



MEMORANDUM

Colutor

TO: Tim Baroody, City Manager
FROM: Mike Craig, Senior Planner
DATE: August 4, 2020 for the August 11 meeting
SUBJECT: Jarrell, Inc. proposes the rezoning of 9.37 acres from Commercial/Transitional- Office (CT), Residential Mobile-Home (R-MH), and Residential 4 (R-4) to Commercial Highway

ISSUE

Should the City Council approve the proposed rezoning and a right-of-way vacation and rededication?

RECOMMENDATION

The City Council should take two actions:

- **Approve the proposed zoning map amendment** of 50 GPINs from Residential Mobile Home, Residential 4, and Commercial / Transitional Office to Commercial Highway in accordance with the General Development and Proffer Statement.
- **Approve the vacation of portions of Spotsylvania Avenue and Dandridge Street right-of-ways and the rededication of a re-aligned Spotsylvania Avenue right-of-way** without charging the Applicant for the surplus right-of-way. In recognition of the substantial investment in rebuilding the road and providing pedestrian connections.

CITY COUNCIL PUBLIC HEARING AND RECOMMENDATION

The City Council held a public hearing on this item on July 14th. Three comments were received prior to the hearing. Two comments (from an adjacent property owner and the College Heights Neighborhood Association) expressed a preference for limiting pedestrian access to the neighborhood from the adjacent development and the third was from an adjacent commercial property owner expressing concerns about sewer backups in the vicinity of the proposed project. Backups are created by a low connection between a sewer line and the main interceptor, which leads to grease accumulation in the vicinity of the office building at 1601 Olde William Street. Public Works has initiated a more frequent flushing schedule for this portion of the sewer system to prevent grease accumulation.

Discussion during the meeting focused on the intersection of William Street and Olde William Street and the location and arrangement of trails serving the project. Regarding the William Street and Olde William Street intersection, the Transportation Administrator confirmed after the meeting that converting the intersection to right-in / right-out is programmed as part of VDOT's Route 3 STARS improvements.

Regarding the location and arrangement of the trails serving the project, the Applicant realigned Trail 4 (connecting Dandridge Street to the proposed development) based on discussion during the meeting to connect further south into the project to better connect different areas of the project to the neighborhood. Re-aligning Trail 4 more directly links the 5 southern most buildings proposed in the development. Trail 3 (connecting at Payne Street) provides a more direct connection to the northern 3 buildings in the development as well as the trails proposed along US Route 1 up to Cowan Boulevard.

Together, the two connections create the type of diverse coverage needed to increase the efficiency and usability of the pedestrian system. The re-alignment of Trail 4 is consistent with the Planning Commission's recommendation and should be approved as proposed. An ordinance approving the project with all proffers as submitted is included in the Council packet.

Three concerns were expressed through public comment about a second pedestrian connection between the development and the neighborhood: impacts to existing tree canopy, impacts to adjacent property owners, and parking demand created by the pedestrian connection. These concerns were raised during the Planning Commission public hearing when the second connection was shown in the vicinity of the Brent Street right-of-way. In response, the Planning Commission recommended 6 – 0 (with one member absent) to shift the second connection from Brent Street to Dandridge Street. Dandridge Street consists of old pavement and mobile homes instead of existing tree canopy so locating the trail in this vicinity eliminates environmental impacts. The Dandridge Street right-of-way is 166 feet away from the one house on the same side of the street, which eliminates any potential impacts on that property. Pedestrian connections do not generate parking demand in neighborhoods.

The Applicant provided an alternative GDP layout sheet that eliminates Trail 4. § 72-22.4.A(5) permits the City Council to consider proffered conditions individually. The City Council may elect to reject Trail 4 and approve the remainder of the project. An alternative ordinance enabling this option has been provided for consideration based on some of the discussion during the public hearing.

The Council asked about bicycle infrastructure proposed for the site. UDO § 72-53.4 Bicycle Parking requires a certain amount of bicycle racks be provided for a proposed development. The Applicant proposes 5 bike racks located in the different bays of the development to adhere to that requirement.

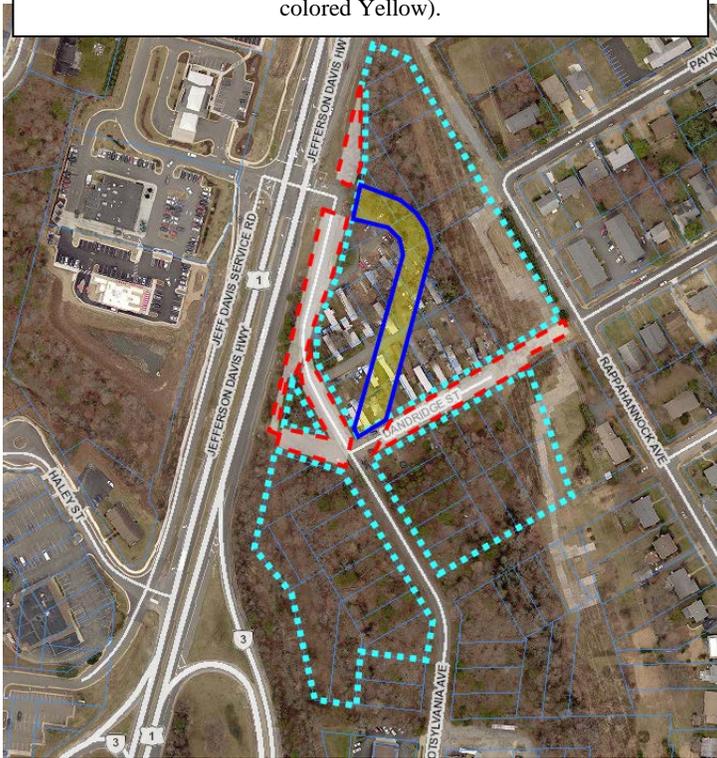
PLANNING COMMISSION PUBLIC HEARING AND RECOMMENDATION

The Planning Commission held a public hearing on these items on June 17th and accepted additional public comments through June 24th. Seven written comments were submitted and three people spoke at the hearing on June 17th. The Comments contained general support for the project with some specific concerns. The College Heights Civic Association posed several questions about parking for the development, motor vehicle access to the development, the location of trails, and buffering. Other written comments included support for the development and proposed trail network, a request to consider adding curbing, sidewalks, and lighting around the proposed trail entrances, and opposition to the Brent Street trail connection by an adjacent property owner. At the June 24th meeting, an additional public comment was read into the record supporting pedestrian connections and a representative of the College Heights Civic Association requested that the proposed Brent Street trail be relocated.

Rezoning --- The Planning Commission then voted 6-0 (with one member absent) to recommend approval of the proposed zoning map amendment with a shift of the proposed Brent Street Trail connection to Dandridge Street. The Planning Commission cited the Brent Street Trail's potential impact on the tree canopy, easternmost Resource Protection Area, and adjacent properties on Rappahannock Avenue in making this recommendation.

Vacation of Right-of-Way --- After discussion, the Planning Commission voted 6-0 (with one member absent) to determine that the vacation and rededication of right-of-way within the project was in conformance with the Comprehensive Plan. As part of their determination, the Planning Commission recommended that the applicant not be charged for the net 0.85 acres of right-of-way that would be deeded to them for their project. The Planning Commission cited the high value of the applicant's proposed public infrastructure improvements proposed as part of their project and the poor condition of the existing infrastructure in making this recommendation.

The parcels proposed to be rezoned to Commercial-Highway (outlined in Cyan),
 The right-of-way proposed to be vacated (dashed in Red and colored White), and
 The right-of-way proposed to be dedicated (outlined in blue and colored Yellow).



EXISTING USE AND CHARACTER OF THE PROPERTY

The proposed Cowan Station rezoning consists of 50 parcels located between the Rappahannock Avenue right-of-way, US Route 1, Spotsylvania Avenue and the Brent Street right-of-way. This area was annexed by the City in 1951. The northern portion of the property was used as a mobile home park between the 1960’s and 2018. The southwestern parcels are vacant and wooded.

The parcels were platted as part of the Fredericksburg Development Companies platting of the western portions of the City in the late 19th and early 20th century. At that time, the lots were divided as a continuation of the College Heights residential neighborhood and street grid. However, barriers to the continuation of that pattern are present. They include natural features such as streams as well as the major electrical transmission line bordering the eastern portion of the property and US Route 1 forming the western portion of the property.

These barriers prevented the natural continuation of the neighborhood and street grid. In recognition, in the 1960’s the City Council vacated the Payne Street extension for use in the mobile home park that occupied a portion of the site for the next fifty years. Mobile homes and accessory structures were vacated in March 2019 and remain abandoned on that portion of the property.

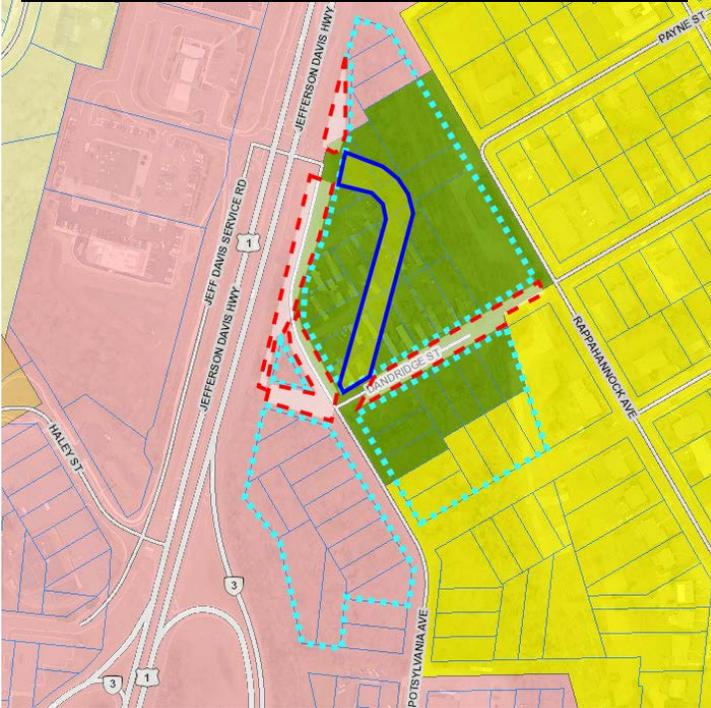
The site is accessed from US Route 1 by Spotsylvania Avenue. Spotsylvania Avenue is a two lane road with graded shoulder and ditch sections on both sides. The road does not meet modern road design guidelines. The intersection with US Route 1 is particularly problematic. It is a signalized intersection, but the stacking for the light is perpendicular to the main travel direction of the roadway.

