Subject: Rezoning Application Case Number: 19-03-Z02: Request by Darrell Hertenstein, Hertenstein Investment Group, on behalf of Beverley C. Coates, David F. Clare and Alyce Jeter Jones (Villages at King George Crossroads) to rezone with proffers Tax Map 33 Parcels 74 and Tax Map 33 Parcels 78 & 79 from Rural Agricultural (A-2) to General Trade (C-2 Total 17.65 acres) and Multifamily dwelling District (R-3 Total 92.67 acres). Total project area of 110.32 acres. General Development plan, which is subject to modification, proposes to construct a maximum of 450 dwelling units with a proffer of no more than 450 units (a minimum of 100 units being age restricted) noted as “Landbay C” with 92.67 acres proposed to be zoned Multifamily Dwelling District (R-3), “West Village Landbay A”, 8.45 acres of C-2, proposing Medical Office (14,300 sq. ft. pad), “West Village Landbay B” proposing 6.31 acres of C-2, 7,500 sq. ft. pad, 2,500 sq. ft. pad and a 2,500 sq. ft. pad. The property is currently zoned Rural Agricultural (A-2); the minimum lot size in the Agricultural Zoning District is two (2) acres. The requested zoning is Multifamily dwelling (R-3) and General Trade (C-2). The minimum lot size in R-3 with both public water and public sewer is 15,000 square feet and townhomes 1,500 square foot minimum. The minimum lot size in C-2, with both public water and public sewer is 5,000 square feet. Per the King George County Comprehensive Plan (2019), the property is located in the Route 3/Route 301 Primary Settlement Area.

Recommended Action:

King George County Planning Commission and Community Development Staff recommend the King George County Board of Supervisors:

1. Approve Rezoning Application Case Number: 19-03-Z02.

While the applicant has intentions to install the crossovers as depicted in the GDP; at this time there is not an assurance that a crossover will be provided at the Rt. 3 entrance location. Proffer #6 has been amended to address this.

The VDOT letter dated January 30, 2020 states: The proposed full access crossover on Rt. 3 requires spacing of 1,320’ and the proposal indicates a crossover spacing of 933’. The entrance located on an arterial preservation network (APN) which has a much higher level review and requirements for new crossover installations and may not be achievable.

The proffer statement #6. E States: Within one hundred twenty (120) days from rezoning approval (provided the same has not been appealed) Applicant shall apply to VDOT for a full access entrance to/from Route 3, which application shall include a request for an access management spacing waiver.
allowing for the “left out” turn option from the Property to the Eastbound Route 3 lanes. In the event said request is granted, Applicant proffers that it will construct said entrance as approved by VDOT. Applicant further proffers and agrees that prior to the submission of said request Applicant will consult with VDOT and applicable professionals to determine the location, design, and structure of the entrance which will have the greatest likelihood of approval. Notwithstanding anything to the contrary contained herein, Applicant shall not be required to submit a plan to VDOT in connection with the request which would require any extraordinary action on behalf of Applicant to secure approval, such as the construction of a tunnel, overpass, or bridge.

Traffic Impact Analysis (TIA) Addendum – Rev. Jan. 2020 - Pennoni by Douglas Kennedy, P.E. notes on page viii of the Executive Summary states: “Overall, without signalization, the intersection turns operate at LOS “C” or better, except for the left turns out at the East Village intersection. The VA Route 3 site entrances operate at LOS “B” for the right turn exists from the site to Route 3 westbound, and U-Turns in are at a LOS “B” for both peak periods. Queues are less than 1 vehicle for turns. (Summary provided in packet, full TIA provided upon request)

This staff report is based on the most current application, GDP, Proffer statement, Design Guide, Impact Statement all dated January 10, 2020.

Summary of Information:

On March 20, 2020 a teleconference was held with King George County Staff, Mr. Hertenstein and Brian Jenkins, Vice President of Corporate Counsel and Properties, Mary Washington Healthcare. At that time both the Applicant and Mary Washington Healthcare advised there was no contract between the Applicant and MWH regarding The Villages. While MWH and the Applicant indicated that they were negotiating a potential contract, to date King George County has not received a copy of a contract to build up to 14,300 square foot medical facility. Section 3A in the Proffer Statement states that such a contract is in place, and that was the information presented to staff and the Planning Commission up to the March 20, 2020 call.

On May 29, 2020 a Real Estate Transfer Agreement between Hertenstein Investment Group, LLC and Medicorp Properties, Inc. was provided by Darrell Hertenstein. (Attached)

The King George County Planning Commission held a public hearing on February 11, 2020 regarding Rezoning Case 19-03-Z02. After much discussion regarding potential impacts, revisions, infrastructure, proffers, fiscal impact analysis, affordable housing, medical facilities, etc. (Minutes attached) Having reviewed Case Number 19-03-Z02: Request by Darrell Hertenstein, Hertenstein Investment Group, on behalf of Beverley C. Coates, David F. Clare and Alyce Jeter Jones (Villages at King George Crossroads) to rezone with proffers Tax Map 33 Parcels 74 and Tax Map 33 Parcels 78 & 79 from Rural Agricultural (A-2) to General Trade (C-2 Total 17.65 acres) and Multifamily dwelling District (R-3 Total 92.67 acres). Total project area of 110.32 acres. General Development plan, which is subject to modification, proposes to construct a maximum of 450 dwelling units with a proffer of no more than 450 units (a minimum of 100 units being age restricted) noted as “Landbay C” with 92.67 acres proposed to be zoned Multifamily Dwelling District (R-3), “West Village Landbay A”, 8.45 acres of C-2, proposing Medical Office (14,300 sq. ft. pad), “West Village Landbay B” proposing 6.31 acres of C-2, 7,500 sq. ft. pad, 2,500 sq. ft. pad and a 2,500 sq. ft. pad. The property is currently zoned Rural Agricultural (A-2); the minimum lot size in the Agricultural Zoning District is two (2) acres. The Case Number: 19-03-Z02
requested zoning is Multifamily dwelling (R-3) and General Trade (C-2). The minimum lot size in R-3 with both public water and public sewer is 15,000 square feet and townhomes 1,500 square foot minimum. The minimum lot size in C-2, with both public water and public sewer is 5,000 square feet. Per the King George Comprehensive Plan (2013), the property is located in the Courthouse Primary Settlement Area, Vice Chairman Devries called for a motion. Mr. Williams motioned to forward Case Number 19-03-Z02 to KGCBOS with recommendation of approval, seconded by Mr. Colwell, and carried by a vote of 5-3-1.

Each member voting as follows: Vice Chairman Devries, Aye; Mr. Colwell, Aye; Mr. Dacorta, Abstain; Mr. Gaborow, Aye; Mr. Kendrick, Nay; Mr. Myers, Nay; Ms. Patteson, Nay; Mr. Watkins, Aye, and Mr. Williams, Aye.

The King George County Planning Commission deferred action at the October 8, 2019 to the **November 12, 2019**. At that time the applicant had not made changes to the application with the exception of working with King George County Fire and Rescue to address some of their comments through revised proffers. Commissioners expressed concerns with the lack of detail in the plans provided, impacts to county services and infrastructure not being addressed. After discussion the Planning Commission deferred action to the December Planning Commission meeting. On December 2, 2019 Community Development received correspondence from the applicant’s attorney requesting the application be removed from the December agenda and placed on the January 14, 2020 with the understanding that the material changes would require an additional public hearing.

At the request of the applicant a meeting with VDOT was arranged on January 6, 2020. While the meeting was mutually beneficial the applicant decided to remove the case from the January agenda in an effort to address some of the VDOT comments; more specifically the crossover locations. (Email attached)

January 10, 2020 revised application was received to include GDP, Proffers, and Traffic Impact Analysis etc. The revision included shifting of the Rt. 3 crossover and adjusting the commercial and residential lot locations. The GDP provides more detail for a full crossover at Route 3; acknowledges the need for a VDOT spacing waiver. If the VDOT spacing waiver is denied the project proposes a right in, right out and a left in turning lane (see detail sheet 3) Detailed summary is provided below.

A Joint Public Hearing was held on October 8, 2019 between the Board of Supervisors and Planning Commission. At which time both Board and Commission heard the staff report, applicant and public comment. The Planning Commission must make a recommendation to the Board of Supervisors per 5.3.3 of the King George County Zoning Ordinance.

Mr. Granger stated per King George County Board of Supervisors (KGCBOS) bylaws, KGCBOS shall not go past midnight for any meeting; therefore, Mr. Granger called for a motion to adjourn KGCBOS members until the KGCBOS October 15, 2019 meeting. Mr. Granger motioned to adjourn, seconded by Mr. Jenkins, and carried by a unanimous vote of 5-0-0. Each member voting as follows: Chairman Bucchie, Aye; Vice Chairman Binder, Aye; Ms. Brabo, Aye; Mr. Granger, Aye, and Mr. Jenkins, Aye. The King George County Board of Supervisors adjourned their meeting at 11:59 PM.

Mr. Colwell motioned to defer Rezoning Application Case Number 19-03-Z02 until the November 12, 2019 KGCPCC meeting, seconded by Mr. Kendrick and carried by a vote of 9-0-1. Each member voting
as follows: Chairman Parker, Aye; Vice Chairman Westling, Aye; Mr. Colwell, Aye; Mr. Devries, Aye; Mr. Gaborow, Aye; Mr. Kendrick, Aye; Mr. Myers, Aye; Ms. Patteson, Aye; Mr. Watkins, Abstain, and Mr. Williams, Aye.

