

At a special meeting of the Orange County Board of Supervisors held on Thursday, October 27, 2011 beginning at 6:00 p.m., in the Auditorium of the Orange County High School, 201 Selma Road, Orange, Virginia. Present: Lee H. Frame, Chairman; Shannon C. Abbs, Vice-Chairman; Zack Burkett; S. Teel Goodwin; Grover C. Wilson. Also present: Julie G. Jordan, County Administrator; Sharon Pandak, County Attorney; Kevin McMahan, Planner; and Ashley Jacobs, Chief Deputy Clerk.

RE: CALL TO ORDER

Chairman Frame called the meeting to order at 6:03 p.m.

RE: ADOPTION OF AGENDA

Mr. Burkett moved, seconded by Mrs. Abbs and carried, to adopt the agenda as presented. Ayes: Abbs, Burkett, Goodwin, Wilson, Frame. Nays: None.

RE: PUBLIC HEARING

Chairman Frame read a statement regarding the procedures to be followed during the public hearing.

Kevin McMahan, Planner, gave a staff report on Special Use Permit (SUP) 11-05 and Proffer Modification 11-03. Mr. McMahan also read aloud modified language submitted to the Board by Sharon Pandak, County Attorney, for the following conditions: 4.I, 9.B, 10.C, and 11.G, for the Board's consideration.

Tom Kleine, attorney for the applicant, gave a project overview and spoke in support of the special use permit application and proffer modification(s) application.

At 6:36 p.m., Chairman Frame called the public hearing to order to receive comments on the following:

- **SUP 11-05:** Application by Wal-Mart Real Estate Business Trust, contract purchaser, on land owned by Mojtaba Azimipour, for a Special Use Permit (SUP) to establish a "large retail use" for a Wal-Mart retail store together with other commercial uses on approximately +29.9967 acres, located on the southeast corner of the intersection of Germanna Highway (Route 3) and Somerset Ridge Road (Route 708).

The property, subject to this application, is identified on County tax maps as a portion of parcel Tax Map #12-42, and is designated as Mixed Use on the Future Land Use Map, and is currently zoned General Commercial (C-2).

(The Agricultural (A) zoning, adjoining the property subject to this application, is not part of this application. The Multi-Family Residential (R-MF) property, now designated R-4 Residential, is not part of this application.)

PROF MOD 11-03: Application by Wal-Mart Real Estate Business Trust, contract purchaser, on land owned by Mojtaba Azimipour, requesting to amend the proffers approved as part of a prior rezoning (94-12) in 1994 as these proffers apply to an approximate +29.9967 acres property located on the southeast corner of the intersection of Germanna Highway (Route 3) and Somerset Ridge Road (Route 708). The property, subject to this application, is identified on County tax maps as a portion of parcel Tax Map #12-42, is designated as Mixed Use on the Future Land Use Map, and is currently zoned General Commercial (C-2).

The purpose of the proposed proffer modification is to permit the development of the proposed Wal-Mart store (and possible additional commercial uses) pursuant to a site, road, and access layout substantially as shown on plans submitted with the application (in lieu of a site, road, and access layout as shown on plans submitted at the time of the 94-12 rezoning).

(The Agricultural (A) zoning, adjoining the property subject to this application, is not part of this application for proffer modifications. The Multi-Family Residential (R-MF) property, now designated R-4 Residential, is not part of this application.)

