick or stone to grade on any side facing a street (including corner lots).

(d) All Units will include pitched roofs symmetrically sloped no less than 5:12, except that porches and attached sheds may be no less than 2:12 and all Units will avoid continuous roof planes on the front side of dwellings by incorporating gables as depicted on the Renderings.

**3. Entrance Features.** The Applicant agrees to construct an entrance monument out of brick or stone utilized in the development. The client has attached a rendering which reflects the general architectural features and materials of the entrance sign.

**4. Transportation.** The Applicant, subject to necessary County and VDOT approvals for the development of the Project, agrees to provide the following in-kind transportation proffers, all as generally shown and noted on the GDP:

(a) The Applicant agrees to dedicate 0.84 acres of right of way along Winding Creek Road to widen the right of way to a width of sixty feet (60'), all in the areas generally shown and noted on the GDP.



(b) The Applicant agrees to dedicate 0.78 acres of right of way for the relocation of Embrey Mill Road, all in the areas generally shown and noted on the GDP.

(c) The Applicant agrees to provide the following in kind offsite transportation proffers:

(1) the construction of a right turn lane at the intersection of Eustace Road and Northampton Boulevard, all as depicted on the GDP (with an estimated in-kind proffer value of \$150,662.20). The Applicant will undertake all reasonable, and good faith efforts in attempts to obtain the necessary right of way area for the aforesaid improvements;

(2) the construction of a right turn taper and acceleration lane off of Winding Creek Road and into the main entrance of the Project, all as depicted on the GDP (with an estimated in-kind proffer value of \$186,974.00); and

(3) clearing, grading and sight line improvements along Winding Creek Road at the sharp curve located roughly 530 feet north of the northern limit of the Project, all as depicted on the GDP (the total estimated value for this improvement is \$412,462.70). Notwithstanding the foregoing, portions of the aforesaid improvements under this Section 4 (c) (3) may require private easements from applicable third party property owners along Winding Creek Road (who are identified on the GDP), including without limitation necessary construction and maintenance easements within the said areas shown on the GDP. In the event the Applicant is able to obtain necessary easements and/or other approvals from said third party property owners described herein, the said third party property owners shall not incur any liability or obligation for purposes of said improvements and all cost, expense, maintenance and other obligations necessary for said improvements shall be the sole obligation of the Applicant, less and except the subject easement area(s) is/are acquired or dedicated for public purposes as described below. Notwithstanding anything to the contrary under this proffer statement, in the event the Applicant, after obtaining private easement approvals from said third party property owners and construction of the said improvements, fails to maintain the improvements constructed pursuant to this Section 4(c)(3) and said improvements are not otherwise dedicated for public purposes, then up to \$100,000 of the cash transportation proffers described under Section 6 (c) shall be utilized to maintain and/or repair said improvements.

The total estimated value to design and construct the improvements described under this Section 4 (c) is **\$750,098.90**.

(d) Notwithstanding anything to the contrary under this proffer statement, in the event the Applicant is unable to acquire or obtain necessary right of way and/or easement areas for the improvements described above under Section 4 (c) (1) and Section 4 (c) (3), the Applicant may then request, for public purposes, that the County acquire the right-of-way and/or public

easements by means of its condemnation powers. Said request(s) shall be made to the appropriate County agency and shall be accompanied by the following:

1. The names of the applicable record owners, the property addresses, tax map parcel numbers for each third party landowner from whom such right-of-way and/or easements are sought;
2. Plats, plans and profiles showing the necessary right-of-way and/or easements to be acquired and showing the details of the proposed transportation improvements to be located on each such third party properties;
3. An independent appraisal of the value of the right-of-way and/or easements to be acquired, and description of any damages to the residue of the involved third party properties; including an appraisal that is provided by an appraiser licensed in Virginia and approved by the County;
4. A 60-year title search of each involved third party property;
5. Documentation demonstrating to the County's reasonable satisfaction that the Applicant undertook good faith and best efforts to obtain approval for the right-of-way and/or easements, and made an offer of at least the appraised value of the involved third party property interests;
6. A letter of credit acceptable to the County, cash or equivalent (from a financial institution acceptable to the County) in an amount equal to the appraised value of the third party properties to be acquired, and all damages to the residue, together with an amount representing the County's estimate of its cost of condemnation proceedings, in a form permitting the County to draw upon the same as necessary to effectuate the purposes hereof; and
7. An Agreement signed by Applicant's representative and approved by the County Attorney whereby Applicant agrees to pay all reasonable costs of the condemnation, including expert witness fees, court costs, exhibit costs, court reporter fees, attorneys' fees for the Office of the County Attorney or attorney retained by the County, and all other costs associated with the litigation, including appeals. The Agreement shall specifically provide that in the event the third party property owner is awarded in the condemnation suit more than the appraised value estimated by Applicant's appraiser, Applicant shall pay to the County the amount of the award in excess of the amount represented by the letter of credit or cash deposit within thirty (30) days of the award.