Two streams exist on the site. Smith Run, located to the west of the project, is a perennial stream (meaning permanent or very frequently recurring) and a tributary to Hazel Run. Under the City and Statewide Chesapeake Bay Protection Act, perennial streams are protected features that require a 100 foot “Resource Protection Area” on both sides of the feature. The stream to the east consists of the drainage from the



The existing features of the property. The streams are shown in blue and the green outlined areas are perennial portions of those streams and their corresponding Resource Protection Areas. The orange area is the 170 foot wide Dominion Power easement.

The existing zoning of the property. Green is Residential-Mobile Home, pink is Commercial Transitional / Office, and yellow is Residential-4.



Cowan Crossings commercial development across the street, which flows in a 36 inch culvert under US Route 1. The stream becomes perennial on-site.

The vacant areas of the site are generally flat with some sloping towards the streams. These portions of the property are wooded and contain some mature canopy trees.

The zoning on the site varies. A 5 acre portion of the property used as the mobile home park is zoned R-MH. The areas to the southwest adjacent to the US Route 1 and Route 3 interchange are zoned CT. The southeastern portions of the proposed project are zoned R-4. The neighborhood adjacent to the property to the east is zoned R-4.

PROPOSED USE AND CHARACTER

The Jarrell Companies propose to rezone the property to Commercial-Highway with proffered conditions to build a commercial / office park. The development will include eight 1 story, 6,500 square foot buildings, totaling 52,000 square feet of commercial / office space.

The Commercial-Highway Zoning District permits a range of residential and non-residential uses. The Applicant has submitted a proffer statement that precludes certain uses on the site. Proffer 1 states that the project will be built in accordance with the General Development Plan (GDP), which shows a commercial / office park and would preclude residential development. In addition, Proffer 2 prohibits adult establishments, convenience stores (with gasoline sales), gasoline sales, tattoo / piercing establishments, automotive sales and rental (both small and large), automotive service, automobile towing and impoundment, and fast food restaurants. Proffer 3 states that no drive-throughs will be permitted on the site without obtaining an additional special use permit.

Both the GDP and Proffer 4 prohibit motor vehicle access from Cowan Station to the College Heights residential neighborhood. Pedestrian connections are provided with a trail connection proposed along both the old Payne Street right-of-way and in the vicinity of Dandridge Street (moved from Brent Street per the Planning Commission recommendation). The trail and sidewalk network proposed within the development is also proposed to be extended as a 10 foot wide shared use trail up US Route 1 to the Cowan Boulevard Trail.

The project is separated from College Heights by the 170 foot wide Dominion Power easement. The applicant proposes a mixture of fencing, enhanced plantings (stated in the proffer statement to be evergreen), and existing vegetation to provide the required Type D "Opaque" Perimeter landscape buffer between the site and the neighborhood. The Type D landscape buffer functions as an opaque screen from the ground to a height of at least six feet. This type of buffer prevents visual contact between uses and creates a strong impression of total separation. It requires either 10 aggregate caliper inches (ACI) of canopy trees + 13.5 ACI of understory trees + 23 shrubs per 100 linear feet in a 25

foot wide buffer or A six-foot-tall opaque fence + 8 ACI of canopy trees + 15 ACI of understory trees + 23 shrubs per 100 linear feet in a 15 foot wide buffer.

The Proffer statement also considers the visibility of the development from the adjacent neighborhood as well as from US Route 1. Proffer 7 states that all service utilities shall be screened from visibility from US Route 1. It also states that the buildings will be constructed of brick, stone, wood, stucco, cementitious siding or similar materials.

The applicant proposes a Comprehensive Plan amendment with this request to change the vision for this area from higher intensity mixed use and student housing to a commercial / office park. More information on that request is contained in the accompanying staff report on that item.

ZONING REVIEW CRITERIA AND POTENTIAL ADVERSE IMPACTS

The effect of the rezoning would be to permit a total of 52,000 square feet of non-residential use on the 9.37 acre site. The impacts of these changes are evaluated using the criteria specified by the Code of Virginia and the City's Unified Development Ordinance.

1. The Purpose of zoning ordinances.

In considering a zoning map amendment the City Council should consider Virginia Code § 15.2-2284, which states:

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

The requested zoning map amendment changes the permitted use of the property from Mobile Home and Transitional Office use to a broader set of commercial uses. The intensity of the uses is controlled by the proposed General Development Plan, which requires the site to be configured as 8 single story 6,500 square foot buildings and by the proffer statement, which prohibits high-intensity uses. The application includes the reconstruction of Spotsylvania Avenue and the implementation of a substantial pedestrian network linking the site into the City's existing multi-modal network. The application also includes buffering and architectural controls to ensure that the development of the site results in a harmonious cohesive development.

2. The Comprehensive Plan.

The applicant has requested an amendment to the Comprehensive Plan's Future Land Use Map (FLUM) and to sub-panning area 5B to change the vision for this area from a residential to a commercial focus. An analysis of the suitability of that change is included in the staff report on the proposed amendment. The analysis concludes that changing the vision of this site from residential to commercial is appropriate.

The “opportunities” listed under Land Use Planning Area 5 (pg. 11(5)1) include:

- Promote mixed-use development along the US Route 1 Bypass and William Street corridors.
- Protect established residential neighborhoods from existing and proposed commercial development, through transitional uses and design standards that minimize adverse impacts.

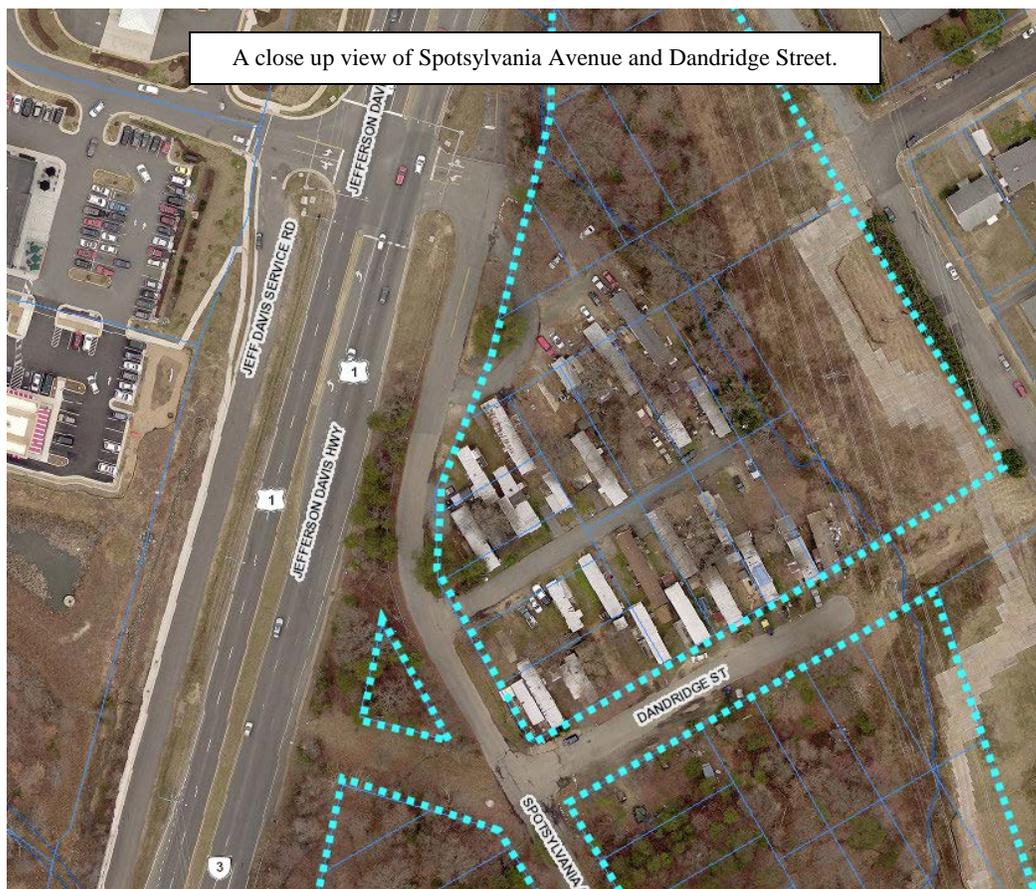
- Engage in an aggressive landscaping program along the US Route 1 Bypass, planting trees where they will not interfere with lines of sight and installing lower level vegetation where visibility is critical to safety and commercial activity.

The proposed zoning is to Commercial-Highway with proffered conditions. Together, the zoning district and conditions permit a range of uses that will enhance the City's tax base while prohibiting potential incompatible uses and high intensity automotive uses. The proffer statement includes the screening of utilities and service functions from US Route 1 and building material standards that make for an attractive view shed from US Route 1. The GDP and Proffer Statement prohibit automotive connections to the adjacent neighborhoods, but provide substantial pedestrian linkages to both the neighborhood and also to the Cowan Boulevard Trail to the north.

Chapter 5: Environmental Protection envisions protection of streams and waterways, woodlands and tree preservation and enhancement of the urban tree canopy (pages 5-7 through 5-8). The proposed project will require impact to the easternmost intermittent stream on the property. The portion of the stream impacted consists of the Cowan Crossings and drainage discharging onto the site from a 36 inch wide culvert underneath US Route 1. The impact is necessary to re-align Spotsylvania Avenue and the applicant proposes to install a 36 inch culvert underneath the proposed roadway to adequately convey the water through the site.

RE-ALIGNMENT OF SPOTSYLVANIA AVENUE AND RIGHT-OF-WAY VACATIONS

The Applicant proposes the vacation of a portion of the existing Spotsylvania Avenue right-of-way and the Dandridge Street right-of-way within the project limits. The total amount of right-of-way to be vacated is 1.52 acres. The Applicant proposes to realign the Spotsylvania Avenue right-of-way and reconstruct the road through the site. New public right-of-way containing the newly built road will then be dedicated to the City. The Dandridge Street right-of-way is proposed to be incorporated into the proposed project. The amount of right-of-way proposed to be dedicated is 0.67 acres.