The following individuals spoke:

- Patrick Rowland, 118 Edgemont Circle, Locust Grove, VA
- Douglas Crain, 146 Monticello Circle, Locust Grove, VA
- Frank Coverdale, 33722 Indiantown Road, Locust Grove, VA
- Doug Rogers, 113 Birchside Circle, Locust Grove, VA
- Margaret Meskunas, 35472 Somerset Ridge Road, Locust Grove, VA
- John Houck, 7504 Old Plank Road, Fredricksburg, VA
- Alice Drabant, Lake of the Woods
- Barbara Bannar, 12441 Kendall Road, Orange, VA
- Myra Soden, 23199 Monrovia Road, Orange, VA
- Judy Carter, 11536 Rapidan Road, Orange, VA
- Henry Lee Carter, 11536 Rapidan Road, Orange, VA
- Allison Rabak, 1327 Greenfield Court, Locust Grove, VA
- Stephanie G. Williams, 1168 Sedgwick Drive, Locust Grove, VA
- William B. Smith, 1466 Morris Pond Drive, Locust Grove, VA
- Karen Quanbeck, Locust Grove, VA
- Robert Jones, 1396 Riverview Drive, Locust Grove, VA
- Caroline Houck, 26001 Germanna Hwy., Lignum, VA
- Nancy Carmouche, 2237 Woodville Road, Locust Grove, VA
- Johny Carmouche, 2237 Woodville Road, Locust Grove, VA
- Frank S. Walker, Jr., 10199 Little Skyline Drive
- Morgan Hobbs, 35585 Somerset Ridge Road, Locust Grove, VA
- Barbara Wigger, 2964 Zoar Road, Burr Hill, VA
- James Crozier, 9651 Meadows Road, Mine Run, VA
- Chuck Mason, 133 Blue Ridge Drive, Orange, VA
- Harry H. Hopkins, Jr., 33256 Crown Victoria Lane, Locust Grove, VA

There being no other speakers, Chairman Frame closed the public hearing at 7:33 p.m.

RE: RECESS

The Board took a short recess at 7:33 p.m. and reconvened at 7:51 p.m.

RE: DISCUSSION AND POSSIBLE ACTION ON SUP 11-05 AND PROF 11-03 WAL-MART REAL ESTATE BUSINESS TRUST

Ashley Jacobs, Chief Deputy Clerk, stated that in addition to the comments heard during the public hearing, a total of 533 signatures were submitted as part of petitions in favor of Wal-Mart.

Discussion ensued regarding: the stoplight at Route 601 and Route 3; improvements to Route 708; recent census figures; the finality of the Virginia Department of Transportation's (VDOT's) decision regarding the Traffic Impact Analysis; the existing right of way located at Route 601 and Route 3; the need for VDOT's requirements to be included in the official conditions of the Special Use Permit; and the

need for VDOT and the County to work together.

Tom Kleine, attorney for the applicant, commented on the proposed conditions of the SUP.

Supervisor Abbs commented on Condition 4: Letter J, and the length of time the \$150,000 for costs associated with the installation of a traffic signal at Route3/Flat Run Road/Germanna Heights Drive intersection, would be held by the County. Discussion ensued regarding this condition.

Mr. Wilson moved, seconded by Mr. Burkett and carried, to approve the ordinance for SUP 11-05: Wal-Mart Real Estate Business Trust on Land Owned by Mojtaba Azimipour for a "Large Retail Use" on Tax Map No. 12-42, as presented with the conditions as outlined in the staff report dated October 24, 2011, and with the modifications proposed on October 27, 2011 to the following conditions: 4.I, 9.B, 10.C, and 11.G.

Supervisor Abbs made a motion to amend Mr. Wilson's motion to include the following language in Condition 4I and Condition 4J: "If the funds have not been expended within five (5) years, the County Planning Office shall provide the Board with a review of the project status." Mr. Burkett seconded the motion. Ayes: Abbs, Burkett, Goodwin, Wilson, Frame. Nays: None.