**Summary of Application:**

Darrell Hertenstein, Hertenstein Investment Group, on behalf of Beverley C. Coates, David F. Clare and Alyce Jeter Jones (Villages at King George Crossroads) to rezone with proffers Tax Map 33 Parcels 74, 78 & 79 from Rural Agricultural (A-2) to Multifamily dwelling District (R-3) and General Trade District (C-2). Tax Map 33 Parcel 74 contains 34.81 acres of Rural Agricultural (A-2), Tax Map 33 Parcel 78 contains 51.11 acres of Rural Agricultural (A-2) and Tax Map 33 Parcel 79 contains 24.41 acres of Rural Agricultural (A-2). The three parcels are abutted by Kings Hwy (Route 3) and James Madison Highway (Route 301).

The Generalized Development Plan (GDP) provides the layout of the proposed development as proffered.

The Design Guide proffered provides conceptual illustrations of the quality and type of the design, design elements, and architectural style of the pattern of development, community amenities, dwelling units, recreation and open space, design features and buildings to be located on the property. (Attached)

West Village Land Bay “A” will be comprised of 8.45 acres of Commercial General Trade with a proposed 14,300 sq. ft. Medical Office.

West Village Land Bay “B” will be comprised of 6.31 acres of C-2 Commercial General Trade with Pad A 2.09 acres – Future Commercial/ Retail Building (7,500 Sq. ft.) Pad B 1.12 acres – Future Commercial / Retail Building (2,500 sq. ft.) and Pad C 3.10 acres – Future Commercial / Retail Building (2,500).

Land Bay “C” – will be comprised of 92.67 acres of R-3 Multifamily dwelling zoning. 9.87 acres of the land is considered Wetlands. The net developable area is 82.80 acres. The GDP proposes 450 residential units. The 450 residential units will be comprised of 150 Townhome Units, 200 Multifamily Units, and 100 age restricted units (48 age restricted villas and 52 age restricted multifamily apartment style units). Current Zoning of A-2 requires a minimum lot size of 2 acres exclusive of all easements and roadways. Under the current zoning 82 acres divided into 2 acre lots without the required roads, stormwater etc. could permit approximately 41 single family lots.

East Village Landbay “D” will be comprised of 2.89 acres of C-2 Commercial General Trade with Pad A (1.19 acres) as proposed future 5,000 sq. ft. commercial/retail building and Pad B (1.70 acres) proposed as future 2,500 sq. ft. commercial/retail building.

**Summary of Revised information:**

1. GDP has been revised and proffered to provide the following:
a. Roadway to be constructed from Route 3 to Route 301 – “Connector Road” illustrated on the GDP as well as proffered #6 Transportation – D.

b. Rt. 3 full crossover detail provided on sheet 3 of the GDP. Note: VDOT spacing waiver will be applied for in order to allow for full access entrance. If denied entrance shall remain right in, right out, and left in (turn lanes).

c. Revised layout providing continuous roadways. Proffer #10 Fire and Rescue - E.

d. Illustrates 50 townhomes, 200 apartments, 48 age restricted villas and 52 age restricted apartments (total 450). Proffered #4 Residential Uses B. Phasing and Development.

Typical design layout of townhomes and villas provided on sheet 5 of the GDP.

e. Illustrates 1 clubhouse and 2 tot lots / pocket park as provided in the Proffer Statement #4.D Clubhouse and Amenities are further described in the Design Guidelines.

   i. Clubhouse shall begin construction no later than the issuance of 125th building permit and shall be completed within 2 years.
   
   ii. Pocket Park/ Tot lot to be constructed no later than the issuance of the 50th building permit.

2. Proffers revised to provide the following
   (complete proffers provided in the Proffer section and attached)

   a. West Village Land Bay B and East Village Land Bay D shall be limited by the provisions provided in section 3 (D) and further restricted to the following specific service types defined by the King George County Service Authority Regulations:

      i. Medical Office
      ii. Restaurants
      iii. Cer Wash
      iv. Office Space
      v. Grocery Stores
      vi. Service Station
      vii. Shopping Center

   b. Phasing provided in #4 B Phasing and Development to include:

      i. No more than 75 occupancy permits for residential dwelling units during the year the rezoning is approved.

      ii. No more than 50 occupancy permits for residential dwelling units every year thereafter.

   c. Sewer and Water Service Agreement as described in the Proffer Statement #9 Sewer and Water.

      i. Applicant shall enter a service agreement with the Service Authority on terms and conditions to be negotiated between the Applicant and Service Authority, but including the following minimum monetary obligations:

         a. Applicant will purchase $250,000.00 worth of Equivalent Residential Connections (“ERCs”) on or before the date which is ninety (90) days following rezoning approval of the Project by the Board of Supervisors.

         b. The Applicant will purchase $500,000.00 worth of ERCS within ninety (90) days of site plan approval for the Project.

         c. On or before the first anniversary date of the $500,000.00 payment, the Applicant will purchase $750,000.00 worth of ERCS.
d. On or before the second anniversary date of the $500,000.00 payment, the Applicant will purchase $750,000.00 worth of ERCs.

e. On or before the third anniversary date of the $500,000.00 payment, the Applicant will purchase $750,000.00 worth of ERCs.

f. $500,000.00 of the final $750,000.00 payment will be allocated solely to ERCs serving the commercial portion of the Project; however, ERCs for commercial purposes may be accounted for by prior purchases of ERCs and credited accordingly.

g. The Project will be credited with the equivalent number of ERCs purchased at the rates applicable at the time they are utilized.

h. All other ERCs necessary for the Project will be purchased at the time of building permit approval at the rates effective at that time.

d. Fire and Rescue (#10 Proffer Statement):

i. Applicant or its successor shall make a cash payment to the County in the amount of Five Hundred and No/100 Dollars ($500.00) for each residential unit constructed on the Property for purposes of offsetting the impact this Project will have on the County's fire and rescue services. Such payment shall be made at the time of building permit approval for each unit.

e. Schools (#11 Proffer statement)

i. Applicant shall make a cash payment to the County in the amount of One Thousand and No/100 Dollars ($1,000.00) for each non-age restricted unit constructed on the Property for the purpose of offsetting any impacts the Project will have on County schools. Such payment shall be made at the time of occupancy permit approval for each unit.

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<thead>
<tr>
<th>Legal Review</th>
<th>Complete</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Attachments</td>
<td>Yes</td>
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Case Number: 19-03-Z02
REZONING APPLICATION CASE NUMBER 19-03-Z02

This Staff Report is prepared by the King George County Department of Community Development Staff to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to the general public interested in this application.

PUBLIC HEARINGS
Planning Commission:  October 8, 2019
2nd February 11, 2020
Board of Supervisors:  October 8, 2019 (Joint Public Hearing)
2nd TBD

SUMMARY FACTS
Applicant:  Darell Hertenstein, Hertenstein Investment Group LLC
11092 Caledon Road
King George, VA 22485

Land Owner:  Alyce Jeter Jones (Tax Map 33 Parcel 74)
13 Greenbrier Drive, Covington LA 70433
David F. Clare & Beverley C. Coates
(Tax Map 33 Parcel 78 and 79)
P.O. Box 464, King George, VA 22485

Proposed Use:  450 Residential Units (R-3) 92.67 acres
(150 Townhomes, 200 apartments, 48 age restricted villas, 52 age restricted apartments = 450 Residential Units)
General Trade (C-2) – 17.65 acres

Location:  Route 3, Kings Hwy and Route 301, James Madison PKWY

Tax Map, Parcel  Tax Map 33 Parcel 74, 78 and 79

Existing Zoning:  Rural Agricultural District (A-2)
Proposed Zoning:  Multifamily Dwelling District (R-3)
General Trade District (C-2)

Comprehensive Plan:  Courthouse Settlement Area (2013 Comp Plan)

Surrounding Zoning:  North: General Trade Commercial (C-2)
Rural Agricultural District (A-2)
BACKGROUND

Darrell Hertenstein, Hertenstein Investment Group, LLC has submitted a request to rezone 110.32 acres, with proffers, Tax Map 33 Parcels 74, 78 & 79 from Rural Agricultural (A-2) to Multifamily dwelling District (R-3) and General Trade District (C-2). Tax Map 33 Parcel 74 contains 34.81 acres of Rural Agricultural (A-2), Tax Map 33 Parcel 78 contains 51.11 acres of Rural Agricultural (A-2) and Tax Map 33 Parcel 79 contains 24.41 acres of Rural Agricultural (A-2).

Tax Map 33 parcel 74 was divided by a De Facto subdivision as the property was divided by Route 3. Resulting in the remainder of Parcel 74 as 34.807 acres. The parcel was later further divided by minor subdivision.

Tax Map parcels 78 and 79 have not been divided since the establishment of the King George County Subdivision Ordinance in 1987.

PARCEL CHARACTERISTICS

Below is a description of Tax Map 33 Parcels 74, 78, 79

Acreage.
Parcel 74 contains 34.807 acres. (After a De Facto Subdivision recorded on February 13, 2018.)
Parcel 78 contains 51.11 acres.
Parcel 79 contains 24.41 acres.

Property Location. Fronts on both Route 3 and Route 301.

Access. Access to the property is proposed to be provided on Route 3 and Route 301 without an interior connection.

Utilities. The property is proposed to be served by public water and sewer to be provided by the King George County Service Authority.

Wetlands Impacts. Wetlands have been delineated by Bill Ellen and confirmed by the Army Corps of Engineers in May 2019. Proposed impacts include a pedestrian walkway to cross through the wetlands. Minimal impacts proposed; proffer statement provides that the applicant will provide a wetland impact assessment and shall construct the path in concert with the applicable laws, rules and regulations.