In accordance with Code of Virginia § 15.2-2232, the Planning Commission determined that the vacation of right-of-way is in accordance with the Comprehensive Plan. Chapter 3: Transportation focuses on the different transportation systems serving the City. The vision established in the Chapter is the continued development of a multi-modal transportation system comprised of complete streets (with sidewalks, planting strips, and street trees) (page 3-5), pathways (page 3-2), and transit systems (page 3-10).

As currently built, Spotsylvania Avenue lacks sidewalks and has problematic geometry. The Dandridge Street right-of-way contains some asphalt that served as an access to some of the trailers on the site. Both roadways are in poor condition. As discussed above, the intersection with US Route 1 is substandard and problematic.

Vacating existing right-of-way and reconfiguring Spotsylvania Avenue provides a safer geometric design for automobile traffic utilizing the Spotsylvania Avenue and US Route 1 intersection. The rebuilt road is proposed to be a complete street with sidewalks, planting strips, street trees, and parallel on-street parking. The reconstruction of Spotsylvania Avenue is in conformance with the Comprehensive Plan.

Chapter 7: Residential Neighborhoods focuses on neighborhood design, creating pedestrian connections and linkages, and interconnected streets (page 7-2 through 7-3). Automotive connections between the proposed project and College Heights were the subject of much discussion at neighborhood meetings regarding this project. Providing automobile connections between the site and College Heights could potentially result in adverse impacts from increased automotive traffic between US Route 1 and points east on neighborhood streets. However, a major component of the proposed application is to construct trail connections in the vicinity of Payne Street and Dandridge Street to provide pedestrian linkages from the neighborhood and also to provide a trail link from the Cowan Boulevard Trail down US Route 1 to the development.

The Dandridge Street right-of-way was platted at a time when the property was envisioned to be an extension of College Heights. The modern conditions on the property rendered that plan moot. The site is located at the intersection of the City's two primary arterial roadway, US Route 1 and State Route 3. Further, comment from the adjacent neighborhood indicates that continuing automotive connections into this area is undesirable. Linking the urban fabric through trails instead is a more suitable means of integrating the local transportation network.

The property itself is in close proximity to the Cowan Trail, Mary Washington Hospital, and the University of Mary Washington. As currently configured, the only connection between these properties is by automobile through the substandard Spotsylvania Avenue intersection. The vacation of right-of-way on the property enables the reconfiguration of Spotsylvania Avenue and development of a pedestrian system connecting the property to both the adjacent neighborhood and the Cowan Boulevard Trail. The proposed infrastructure creates new connections between the property, Mary Washington Hospital, and the University of Mary Washington. A goal of Chapter 6: Business Opportunities is to create Complementary and Connected Business Districts and the proposed transportation infrastructure associated with this project achieves that goal.

The applicant requests that the City vacate 1.52 acres of City right-of-way and then the applicant would rededicate 0.67 acres of new right-of-way to the City. The applicant would thus receive 0.85 acres of surplus right-of-way from the City. The Planning Commission determined that the value added to the City through the realignment and rededication of Spotsylvania Avenue and addition of pedestrian connections outweighed the benefit of charging the applicant for the surplus right-of-way. The median

assessment for parcels adjacent to the proposed right-of-way to be vacated is \$268,456.38 per acre. The value of the proposed 0.85 net acres of right-of-way to be deeded to the applicant is thus \$228,187.92. The Planning Commission recommended the Applicant not be charged for the net 0.85 acres of right-of-way.

Virginia Constitution Article VII §9 and Virginia Code §15.2-2100(A) require that “no rights of a city . . . in and to its . . . streets . . . shall be sold except by an ordinance or resolution passed by an affirmative vote of three-fourths of all members elected to the governing body.” Portions of this right of way are improved streets; therefore these provisions apply, requiring an affirmative vote of six members of Council to approve the proposed vacation.

City Councilor Tim Duffy submitted written comment that Spotsylvania Avenue should be renamed after Clyde Matthews, former resident of College Heights, due to his long time service of the community. In addition, Spotsylvania Avenue is the name of another street in Spotsylvania County. The renaming of the street is appropriate and the best time to complete the renaming would be as this new development is brought on-line and the road is realigned and reopened. The name change would affect two existing buildings currently addressed on Spotsylvania Avenue to the south of the site. Renaming streets is an administrative process and does not require direct action from the City Council. However, a condition of the vacation of the right-of-way is that the applicant work with the City staff to rename the street as their project moves forward.

CONCLUSION AND RECOMMENDATION

The proposed project will enhance the City’s tax base and provides a substantial investment in the realignment of Spotsylvania Avenue and in the creation of strong pedestrian links in an area of the City deficient in pedestrian infrastructure. The proposed vacation and rededication of right-of-way within this project is in conformance with the Comprehensive Plan.

The Proffer statement contains certain prohibitions that ensure the development will be transitional, it provides for screening, building material standards, and buffering and also excludes high impact uses. The proposed rezoning conforms to the City’s Comprehensive Plan and is a suitable revision to the zoning map.

In accordance with the established e-meeting policies, the City Council should hold the public hearing open to receive additional public comment. Once the public hearing has concluded, the City Council should:

- Approve the proposed zoning map amendment of 50 GPINs from Residential Mobile Home, Residential 4, and Commercial / Transitional Office to Commercial Highway in accordance with the General Development and Proffer Statement.
- Approve the vacation of portions of Spotsylvania Avenue and Dandridge Street right-of-ways and the rededication of a re-aligned Spotsylvania Avenue right-of-way without charging the Applicant for the surplus right-of-way.

ATTACHMENTS

1. Application documents
2. Draft ordinance approving the vacation of right-of-way
3. Draft ordinance approving the zoning map amendment



August 11, 2020
Regular Meeting
Ordinance No. 20-__

MOTION:

SECOND:

RE: Rezoning approximately 9.37 acres of land along U.S. Route 1 from Commercial-Transitional, Residential-Mobile Home, and R-4 Residential to Commercial-Highway Conditional

ACTION: APPROVED: Ayes: 0; Nays: 0

FIRST READ: _____ **SECOND READ:** _____

Sec. I Introduction.

This is a request to rezone approximately 9.37 acres of land, located at the corner of U.S. Route 1 and Spotsylvania Avenue, from Commercial-Transitional (C-T), Residential-Mobile Home (R-MH) and R-4 Residential to Commercial-Highway (C-H) Conditional. The purpose of this zoning map amendment is to facilitate the redevelopment of a former mobile-home park into a professional office park.

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

Sec. II. Zoning Map Amendment.

The Official Zoning Map of the City of Fredericksburg, prepared in accordance with City Code §72-30, is hereby amended by rezoning the property shown on the General Development Plan entitled "Cowan Station," by Fairbanks & Franklin, dated August 12, 2019, and last revised July 30, 2020, sheet 2 of 5, "Existing Conditions," from Commercial-Transitional (C-T), Residential-Mobile Home (R-MH) and R-4 Residential to Commercial-Highway (C-H) Conditional.

Sec. III. Proffered conditions.

This is a conditional rezoning. The voluntary proffers dated August 4, 2020, are accepted and shall govern the use and development of this land.

Sec. IV. Effective date.

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

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

Approved as to form:

Kathleen Dooley, City Attorney

Clerk's Certificate

I, the undersigned, certify that I am Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Ordinance No. 20- duly adopted at a meeting of the City Council meeting held August 11, 2020 at which a quorum was present and voted.

Tonya B. Lacey, CMC
Clerk of Council

ALTERNATIVE



August 11, 2020
Regular Meeting
Ordinance No. 20-__

MOTION:

SECOND:

RE: Rezoning Approximately 9.37 Acres of Land Along U.S. Route 1 from Commercial-Transitional, Residential-Mobile Home, and R-4 Residential to Commercial-Highway Conditional

ACTION: APPROVED: Ayes: 0; Nays: 0

FIRST READ: _____ **SECOND READ:** _____

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Sec. III. Proffered conditions.

This is a conditional rezoning. The voluntary proffers dated August 4, 2020, are accepted and shall govern the use and development of this land with the exception of the proffer related to Trail 4. In accordance with § 72-22.4.A (5), Trail 4 is not approved and alternative sheet 4 entitled General Development Plan entitled “Cowan Station,” by Fairbanks & Franklin, dated August 12, 2019, and last revised July 30, 2020 shall replace sheet 4A within the final approved General Development Plan. All references to Trail 4 in Proffer 5 shall be removed.

Sec. IV. Effective date.

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

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

Approved as to form:

Kathleen Dooley, City Attorney

Clerk's Certificate

I, the undersigned, certify that I am Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Ordinance No. 20- duly adopted at a meeting of the City Council meeting held August 11, 2020 at which a quorum was present and voted.

Tonya B. Lacey, MMC
Clerk of Council



August 11, 2020
Regular Meeting
Ordinance No. 20-__

MOTION:

SECOND:

RE: Authorizing the Vacation and Quit-Claim of 1.52 Acres of Right of Way to JFH-Fredericksburg II, LLC, for the Cowan Station Development

ACTION: APPROVED; Ayes: 0; Nays: 0

FIRST READ: _____ **SECOND READ:** _____

IT IS HEREBY ORDAINED by the Fredericksburg City Council:

SEC. I. Background and introduction.

The City has received an application from JFH-Fredericksburg II, LLC to vacate 1.52 acres of built and unbuilt right of way, constituting portions of Spotsylvania Avenue and Dandridge Street, for the development of the Cowan Station professional office park. The purpose of the request is to convert the right of way to buildable land, as shown on the exhibit entitled "Rezoning Exhibit," by Fairbanks & Franklin, dated August 12, 2019 and last revised on July 30, 2020, sheet 3 of 5 of the General Development Plan for Cowan Station. JFH-Fredericksburg II, LLC proposes to dedicate new right of way of 0.67 acres for the relocation of Spotsylvania Avenue through the Cowan Station development, to connect with U.S. Route 1, as shown on the Rezoning Exhibit.