Discussion ensued regarding the seven (7) Germanna Foundation proffers recommended for consideration at the October 27, 2011, Board of Supervisors meeting. Supervisor Frame stated that these proffers should in fact be considered recommended conditions of the SUP and not recommended proffers. Mr. Frame stated that Proffer Six (6) and Proffer Seven (7) are already addressed in the conditions of the SUP. Discussion ensued regarding Proffers One (1) through Five (5), recommended by the Germanna Foundation. Further discussion ensued regarding the Germanna Foundation's request to delay the vote on SUP 11-05 and Prof. Mod. 11-03, until the results of the Section 106 study has been released. Supervisor Frame stated that the decision before the Board tonight is on the appropriateness of land use not detailed site work. By consensus, the Board did not include any of the Germanna Foundation's recommendations for incorporation into the ordinance for SUP 11-05: Wal-Mart Real Estate Business Trust on Land Owned by Mojtaba Azimipour for a "Large Retail Use" on Tax Map No. 12-42, as presented with the conditions as outlined in the staff report dated October 24, 2011, and with the modifications proposed on October 27, 2011 to the following conditions: 4.I, 9.B, 10.C, and 11.G.

Supervisor Goodwin stated that the purpose of this hearing is not to decide where an applicant should build but if the applicant met the criteria set up in advance to build on property that is properly zoned. Supervisor Goodwin stated this is a good thing and that he hopes the applicant begins their work sooner than later. Mr. Goodwin further stated that he looks forward to seeing the applicant back again to build in the Town of Orange.

Supervisor Burkett stated that a lot of crocodile tears have been cried over this site. He stated that there is no place in Orange County that is not historic. Mr. Burkett further stated that Wal-Mart has shown a respect for the history in Orange County and has worked with the County and shown a great respect for this County. Mr. Burkett further stated that it has mostly been outsiders and special interest groups within the County that have not been business friendly, not the Board of Supervisors or the majority of citizens in the County.

Supervisor Abbs stated that the purpose of the Big Box Ordinance is to mitigate the impact, not negate the impact. She stated that while she can concur with a lot of the sentiments heard tonight, if she had been called back in October and asked where Wal-Mart should be, she would not have necessarily picked this spot. She further stated that this property is for sale and zoned properly and basic property rights have taken place here. Mrs. Abbs stated that she could not stop a by-right use on properly zoned land. Mrs. Abbs commended Wal-Mart for working with the County and noted that she feels badly for the people on Somerset Ridge Road who do not want to see things change. Mrs. Abbs concluded her statement by commenting that she was sorry for rambling but that she did not want to be accused of having a statement prepared.

Supervisor Frame stated that he does not think that this is the best location in Orange County for the Wal-Mart because he thinks that the first location selected was the best location. Mr. Frame further stated that he was very upset when Wal-Mart withdrew their first application but that they have made the County whole on that decision to the tune of \$717,000. He stated that all along, Wal-Mart has been very considerate respecting the concerns of the citizens of Orange County. Mr. Frame commented that when he worked to get the Big Box Ordinance passed, he did so to mitigate the impacts of land development and to make it more acceptable and easier for the citizens of the County. He stated that Route 3 is not rural and that the Route 3 corridor is supposed to be an economic engine to drive Orange County's economy. Mr. Frame stated with regard to historic resources, he wants the resources preserved but that he doesn't want a historic resource to be a barrier to development and therefore put the resources at risk.

ORDINANCE OF APPROVAL OF SPECIAL USE PERMIT

RE: SUP 11-05: WAL-MART REAL ESTATE BUSINESS TRUST ON LAND OWNED BY MOJTABA AZIMIPOUR FOR A "LARGE RETAIL USE." TAX MAP NO. 12-42

WHEREAS, the Wal-Mart Real Estate Business Trust has applied for a Special Use Permit (SUP) for a "large retail use" for a Wal-Mart retail store together with other commercial uses on ±29.9967 acres of land owned by Mojtaba Azimipour, located on the southeast corner of the intersection of Germanna Highway (Route 3) and Somerset Ridge Road (Route 708), identified on County tax maps as a portion of parcel Tax Map No. 12-42, zoned General Commercial (C-2); and

WHEREAS, a Large Retail Use is an allowed use in the C-2 General Commercial zoning district subject to an approved Special Use Permit; and

WHEREAS, the Planning Commission held a duly advertised public hearing on the proposed Special Use Permit on October 13, 2011, and further considered this application on October 20, 2011, and recommended approval of the Special Use Permit with revised conditions; and