Case Number: 19-03-Z02
path shall be limited to the minimum width necessary for use. The path shall wind around existing vegetation rather than require the removal of vegetation. Applicant shall mitigate the proposed encroachment by replanting as required by the applicable rules and regulations. Path shall be constructed in an attractive manner using peagravel, crushed stone or a raised decking material.

**Existing Zoning.** Tax Map 33 Parcels 74, 78 & 79 are currently zoned Rural Agricultural (A-2).

**Requested Zoning.** The applicant is requesting 92.67 acres to be rezoned to R-3 Multifamily Residential and 17.65 to be rezoned to C-2 General Trade.

**Adjacent Zoning and Land Use.** King George County Government Center is adjacent to this property on the Route 3 side. These uses include the Sheriff’s Office and Animal Control Building, both uses are Zoned Commercial C-2. Across route 3 is Tabernacle Baptist Church (A-2). The other surrounding properties on both Rt. 3 and Rt. 301 are mostly vacant and zoned either A-2 or C-2. Some residential homes along Rt. 301 and Rt. 3.

**Existing Land Use.** The property is currently vacant and is wooded with wetlands throughout.

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**GENERALIZED DEVELOPMENT PLAN**

A Generalized Development Plan (GDP) for the proposed project has been provided, latest revision dated January 2, 2020. The attached Proffer Statement dated March 22, 2019 (revised January 2, 2020) references the GDP.

**Accompanying Plans and Documents.** References in this Proffer Statement to plans and exhibits shall include the following:

A. The Generalized Development Plan ("GDP") - Villages at King George Crossroads (sheets 1-5, inclusive) prepared by Bagby, Foroughi & Goodpasture, PLLC, and dated March 22, 2019 and Revised May 17, 2019 and last revised January 2, 2020.

B. The Design Guidelines ("DG") - Villages at King George Crossroads (pages 1-13) prepared by Bagby, Foroughi & Goodpasture, PLLC, and dated March 22, 2019 and last revised on December 13, 2019.

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**USES AND SITE DEVELOPMENT**

2. **Generally.** The Property, including all community areas, uses and features shall be developed in conformance (using comparable or superior design elements, techniques and/or materials as determined by the Zoning Administrator) with:

A. The GDP subject to the provisions of these proffers.

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**TRAFFIC IMPACT ANALYSIS SUMMARY**

Case Number: 19-03-Z02
A traffic impact analysis was prepared by Pennoni Associates Inc. on March 20, 2019 and revised January 14, 2020. *Comment response letter provided from Pennoni Associates is attached. Revised TIA is available upon request.*

January 14, 2020 Pennoni provided the following letter to VDOT (attached):

Based on the coordination from the January 6, 2020 meeting, and the revised GDP from January 10, 2020 from BFG plan. Please accept, for your review, responses to the previous VDOT comments, including those issued on January 6, 2020. The responses are provided to facilitate review of the updated GDP and to assess the sensitivity of the VDOT access and entrance inquiries as they may impact the site circulation. The responses are also provided to King George County as part of the subject land use review.

The comments and responses are listed below.

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### 2nd Review GDP & Proffers - January 6, 2020

1. As stated in previous reviews, the Traffic and Transportation Impacts Section of the Impact Statement states that “The analysis presented herein shows that the proposed site entrances ... can adequately accommodate site traffic ...” However, as stated in previous reviews, this submittal did not include a copy of a revised traffic impact analysis for review, and additional entrances have been added to the GDP on Rt. 3 and Rt. 301 that were not analyzed with the previously submitted TIA. The applicant needs to submit a revised analysis that includes all entrances.

**Response:** Plan revised January 10, 2020 and traffic study updated with revised access, as attached. The commercial entrances were not modeled in the March 2019 traffic study as it was a support access. For the updated site access, the commercial site entrance # 7.2 was added to the analysis. With the revised plan, the Va. Rte. 3 commercial entrance was removed with the crossover relocation.

*The traffic study shows acceptable LOS for the side streets and mainline left turns. Operations shown in the TIA Addendum Appendix.*

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### 2nd Review - June 17, 2019

1. This submittal did not include a copy of a revised traffic impact analysis for review, and additional entrances have been added to the GDP on Rt. 3 and Rt. 301 that were not analyzed with the previously submitted TIA.

**Response:** See January 6 response #1

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### 1st Review - May 21, 2019

1. Although a right turn taper is listed for the right-in/right-out entrance to the medical office, a right turn lane may be required in accordance with the VDOT Road Design Manual, Appendix F, due to the 55MPH speed limit, daily traffic count on Rt. 3, and the functional classification of Rt. 3 as a minor arterial.
Response: Although the TIA doesn’t say that a full-width turn lane is required, it does recommend one, as stated in the last paragraph of page 16: “Only a taper is required for the VA Route 3 NBR’s at Medical Office Entrance and at West Village Entrance. However, 200 ft turn lanes and 200 ft tapers were incorporated into the model to be conservative.” The submitted Synchro files include a 300 ft full-width turn lane + no taper (per VDOT TOSAM guidance to model turn lanes in Synchro with an effective storage length + no taper, where effective storage is the entire full-width portion + ½ of the taper) for the entrance.

The GDP was updated with January revision to show the turn lanes on Route 3 for the right turns at the West Village Land Bay A right in/out and the West Village Main entrance to land Bays B and C with the crossover. The previous commercial entrance removed. The GDP shows a full access at the West Village intersection with separate turn lanes. At Site Plan, we anticipate that a separate right turn lane will be warranted on US Route 301 SB into the commercial entrance.

2. The medical office should provide a connection to Citizen’s Way.

Response: The GDP as revised includes a future connection to Citizens Way. The traffic study shows ‘worst case’ assignments with a right in out to VA. Route 3 and no direct access to Government Center Boulevard.

3. The west side development should provide for a future connection to the property to the south that appears to have a dam crossing of Pine Hill Creek. This could provide the future through connection from Route 3 to Route 301.

Response: GDP revised to show a public street intra-parcel connecting the east and west villages, as requested by the County. Traffic assignments are updated to route site traffic through. The road alignment and cross-section is shown as a two lane street to discourage cut through trips.

4. The project should provide at least a walking/biking connection to Shiloh Park.

Response: Not shown, as discussed, not a VDOT requirement. Shown as suggestion. Intra-parcel connection provided with sidewalk between west an east village neighborhood. Connection to the park would require off-site access at the park and land buy C. No path is identified on the park property.

5. This project will impact operations at 3/205. It is recommended that the application undertake the right turn overlap work that is identified. Ideally, they would also investigate conversion of EBL to flashing yellow arrow operation.

Response: The TIA identified the upgrade to improve Level of Service. The applicant can coordinate funding but anticipates that VDOT may want to program the improvements to address existing deficient operations without the site, or as part of the maintenance program for the Flashing Yellow conversion. A timeframe for contribution is subject to the overall access plan determination, but would not be suggested until later in the site phasing, as impacts are less than 10%.
6. Verify intersection spacing from the proposed crossover on Rte. 301 that will serve the Median-U-Turn (MUT) at the intersection of Rte. 3 and Rte. 301 that has been funded through SMART SCALE.

**Response:** The crossover is shown on the Route 301 draft plans as remaining for the corridor plan, as shown on Appendix H sheet H-23 as crossover #46.

The access sensitivity was reviewed and the site assignments are updated with the revised GDP, as attached, for analysis of the site impacts and traffic flows with the 450 residential units and the support commercial. The analysis reviews a scenario with left turn access at the West Village entrance on Va. Route 3, as revised. The TIA addendum shows the assignments with only right out and left in, but the report also tests side street LOS with the lefts out, with a full crossover at the West Village Entrance (Intersection #3).

The Generalized Development Plan Comments in the January 6, 2020 letter notes that median crossover grade elements and concern about processing detailed items, including SSAR review and VDOT Access Management regulations. Based on the Revised GDP, the traffic study is updated to include initial review of the access spacing on Va. Route 3 and the future development impacts. As excerpted below, while the subject road section of Kings Highway is classified as an Principal Arterial and the road segment is designated as Arterial Preservation Network link, the proposed new crossover on Va. Route 3 does satisfy the VDOT Access Management spacing guidelines as a new crossover, as a T intersection. As noted in the January 6 meeting, the crossover spacing on Route 3 for the proposed and existing conditions between the Ridge Road and Route 301 signals is below the VDOT suggested spacing criteria of 1,320 feet, for full access unsignalized spacing, including through movements on the side streets at the crossovers.