The Planning Commission reviewed this vacation for consistency with the Comprehensive Plan pursuant to Virginia Code § 15.2-2232, and adopted a resolution finding the vacation to be consistent with the 2015 Comprehensive Plan on June 17, 2020. Pursuant to City Code § 66-42, the City held a public hearing on July 14, 2020 to consider the applicants' request for this right of way vacation.

When an applicant requests a vacation of right of way to accommodate expansion or development of an existing or proposed business, Code of Virginia §15.2-2006 and City Code §66-42 permit City Council to condition the vacation of right of way upon commencement of the expansion or development within a specified period of time. Code of Virginia §15.2-2008 and City Code §66-42 permit the vacation to be conditioned upon payment of an agreed price for the value of the vacated right of way.

The vacation of a portion of the built and unbuilt right of way, with the conditions described in this ordinance, is in the public interest.

SEC. II. Vacation of Right of Way.

Council hereby authorizes the Development Administrator to approve a plat of resubdivision, vacating 1.52 acres of built and unbuilt right of way and dedicating approximately 0.67 acres of right of way for a relocated Spotsylvania Avenue, substantially as shown on the Rezoning Exhibit, subject to modification for final engineering and design.

SEC. III. Conditions.

The following conditions shall be met as conditions to approval of the plat of resubdivision or execution of deeds vacating the right of way:

1. The plat of resubdivision shall be recorded within 2 months of the completion of the re-alignment of the Spotsylvania Avenue, with a certified copy of this ordinance.

SEC. IV. Authorization to execute documents.

The City Manager is hereby authorized and directed to execute a quit claim deed conveying and releasing to JFH-Fredericksburg II, LLC the right, title and interest that the City may possess in and to the 1.52 acres of right of way shown on the Rezoning Exhibit, in connection with the approval of the plat of resubdivision, subject to the conditions identified in this ordinance, and review and approval as to form by the City Attorney.

SEC. V. Effective date; expiration of authority.

This ordinance is effective immediately. The authority granted in this ordinance shall expire on _____.

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

Approved as to form:

Kathleen Dooley, City Attorney

Clerk's Certificate

I, the undersigned, certify that I am Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Ordinance No. 20- duly adopted at a meeting of the City Council meeting held August 11, 2020 at which a quorum was present and voted.

Tonya B. Lacey, MMC
Clerk of Council

GENERAL DEVELOPMENT PLAN COWAN STATION

CITY OF FREDERICKSBURG, VIRGINIA



Fairbanks & Franklin

Civil Engineering
Land Planning

1005 Mahone Street
Fredericksburg, VA 22401
(540) 899-3700

COVER SHEET

GENERAL DEVELOPMENT PLAN
COWAN STATION
CITY OF FREDERICKSBURG, VIRGINIA



DATE : 08-12-19
DESIGNED: JRF
DRAWN : JRF, JAC
CHECKED : JDF

REVISIONS: 02-07-20
08-21-19 04-17-20
09-16-19 06-18-20
10-25-19 07-30-20
11-13-19

DOCUMENT NO.
436-1005

1 SHEET
OF 6

436-1005 GENERAL DEVELOPMENT PLAN COWAN STATION 07-30-20

SITE INFORMATION:

PARCEL GPIN: 7779-42-8953, 7779-42-8984, 7779-42-9737, 7779-42-9783, 7779-42-9946, 7779-42-9972, 7779-43-8079, 7779-43-9005, 7779-43-9040, 7779-43-9109, 7779-43-9388, 7779-43-9395, 7779-52-0758, 7779-52-0795, 7779-52-0808, 7779-52-0833, 7779-52-2908, 7779-52-2944, 7779-53-0256, 7779-53-0272, 7779-53-0320, 7779-53-0441, 7779-53-0525, 7779-53-0594, 7779-53-0641, 7779-53-0684, 7779-53-0752, 7779-53-0878, 7779-53-0893, 7779-53-1056, 7779-53-1083, 7779-53-1121, 7779-53-1310, 7779-53-1353, 7779-53-1435, 7779-53-1487, 7779-53-1536, 7779-53-1669, 7779-53-1718, 7779-53-2082, 7779-53-2113, 7779-53-2155, 7779-53-2305, 7779-53-2347, 7779-53-2487, 7779-53-3025, 7779-53-3057, 7779-53-3108, 7779-53-3159, 7779-53-3190

CURRENT ZONING: C-T, RM-H, & R-4
PROPOSED ZONING: C-H
PRESENT USE: MOBILE HOME PARK & UNDEVELOPED
PROPOSED USE: COMMERCIAL & OFFICE DEVELOPMENT
TRASH COLLECTION: PRIVATE TRASH COLLECTION
WATER: PUBLIC CONNECTION
SEWER: PUBLIC CONNECTION
ROADS: PUBLIC & PRIVATE
OPEN SPACE REQUIRED: 15%
ALLOWABLE FLOOR AREA RATIO: 0.70
ALLOWABLE BUILDING HEIGHT: 40 FT
MINIMUM YARD REQUIREMENTS: FRONT = 25 FEET
SIDE = 15 FEET
REAR = 20 FEET
40 FEET

MINIMUM DISTRICT SETBACK: COMMERCIAL / OFFICE
PARCEL AREA (NOT INCLUDING PROPOSED RIGHT OF WAY): 9.37 AC
OPEN SPACE: 62.5 % (5.86 AC)
BUILDING AREA: 52,000 SF
FLOOR AREA RATIO: 0.127
BUILDING HEIGHT: 20' (APPROXIMATE)
PARKING REQUIRED: 1 SP/300 SF = 173 SPACES
PARKING PROVIDED: 249 TOTAL (226 OFF STREET & 23 ON STREET)
LOADING REQUIRED: 3 - 15'X25' SPACE
LOADING PROVIDED: 3 - 15'X25' SPACE

NOTES:

- CBPA IS AN OVERLAY DISTRICT FOR THE CITY OF FREDERICKSBURG AND THE PARCEL DESCRIBED WITHIN THIS PLAN LIES WITHIN THE RMA FEATURES AND DOES CONTAIN RPA FEATURES WITHIN THE CHESAPEAKE BAY PRESERVATION AREA OVERLAY DISTRICT. THERE ARE PROPOSED IMPACTS TO WATERS OF THE U.S. THAT WILL REQUIRE AN ENVIRONMENTAL PERMIT.
- THERE ARE NO KNOWN HISTORIC BUILDINGS OR ARCHEOLOGICAL FEATURES ON SITE.
- THERE ARE NO KNOWN PLACES OF BURIAL ON SITE.
- THIS PROPERTY LIES WITHIN FLOOD ZONE "X" (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) AS SHOWN ON F.I.R.M. COMMUNITY PANEL NO. 510065 0036C DATED SEPTEMBER 19, 2007.
- EXISTING TOPOGRAPHIC INFORMATION IS A COMPILATION OF AERIAL MAPPING PROVIDED BY MCKENZIE SNYDER JUNE 2017
- BOUNDARY INFORMATION TAKEN FROM BOUNDARY SURVEY PREPARED BY FAIRBANKS & FRANKLIN TITLED "PERIMETER BOUNDARY SURVEY ON VARIOUS PARCELS STANDING IN THE NAMES OF COWAN EAST, LLC" DATED 02-08-17.
- WATERS OF THE US (WOUS) AND WETLANDS WERE FIELD DELINEATED BY EEE CONSULTING, INC. MARCH 2017.
- THE USE AND DEVELOPMENT OF THIS PROPERTY, AND ALL IMPROVEMENTS THEREON, ARE SUBJECT TO THE FINAL GENERAL DEVELOPMENT PLAN AS WELL AS TO THE GENERALLY APPLICABLE REGULATIONS SET FORTH IN UDO SECTION 72-33.
- THIS DEVELOPMENT SHALL BE MEET ALL APPLICABLE LANDSCAPING AND LIGHTING REQUIREMENTS.
- PEDESTRIAN ACCESS:
 - 10.1. SIDEWALKS WITHIN PARKING AREAS AND ALONG STREETS SHALL BE 5' WIDE CONCRETE.
 - 10.2. THE TRAILS SHALL BE 10' WIDE ASPHALT.
- TRAILS SHOWN ON THIS PLAN SHALL BE CONSTRUCTED BY THE DEVELOPER OF THIS PROJECT AT THE TIME THE INFRASTRUCTURE (ROADS, WATER, SANITARY SEWER, AND STORM) IS CONSTRUCTED.
- REFER TO TRAFFIC STUDY FOR TRIP GENERATION VOLUMES.

SHEET INDEX

SHEET	TITLE
SHEET 1	COVER SHEET
SHEET 2	EXISTING CONDITIONS
SHEET 3	REZONING EXHIBIT
SHEET 4	GENERAL DEVELOPMENT PLAN
SHEET 4A	GENERAL DEVELOPMENT PLAN ALT. WITHOUT DANDRIDGE ST. TRAIL
SHEET 4B	GENERAL DEVELOPMENT PLAN TRAIL CONNECTIVITY PLAN
SHEET 5	UTILITY PLAN
SHEET 6	LANDSCAPE PLAN

LEGEND

EXISTING		PROPOSED
8"W	WATER	8"W
8"S	SEWER	8"S
	STORM	
	STORM STRUCTURE	
	SANITARY MANHOLE	
	VALVE	
	FIRE HYDRANT	
	CLEAN OUT	
	WATER METER	
	PROPERTY LINE/ RIGHT OF WAY	
	CONTOUR LINE	
	PAVEMENT HATCH	
	CONCRETE HATCH	
	TRAFFIC CONTROL BOX	
	SIGNAL POLE	



VICINITY MAP

SCALE 1"=2000'

0 2000 4000

SCALE IN FEET

PROPERTY OWNER

JFH-FREDERICKSBURG II, LLC
1005 SOPHIA ST
FREDERICKSBURG, VA 22401

KEENE DELAHAY EMBREY DUFFEE
C/O COURT APPOINTED CUSTODIAN
MR. JAMES B. FRANKLIN
308 LEE DRIVE
FREDERICKSBURG, VIRGINIA 22401

DEVELOPER

JARRELL PROPERTIES, INC.
1005 SOPHIA ST
FREDERICKSBURG, VA 22401

ENGINEER

FAIRBANKS & FRANKLIN
1005 MAHONE STREET
FREDERICKSBURG, VIRGINIA 22401

PROJECT NARRATIVE:
THIS PROJECT ENTAILS THE DEVELOPMENT OF A COMMERCIAL/OFFICE CENTER ON THE EAST SIDE OF ROUTE 1 ON LAND THAT IS OCCUPIED BY A MOBILE HOME PARK. THE LAND WITHIN THE DEVELOPMENT WILL BE REZONED TO COMMERCIAL HIGHWAY (C-H).