(e) Notwithstanding anything to the contrary under this Section 4, in the event the Applicant is unable to obtain either necessary private easements or right of way from applicable third parties or the said third party easements and/or right of way is not obtained through condemnation, as provided above under Sections 4(c) and 4(d), and thus the Applicant is unable to construct any or all of the proffered improvements under said sections, then the Applicant, as

may be applicable, shall pay as cash proffers no more than \$563,084.90 (\$150,662.20 for purposes of Section 4 (c) (1) and \$412,462.70 for purposes of Section 4 (c) (3)) in accordance with Section 6 below.

(f) The Applicant agrees to construct a sidewalk to Winding Creek Road and a painted crosswalk connecting the east and west sides of Winding Creek Road, all in the areas generally shown and noted on the GDP.

(g) All offsite transportation improvements described under this Section 4 shall be completed within one (1) year after the issuance of the first residential building permit within the Project, subject to the time period and legal process required to complete any condemnation, which may extend said one (1) year period so long as the Applicant has diligently pursued the acquisition of necessary easements and/or right of way areas described above under Section 4 (c).

(h) The transportation improvements (not otherwise required for the development) and/or dedications of right of way, as provided above under this Section 4, are an in kind transportation proffers for purposes of this rezoning. The dedications described under Sections 4 (a) and (b) shall be provided as part of the first (final & approved) subdivision plan for the Property.

**5. Preservation of Open Space.** The 10.326 acres of land shown and labeled as “Open Space Parcel E” on the GDP shall be preserved as open space and not developed or disturbed, except for park purposes in the event the County accepts the dedication of said parcel. In this regard, Open Space Parcel E will be dedicated to the County upon the approval of the first section of the final subdivision plan of the Property. In the event the County does not desire to accept the dedication, Open Space Parcel E will be placed in a conservation easement. Notwithstanding the foregoing, in the event the Applicant is unable to obtain the acceptance of a third party holder for the conservation easement, then Open Space Parcel E will be conveyed to the Project’s Homeowners’s association (as described below under Section 7) and encumbered by restrictive covenants that will prohibit the development of said parcel. The fair market value of the dedication and preservation of open space is approximately **\$913,875.27.**

**6. Cash Contribution.** For purposes of this rezoning and in addition to other proffers described hereunder, the Applicant agrees to pay **\$2,189,458.10** in aggregate cash proffers, all as described in more detail below. These cash proffers are also subject to annual increases to be calculated on a yearly basis commencing two (2) years after the date of final County approval of this proffer statement. Such increases shall be calculated by multiplication of the Marshall-Swift Index and not the Consumer Price Index of the Department of Labor Statistics for the current year by the original per unit cash proffer amount. All cash proffers shall be paid by the Applicant upon the issuance of a final certificate of occupancy by the County for each Unit (e.g. 97 single family detached units).

These voluntary cash proffers, paid by the Applicant to the County, shall be allocated based on the following:

- (a) **Schools**: \$1,616,923.00 (\$16,669.31 per Unit).
- (b) **Parks & Recreation**: \$150,000.00 (\$1,546.39 per Unit)
- (c) **Transportation**: \$219,901.10 cash (\$2,267.02 per Unit) \*\*
- (d) **Libraries**: \$57,519.00 (\$593.00 per Unit)
- (e) **Fire & Rescue**: \$74,151.00 (\$764.44 per Unit)
- (f) **General Government**: \$40,964.00 (\$422.31 per Unit)

**Total Cash Proffers are \$2,159,459.60**

**Total In-Kind Proffers: \$1,733,006.01**

**Total Cash and In-kind Proffers are \$3,892,525.60 (\$40,129.13 per Unit)**

\*\* Section 6 (c) is subject to the conditions provided under Section 4(c) (3)

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

In addition, for all future property owners abutting the VEPCO easement shown on the GDP, the Applicant will provide each buyer a disclosure notice identifying the fact that overhead power lines may be constructed within the VEPCO easement in the future.