WHEREAS, the Department of Planning and Zoning staff has recommended approval of the Special Use Permit subject to conditions dated October 24, 2011; and

WHEREAS, the Board of Supervisors duly advertised and held a public hearing on the proposed Special Use Permit; and

WHEREAS, the Board of Supervisors has reviewed the proposed Special Use Permit as conditioned and has determined that it is consistent with the Comprehensive Plan future land use designation of the property as Mixed Use and would, therefore, further the purposes of the Comprehensive Plan and Zoning Ordinance; the Board has evaluated the other considerations set forth in Sec. 70-141 of the Zoning Ordinance; and the Board has also determined that the permit as conditioned furthers the purposes set forth in Sec. 70-582 of the Zoning Ordinance; and

WHEREAS, the Board of Supervisors has considered whether this proposed Special Use Permit as conditioned would threaten the public health, safety or welfare, be compatible with its surroundings, or would result in substantial detriment to surrounding property; and

WHEREAS, public necessity, convenience, general welfare, and/or good zoning practice support approval of this Special Use Permit.

NOW, THEREFORE, BE IT ORDAINED, that the Orange County Board of Supervisors hereby approves SUP 11-05, to operate a "large retail use" for a Wal-Mart retail store together with other commercial uses subject to the attached conditions dated October 24, 2011 and amended by the Board of Supervisors on October 27, 2011, in order to mitigate the impacts of the proposed uses.

**SUP 11-05 / Mojtaba Azimipour (Owner);
Wal-Mart Real Estate Business Trust (Applicant)
Large Retail Use
Orange County T.M. # 12-42**

**Dates prepared and revised: September 29 and October 19, 2011
Amended and recommended by the Planning Commission on October 20, 2011
Additional revisions suggested by staff on October 24, 2011
Amended and Adopted by Board of Supervisors on October 27, 2011**

The conditions of this Special Use Permit shall apply to that portion of the parcel assigned Tax Map # 12-42 that is identified as the area zoned C-2 ("the Subject Property") on Sheet 2 (of 9) of the plan prepared by Bowman Consulting, as revised September 29, 2011, entitled "General Development Plan and Special Use Permit Plan" (the "SUP Permit Plan"), and compliance is the responsibility of the Applicant, owners and assigns. The following conditions are intended to offset and mitigate impacts of the proposed development on adjacent properties and uses, and to render the Application consistent with the applicable provisions of the Comprehensive Plan. If the conditions of this special use permit ("SUP") or the information on the SUP plans are in conflict with one another or with the Zoning Ordinance or approved proffers, the more restrictive shall apply, unless specifically modified, waived or otherwise specified in these conditions.

1. Controlling documents – Controlling documents shall be these conditions and the SUP Permit Plan (Sheets 1-9).
2. Compliance – Architectural design, style, colors, materials, layout, landscaping and construction of all site improvements and buildings on the Subject Property shall be as shown on the SUP Permit Plan and these conditions. The Zoning Administrator shall determine "conformance." Compliance shall be demonstrated at the time of site plan review and prior to final site plan approval.
3. Uses – This special use permit is to allow the development of a Large Retail Use not to exceed 128,581 square feet for the Wal-Mart retail store (including garden center) or other uses permitted in the C-2 district. Development (if any) on the out lots depicted on the SUP Permit Plan will occur during subsequent phases, and uses on the out lots shall consist of uses permitted in the C-2 district.
4. Transportation – The following on-site and off-site improvements necessary to mitigate the impacts of the proposed development shall be designed and constructed entirely at the Applicant's expense, subject to reasonable modifications as may be required by the County and the Virginia Department of Transportation (VDOT) as part of final site plan review:
 - a. Relocation of A and K Boulevard to the north of its existing location and connection of A and K Boulevard to Somerset Ridge Road (Route 708), substantially as shown on the SUP Permit Plan;
 - b. Construction of a 200' northbound right turn lane (with 200' of taper) and a 100' southbound left turn lane (with 100' of bay taper and an additional 120' of transition taper) along Somerset Ridge Road at the Somerset Ridge Road/A&K Boulevard intersection in order to accommodate traffic turning onto A and K Boulevard from Somerset Ridge Road.
 - c. Construction of a second southbound travel lane along Somerset Ridge Road from its intersection with A and K Boulevard to its intersection with Germanna Hwy (Route 3).
 - d. Installation of a traffic signal at the Route 3/Somerset Ridge Road intersection if warranted and approved by VDOT and the County at the time of final site plan approval of the proposed Wal-Mart store.
 - e. Construction of an access road (the "Access Road") on the site that would connect Route 3 to A and K Boulevard (substantially as shown on the SUP Permit Plan).
 - f. Construction of a 200' eastbound left turn lane (with 200' of taper) and 200' westbound right turn lane (with 200' of taper) within the Route 3 right-of-way at the Route 3/Access Road