Fairbanks & Franklin

Civil Engineering
Land Planning

1005 Mahone Street
Fredericksburg, VA 22401
(540) 899-3700

EXISTING CONDITIONS

GENERAL DEVELOPMENT PLAN
COWAN STATION
CITY OF FREDERICKSBURG, VIRGINIA



DATE : 08-12-19
DESIGNED: JRF
DRAWN : JRF, JAC
CHECKED : JDF

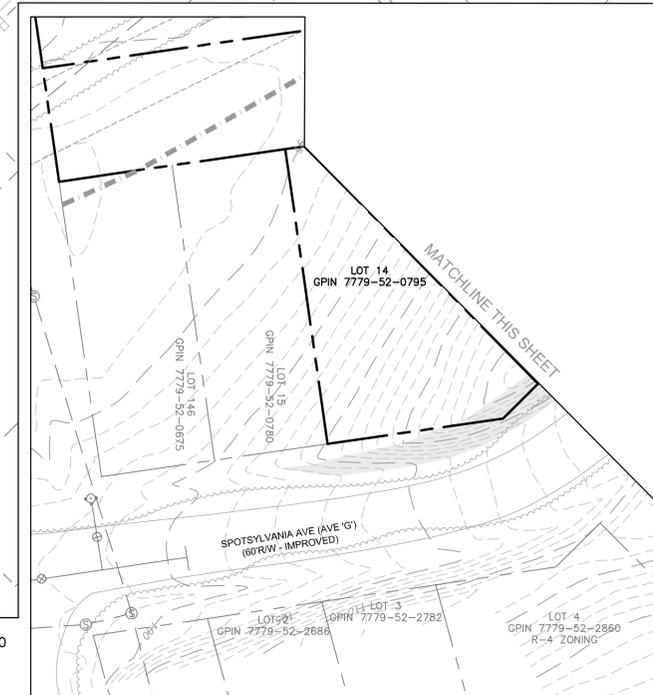
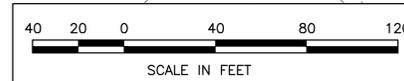
REVISIONS: 02-07-20
08-21-19 04-17-20
09-16-19 06-18-20
10-25-19 07-30-20
11-13-19

DOCUMENT NO.
436-1005

2 SHEET
OF 6



SLOPES OF 25% OR GREATER





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(540) 899-3700

REZONING EXHIBIT

GENERAL DEVELOPMENT PLAN
COWAN STATION
CITY OF FREDERICKSBURG, VIRGINIA



DATE : 08-12-19
DESIGNED: JRF
DRAWN : JRF, JAC
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DOCUMENT NO.
436-1005

3 SHEET
OF 6



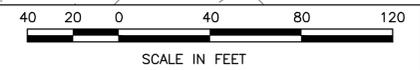
GPIN	CURRENT OWNERSHIP	CURRENT ZONING	PROPOSED ZONING
7779-42-8953	DUFFEE	C-T	C-H
7779-42-8984	DUFFEE	C-T	C-H
7779-42-9737	DUFFEE	C-T	C-H
7779-42-9783	DUFFEE	C-T	C-H
7779-42-9946	DUFFEE	C-T	C-H
7779-42-9972	DUFFEE	C-T	C-H
7779-43-8079	DUFFEE	C-T	C-H
7779-43-9005	DUFFEE	C-T	C-H
7779-43-9040	DUFFEE	C-T	C-H
7779-43-9109	DUFFEE	C-T	C-H
7779-43-9388	JFH	R-MH	C-H
7779-43-9395	JFH	R-MH	C-H
7779-52-0758	DUFFEE	C-T	C-H
7779-52-0795	DUFFEE	C-T	C-H
7779-52-0808	DUFFEE	C-T	C-H
7779-52-0833	DUFFEE	C-T	C-H
7779-52-2908	JFH	R-4	C-H
7779-52-2944	JFH	R-4	C-H
7779-53-0256	JFH	R-MH	C-H
7779-53-0272	JFH	R-MH	C-H
7779-53-0320	JFH	R-MH	C-H
7779-53-0441	JFH	R-MH	C-H
7779-53-0525	JFH	R-MH	C-H
7779-53-0594	JFH	R-MH	C-H
7779-53-0641	JFH	R-MH	C-H

GPIN	CURRENT OWNERSHIP	CURRENT ZONING	PROPOSED ZONING
7779-53-0684	JFH	R-MH	C-H
7779-53-0752	JFH	C-T	C-H
7779-53-0878	JFH	C-T	C-H
7779-53-0893	JFH	C-T	C-H
7779-53-1056	JFH	R-MH	C-H
7779-53-1083	JFH	R-MH	C-H
7779-53-1121	JFH	R-MH	C-H
7779-53-1310	JFH	R-MH	C-H
7779-53-1353	JFH	R-MH	C-H
7779-53-1435	JFH	R-MH	C-H
7779-53-1487	JFH	R-MH	C-H
7779-53-1536	JFH	R-MH	C-H
7779-53-1669	JFH	R-MH	C-H
7779-53-1718	JFH	C-T	C-H
7779-53-2082	JFH	R-4	C-H
7779-53-2113	JFH	R-MH	C-H
7779-53-2155	JFH	R-MH	C-H
7779-53-2305	JFH	R-MH	C-H
7779-53-2347	JFH	R-MH	C-H
7779-53-2487	JFH	R-MH	C-H
7779-53-3025	JFH	R-4	C-H
7779-53-3057	JFH	R-4	C-H
7779-53-3108	JFH	R-MH	C-H
7779-53-3159	JFH	R-MH	C-H
7779-53-3190	JFH	R-4	C-H

LAND TO BE REZONED TO C-H.
ALL EXISTING LOTS WITHIN THE
REZONING LIMITS SHALL BE
CONSOLIDATED.

EXISTING RIGHT-OF-WAY
TO BE CONSOLIDATED
WITH COMMERCIAL LAND

EXISTING RIGHT OF WAY TO BE VACATED = 1.52 ACRES
PROPOSED RIGHT OF WAY TO BE DEDICATED = 0.67 ACRES





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(540) 899-3700

GENERAL DEVELOPMENT PLAN

GENERAL DEVELOPMENT PLAN
COWAN STATION
CITY OF FREDERICKSBURG, VIRGINIA



DATE : 08-12-19
DESIGNED: JRF
DRAWN : JRF, JAC
CHECKED : JDF

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DOCUMENT NO.
436-1005

4A SHEET
OF 6

TOTAL COMMERCIAL/OFFICE 52,000 SF
TOTAL PARKING 249 SPACES (4.8 SPACES/1000 SF)
226 OFF-STREET PARKING SPACES
23 ON-STREET PARKING SPACES

JEFFERSON DAVIS HWY - US RTE 1
(VARIABLE WIDTH RW)

TURNING MOVEMENTS
MODELED USING AUTOTURN

EXISTING TRAFFIC
SIGNAL

PROPOSED
DEVELOPMENT
SIGN

PROJECTION OF LANE LINE FOR
FUTURE THIRD THROUGH-LANE

FUTURE RIGHT
TURN LANE

25' FRONT
SETBACK

PROPOSED
DEVELOPMENT
SIGN

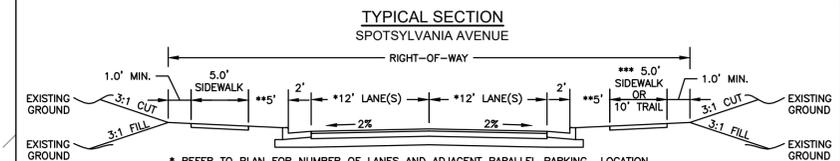
25' FRONT
SETBACK

25' FRONT
SETBACK

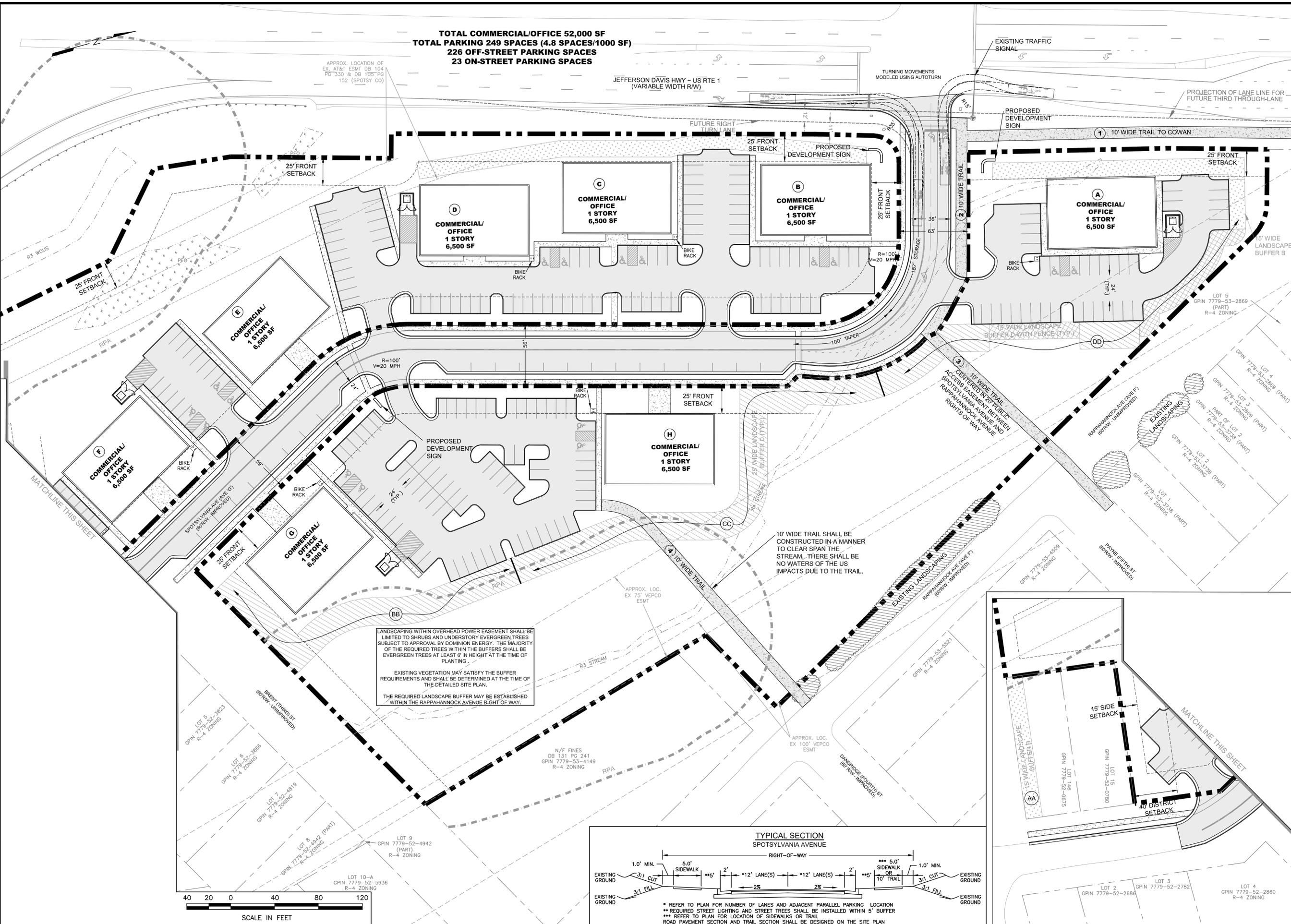
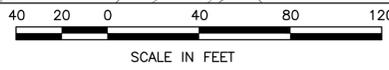
**COMMERCIAL/
OFFICE
1 STORY
6,500 SF**