**8. Fire Sprinklers in Residential Units.** The Applicant agrees to offer as an option to purchasers of any of the Units, but not as a requirement, fire sprinkler systems within said Units. In no event shall these fire sprinkler systems be a requirement for purposes of construction and/or permitting, but rather only an option payable by purchasers of the Units.

**9. Environmental Impact Mitigation.** The Applicant proffers the following for any lot depicted on the GDP as being located within a Critical Resource Protection Area ("CRPA"):

- (a) Subsequent to the issuance of a building permit and prior to the issuance of an occupancy permit for the construction of a single-family dwelling on any residential lot or parcel with lot lines within the CRPA, a sign shall be installed by the developer identifying the landward limits of the CRPA and notification will be

provided to the County Zoning Administrator after completion. Such signs shall conform to the Critical Resource Protection Area Signage Policy and shall be installed at the expense of the developer in accordance with the Critical Resource Protection Area Signage Policy.

- (b) No certificate of occupancy shall be issued for a single-family dwelling on any residential lot or parcel with lot lines within the CRPA until the installation of any required plant materials is completed and documentation of such is submitted to the County Zoning Administrator.
- (c) The deeds for such lots shall include deed restrictions providing the following:
  - i. The property owner shall be responsible for the maintenance and replacement of all vegetation as may be required by the provisions of the County's Chesapeake Bay Preservation Area Overlay District.
  - ii. Plant material within the CRPA shall be tended and maintained in healthy growing condition and free from refuse and debris at all times.
  - iii. Diseased plant materials shall be replaced during the next planting season, as may be required by the provisions of the County's Chesapeake Bay Preservation Area Overlay District.
  - iv. No certificate of occupancy shall be issued until the installation of any plant materials required by the County's Chesapeake Bay Preservation Area Overlay District is completed and documentation of such is submitted to the County Zoning Administrator.

**10. Historic Preservation.** The Applicant agrees to perform a Phase 1 Archeology Study on the Property if historical artifacts are discovered during development of the Property, and to perform a Phase 2 Archeology Study on the Property if required by the said Phase 1 Archeology Study.

**11. Belmont Museum.** The Applicant agrees to pay to the Belmont Museum, upon the approval of the first residential occupancy permit within the Project, the sum of **\$30,000.00** for purposes of assisting the museum with any facility improvements or for other general museum purposes.

**12. Miscellaneous.** The Applicant agrees to provide the following proffers:

- (a) Proposed development shall be limited to 97 single-family detached dwelling units.
- (b) Open Space Parcels "A" (outside the VEPCO easement) and "D" shall include a 20-foot street buffer, consisting of a double row of evergreen trees, between residential lots and along the Winding Creek Road right-of-way, as shown on the GDP.

- (c) Open Space Parcel "C" shall include a variable width street buffer, consisting of a double row of evergreen trees, between residential lots and along the Winding Creek Road right-of-way, to the maximum extent allowed by the lot configuration generally as shown on the GDP.
- (d) Each lot shall contain foundation landscaping and at least one (1) tree shall be provided in the rear yard, with a 1" caliper or 6-8' tall at planting.
- (e) The Applicant will install and construct a tot lot in the general location as shown on the GDP and a picnic/pavilion area, the availability and location of said picnic/pavilion area to be determined at time of final engineering.
- (f) The Applicant agrees to provide a landscape buffer, consisting of a double row of evergreen trees, between Lot 43 and 44 and the adjacent property owner, as shown on sheet 9 of the GDP.

[AUTHORIZED SIGNATURES TO FOLLOW]



**APPLICANT ACKNOWLEDGMENT & CONSENT**

Winding Creek Owner, LLC,  
a Virginia limited liability company

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE/Commonwealth of \_\_\_\_\_,  
CITY/COUNTY OF \_\_\_\_\_, to wit:

The foregoing instrument was acknowledged before me this \_\_\_ day of November, 2016,  
by \_\_\_\_\_, \_\_\_\_\_ of Winding Creek Owner, LLC, on behalf of said  
company.