- intersection to accommodate traffic turning onto the Access Road from Route 3, substantially as shown on the SUP Permit Plan.
- g. Construction of a 275' eastbound left turn lane (with 200' of taper) and 360' westbound right turn lane (with 200' of taper) within the Route 3 right-of-way at the Route 3/Somerset Ridge Road intersection to accommodate traffic turning onto the Somerset Ridge Road from Route 3, substantially as shown on the SUP Permit Plan.
 - h. Re-striping of the southbound approach to the Route 3/Flat Run Road/Germanna Heights Drive intersection within the Germanna Heights Drive right-of-way to include a separate southbound left turn lane onto Route 3, and a shared through and right turn lane, substantially as shown on the SUP Permit Plan.
 - i. Installation of a traffic signal at the Route 3/Flat Run Road/Germanna Heights Drive intersection if warranted and approved by VDOT and the County at the time of final site plan approval of the proposed Wal-Mart store. If not warranted and approved at the time of final site plan approval, the Applicant shall deposit with the County the amount of \$150,000 for costs associated with the installation of a traffic signal at the Route 3/Flat Run Road/Germanna Heights Drive intersection provided that installation can be done within the existing right-of-way. If the funds have not been expended within five (5) years, the County Planning Office shall provide the Board with a review of the project status.
 - j. Prior to issuance of final building permits for the construction of the proposed Wal-Mart store, the Applicant will deposit with the County the amount of \$150,000 (the "LOW Road Contribution") for costs associated with the construction of a second westbound left turn lane (with 250' of storage) with associated traffic signal modifications within the Route 3 right-of-way at the Route 3/Lake of the Woods/Goodwin Drive intersection to accommodate traffic turning left from Route 3 into Lake of the Woods, to be constructed by entities other than the Applicant at such time that Lake of the Woods Homeowners Association (or other appropriate authority of Lake of the Woods) has given its approval and arrangements are in place for the construction of the necessary receiving lanes and other improvements at the Lake of the Woods entrance. In the event that the County determines that an alternative access point to the Lake of the Woods is feasible, the funds may be allocated to such alternative improvements. If the funds have not been expended within five (5) years, the County Planning Office shall provide the Board with a review of the project status.
 - k. Except for conditions (c) and (d) above, the County and VDOT may agree to an adequate engineering alternative to the foregoing conditions.
 - l. The Applicant shall construct pedestrian walkways as shown on the SUP Permit Plan.
5. Environmental –
- a. Limits of clearing and grading shall not exceed those shown on the SUP Permit Plan.
 - b. All fertilizers, pesticides, herbicides, garden chemicals, water softeners, and other chemicals shall be stored under roof in a manner to prevent stormwater contamination.
 - c. The Applicant shall consider the use of rainwater harvesting on the site to satisfy the irrigation and water needs of the garden center and to reduce stormwater run-off.
 - d. The Applicant shall provide landscape areas for use as bioretention filters as shown on the SUP Permit Plan.
 - e. Interior landscaping calculations shall not include the area located within the buffers.
6. Landscaping –
- a. Buffers and landscaping shall, at a minimum, be substantially as shown on the SUP Permit Plan. Specifically, but not limited to:
 - 1) A 70' wide landscape buffer shall be maintained along the Subject Property's frontage on Route 3 in a location substantially as shown on the SUP Permit Plan.
 - 2) A 20' wide landscape buffer shall be maintained along the Subject Property's frontage on Route 708 in a location substantially as shown on the SUP Permit Plan.
 - b. All landscaping on the Subject Property shall be maintained in a healthy condition, and any dead or dying landscape materials shall be replaced whenever feasible with native plant materials providing the same visual screening effects.