10' WIDE TRAIL SHALL BE
CONSTRUCTED IN A MANNER
TO CLEAR SPAN THE
STREAM. THERE SHALL BE
NO WATERS OF THE US
IMPACTS DUE TO THE TRAIL.

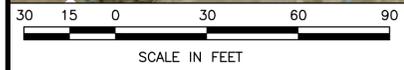
LANDSCAPING WITHIN OVERHEAD POWER EASEMENT SHALL BE
LIMITED TO SHRUBS AND UNDERSTORY EVERGREEN TREES
SUBJECT TO APPROVAL BY DOMINION ENERGY. THE MAJORITY
OF THE REQUIRED TREES WITHIN THE BUFFERS SHALL BE
EVERGREEN TREES AT LEAST 6' IN HEIGHT AT THE TIME OF
PLANTING.
EXISTING VEGETATION MAY SATISFY THE BUFFER
REQUIREMENTS AND SHALL BE DETERMINED AT THE TIME OF
THE DETAILED SITE PLAN.
THE REQUIRED LANDSCAPE BUFFER MAY BE ESTABLISHED
WITHIN THE RAPPAHANNOCK AVENUE RIGHT-OF-WAY.



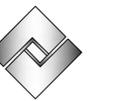
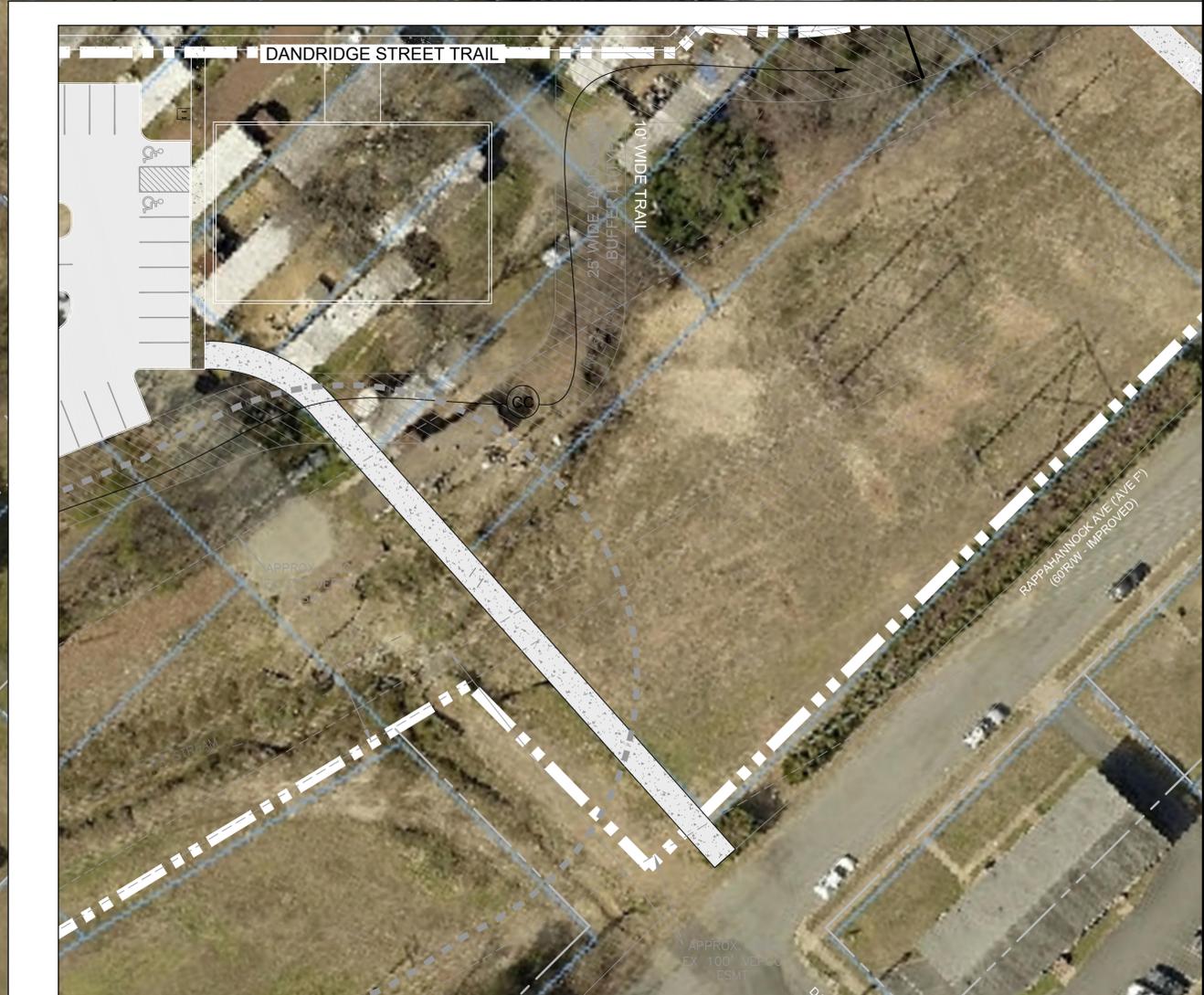
* REFER TO PLAN FOR NUMBER OF LANES AND ADJACENT PARALLEL PARKING LOCATION
** REQUIRED STREET LIGHTING AND STREET TREES SHALL BE INSTALLED WITHIN 5' BUFFER
*** REFER TO PLAN FOR LOCATION OF SIDEWALKS OR TRAIL
ROAD PAVEMENT SECTION AND TRAIL SECTION SHALL BE DESIGNED ON THE SITE PLAN



PAYNE STREET AND ROUTE 1 TRAIL



DANDRIDGE STREET TRAIL



Fairbanks & Franklin

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Land Planning

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**GENERAL DEVELOPMENT PLAN
TRAIL CONNECTIVITY PLAN**

**GENERAL DEVELOPMENT PLAN
COWAN STATION
CITY OF FREDERICKSBURG, VIRGINIA**



DATE : 08-12-19
DESIGNED: JRF
DRAWN : JRF, JAC
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436-1005
SHEET **6**
OF



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UTILITY PLAN

GENERAL DEVELOPMENT PLAN
COWAN STATION
CITY OF FREDERICKSBURG, VIRGINIA



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5 SHEET
OF 6

TOTAL COMMERCIAL/OFFICE 52,000 SF
TOTAL PARKING 249 SPACES (4.8 SPACES/1000 SF)
226 OFF-STREET PARKING SPACES
23 ON-STREET PARKING SPACES

JEFFERSON DAVIS HWY - US RTE 1
(VARIABLE WIDTH R/W)

EXISTING TRAFFIC SIGNAL

CONNECT TO 16" WATERLINE ON WEST SIDE OF ROUTE 1

PROJECTION OF LANE LINE FOR FUTURE THIRD THROUGH-LANE

PROPOSED DEVELOPMENT SIGN

10' WIDE TRAIL TO COWAN

CROSSHATCH DENOTES PORTION OF STREAM (APPROXIMATE) TO BE PERMITTED FOR DISTURBANCE. STREAM SHALL BE RE-ALIGNED

COMMERCIAL/OFFICE 1 STORY 6,500 SF

SWM

SWM

EXISTING WATER AND SEWER TO BE REMOVED (TYP.)

POTENTIAL UNDERGROUND SWM AREA

CONNECT TO EXISTING 6" WATER

EXISTING SANITARY SEWER (TYP.)

10' WIDE TRAIL

EXISTING WATER (TYP.)