\_\_\_\_\_  
Notary Public

My Commission expires: \_\_\_\_\_  
Notary Registration number: \_\_\_\_\_

**OWNERS ACKNOWLEDGMENT & CONSENT**

The Earl F. Musselman Trust created November 28, 2001

BY: \_\_\_\_\_  
John J. Musselman, Trustee

COMMONWEALTH OF VIRGINIA,  
CITY/COUNTY OF \_\_\_\_\_, to wit:

The foregoing instrument was acknowledged before me this \_\_\_ day of November, 2016,  
by John J. Musselman, Trustee for The Earl F. Musselman Trust created November 28, 2001.

\_\_\_\_\_  
Notary Public

My Commission expires: \_\_\_\_\_

Notary Registration number: \_\_\_\_\_

## **EXHIBIT A**

### **Generalized Development Plan**

See attached “Winding Creek Generalized Development Plan” dated May 2014, as last revised August 29, 2016, and prepared by Bowman Consulting.

**EXHIBIT B**

Renderings

8350689-4 039798.00001

**DRAFT**

**For Discussion Purposes  
Only**

**STAFFORD COUNTY, VIRGINIA**

**PROFFER STATEMENT**

Applicant: Winding Creek Owner, LLC (the “Applicant”)

Property Owner: John J Musselman, Trustee of the Earl F. Musselman Trust (the “Owner”)

Property: Tax Parcel 29-4 (the “Property”)

Rezoning Request: From A-1 to R-1

Project Name: Winding Creek (the “Project”)

Date: Originally dated June 15, 2016, and updated as of ~~September 29,~~[December 12,](#) 2016

County File No. RC 16151330  
CUP 16151334

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**1. General Requirements.**

(a) The following proffers are being made pursuant to Sections 15.2-2298 and 15.2-2303, et al. of the Code of Virginia (1950), as amended, and Section 28-161, et seq. of the Stafford County Zoning Ordinance. The proffers provided herein are the only proffered conditions offered in this rezoning application, and any prior proffers to which the Property (as generally defined above and shown on the GDP) may be subject to or previously offered with the Applicant’s application or otherwise previously proffered are hereby superseded by these proffers, and further said prior proffers are hereby void and of no further force and effect. In addition and notwithstanding the foregoing, the proffers provided hereunder are conditioned upon and become effective only in the event the Applicant’s rezoning application No. RC 16151330 and associated conditional use permit application 16151334 are approved (including through applicable appeal periods) by the Stafford County Board of Supervisors (the “County”).

(b) Subject to the terms hereunder, the Property will be developed in accordance with that certain generalized development plan entitled “Winding Creek Generalized Development Plan” dated May 2014, as last revised August 29, 2016, prepared by Bowman Consulting, attached hereto as Exhibit A (the “GDP”), which plan includes a clustered development with a maximum of

ninety-seven (97) single family detached units (“Units” or Unit”). The aforesaid number of units are subject to the approval of the Applicant’s companion conditional use permit application #16151334.

(c) For purposes of the final site plan, which will supersede the GDP, proposed parcel lines, parcel sizes, building envelopes and footprints, access points, building sizes, building locations, public road locations, private driveway, road and travel way locations, interparcel connectors, RPAs and wetland areas, utility locations, storm water management facilities, and dimensions of undeveloped areas shown on the GDP may be relocated and/or amended from time-to-time by the Applicant to address final development, engineering, and design requirements and/or compliance with federal or state agency regulations including, but not limited to, VDOT, DEQ, Army Corps of Engineers, etc., and compliance with the requirements of the County’s applicable development regulations and design standards manual.

**2. Architecture & Materials.** For purposes of the proposed development, the architectural design of the Units shall be in general accordance with the renderings attached hereto as Exhibit B (the “Renderings”). The Renderings are illustrative only and do not depict the final elevations for this Project. In this regard, the Renderings depict (i) a commitment to a general type, character, and quality of architectural design, details and materials; and (ii) the general types of architectural and decorative elements and features. In addition, the Units will specifically include the following:

(a) The front elevation of 75% of the Units will consist of a minimum of 60% brick, natural stone, or cultured stone (excluding doors, windows and garages). All homes will include beaded vinyl and Applicant will offer fiber cement siding as an option to buyers.