- b. The Applicant will coordinate with the Lake of the Woods Fire & Rescue Department with respect to the location(s) of the FDC connections and hydrant lay-out on the Subject Property or to serve the Subject Property to assist in effective emergency responses.
- c. If requested by the Sheriff, the Applicant shall make available in its building, or other building on the Subject Property, a secure place acceptable to the Sheriff's Office, for use by law enforcement agencies, for the apprehension of individuals suspected of criminal activity on the Subject Property. This secure place shall have the capability for video arraignment.

11. Additional Requirements –

- a. Outdoor display of merchandise shall be limited to those areas of the Subject Property not designated for vehicular parking or pedestrian use.
- b. All outdoor lighting shall be LED or the equivalent lighting and fully shielded and directed downward to prevent spillage of light off-site or pollution of the night skies.
- c. Refuse dumpsters or similar containers and activities shall be limited to the rear of the buildings and shall be completely screened from ground level view with a totally opaque screen and gate. Screening shall compliment the architecture and materials of the building closest to the enclosure. The gates shall be kept closed when dumpsters are not being accessed.
- d. All rooftop equipment shall be sufficiently screened so as to not be visible from off-site or from any public right-of-ways.
- e. Maintenance of the Subject Property and buildings shall comport with the Maintenance Plan contained within the Project Narrative document submitted with the "Special Use Permit Application."
- f. The entrance signs shall be located on the Subject Property and shall be of a style substantially as shown on the SUP Permit Plan.
- g. The architectural materials used on any structures constructed on the outparcels shall be of comparable quality to the Wal-Mart store.

Ayes: Abbs, Burkett, Goodwin, Wilson, Frame. Nays: None.

Mr. Wilson moved, seconded by Mrs. Abbs and carried, to approve the ordinance for Proffer Modification 11-03: Wal-Mart Real Estate Business Trust on Land Owned by Mojtaba Azimipour for a "Large Retail Use" on Tax Map No. 12-42, as presented:

ORDINANCE OF APPROVAL OF PROFFER MODIFICATIONS

RE: PROF MOD 11-03: WAL-MART REAL ESTATE BUSINESS TRUST ON LAND OWNED BY MOJTABA AZIMIPOUR FOR A "LARGE RETAIL USE." TAX MAP NO. 12-42

WHEREAS, the Wal-Mart Real Estate Business Trust has applied for a Proffer Modification to four proffers made in conjunction with a 1994 rezoning to permit development of a proposed Wal-Mart retail store together with other commercial uses on ±29.9967 acres of land owned by Mojtaba Azimipour, located on the southeast corner of the intersection of Germanna Highway (Route 3) and Somerset Ridge Road (Route 708), identified on County tax maps as a portion of parcel Tax Map No. 12-42; zoned General Commercial (C-2); and

WHEREAS, the Planning Commission held a duly advertised public hearing on the proposed Proffer Modification on October 13, 2011, and further considered this application on October 20, 2011; and

WHEREAS, the Department of Planning and Zoning staff and the Planning Commission recommended approval of this Proffer Modification; and

WHEREAS, the Board of Supervisors duly advertised and held a public hearing on the proposed Proffer Modification; and

WHEREAS, the Board of Supervisors has reviewed this Proffer Modification request, and has determined that it is consistent with the Comprehensive Plan future land use designation of the property as Mixed Use; and

WHEREAS, public necessity, convenience, general welfare, and/or good zoning practice support approval of this Proffer Modification.