EXISTING LANDSCAPING

RAPPANNOCK AVE (R/W - IMPROVED)

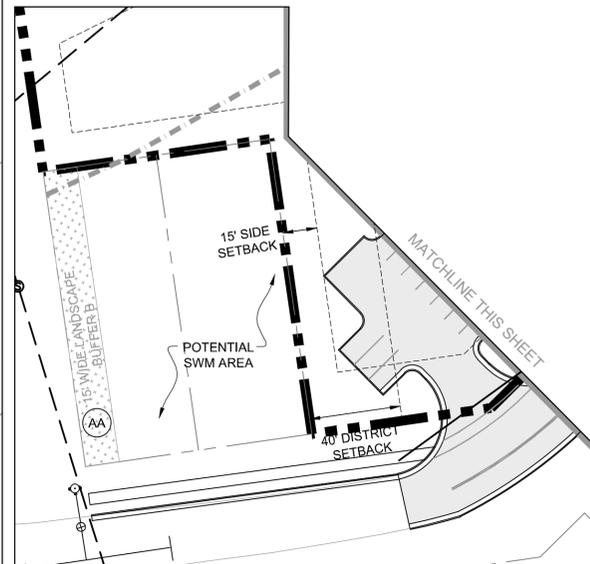
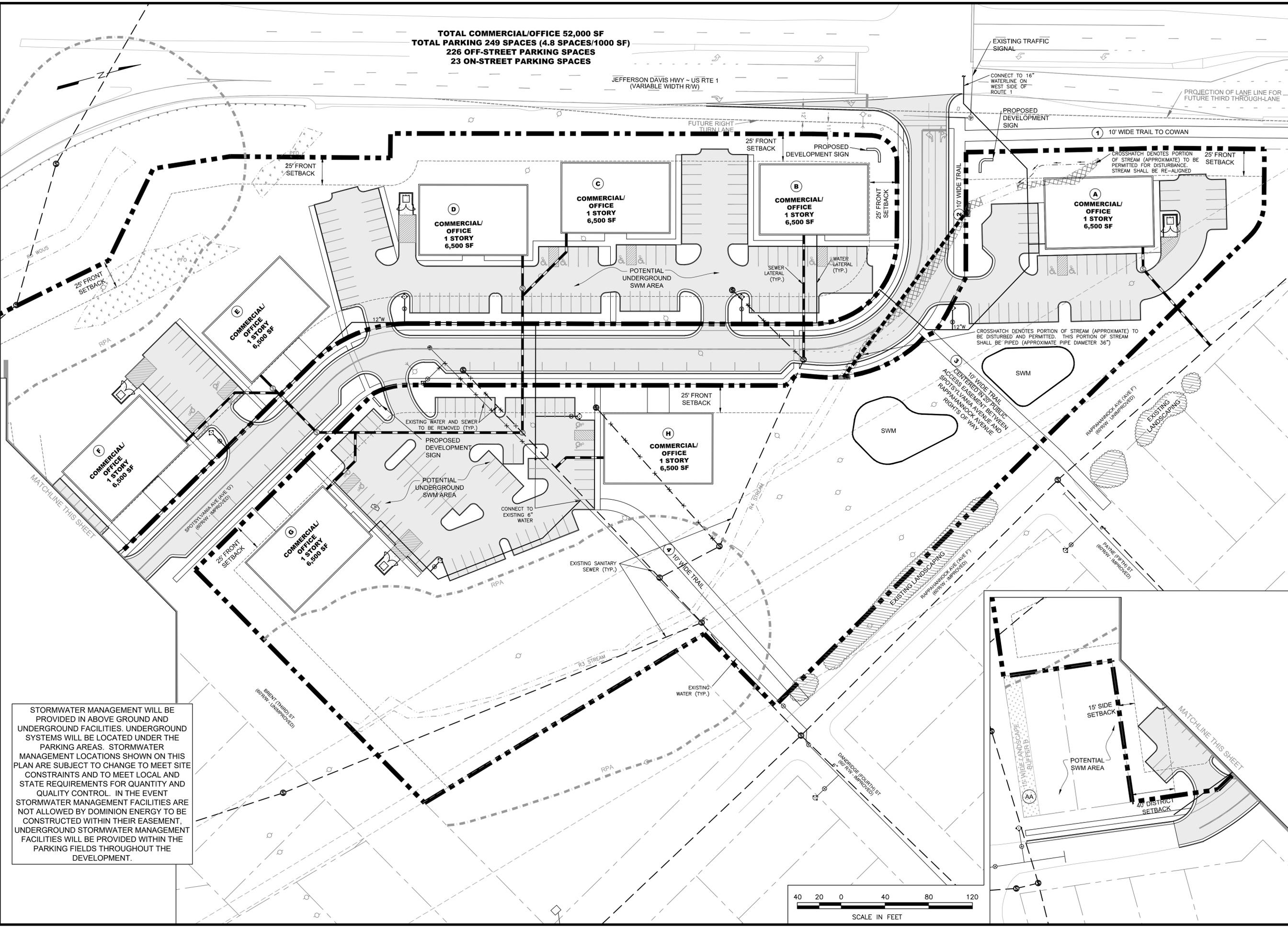
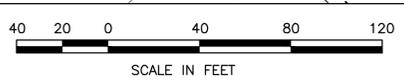
PAYNE (R/W) ST (R/W - IMPROVED)

DUNNIDE (R/W) ST (R/W - IMPROVED)

15' SIDE SETBACK

40' DISTRICT SETBACK

STORMWATER MANAGEMENT WILL BE PROVIDED IN ABOVE GROUND AND UNDERGROUND FACILITIES. UNDERGROUND SYSTEMS WILL BE LOCATED UNDER THE PARKING AREAS. STORMWATER MANAGEMENT LOCATIONS SHOWN ON THIS PLAN ARE SUBJECT TO CHANGE TO MEET SITE CONSTRAINTS AND TO MEET LOCAL AND STATE REQUIREMENTS FOR QUANTITY AND QUALITY CONTROL. IN THE EVENT STORMWATER MANAGEMENT FACILITIES ARE NOT ALLOWED BY DOMINION ENERGY TO BE CONSTRUCTED WITHIN THEIR EASEMENT, UNDERGROUND STORMWATER MANAGEMENT FACILITIES WILL BE PROVIDED WITHIN THE PARKING FIELDS THROUGHOUT THE DEVELOPMENT.





Fairbanks & Franklin

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Land Planning

1005 Mahone Street
Fredericksburg, VA 22401
(540) 899-3700

LANDSCAPE PLAN

GENERAL DEVELOPMENT PLAN
COWAN STATION
CITY OF FREDERICKSBURG, VIRGINIA



DATE : 08-12-19
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6 SHEET
OF 6

TOTAL COMMERCIAL/OFFICE 52,000 SF
TOTAL PARKING 249 SPACES (4.8 SPACES/1000 SF)
226 OFF-STREET PARKING SPACES
23 ON-STREET PARKING SPACES

APPROX. LOCATION OF
EX. AT&T ESMT DB 104
PG 330 & DB 105 PG
152 (SPOTSY CO)

JEFFERSON DAVIS HWY - US RTE 1
(VARIABLE WIDTH R/W)

EXISTING TRAFFIC
SIGNAL

PROJECTION OF LANE LINE FOR
FUTURE THIRD THROUGH-LANE

PROPOSED
DEVELOPMENT
SIGN

1 10' WIDE TRAIL TO COWAN

2 10' WIDE TRAIL

15' WIDE
LANDSCAPE
BUFFER B

LOT 5
GPIN 7779-53-2869
(PART)
R-4 ZONING

LOT 4
GPIN 7779-53-2869 (PART)
R-4 ZONING

LOT 3
GPIN 7779-53-2869 (PART)
R-4 ZONING

LOT 2
GPIN 7779-53-3738 (PART)
R-4 ZONING

LOT 1
GPIN 7779-53-3738 (PART)
R-4 ZONING

EXISTING
LANDSCAPING

FUTURE RIGHT
TURN LANE

PROPOSED
DEVELOPMENT
SIGN

COMMERCIAL/
OFFICE
1 STORY
6,500 SF

PROPOSED
DEVELOPMENT
SIGN

GREEN SHADING IS
REPRESENTATIVE OF VARIOUS
LANDSCAPING REQUIREMENTS
OF CITY CODE

APPROX. LOC.
EX. 75' VEPCO
ESMT

APPROX. LOC.
EX. 100' VEPCO
ESMT

LANDSCAPING WITHIN OVERHEAD POWER EASEMENT SHALL BE
LIMITED TO SHRUBS AND UNDERSTORY EVERGREEN TREES
SUBJECT TO APPROVAL BY DOMINION ENERGY. THE MAJORITY
OF THE REQUIRED TREES WITHIN THE BUFFERS SHALL BE
EVERGREEN TREES AT LEAST 6' IN HEIGHT AT THE TIME OF
PLANTING.
EXISTING VEGETATION MAY SATISFY THE BUFFER
REQUIREMENTS AND SHALL BE DETERMINED AT THE TIME OF
THE DETAILED SITE PLAN.
THE REQUIRED LANDSCAPE BUFFER MAY BE ESTABLISHED
WITHIN THE RAPPAHANNOCK AVENUE RIGHT-OF-WAY.

N/F FINES
DB 131 PG 241
GPIN 7779-53-4149
R-4 ZONING

DIMORPHIC FOURTH ST
160' R/W - IMPROVED

GPIN 7779-53-5501
R-4 ZONING

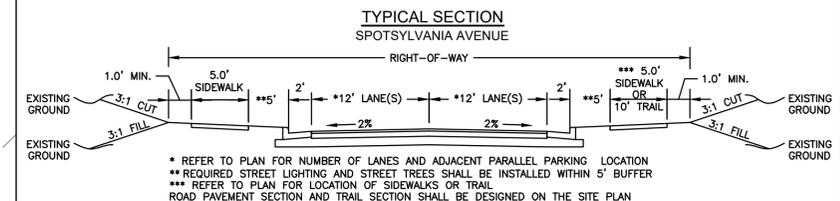
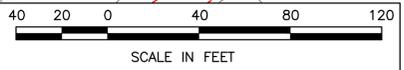
LOT 146
GPIN 7779-52-0875

LOT 15
GPIN 7779-52-0780

LOT 4
GPIN 7779-52-2860
R-4 ZONING

LOT 2
GPIN 7779-52-2866

LOT 3
GPIN 7779-52-2782



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ROAD PAVEMENT SECTION AND TRAIL SECTION SHALL BE DESIGNED ON THE SITE PLAN

MATCHLINE THIS SHEET

MATCHLINE THIS SHEET

August 4, 2020

CITY OF FREDERICKSBURG
Fredericksburg City Planning and Zoning Department
Attention: *Mr. Michael J. Craig, Senior Planner*
CITY HALL
715 Princess Anne Street
Fredericksburg, Virginia 22401

VOLUNTARY PROFFER STATEMENT

APPLICANT/OWNER: JFH Fredericksburg II, LLC
1005 Sophia Street
Fredericksburg, Virginia 22401