(b) The side elevation facing the street of a Unit on a corner lot will have at least two operable windows.

(c) All Units will have brick or stone to grade on any side facing a street (including corner lots).

(d) All Units will include pitched roofs symmetrically sloped no less than 5:12, except that porches and attached sheds may be no less than 2:12 and all Units will avoid continuous roof planes on the front side of dwellings by incorporating gables as depicted on the Renderings.

**3. Entrance Features.** The Applicant agrees to construct an entrance monument out of brick or stone utilized in the development. The client has attached a rendering which reflects the general architectural features and materials of the entrance sign.

**4. Transportation.** The Applicant, subject to necessary County and VDOT approvals for the development of the Project, agrees to provide the following in-kind transportation proffers, all as generally shown and noted on the GDP:

(a) The Applicant agrees to dedicate 0.84 acres of right of way along Winding Creek Road to widen the right of way to a width of sixty feet (60’), all in the areas generally shown and



noted on the GDP. ~~The Applicant agrees to make this dedication without compensation nor will the Applicant request a credit for this dedication as an offset to future transportation impact fees.~~

(b) The Applicant agrees to dedicate 0.78 acres of right of way for the relocation of Embrey Mill Road, all in the areas generally shown and noted on the GDP. ~~This dedication is without compensation and is an in-kind proffer with a value of \$69,031.84.~~

(c) The Applicant agrees to provide the following in-kind offsite transportation proffers:

(1) the construction of a right turn lane at the intersection of Eustace Road and Northampton Boulevard, all as depicted on the GDP (with an estimated in-kind proffer value of \$150,662.20); ~~The Applicant will undertake all reasonable, and good faith efforts in attempts to obtain the necessary right of way area for the aforesaid improvements;~~

(2) the construction of a right turn taper and acceleration lane off of Winding Creek Road and into the main entrance of the Project, all as depicted on the GDP (with an estimated in-kind proffer value of \$186,974.00); and

(3) clearing ~~and~~, grading and sight line improvements along Winding Creek Road at the sharp curve located roughly 530 feet north of the northern limit of the Project, all as depicted on the GDP: (the total estimated value for this improvement is \$412,462.70). Notwithstanding the foregoing, ~~all portions~~ of the aforesaid improvements ~~must be approved by~~ under this Section 4 (c) (3) may require private easements from applicable third party property owners along Winding Creek Road, ~~as shown (who are identified~~ on the GDP), including without limitation ~~approval of necessary temporary construction and maintenance easements required to clear and grade said area. In the event the Applicant is unable to obtain all approvals, the Applicant will pay the total value of said improvements under this Section 4 (c) (3) in the amount of \$412,462.70 as cash proffers on a per unit basis as described below under Section 6. within the said areas shown on the GDP.~~ In the event the Applicant is ~~only able to obtain one of the two property owner's approval, the Applicant will clear and grade the subject area to the extent of approvals obtained, and pay the remaining value of improvements described in this Section 4~~ able to obtain necessary easements and/or other approvals from said third party property owners described herein, the said third party property owners shall not incur any liability or obligation for purposes of said improvements and all cost, expense, maintenance and other obligations necessary for said improvements shall be the sole obligation of the Applicant, less and except the subject easement area(s) is/are acquired or dedicated for public purposes as described below. Notwithstanding anything to the contrary under this proffer statement, in the event the Applicant, after obtaining private easement approvals from said third party property owners and construction of the said improvements, fails to maintain the improvements constructed pursuant to this Section 4(c) (3) as cash proffers in the same manner (3) and said improvements are not otherwise dedicated for public purposes, then up to

\$100,000 of the cash transportation proffers described ~~below~~ under Section 6 (e.g. ~~if Applicant obtains approvals for only \$250,000 of in-kind improvements, the remaining \$162,462.70 will be paid by the applicant as cash proffers~~) c) shall be utilized to maintain and/or repair said improvements.