However, in further review of the access plan and VDOT criteria, the proposed spacing of the median crossover for the West Village can be processed at site plan, as the spacing exceeds the minimum 750 feet required for a Principal Arterial for 55 MPH. Shifting the intersection east allows 933 feet to the next existing crossover. The spacing is reduced per the VDOT criteria, based on the spacing as a full access/Directional crossovers where throughs on the side streets are restricted. As noted in the meeting spacing at less than 1,320 ft spacing would require an access management waiver; however, the spacing of less than 1,320 ft. can be acceptable at the proposed crossover until such time as redevelopment occurs to the south of Va. Route 3 and through trips may be created at the proposed crossover. The spacing is included in Tables ES-3 below.
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<th>JUNCTION</th>
<th>ACCESS TYPE(2)</th>
<th>EXISTING Crossover SPACING</th>
<th>PROPOSED Crossover SPACING WITH VILLAGE AT KING GEORGE CROSSROADS</th>
<th>SATISFIES VDOT ACCESS MANAGEMENT(3)</th>
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<td>Government Center Boulevard/Mt. Rose Drive (Rte. 686)</td>
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<td>Ex. Crossover (S. of Driveway to 11161 Kings Hwy)</td>
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<td>US Rte. 301</td>
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</table>

(1) Kings Highway (VA 3), west of US Rte. 301, is classified as Principal Arterial and is in the Arterial Preservation Network. Posted Speed Limit is 55 MPH.
(2) Access types as defined in Footnotes to Table 2-2, Footnotes 2, 3, and 4, Page F-27 (Rev. 7/14), VDOT Road Design Manual. "Full Median Crossover" (also Unsignalized Intersection) defined as 4-legged intersection with 32 conflict points. "Full Access Entrance" defined as median access to side street/entrance with 11 conflict points.
(3) Minimum Spacing Standards as shown in Table 2-2, Page F-26 (Rev 7/17), VDOT Road Design Manual: Full Median Crossover to Signalized Intersection or Full Median Crossover = 1,320 ft (Spacing not satisfied by [bracketed values] if Full Median Crossover with side street through movements.)

Full Access Entrance to Other Full Access Entrances and any Intersection or Median Crossover = 750 ft

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We had discussed at the meeting and anticipated that VDOT will want to review the crossover overall spacing with the site plan for final engineering, with an appropriate justification for agency review. However, the revised GDP would allow the future crossover to be installed for median crossover access to the West Village with site development, subject to VDOT engineering review. Additional engineering review of the on-site street network can be provided at site plan review.

In summary, the revised GDP still maintains appropriate access spacing on Kings Highway and US Route 301, and the updated plan can accommodate the site ingress and egress to the existing public street roadway network.

**WATER AND SEWER**

Service Authority General Manager, Jonathon Weakley, reviewed the proposed plan and offered the following comments in their Memorandum dated January 2, 2020 (Attached):

1. All previous comments have been addressed. There is a pending Service Agreement that is outlined in the Proffer Statement. KGCSA is in agreement with the revised documents to include the draft Service Agreement; therefore I recommend approval of the rezoning application.

**FIRE AND RESCUE**

**Fire and Rescue:**

*January 13, 2020 King George County Fire and Rescue Chief provided the following in their memorandum. Document enclosed*

Our Department has reviewed the applicant’s sixth (6th) and most recent revision, dated January 10, 2020. I have reviewed the revised changes in the proposed Generalized Development Plan that consist of a relocation and design change of the Route 3 crossover adjacent to the entrance. This revision will not have any impact to our operations.

*King George County Fire and Rescue Chief provided the following in their memorandum dated January 2, 2020. Document enclosed*

I have reviewed the most recent revised Proffer Statement from BFG, dated December 12, 2019 and below are my summarized comments:

**Summary:** It is understood that this proposed development will require additional Fire & Rescue and other public services to support the citizens within this community. This will require additional personnel and resources. A Company 4: Shiloh Fire & Rescue station has already been identified as a need within the County and is in the planning process currently. The Mary Washington Hospital (MWH) Urgent Care facility opened on November 13,
2019, located at 11131 Journal Parkway and our Department has already received service impact with numerous calls for assistance since their opening.

In summary, I believe that the applicant has addressed our fire and life safety risk reduction concerns (as attached) and has proposed a means of helping to reduce the fiscal impact with providing our services.

January 2, 2020 Fire and Rescue Chief provided the following comments in his memorandum (attached):

I have reviewed the most recent revised Proffer Statement from BFG, dated December 12, 2019 and below are my summarized comments:

Summary: It is understood that this proposed development will require additional Fire & Rescue and other public services to support the citizens within this community. This will require additional personnel and resources. A Company 4: Shiloh Fire & Rescue station has already been identified as a need within the County and is in the planning process currently. The Mary Washington Hospital (MWH) Urgent Care facility opened on November 13, 2019, located at 11131 Journal Parkway and our Department has already received service impact with numerous calls for assistance since their opening.

In summary, I believe that the applicant has addressed our fire and life safety risk reduction concerns (as attached) and has proposed a means of helping to reduce the fiscal impact with providing our services.

King George County Fire and Rescue Chief provided the following in their memorandum dated January 2, 2020 (Revised) Document enclosed

Our Department has reviewed the applicant’s revised (December 13, 2019) rezoning application documents that include the Design Guidelines, Amended Proffer Statement, Impact Statement and the Generalized Development Plan consisting of a proposed 450 residential townhome and multi-family housing units along with 5 commercial buildings. Below are the determinations on how the Fire, Rescue, and EMS services would be impacted and our recommendations if approved:

1. Impact: Increased Call Volume: According to the Department of Community Development, King George County has an approximate 9,933 residential addresses and 385 businesses. In 2018 the Fire & Rescue Department responded to 3,518 calls for service within County limits (excluding 111 mutual-aid calls). Based on this data and proposed project we estimate .34 calls for service annually per residence and business. The estimated total annual impact for fire and rescue services is an additional 154.7 calls per year for service based on the proposed development (excluding the proposed Urgent Care facility).

The proposed Urgent Care facility will increase our annual call volume due to this facility calling 911 for patients requiring treatment and transportation to a hospital. The estimated total annual impact for fire and rescue services is an additional 183 calls per year to the Urgent Care facility.
UPDATE: The Mary Washington Hospital (MWH) Urgent Care facility opened on November 13, 2019, located at 11131 Journal Parkway. Our Department has already received service impact with numerous calls for assistance since their opening.

Recommendation: See below #2.

2. Impact: On-Duty Personnel Staffing: Our current daily on-duty personnel levels would not provide the necessary support for adequate Fire and Rescue services to this development as proposed, in the event of a large structure fire.

Currently, we have only one dedicated staffed Fire suppression engine that covers the entire County and is located at Company 1. All other stations and engines are cross-staffed with ambulances and are routinely busy responding to medical emergencies (EMS) throughout the County. Due to the proposed high density of residential living in garage style townhomes and multi-family units (garden apartments) made from combustible building products (wood), the need for a fast and adequately staffed Fire and Rescue response is of vital importance for life safety and property conservation.

Recommendation: We will need to hire additional personnel as this development evolves. This will create a fiscal impact to the County throughout the proposed 10 year development. The exact number of additional personnel required could vary depending on call demand, actual housing units that will be developed, building construction and need of service.

3. Impact: Distance from a Fire & Rescue Station: The proposed development location may have portions of the community and buildings over 5 road miles from Company 1 (located at 8122 Kings Highway), depending on actual road locations and accesses. If so, this will put these housing units in an ISO (Insurance Service Office) class 10 rating, representing the greatest potential property loss due to fire. Due to the high-density of occupancy, proposed height and connectivity of these housing units, the need for close Fire & Rescue response is of vital importance.

Recommendation: The need for the County to build, equip, and properly staff a Company 4 Fire & Rescue Station that serves the south-eastern part of the County (Shiloh District) is of great importance as this district continues to see growth. This proposed development only increases the need for this station.

4. Impact: Building Height and Construction: None of the submitted documents reference the building heights or number of stories for the townhomes or multifamily units. During a telephone conversation between Chief David Moody and Ryan Foroughi, P.E. on Monday June 3, 2019, the building heights were discussed. I was informed that there could be some variations in the actual building heights, but the development was planning for 3 story townhomes and 4 story multi-family (garden apartment) units. Currently our Department does not have the ability to access 4 story buildings in order to rescue victims in the event of a fire. In the event that we need an aerial ladder truck to respond to a structure fire we have to rely on our mutual-aid partners from surrounding localities. These localities / departments include; NDW Dahlgren Company 28, Colonial Beach, City of Fredericksburg, Stafford County, and La Plata, MD. The ladder trucks that would respond from these locations would not be guaranteed and only based on the availability from that department. Additionally, the response times would be extended due to their locations.

Recommendation: Design and install fire suppression sprinkler systems in all townhomes that are intended for 55 and older occupants and all multi-family units in accordance to NFPA specifications. Utilize non-combustible fire resistant exterior building materials for all townhomes and multi-family units. Utilize noncombustible landscaping materials around the multi-family units to reduce fires starting on the exterior adjacent to the building.

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Additionally, the need for our Department to purchase, equip, and staff an aerial ladder truck company is of increasing importance as we see our community grow and with taller buildings being constructed. The County should prepare for this purchase within its Capital Improvement Planning (CIP) process along with additional personnel to adequately staff this truck with 24 hour coverage.

4.a. Amended Proffer Statement: The applicant has agreed to provide fire suppression sprinkler systems, in accordance to NFPA and Building Codes, for all multi-family units and any units intended specifically for occupant aged 55 and older. The applicant has agreed that no structure shall be more than three (3) stories in height. The applicant has agreed that all multi-family and townhome units shall utilize and be constructed with non-combustible fire resistive exterior building materials and that all landscaping provided around the multi-family units shall utilize non-combustible materials.

In conclusion, I believe the applicant has put forth in good faith within the Amended Proffer Statement to decrease the risk and vulnerability of fire spread and potential life loss. Limiting the building height will assist with potential rescues from upper floors, but will still require a response from a mutual-aid aerial ladder truck to reach rooftops and third floor windows and balconies. Our Department’s primary ground ladder height is a maximum of 24 feet.

Providing fire suppression systems in the multi-family units and 55 and older will assist with reducing potential life loss and fire spread for these occupants. The use of non-combustible fire resistive exterior building materials and noncombustible landscaping materials will reduce potential fire spread throughout the development.