NOW, THEREFORE, BE IT ORDAINED, that the Orange County Board of Supervisors hereby approves PROF MOD 11-03, pursuant to the attached Proffers dated September 9, 2011 and signed by Mojtaba Azimipour on October 11, 2011.

RECEIVED

September 9, 2011

OCT 12 2011

County of Orange
Planning & Zoning Department

PROFFER STATEMENT

TO: Gregg Zody, Planning Director

FROM: Mojtaba Azimipour (Owner); Wal-Mart Real Estate Business Trust (Applicant)

RE: Amended Proffers (Approved August 9, 1994)/Parcel 12-42; Corner of Somerset Ridge Road and State Route 3/Wal-Mart Retail Store

Mojtaba Azimipour, owner, and Wal-Mart Real Estate Business Trust, with respect to the amendment of Proffers originally approved in connection with the rezoning of 63.6 acres of property in the Gordon District of Orange County, Virginia, hereby propose to amend the applicable Proffers (approved August 9, 1994) to the extent that they apply to that portion of the site (29.9967 Acres) (the "Property") identified as the area zoned C-2 on the plan prepared by Bowman Consulting, dated 9/9/2011 entitled "Special Use Plan" (Sheet 2 of 9) (the "Concept Plan"), which was submitted with the Proffer Amendment Application. The original proffers will remain applicable to the portions of the 63.6 acres subject to the 1994 re-zoning that are not included in the submitted application (including those portions zoned for Agricultural and Residential uses).

The development of the Property shall be in substantial accordance with the Proffers set forth below. These modified Proffers shall supersede any statement previously submitted for proffered conditions:

- "1. The 3.1-acre parcel labeled "Sports Center" shall be used for indoor and outdoor sports and related facilities and shall not be used for any other commercial use. Its access shall be from Somerville Road, not from Germanna Highway.

PROFFER STATEMENT

**Wal-Mart Real Estate Business Trust/Wal-Mart Retail Store
Modification of Proffers Dated August 9, 1994**

- "2. The 30.5-acre parcel to be rezoned Multifamily Residential (R-MF) shall be developed to a maximum density of 244 dwelling units. The 13-acre parcel north of the powerline shall be left as a green area and buffer.
- "3. There shall be no entrances or exits on Germanna Highway (Route 3) other than those shown on the Concept Plan.
- "4. There shall be no clearing or grading in the area zoned Residential and lying within the 100-foot setback from Germanna Highway, except what is necessary for utilities and similar improvements.
- "5. The owner shall dedicate to the Virginia Department of Transportation a right-of-way at least 50 feet wide, (the "ROW Dedication") extending across the site from Somerset Ridge Road (Route 708) and connecting to the right-of-way currently extending across the residentially-zoned property from Somerville Road (Route 711), in or near the location shown on the Concept Plan .
- "6. The owner shall build a road in the ROW Dedication, substantially as depicted on Concept Plan, which road shall be designed and built in accordance with VDOT regulations, and shall be dedicated to VDOT.

"These proffers constitute conditions of the rezoning, and shall have the same force and effect as the requirements of the zoning ordinance. I understand that if these conditions are not met, the zoning shall revert to its status prior to this application, and the County may seek legal remedies."


Mojtaba Azimipour

10/11/11
Date

Ayes: Abbs, Burkett, Goodwin, Wilson, Frame. Nays: None.

RE: ADJOURNMENT

There being no further business to discuss, Mrs. Abbs moved, seconded by Mr. Burkett and carried, to adjourn the meeting at 8:37 p.m. Ayes: Abbs, Goodwin, Wilson, Frame, Burkett. Nays: None.

Lee H. Frame, Chairman

Julie G. Jordan, County Administrator