~~Notwithstanding anything to the contrary, except for the right of way area owned by the Applicant, any right of way area necessary for the improvements described above under Section 4 (c) shall be acquired or otherwise obtained by the County.~~

~~All transportation improvements described above under this Section 4(c) shall be provided during the construction of the first phase of Units.~~

The total estimated value to design and construct the improvements described under this Section 4 (c) is \$750,098.90.

(d) Notwithstanding anything to the contrary under this proffer statement, in the event the Applicant is unable to acquire or obtain necessary right of way and/or easement areas for the improvements described above under Section 4 (c) (1) and Section 4 (c) (3), the Applicant may then request, for public purposes, that the County acquire the right-of-way and/or public easements by means of its condemnation powers. Said request(s) shall be made to the appropriate County agency and shall be accompanied by the following:

1. The names of the applicable record owners, the property addresses, tax map parcel numbers for each third party landowner from whom such right-of-way and/or easements are sought;
2. Plats, plans and profiles showing the necessary right-of-way and/or easements to be acquired and showing the details of the proposed transportation improvements to be located on each such third party properties;
3. An independent appraisal of the value of the right-of-way and/or easements to be acquired, and description of any damages to the residue of the involved third party properties; including an appraisal that is provided by an appraiser licensed in Virginia and approved by the County;
4. A 60-year title search of each involved third party property;
5. Documentation demonstrating to the County's reasonable satisfaction that the Applicant undertook good faith and best efforts to obtain approval for the right-of-way and/or easements, and made an offer of at least the appraised value of the involved third party property interests;
6. A letter of credit acceptable to the County, cash or equivalent (from a financial institution acceptable to the County) in an amount equal to the appraised value of the third party properties to be acquired, and all damages to the residue, together with an amount representing the County's estimate of its cost of condemnation

proceedings, in a form permitting the County to draw upon the same as necessary to effectuate the purposes hereof; and

7. An Agreement signed by Applicant's representative and approved by the County Attorney whereby Applicant agrees to pay all reasonable costs of the condemnation, including expert witness fees, court costs, exhibit costs, court reporter fees, attorneys' fees for the Office of the County Attorney or attorney retained by the County, and all other costs associated with the litigation, including appeals. The Agreement shall specifically provide that in the event the third party property owner is awarded in the condemnation suit more than the appraised value estimated by Applicant's appraiser, Applicant shall pay to the County the amount of the award in excess of the amount represented by the letter of credit or cash deposit within thirty (30) days of the award.

(e) Notwithstanding anything to the contrary under this Section 4, in the event the Applicant is unable to obtain either necessary private easements or right of way from applicable third parties or the said third party easements and/or right of way is not obtained through condemnation, as provided above under Sections 4(c) and 4(d), and thus the Applicant is unable to construct any or all of the proffered improvements under said sections, then the Applicant, as may be applicable, shall pay as cash proffers no more than \$563,084.90 (\$150,662.20 for purposes of Section 4 (c) (1) and \$412,462.70 for purposes of Section 4 (c) (3)) in accordance with Section 6 below.

(df) The Applicant agrees to construct a sidewalk to Winding Creek Road and a painted crosswalk connecting the east and west sides of Winding Creek Road, all in the areas generally shown and noted on the GDP.

(eg) All offsite transportation improvements described under this Section 4 shall be completed within one (1) year after the issuance of the first residential building permit within the Project, subject to the time period and legal process required to complete any condemnation, which may extend said one (1) year period so long as the Applicant has diligently pursued the acquisition of necessary easements and/or right of way areas described above under Section 4 (c).

(h) The ~~monetary value of all~~ transportation improvements (not otherwise required for the development) and/or dedications of right of way, as provided above under this Section 4, are an in kind transportation ~~proffer for purposes of this rezoning with an aggregate value of \$819,130.74. These in-kind proffers may qualify as a credit toward and offset any transportation impact fees assessed against the Property proffers~~ for purposes of this rezoning, ~~all as may be applicable under state code and County ordinance. Any said.~~ The dedications described under Sections 4 (a) and (b) shall be provided as part of ~~a~~ the first (final & approved) subdivision plan for the Property.