5. Impact: Road Design and Construction: In reviewing the revised Generalized Development Plan it was noted that several of the streets dead-end with T-style ends.

Recommendation: Design and construct T-style ends, cul-de-sacs and/or connecting roads so that emergency vehicles can travel and egress the road safely. The developer / civil engineer should coordinate the design of the T-style ends with the Fire Marshall’s Office to ensure proper turn-around dimensions for fire apparatus.

5.a. Amended Proffer Statement: The applicant has agreed to coordinate, design, and construct the road system so that emergency vehicles can travel and egress safely. This would include the T-style ends, cul-de-sacs, or connecting roads with adequate turn-around dimensions for all emergency vehicles.

In conclusion, the Amended Proffer Statement addresses this item sufficiently.

SCHOOLS

King George County Superintendent of Schools reviewed the proposal and offered the following in his letter dated January 27, 2020. (attached)

You have circulated the Proffer Statement submitted in the County's rezoning Case Number 19-03-202 on behalf of A'yece Jeter Jones, David F. Clare, and Beverley C. Coates, concerning the proposed Villages at King George Crossroads development project (Project). You also provided the document entitled King George Crossroads Fiscal Impact Analysis prepared by the Berkley Group. You asked me, as Superintendent of the King George County School Division, to review these documents and provide input concerning the school division's ability to
accommodate the estimated increase in the number of students that the Project is expected to generate.

On behalf of the school division I appreciate the opportunity to inform the Planning Commission, the County Board of Supervisors, and the Petitioner(s) of the potential impact of the proposed project. Having provided such information in my first response, I have no additional comment on the project itself. Regarding the Petitioner's revised proposal and proffer, I leave to those responsible the evaluation of the cash proffer and the degree to which it will offset any financial impact to the school division—particularly since more than half of the school division's operating budget is appropriated by the King George County Board of Supervisors.

No doubt our outstanding school division makes King George County an attractive place for developers to build and families to live. We stand ready to accept and educate any child who resides in King George County.

King George County Superintendent of Schools reviewed the proposal and offered the following in his letter dated August 2, 2019.

The Weldon-Cooper Center for Public Service provided general multipliers for estimating school-aged children per housing type. They are as follows:

- Single-family detached: 0.5 students per housing unit
- Single-family attached: 0.5 students per housing unit
- Multi-family: 0.3 students per housing unit

If all units constructed are single-family detached homes, then we would expect a total increase in school-aged population to be 210 students. Currently, 53% of our student population is served in elementary school (grades K-5), and 47% are served as secondary school students (grades 7-12). This proportion will change when the addition to the current middle school is complete and fully ready for use beginning the 2021-22 school year. Once the 5th grade students are moved from the elementary schools to the middle school, 54% of students will attend at the secondary level (5-12), and 45% will attend elementary school (K-5).

The proposed development is situated in the attendance zone for King George Elementary School. The current enrollment for King George Elementary School (as of 7/2019) is 839 students. Of the 839 students, 140 will be in the 5th grade during the 2019-20 school year. Notable, is that King George Elementary School hosts two areas of specialty for all students in the division: gifted and select special education services. This means that generally all of the division's elementary students in need of the aforementioned services attend King George Elementary School regardless of address. Because of this, school capacity cannot be determined using a simple mathematical ratio (students per classroom). Instead, the capacity must be expressed as the number of students who can appropriately be educated within the school.

**Impact to King George Elementary**

It appears that the shifting of 5th graders from King George Elementary to King George Middle beginning the 2021-22 school year will create adequate space to accommodate an estimated 97 new students (46% of 210) due to the project you propose. I do believe it important to note that consuming 97 "seats" with this project will only leave 23 "seats" for any other enrollment growth in the coming years however.

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Impact to the Secondary Schools
It is more difficult to address directly the impact to space at the secondary level given the nature of scheduling of classes and delivering instruction is much different than the elementary. However, given current enrollment of both King George Middle and High Schools, I believe the additional 113 students (54% x 210) could be accommodated within the existing facilities, assuming that number is distributed somewhat equally across grades 6-12.

Impact to Staffing
Obviously the need to educate more children will necessitate additional staffing. Given the numbers above, I estimate four additional teachers at the elementary school and, at minimum, the equivalent of two additional teachers will be needed at the secondary level to accommodate the additional enrollment. Staffing costs are not fixed but are recurring.

Transportation Impact
To transport the additional students to and from school, it will be necessary to add at minimum three additional school buses and school bus drivers to the fleet.

VIRGINIA DEPARTMENT OF TRANSPORTATION

While VDOT typically reviews construction plans for compliance with their VDOT construction standards; it is King George County standards to involve VDOT early in the review process to guide our County in decision making regarding Virginia roadways and traffic impacts.

January 30, 2020 VDOT provided the following review letter:

This office has reviewed the referenced documents in accordance with the minimum standards as received on January 15, 2020, and we offer the following comments:

1. The proposed full access crossover on Rt. 3 requires a spacing of 1320’ and the proposal indicates a crossover spacing of 933’. The entrance is located on an arterial preservation network (APN) which has a much higher level of review and requirements for new crossover installations and may not be achievable.

2. Detailed items such as multiple connections, roadway typical sections, pavement designs, and all other necessary design items for entrance and public roadways will be reviewed at the site plan phase in accordance with the VDOT Access Management Regulations, SSAR’s, Road Design Manual, and all other applicable manuals, standards and specifications.

3. These comments can be addressed at the plan review stage; however it is anticipated that there will be necessary changed to the GDP layout as currently shown.

WETLANDS DELINEATION

Case Number: 19-03-Z02
Wetlands onsite were delineated by EnviroData and a Report of Investigations to determine jurisdictional areas was submitted on February 2019 and have been confirmed by the Army Corps of Engineers confirmed on May 3, 2019. King George County Department of Community Development agreed with the delineation on May 6, 2019.

The delineation does show wetlands and Resource Protection Areas (RPA) throughout the project. Impacts to the wetland areas are proposed for the pedestrian pathway however; disturbance will be in accordance with the Buffer Restoration Mitigation Handbook as described in the proffer statement. All appropriate permitting and approvals will be received prior to.

**PROFFER STATEMENT**

***Previous Proffer statement information has been removed from this staff report. Refer to #13 Proffer Statement - Binding Effect.***

**Proffer Statement Dated March 22, 2019 and last Revised January 10, 2020.**

The undersigned hereby proffers that the use and development of the subject Property shall be in strict conformance with the following proffers and shall supersede all other proffers. In the event the rezoning is not granted as applied for by Applicant, these proffers shall be withdrawn and are null and void.

The headings of the proffers set forth below have been prepared for convenience or reference only and shall not control or affect the meaning or be taken as an interpretation of any provision of the proffers. Any improvements proffered herein below shall be provided at the time of development of the portion of the site served by the improvement, unless otherwise specified. The terms "Applicant" and "Developer" shall include all future owners and successors in interest.

1. **Accompanying Plans and Documents.** References in this Proffer Statement to plans and exhibits shall include the following:

   A. The Generalized Development Plan ("GDP") - Villages at King George Crossroads (sheets 1-5, inclusive) prepared by Bagby, Foroughi & Goodpasture, PLLC, and dated March 22, 2019, revised May 17, 2019, revised December 13, 2019, and last revised January 10, 2020.


**USES AND SITE DEVELOPMENT**

2. **Generally.** The Property, including all community areas, uses and features shall be developed in conformance (using comparable or superior design elements, techniques and/or materials as determined by the Zoning Administrator) with:

   A. The GDP subject to the provisions of these proffers.
B. The DG, which provides conceptual illustrations of the quality and type of the design, design elements, and architectural style of the pattern of development, community amenities, dwelling units, recreation and open space, design features and buildings to be located on the Property.


A. West Village Land Bay “A”. Land Bay “A” as shown on the GDP shall be developed under the C-2 zoning regulations, as a medical/dental office, or hospital and for no other use or purpose, which use may include an urgent care facility, and medical laboratory facility. Applicant currently has a contract with Mary Washington Healthcare (“MWH”), whereby MWH has agreed to build up to 14,300 square foot medical facility on Land Bay “A.” In order to induce MWH to build the aforesaid facility, Applicant has agreed per the aforesaid contract that Applicant shall (i) within sixty (60) days from the date of Board of Supervisor’s approval of the rezoning application (provided the same is not appealed), place the amount of Five Hundred Thousand and No/100 Dollars ($500,000.00) in escrow for the use of MWH in preparing the Land Bay “A” Parcel for construction; and (ii) donate Land Bay “A” to MWH within thirty (30) days of rezoning approval (provided the same is not appealed), provided, that such timeline may be delayed if so requested by MWH. Applicant specifically proffers that if the property identified as West Village Land Bay A has not been donated to MWH on or before the date that is two (2) years from the date of rezoning approval then in such event such land shall be gifted in fee simple to the County for purposes of constructing a park, fire and rescue station or for any other use which the County may deem reasonable and appropriate. Further in the event that Applicant has not donated the $500,000 gift to MWH as set forth above on or before the date which is two (2) years from the date of rezoning approval, then in such event Applicant shall pay said $500,000.00 to the County within thirty (30) days from the expiration of the aforesaid date which is two (2) years following rezoning approval, said payment shall be made to offset the impacts of the Project on County schools, and fire and rescue services.

B. West Village Land Bay “B”. Land Bay “B” as shown on the GDP shall be developed by the Applicant under the C-2 zoning regulations. Use of the three pads identified as part of West Village Land Bay B shall be limited by the provisions of Section 3(D) below, and shall be further limited to the following specific service types as defined by the King George County Service Authority Regulations: (i) medical office, (ii) restaurants, (iii) car wash, (iv) office space, (v) grocery stores, (vi) service station, or (vii) shopping center.