PROPERTY GPIN #s: 7779-43-9388, 7779-43-9395, 7779-52-2908,
7779-52-2944, 7779-53-0256, 7779-53-0272, 7779-53-0320, 7779-53-0441,
7779-53-0525, 7779-53-0594, 7779-53-0641, 7779-53-0684, 7779-53-0752,
7779-53-0878, 7779-53-0893, 7779-53-1056, 7779-53-1083, 7779-53-1121,
7779-53-1310, 7779-53-1353, 7779-53-1435, 7779-53-1487, 7779-53-1536,
7779-53-1669, 7779-53-1718, 7779-53-2082, 7779-53-2113, 7779-53-2155,
7779-53-2305, 7779-53-2347, 7779-53-2487, 7779-53-3025, 7779-53-3057,
7779-53-3108, 7779-53-3159, & 7779-53-3190

APPLICANT/OWNER: Keene Delahay Embrey Duffee
By her Court Appointed Custodian
Mr. James B. Franklin
308 Lee Drive
Fredericksburg, Virginia 22401

PROPERTY GPIN #s:
7779-42-8953, 7779-42-8984, 7779-42-9737, 7779-42-9783, 7779-42-9946,
7779-42-9972, 7779-43-8079, 7779-43-9005, 7779-43-9040, 7779-43-9109,
7779-52-0758, 7779-52-0795, 7779-52-0808, 7779-52-0833

PROJECT NAME: Cowan Station

REZONING REQUEST: Applicant seeks rezoning of the above referenced properties from C-T, RM-H and R-4 to C-H (Commercial Highway)

CASE NO.: _____

PROFFERS

The Applicant voluntarily proffers the following admittedly reasonable conditions for this project as a part of our requested rezoning, in accordance with Sections 15.2-2298 and 15.2 – 2303, et al., of the Code of Virginia (1950):

1. This property shall be developed in substantial compliance with the ‘General Development Plan - Cowan Station, City of Fredericksburg, dated June 12, 2019, last revised July 30, 2020’ (“**GDP**”), which is made a part hereof by this reference, subject to minor adjustments, which may occur for purposes of addressing final engineering, design requirements, or compliance with applicable regulations. The Applicant may subdivide the consolidated parcel subject to the requirements of the UDO, so long as the subdivision does not otherwise deviate from the GDP.
2. The following types of businesses shall be explicitly prohibited in this development: Adult Establishments, Convenience Store (with gasoline sales), Gasoline Sales, Tattoo/Piercing Establishment, Automotive Sales and Rental, Small Scale, Automotive Sales and Rental, Large Scale, Automotive Service, Automobile Towing and Impoundment, and Restaurant, Fast-food.
3. A special use permit shall be required for any accessory drive-through use.
4. There shall be no direct motor vehicle access from Cowan Station to the College Heights residential neighborhood.
5. The Applicant will construct four (4) 10’ wide trails as shown on the GDP. Trails 1, 2, and 3 will be constructed prior to the issuance of an Occupancy Permit for Building A. Trail 4 will be constructed prior to the issuance of an Occupancy Permit for Building H. The Applicant will grant a public access easement to the City across the Property for the portion of Trail 3 connecting Spotsylvania Ave to Payne Street. The easement shall be conveyed prior to the completion of construction of Trail 3 by an instrument that is in substantial conformance with the City’s standard form, which is attached hereto as Exhibit A.
6. Landscape Buffer area AA, as identified on the GDP, will be constructed prior to the issuance of an Occupancy Permit for Building F. Buffer area BB will be constructed prior to the issuance of an Occupancy Permit for Building G. Buffer area CC, as identified on the GDP, will be constructed prior to the issuance of an Occupancy Permit for Building H. Buffer area DD, as identified on the GDP, will be constructed prior to the issuance of an Occupancy Permit for Building A. The majority of the trees in the landscape buffer shall be evergreen and shall be at least 6’ in height at the time of planting.
7. Service utilities for the buildings that are adjacent to US Route 1 shall be screened from visibility from US Route 1. The exterior wall services of the buildings shall be constructed of brick, stone, wood, stucco, cementitious siding or similar appearing materials. Vinyl siding, corrugated metal and cinder block shall not be used on the exterior of the buildings.

WITNESS the following signatures acknowledging approval and consent of the proffer statement:

JFH – Fredericksburg II, LLC

By: _____
James E. Jarrell, III, Operating Manager

COMMONWEALTH OF VIRGINIA,
CITY OF FREDERICKSBURG, to wit:

I, the undersigned, a Notary Public in and for the jurisdiction aforesaid, do hereby certify that JAMES E. JARRELL, III, in his capacity as Operating Manager for JFH – Fredericksburg II, LLC has personally acknowledged the same before me in my aforesaid jurisdiction.

GIVEN under my hand and seal this 4th day of August, 2020.

Lisa M. Rodriguez
Notary Public

Print Name: Lisa M. Rodriguez
My Commission Expires: April 30, 2024

Registration No.: 7872567

Keene Delahay Embrey Duffee
By her Court Appointed Custodian

James B. Franklin
James B. Franklin

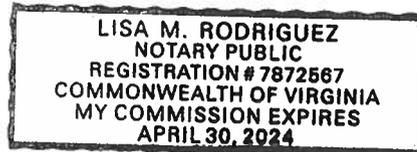
COMMONWEALTH OF VIRGINIA,
CITY OF FREDERICKSBURG, to wit:

I, the undersigned, a Notary Public in and for the jurisdiction aforesaid, do hereby certify that JAMES B. FRANKLIN, in his capacity as Court Appointed Custodian for Keene Delahay Embrey Duffee has personally acknowledged the same before me in my aforesaid jurisdiction.

GIVEN under my hand and seal this 4th day of August, 2020.

Lisa M. Rodriguez
Notary Public

Print Name: Lisa M. Rodriguez
My Commission Expires: April 30, 2024
Registration No.: 7872567



**Exhibit A
Deed of Easement Form**

GPIN# _____

Clerk's Fee _____

Return recorded instrument to:
Kathleen Dooley, City Attorney
615 Princess Anne Street
Fredericksburg, Virginia 22401

Exempt from recordation taxes pursuant to Virginia Code §58.1-811(A)(3)

This DEED of EASEMENT is made this ___ day of _____, ____, by and between [LANDOWNER], Grantor, and the CITY OF FREDERICKSBURG, VIRGINIA, a municipal corporation ("City"), Grantee. [and _____, Sole Acting Trustee ("Trustee") and _____ ("Lender").]

Recitals

1. Grantor is the owner of a certain tract of land in the City of Fredericksburg, Virginia, known as GPIN # _____ ("Property"), being a portion of the property conveyed to Grantor by deed recorded as instrument no. _____ among the land records in the Clerk's Office of the Circuit Court of the City of Fredericksburg, Virginia.
2. Grantor desires to dedicate to the City a certain perpetual public access easement across a portion of the Property for the development of a recreational trail.

Perpetual easement for recreational trail

In consideration of the sum of One Dollar and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Grantor does hereby grant and convey unto the City, its successors and assigns, a perpetual public access easement for recreational use over and across the area of Grantor's property which is shown as "_____" (hereinafter, the "Easement Area") on the plat of survey entitled _____, dated _____, prepared by _____, and recorded in Plat Book ___ page ___ in the land records of the Clerk of the Circuit Court of the City of Fredericksburg, subject to the following provisions:

1. The City shall have the right to construct, maintain, operate, repair and open for public use a surfaced trail suitable for walking, jogging, bicycling and other related recreational uses for the enjoyment of the public. The City may install, repair, and maintain within the Easement Area such amenities as are consistent with the purpose of this grant, including benches, landscaping, litter receptacles and discrete directional and informational signs. All such facilities installed in the Easement Area by the City shall be and remain the property of the City. The City shall replace grass, vegetation and topsoil, where necessary when damaged due to work undertaken by the City within the Easement Area. Travel over the Easement Area by motorized vehicles, including but not limited to motorcycles, ATV's and motor bikes, shall be prohibited except for public safety vehicles and as necessary for the construction, maintenance and repair of the trail and related facilities.
2. The City shall maintain the Easement Area and shall regulate its use in order to provide a safe and attractive recreational facility. The Grantor, its successors and assigns, shall have no obligation to maintain or repair the Easement Area or the trail and other improvements thereto made by the City.
3. The Grantor, its successors and assigns, shall have the right to use the Easement Area for all purposes which are not inconsistent with the rights hereby conveyed to the City and do not interfere with

the City's use of the Easement Area for the purposes named herein; provided, however, that the Grantor shall not erect any building or other structure, including fencing, upon the Easement Area without obtaining the prior written consent of the City. The Grantor shall not remove, destroy or cut trees within the Easement Area except as may be reasonably approved by the City.

4. The City shall have no obligation to maintain the Easement Area unless and until [it constructs a trail thereon / Grantor has completed construction of a trail thereon, and the work has been accepted by the City]. The City's maintenance responsibility includes repairing, resurfacing, re-constructing the trail and the other amenities permitted hereby, mowing grass and trimming and pruning other vegetation within the Easement Area, removing trash and performing such other activities as necessary for a trail over the Easement Area. The City may, with reasonable notice to the fee simple owner except in emergencies, during which no notice shall be required, remove or trim trees and other vegetation beyond the limits of the Easement Area which, in the City's sole judgment, pose a hazard to the public.

5. Pursuant to Section 29.1-509(E) of the Code of Virginia, 1950, as amended, and as authorized by Section 15.2-1806 thereof, the City shall hold the Grantor and his successors and assigns harmless from all liability and be responsible for providing, or for paying the cost of, all reasonable legal services required by any person entitled to the benefit of this provision as the result of any claim or suit attempting to impose liability.

6. Nothing herein shall be construed to waive the City's sovereign immunity in the operation of a recreational facility, or otherwise, or as a waiver of the Grantor's immunity under Section 29.1-509 of the Code of Virginia, 1950, as amended, or successor statute, or through any other grant of immunity.

This dedication is with the free consent and in accordance with the desires of the Grantor, as evidenced by the signature set forth below. The terms, conditions, and restrictions imposed herein shall be binding upon and inure to the benefit of the parties hereto, their respective heirs, assigns and successors-in-interest, and the easement conveyed herein shall run with title to the land hereby subjected to the terms of this Deed of Easement.

WITNESS the following signatures and seals:

<p>Note: Signatures have been removed from this Exhibit for clarity, and to reduce length</p>