5. **Preservation of Open Space.** The 10.326 acres of land shown and labeled as "Open Space Parcel E" on the GDP shall be preserved as open space and not developed or disturbed, except for park purposes in the event the County accepts the dedication of said parcel. In this regard, Open Space Parcel E will be dedicated to the County upon the approval of the first section

of the final subdivision plan of the Property. In the event the County does not desire to accept the dedication, Open Space Parcel E will be placed in a conservation easement. Notwithstanding the foregoing, in the event the Applicant is unable to obtain the acceptance of a third party holder for the conservation easement, then Open Space Parcel E will be conveyed to the Project's Homeowners's association (as described below under Section 7) and encumbered by restrictive covenants that will prohibit the development of said parcel. The fair market value of the dedication and preservation of open space is approximately \$913,875.27.

**6. Cash Contribution.** For purposes of this rezoning and in addition to other proffers described hereunder, the Applicant agrees to pay \$2,189,458.10 in aggregate cash proffers, all as described in more detail below. These cash proffers are also subject to annual increases to be calculated on a yearly basis commencing two (2) years after the date of final County approval of this proffer statement. Such increases shall be calculated by multiplication of the Marshall-Swift Index and not the Consumer Price Index of the Department of Labor Statistics for the current year by the original per unit cash proffer amount. All cash proffers shall be paid by the Applicant upon the issuance of a final certificate of occupancy by the County for each Unit (e.g. 97 single family detached units).

These voluntary cash proffers, paid by the Applicant to the County, shall be allocated based on the following:

- (a) **Schools:** \$1,616,923.00 (\$16,669.31 per Unit ~~for all 97 units or \$20,999.00 per Unit for 77 units (77 equals 97 - 20 by right units)~~).
- (b) **Parks & Recreation:** \$150,000.00 (\$1,546.39 per Unit ~~for 97 units or \$1,948.05 per Unit for 77 units~~).
- (c) **Transportation:** ~~\$249,901.10~~ 219,901.10 cash (~~\$2,576.30~~ 2,267.02 per Unit ~~for 97 units or \$3,245.46 per Unit for 77 units~~) \*\*
- (d) **Libraries:** \$57,519.00 (\$593.00 per Unit ~~for 97 units or \$747.00 per Unit for 77 units~~)
- (e) **Fire & Rescue:** \$74,151.00 (\$764.44 per Unit ~~for 97 units or \$963.00 per Unit for 77 units~~).
- (f) **General Government:** \$40,964.00 (\$422.31 per Unit) ~~for 97 units or \$532.00 per Unit for 77 units~~

**Total Cash Proffers are** ~~\$2,189,458.10~~ 2,159,459.60 (~~(\$22,571.73 per Unit for 97 units or \$28,434.52 per Unit for 77 units)~~)

**Total In-Kind Proffers:** \$1,733,006.01 (~~(\$17,866.04 per Unit for 97 units or \$22,506.57 for 77 units)~~)

**Total Cash and In-kind Proffers are ~~\$3,922,464.11 (\$40,437.773,892,525.60 (\$40,129.13 per Unit for 97 units or \$50,941.09 Per Unit for 77 units)~~**

\*\* Section 6 (c) is subject to the conditions provided under Section 4(c) (3)

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

In addition, for all future property owners abutting the VEPCO easement shown on the GDP, the Applicant will provide each buyer a disclosure notice identifying the fact that overhead power lines may be constructed within the VEPCO easement in the future.

**8. Fire Sprinklers in Residential Units.** The Applicant agrees to offer as an option to purchasers of any of the Units, but not as a requirement, fire sprinkler systems within said Units. In no event shall these fire sprinkler systems be a requirement for purposes of construction and/or permitting, but rather only an option payable by purchasers of the Units.