C. East Village Land Bay “D”. Land Bay “D” as shown on the GDP shall be developed by the Applicant under the C-2 zoning regulations. Use of the three pads identified as part of West Village Land Bay B shall be limited by the provisions of Section 3(D) below, and shall be further limited to the following specific service types as defined by the King George County Service Authority Regulations: (i) medical office, (ii) restaurants, (iii) car wash, (iv) office space, (v) grocery stores, (vi) service station, or (vii) shopping center.

D. Excluded Commercial Uses. West Village Land Bay “B”, and East Village Land Bay “D” as shown on the GDP shall be developed by the Applicant under the C-2 zoning regulations for non-residential uses permitted by right and those non-residential special uses permitted with approval of the requisite Special Use Permit except as otherwise set forth in these proffers. All applicable land use calculations shall be provided on the final site plan for
each respective Land Bay. The following uses permitted by right listed under C-1 shall be prohibited on these parcels:

1. Building Supply/lumber sales;
2. Cemetery, Commercial;
3. Club, private;
4. Funeral home;
5. Dwelling units located in the same building with and ancillary commercial uses;
6. Group care facility;
7. Marina, Commercial;
8. Laundry service;
9. Dwellings, one family, in existence on September 3, 1987, the date of adoption of this ordinance.
10. Miniature golf;
11. Motel;
12. Shared water system;
13. Theatre, indoor;
14. Warehouse, mini.

The following uses permitted by right listed under C-2 shall be prohibited in West Village Land Bay “A”, West Village Land Bay “B”, and East Village Land Bay “D”:

1. Boat sales;
2. Contractors equipment yard;
3. Construction material supply business with storage under cover, but not to include fabricating;
4. Farm supply sales including vehicular equipment;
5. Manufactured home dwelling and modular home sales;
6. Garage, commercial.

E. **Commercial Construction.** Any commercial building or buildings within West Village Land Bay “A”, West Village Land Bay “B”, and East Village Land Bay “D” shall be constructed primarily of brick, stone, concrete, EIFS and/or other accent materials. Additionally, all exterior material, colors, architectural treatments, etc. will be compatible and complementary. Side and rear building elevations which have the majority of their surface area parallel to, or approximately parallel to, public road frontage, will have their facades covered generally with the same material and architectural style as is used for the front of the buildings. All building facades, particularly in front of buildings, will be articulated with a change in elevations or by providing entrances features so that buildings are visually interesting and entrances are clearly identified.

4. **Residential Uses.** All residential uses shall be developed by the Applicant under the R-3 zoning regulations within Land Bay “C” set forth on the GDP, and subject to the following specific provisions:

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A. **Generally.** The number of residential units allowed on the Property shall be limited to a total of four hundred fifty (450) units, of which one hundred (100) must be age-restricted. Any age restricted units shall prohibit any children under the age of eighteen (18) from residing in said units, unless relief is granted by the King George County Board of Supervisors, or otherwise required by the applicable federal, state, or local law.

B. **Phasing and Development.** Applicant shall file for site plan approval on each section of the Property to be developed. No residential section of the Property shall contain less than twenty (20) residential dwelling units. Each such plan shall set forth with particularity the specific locations of all uses, including all amenities, lot sizes dwelling types, and building types, which shall be specifically limited by the terms of these Proffers; and a phasing schedule showing that adequate utilities, pedestrian accessways and roadways that then exist or will be constructed as part of the proposed development to serve the proposed section. In addition, each such site plan will provide for adequate buffers between sections as required by the Ordinances. Specifically, the following residential unit types shall be constructed in the following areas as more particularly shown on the GDP:

- One Hundred Fifty (150) townhome units in Land Bay C in the locations shown on the GDP.
- Two Hundred (200) multifamily units in the locations shown on the GDP.
- One Hundred (100) age restricted dwelling units in the location shown on the GDP, of which Forty-Eight (48) shall be villa style duplex or single-family detached dwellings, and Fifty-Two (52) of which shall be multifamily apartment style dwelling units.

Any residential dwelling units constructed on the Property be constructed in accordance with the DG, as the same may be amended or waived by the Zoning Administrator. The County shall not be required to issue more than seventy-five (75) occupancy permits for residential dwelling units in Land Bay “C” during the year in which the Rezoning is approved. The County shall not be required to issue more than fifty (50) occupancy permits for residential dwelling units in Land Bay “C” every year thereafter until the unit cap is reached as outlined in 4. A. The number of unused occupancies permits in any given year may be carried over into subsequent years such that no more than seventy-five (75) occupancy permits are permitted in the first year and fifty (50) every year thereafter until the cap is reached as outlined in 4. A. For the avoidance of doubt, if this application is approved in October 2019, and construction on the Property does not begin until 2021, the Applicant would be permitted to apply for One Hundred Seventy Five (175) building permits in 2020 (75 from 2019, 50 from 2020, and 50 from 2021), assuming all other requirements have been met (including water and sewer connections), and would not be permitted to apply for more than One Hundred Seventy Five (175) building permits.

C. **Residential Construction.** All residential buildings constructed on the Property shall be of a style and consist of materials generally in accordance with the building elevations in the Design Guidelines. Deviation from any of the materials and/or elevation design shown in the Design guidelines shall be permitted only with approval of the Zoning Administrator. No more than eight units shall be in any one single family attached block.
D. **Clubhouse and Amenities.** Applicant shall construct one (1) clubhouse on the Property to serve the Residential Uses as outlined in 4. A. The clubhouse shall consist of a building built to code containing a fitness room, meeting room, business center, restrooms, a pool, and related amenities. Construction on the Clubhouse shall begin no later than the issuance of the One Hundred Twenty Fifth (125\textsuperscript{th}) building permit for a residential unit on the Property. Applicant shall proceed with diligence to complete the Clubhouse construction, in the event construction of the Clubhouse is not completed within two (2) years from the date of issuance of the One Hundred and Twenty Fifth (125\textsuperscript{th}) building permit, then County shall be under no obligation to issue any additional building permits on the Property, until such construction is completed. The clubhouse property shall be gifted to the Homeowners Association, or other appropriate entity, not later than five years after its construction. Each residential section of the Property shall contain sidewalks allowing for pedestrian foot traffic within that section. The Applicant shall provide at least two pocket parks/tot lots on the Property as shown on the GDP. The pocket parks/tot lots shall be shown on the site plans and constructed no later than issuance of the certificate of occupancy for the Fiftieth (50\textsuperscript{th}) building permit for a residential unit on the Property. Applicant shall provide cluster mailboxes for the residential units. One cluster mailbox shall be provided for every twenty (20) residential units, and each cluster mailbox will be located within section which it serves in a location that is convenient to the residents thereof unless required differently by VDOT or USPS. Applicant shall provide a bike rack to serve each section on or before the issuance of the tenth (10\textsuperscript{th}) building permit for a dwelling unit in the applicable Area.

E. **Protective Covenants.** A homeowner’s association (the “Homeowners Association”) shall be established to govern the common areas serving the single-family residential dwelling units located on the Property. All owners of Property within shall be members of the Homeowners Association by virtue of their property ownership. The Articles of Incorporation and Bylaws of the Homeowners Association and Declaration of Restrictive Covenants enforceable by the Homeowners Association, shall be submitted to and reviewed for approval by the County Attorney prior to the recordation of the first site plan for a residential section within Land Bay “C”.

5. **Miscellaneous Development Criteria.** In addition to the foregoing, development of the Property shall proceed in accordance with the following terms and conditions:

A. **Parking.** All on-site and handicapped parking spaces required in connection with development of the Property shall be provided by the Applicant in accordance with the King George standards. King George County (the “County”) shall not bear any maintenance responsibility for any internal access roads or on-site parking.

B. **Existing Structures.** Any existing structure within the Property that is referenced on the Existing Conditions Plan/Plat as part of the GDP that remains vacant for more six (6) months shall be demolished by the Applicant within ninety (90) days after said six (6) month period. All existing structures located on the Property that are demolished in connection with development of the Property shall be disposed of properly in accordance with applicable County, state and federal regulations.
C. **Signage.** Monument sign and fencing shall be provided at the existing crossover entrances for “East” and “West” Village.

D. **Landscaping.** Landscaping provided on the Property shall include, but not be limited to native species appropriate to the location and climate of the area landscaping shall be drought resistant. The exact nature and location of all landscaping shall be set forth in the applicable site plan for each Land Bay or section, provided that the quality and amount of said landscaping shall be materially consistent with recent residential developments of the same size and type. Notwithstanding anything to the contrary, the landscaping provided shall meet the minimum standards set forth on Schedule 5D – The Landscaping Standards, attached hereto and incorporated herein by this reference.

E. **Lighting.** Applicant shall provide exterior lighting on the Property in accordance with the Lighting Standards attached hereto as Schedule 5E, attached hereto and incorporated herein by this reference.

F. **Graffiti.** Prior to, or during construction on any Land Bay or section, the Applicant shall remove any graffiti form the Property within seven (7) business days after receipt of notice advising Applicant of its existence. Graffiti shall be deemed any inscription or marking on walls, buildings or structures not permitted by the Zoning Ordinance. Any graffiti is to be reported to the County Police before removal.

6. **Transportation.**

   A. The Applicant shall dedicate, at no cost to the County, the required right-of-way along the frontage of Kings Highway-Route 3 and James Madison Highway-US Route 301 of the Property.