**9. Environmental Impact Mitigation.** The Applicant proffers the following for any lot depicted on the GDP as being located within a Critical Resource Protection Area ("CRPA"):

- (a) Subsequent to the issuance of a building permit and prior to the issuance of an occupancy permit for the construction of a single-family dwelling on any residential lot or parcel with lot lines within the CRPA, a sign shall be installed by the developer identifying the landward limits of the CRPA and notification will be provided to the County Zoning Administrator after completion. Such signs shall conform to the Critical Resource Protection Area Signage Policy and shall be installed at the expense of the developer in accordance with the Critical Resource Protection Area Signage Policy.
- (b) No certificate of occupancy shall be issued for a single-family dwelling on any residential lot or parcel with lot lines within the CRPA until the installation of any required plant materials is completed and documentation of such is submitted to the County Zoning Administrator.
- (c) The deeds for such lots shall include deed restrictions providing the following:

- i. The property owner shall be responsible for the maintenance and replacement of all vegetation as may be required by the provisions of the County's Chesapeake Bay Preservation Area Overlay District.
- ii. Plant material within the CRPA shall be tended and maintained in healthy growing condition and free from refuse and debris at all times.
- iii. Diseased plant materials shall be replaced during the next planting season, as may be required by the provisions of the County's Chesapeake Bay Preservation Area Overlay District.
- iv. No certificate of occupancy shall be issued until the installation of any plant materials required by the County's Chesapeake Bay Preservation Area Overlay District is completed and documentation of such is submitted to the County Zoning Administrator.

**10. Historic Preservation.** The Applicant agrees to perform a Phase 1 Archeology Study on the Property if historical artifacts are discovered during development of the Property, and to perform a Phase 2 Archeology Study on the Property if required by the said Phase 1 Archeology Study.

**11. Miscellaneous Belmont Museum.** The Applicant agrees to pay to the Belmont Museum, upon the approval of the first residential occupancy permit within the Project, the sum of \$30,000.00 for purposes of assisting the museum with any facility improvements or for other general museum purposes.

**12. Miscellaneous.** The Applicant agrees to provide the following proffers:

- (a) Proposed development shall be limited to 97 single-family detached dwelling units.
- (b) Open Space Parcels "A" (outside the VEPCO easement) and "D" shall include a 20-foot street buffer, consisting of a double row of evergreen trees, between residential lots and along the Winding Creek Road right-of-way, as shown on the GDP.
- (c) Open Space Parcel "C" shall include a variable width street buffer, consisting of a double row of evergreen trees, between residential lots and along the Winding Creek Road right-of-way, to the maximum extent allowed by the lot configuration generally as shown on the GDP.
- (d) Each lot shall contain foundation landscaping and at least one (1) tree shall be provided in the rear yard, with a 1" caliper or 6-8' tall at planting.
- (e) The Applicant will install and construct a tot lot in the general location as shown on the GDP and a picnic/pavilion area, the availability and location of said picnic/pavilion area to be determined at time of final engineering.



- (f) The Applicant agrees to provide a landscape buffer, consisting of a double row of evergreen trees, between Lot 43 and 44 and the adjacent property owner, as shown on sheet 9 of the GDP.

[AUTHORIZED SIGNATURES TO FOLLOW]

**APPLICANT ACKNOWLEDGMENT & CONSENT**

Winding Creek Owner, LLC,  
a Virginia limited liability company

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE/Commonwealth of \_\_\_\_\_,  
CITY/COUNTY OF \_\_\_\_\_, to wit:

The foregoing instrument was acknowledged before me this \_\_\_\_ day  
of ~~\_\_\_\_\_~~ November, 2016, by \_\_\_\_\_, \_\_\_\_\_ of Winding Creek  
Owner, LLC, on behalf of said company.

\_\_\_\_\_  
Notary Public

My Commission expires: \_\_\_\_\_  
Notary Registration number: \_\_\_\_\_

**OWNERS ACKNOWLEDGMENT & CONSENT**

The Earl F. Musselman Trust created November 28, 2001

BY: \_\_\_\_\_  
John J. Musselman, Trustee

~~STATE~~/COMMONWEALTH OF \_\_\_\_\_ VIRGINIA,  
CITY/COUNTY OF \_\_\_\_\_, to wit:

The foregoing instrument was acknowledged before me this \_\_\_\_ day  
of \_\_\_\_\_ November, 2016, by John J. Musselman, Trustee for The Earl F. Musselman Trust  
created November 28, 2001.

\_\_\_\_\_  
Notary Public

My Commission expires: \_\_\_\_\_  
Notary Registration number: \_\_\_\_\_

## **EXHIBIT A**

### **Generalized Development Plan**

See attached “Winding Creek Generalized Development Plan” dated May 2014, as last revised August 29, 2016, and prepared by Bowman Consulting.

**EXHIBIT B**

Renderings

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