   B. The Applicant agrees to construct, at no cost to the County or VDOT, the required right and left turn lanes at the existing crossovers as they are warranted at both the “East” and “West” Village entrances.

   C. Sidewalk shall be provided along the frontage of US 301 and Route 3 where feasible and practical i.e. sidewalk will not cross wetlands, RPA, steep slopes and the like.

   D. The Applicant agrees to construct all roads on the Property in conformance with the GDP, specifically including but not limited to the road connecting the Eastern and Western portion of Land Bay C over what is labeled on the GDP as “Proposed Open Space” (the “Connector Road”). The exact location of the Connector Road may be modified from what is shown on the GDP based on final engineering and environmental assessments, provided that it shall be constructed in accordance with all local and state regulatory rules, regulations and requirements. Applicant or its successor shall be required to finalize completion of the Connector Road within one (1) year from the later to occur of the following: (i) issuance of the 50th building permit for a residential townhome or age restricted unit in Land Bay C, or (ii) issuance of the 50th building permit for a multifamily residential unit in Land Bay C.

   E. Within one hundred twenty (120) days from rezoning approval (provided the same has not been appealed) Applicant shall apply to VDOT for a full access entrance to/from...
Route 3, which application shall include a request for an access management spacing waiver allowing for the "left out" turn option from the Property to the Eastbound Route 3 lanes. In the event said request is granted, Applicant proffers that it will construct said entrance as approved by VDOT. Applicant further proffers and agrees that prior to the submission of said request Applicant will consult with VDOT and applicable professionals to determine the location, design, and structure of the entrance which will have the greatest likelihood of approval. Notwithstanding anything to the contrary contained herein, Applicant shall not be required to submit a plan to VDOT in connection with the request which would require any extraordinary action on behalf of Applicant to secure approval, such as the construction of a tunnel, overpass, or bridge.

7. **Environmental.**

A. Stormwater management/best management practices ("SWM/BMP") facilities for the Property shall be provided. Each respective SWM/BMP facility shall be constructed and/or modified with its respective site plan.

B. The specific design of each SWM/BMP facility and any accompanying plant materials shall be determined at the time of final design and site plan approval for such facilities, however, the following design parameters shall be incorporated:

- In the event the SWM/BMP facilities are dry ponds, the perimeter of each such dry pond shall be landscaped with a minimum of fifty (50) plant units per one hundred linear feet around the perimeter of the pond exclusive of dam embankment.

- In the event the SWM/BMP facilities are wet ponds, landscaping for such ponds shall include shrubs, ornamental trees and shade trees.

- Proposed roadways, sidewalks and utilities, including any associated easements, shall not be located within buffers except for perpendicular crossings.

8. **Cultural Resources.** The Applicant shall retain a qualified professional archeologist to perform a Phase I cultural resource investigation as defined by the Virginia Division of Historic Resources to identify all archaeological and architectural resources on the Property. Two (2) copies of the report documenting the results of the survey shall be submitted to the Zoning Administrator prior to Site Plan approval. In the event the findings of the Phase I study indicate that further investigation is warranted, a Phase II evaluation shall be conducted on the recommended site or sites. Three (3) copies of the Phase II report shall be submitted to the Zoning Administrator prior to and as a condition of final site plan approval for the portion of the Property which such site(s) is located. In the event the Phase II study determines a site is significant, and such site is to be disturbed, the Applicant shall conduct a Phase III data recovery on such site and submit three (3) copies of a report to the Zoning Administrator documenting the results prior to and as a condition of final site plan approval for the portion of the Property which such site(s) is located. All artifacts and records submitted for curation shall meet current professional standards, as well as, the Secretary of the Interior's Standards and Guidelines of Archeology and Historic Preservation. A curation fee identical
to VDHR's curation fee shall be paid to the County by the Applicant at the time of delivery of any artifacts to be County. Ownership of all artifacts, reports, etc. submitted for curation shall be transferred to King George County by Letter of Gift. All expenses and costs associated with the proffer shall be the sole responsibility of the Applicant.

9. **Sewer and Water**

   A. The Property shall be served by public sanitary sewer and water. Water and sewer infrastructure improvements shall be designed and constructed by Applicant and in compliance with the Service Authority’s regulations and standards, and upon completion shall be dedicated or otherwise turned over to the Service Authority.

   B. A sewer and water stub shall be provided to US 301.

   C. All sanitary and water improvements shall be turned over to the Service Authority i.e. pump stations.

   D. Applicant shall enter a service agreement with the Service Authority on terms and conditions to be negotiated between the Applicant and Service Authority, but including the following minimum monetary obligations:

      - Applicant will purchase $250,000.00 worth of Equivalent Residential Connections ("ERCs") on or before the date which is ninety (90) days following rezoning approval (provided the same is not appealed) of the Project by the Board of Supervisors.

      - The Applicant will purchase $500,000.00 worth of ERCs within ninety (90) days of site plan approval for the Project.

      - On or before the first anniversary date of the $500,000.00 payment, the Applicant will purchase $750,000.00 worth of ERCs.

      - On or before the second anniversary date of the $500,000.00 payment, the Applicant will purchase $750,000.00 worth of ERCs.

      - On or before the third anniversary date of the $500,000.00 payment, the Applicant will purchase $750,000.00 worth of ERCs.

      - $500,000.00 of the final $750,000.00 payment will be allocated solely to ERCs serving the commercial portion of the Project; however, ERCs for commercial purposes may be accounted for by prior purchases of ERCs and credited accordingly.

      - The Project will be credited with the equivalent number of ERCs purchased at the rates applicable at the time they are utilized.
- All other ERCs necessary for the Project will be purchased at the time of building permit approval at the rates effective at that time.

E. Until the earlier of (i) the final $750,000.00 payment set forth in Section 9(D) above is made by Applicant, or (ii) construction of a new wastewater treatment plant which would service the Project, Applicant shall not purchase more than ninety percent (90%) of the 205 ERCs currently available in connection with the Purkins Corner Wastewater Treatment Plant.

10. **Fire & Rescue.**

A. All multifamily units constructed on the Property, and any units intended specifically for occupant aged 55 and older shall be equipped with suppression sprinkler systems designed and installed in accordance with NFPA specifications.

C. All multifamily and townhome units constructed on the Property shall utilize non-combustible fire resistant exterior building materials.

D. All landscaping provided around any multifamily units constructed on the Property shall utilize non-combustible materials.

E. The road system serving the Property shall be designed and constructed so that emergency vehicles can travel and egress safely. Specifically, without limitation, this shall include the use of T-style ends, cul-de-sacs, or connecting roads with adequate turn-around dimensions for all emergency vehicles. Prior to submission of any preliminary or site plan for any portion of the Property, Applicant shall coordinate the design of any such road system with the Fire Marshall's Office to ensure these criteria will be met.

F. No structure or building on the Property shall contain more than three stories.

G. Applicant or its successor shall make a cash payment to the County in the amount of Five Hundred and No/100 Dollars ($500.00) for each residential unit constructed on the Property for purposes of offsetting the impact this Project will have on the County's fire and rescue services. Such payment shall be made at the time of building permit approval for each unit.

11. **Schools.** Applicant shall make a cash payment to the County in the amount of One Thousand and No/100 Dollars ($1,000.00) for each non-age restricted unit constructed on the Property for the purpose of offsetting any impacts the Project will have on County schools. Such payment shall be made at the time of occupancy permit approval for each unit.

12. **Governing Law.** Applicant submits these proffers electing to be subject to Va. Code §15.2-2303.4 as amended during the 2019 General Assembly session. Applicant deems these proffers to be reasonable and appropriate.

13. **Binding Effect.** This Voluntary Proffer Statement shall supersede and replace any previously submitted Proffer Statement submitted in connection with this Project, specifically including but not limited to the Voluntary Proffer Statement last revised on September 24, 2019 and the First Amendment to Proffer Statement dated as of October 8, 2019.
14. **Timing.** If any obligation of Applicant set forth herein is required to be completed within a certain number of days from "re zoning approval" it shall be deemed that such time period shall be stayed in the event the rezoning approval is appealed, said timeline shall recommence upon the issuance of a final unappealable order from the court or court(s) to which the appeal was made.

**IMPACT STATEMENT**

The proposed impact statement was provided by the applicant dated March 22, 2019 and last revised December 13, 2019. (Attached) (NO CHANGES)

I. **APPLICATION**

The Applicant (the "Applicant") hereby requests a rezoning from Rural Agricultural (A-2) to Multifamily Dwelling (R-3) and General Trade District (C-2) for Tax Maps 33, Parcels 74 (portion), 78 and 79, with a total cap of four hundred and fifty residential units as allowed in the Multifamily Dwelling District (R-3), in accordance with King George Zoning Ordinance (the "Zoning Ordinance"), including without limitation Article II, Sections 2.8, and Article V Section 5.3.

The portions of the property that front Kings Highway and James Madison Highway will be zoned to C-2 to accommodate Commercial and Retail uses in accordance with King George Zoning Ordinance (the "Zoning Ordinance"), including without limitation Article II, Sections 2.10, and Article V Section 5.3.

The northwest portion of the property will be zoned C-2 to accommodate a standalone Urgent Care in accordance with King George Zoning Ordinance (the "Zoning Ordinance"), including without limitation Article II, Sections 2.10, and Article V Section 5.3:

Tax Map 33, Parcels 74 (portion), 78 and 79, consisting of approximately 110.33-acres total, is located in King George County between Kings Highway-Route 3 and James Madison Highway US Route 301, approximately a mile north of the intersection of the two routes within the Rappahannock Magisterial District, all as more particularly described on the attached generalized development plan, entitled "Villages at King George Crossroads (Generalized Development Plan)" dated March 22, 2019 and Revised May 17, 2019, prepared by Bagby, Foroughi and Goodpasture, PLLC, which plan is attached hereto as Exhibit A and is incorporated as a material part of this application by this reference (the "GDP").

II. **OVERVIEW**

As noted above, the Property is currently zoned A-2. The Applicant requests to rezone Tax Maps 33, Parcels 74 (portion), 78 and 79 as R-3 and C-2 and develop those properties with a maximum of 450 residential units of which 100 units will be age restricted with no kids under the age of 18 permitted unless relief is provided by the Board of Supervisors. The portions of the property fronting Kings Highway and James Madison Highway will be zoned to C-2 to accommodate Commercial and Retail

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uses. The northwest portion of the property will be zoned C-2 to accommodate a standalone Urgent Care.

Section 2.8 of the County’s Zoning Ordinance states the following concerning the R-3 district:

“The intent of this district is to recognize those areas within the County where multifamily and office development exists and to provide areas for additional development of a similar character and density which may be established.”

Under the same 2.8 section, Townhouse, single family detached, and multi-family are listed by-right use. Further, Section 2.8.4.1 states that “Total density for townhouses and multifamily dwellings shall not exceed 8 dwellings per gross area.” At this maximum allowed density, the 92.67 acres that the Applicant is requesting to have rezoned to R-3, could have a maximum of 600+ residential units not including the wetlands areas. The Applicant is proposing only 450 residential units, which is less than 25% of what would be allowed in the R-3 zoning. The Applicant is willing to proffer this maximum 450 residential units of which at least 100 are restricted to units with no kids permitted under the age of 18.

Section 2.10 of the County’s Zoning Ordinance states the following concerning the C-2 district:

“The intent of this district is to recognize existing commercial and/or service trade uses with the County which may include exterior storage or displays, and may involve limited manufacturing or processing activities, and provide an opportunity to expand these and related general trade operations.”

Under the same 2.10 section, hospital is listed by-right use. Also, under the same 2.10 section by reference to Section 2.9 Commercial and Retail uses are permitted by right.

III. TRAFFIC AND TRANSPORTATION IMPACTS

A Traffic Impact Study (TIA) has been prepared by Pennoni Associates, Inc. Said TIA has been made part of the rezoning submission package. Methodology, approach, impacts, if any, and recommendations are outlined within the TIA.

The developer has assembled three (3) parcels and is proposing to construct “Villages at King George Crossroads,” a planned residential and commercial neighborhood, between US Route 301 and VA Route 3, approximately ¼ mile north of the intersection of the two routes, in King George County, VA.

The development is envisioned to include approximately 450 residential units, 20,000 SF of commercial pad site uses, and a 14,300 SF medical office building. The “anchor” of the proposed land use activities is the medical facility adjacent to VA Route 3, to be operated in affiliation with Mary Washington University.

The development entrances would be on US Route 301 and VA Route 3, as shown. Additional right-in/out access on VA Route 3 may be likely for the commercial pad sites, subject to the types of uses and access spacing/turn lane requirements. Access between US Route 301 and VA Route 3 through the development is not proposed due to the existing Resource Protection Areas (RPA) identified on the Generalized Development Plan. For the purposes of this study, the subject development is projected to...
be fully-built and occupied by 2030. With the subject development projected to generate less than 5,000 daily trips, this study is not subject to VDOT Chapter 527 requirements. However, the scope of this study was based on input from King George County and VDOT based on previous land use iterations. Two (2) study years, 2030 and 2036 were evaluated for the site access locations and the existing regional traffic signals.

Trip generation for the “Villages at King George Crossroads” results in a total of 2,454 weekday vehicles (4,908 trips), including 350 weekday AM peak hour and 457 PM peak hour trips. The commercial pad sites along VA Route 3 and US Route 301 were included as placeholders in the land use plan, as specific development plans for the pad sites have not been finalized. The developer acknowledges that revisions of the traffic analysis at the site entrances may be required if future site plans vary with the land use assumptions within this study.

The analyses presented herein show that the proposed site entrances on US Route 301 and VA Route 3 at the proposed median crossovers can adequately accommodate site traffic with separate left- and right-turn lanes on the main line and a separate right-turn lane on the exit approaches. No additional traffic control is proposed. Signalization is not required for acceptable operations with site build-out.

This study shows that, with the aforementioned mitigations and planned regional improvements, the surrounding roadway network can adequately accommodate the anticipated traffic to be generated by the “Villages at King George Crossroads” development. Since projected site traffic comprises only approximately 5 to 8 percent of the future volumes and the peak hour deficiencies are experienced without the site, the off-site potential mitigation is shown to define regional improvement needs. These improvements are shown to identify possible solutions for long-term growth in the County and mitigation construction is not connected to the subject site activities.

VI. PUBLIC UTILITIES, FACILITIES AND SERVICES

The proposed project will increase demands to the existing water and sewer infrastructure. Existing water and sewer lines are in very close proximity to the proposed project. There is an existing 12” waterline with plug at the intersection of Kings Highway and Government Center Boulevard. There is an existing force main running along Kings Highway that the project will access. A recent meeting concluded that the Service Authority very much wants to see the project come to fruition. A phasing plan has been developed for the residential units until such time wastewater capacity can be expanded throughout the County. It is anticipated that the proposed project has at least a ten-year absorption track. Meaning the final occupancy permit (either residential or commercial) will not be obtained for at least ten years after the first occupancy permit application is made. Also, in speaking with the Service Authority Manager King George is actively seeking ways to increase the capacity of the existing infrastructure so projects of this size and scope can be accommodated.

The Applicant’s proposed use will increase the demands on schools; however, two aspects of this project will mitigate this concern. First the Applicant is proffering 100 age restricted units that will have no kids permitted under the age of 18. Second, the phasing schedule proffered by the Applicant will help offset any immediate demands on the school system.
The proposed project will not increase demand on existing recreational facilities as the proposed project is providing at least one tot lot and pocket park.

VII. ENVIRONMENTAL IMPACTS, NOISE, DUST, AND SMOKE

No known cemeteries are present within the project boundary.

No known historical sites are present within the project boundary.

The property shown hereon lies within Zone "X" (area determined to be outside the 0.2% annual chance floodplain) as shown by King George County Community Panel No. 510312 0075D, Dated February 18, 2015 and 510312 0175C, Dated March 16, 2009. No impact shall be made to FEMA Floodplain unless all applicable local, state, and federal permits are obtained (it is not anticipated this will be required).

Wetlands shown hereon were field located by Bill Ellen. Impacts will be made to wetlands for the pedestrian intraparcel connector. All applicable local, state, and federal permits will be obtained.

RPA shown hereon is based on field located wetlands performed by Bill Ellen. Impacts shall be made to RPA for the pedestrian crossing. All applicable local, state, and federal permits will be obtained.

Additionally, the proposed use will not generate noise, dust, or smoke. Some noise and dust may be generated during construction, but all construction activity will conform with applicable County requirements.

The proposed development will incorporate low impact development techniques as well as conventional stormwater management techniques in order to reduce the post-developed runoff from the Property to pre-developed levels in accordance with County and State requirements. As a result, the proposed development will have minimal impacts downstream of the Property.
EXHIBIT A


DESIGN GUIDELINES

Dated March 22, 2019 and revised January 10, 2020 (attached). Referenced in Proffer Statement under Uses and Site Development – B: The Design Guide (DG) which provides conceptual illustrations of the quality and type of the design, design elements and architectural style of the pattern of development, community amenities, dwelling units, recreation and open space, design features and buildings to be located on the Property.

The Design Guide provides guidance in design goals:
- Pedestrian facilities
- Amenities
  - Tot Lot
  - Park
  - Community Center/Pool
- Landscaping
  - Minimum size requirements and planting standards
  - Plant size and sight triangles
  - Maintenance
  - Landscape areas
  - Hardscape
  - Furnishings
- Lighting
- Signage
- Architecture pattern
  - Building design
  - Unit types

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COMPREHENSIVE PLAN (2019)

* The Courthouse Primary Settlement area was replaced with the Rt. 3 and Rt. 301 (Primary Settlement Area). Please note that at the time of drafting original the staff report for this project the 2019 Comprehensive Plan had not yet been adopted and this project was previously considered under the 2013 Comprehensive Plan. Due to the revised application and a new public hearing requirement; as well as there being no adverse effects on the project staff has provided the 2019 Comprehensive Plan information below.

Route 3/Route 301 (Primary Settlement Area) (Map 4)

a. Definition of the Area

The Route 3/Route 301 Primary Settlement Area is displayed on Map 1 and includes the land surrounding Route 3 from Colbys Lane on the west end and Canterbury Loop on the east, Route 205 from Route 3 to Lakeview Drive on the east, and Route 301 from Route 667 on the north to Parcel 33-45B on the south. The Purkins Corner Wastewater Treatment Plant is located behind the old landfill and was originally constructed in 1996 to serve the middle school, high school and elementary school. The Route 3/Route 301 area is located around the intersection of the two primary roadways within the County. This area has already seen commercial development with the construction of the CVS Pharmacy, Sheets convenient store, and Tractor Supply at the intersection.

Background. This area contains 2 percent of the County’s total population and contains approximately 154 housing units. The area contains several commercial properties and minor residential subdivisions. Overall land use in this Area remains primarily rural with the exceptions of the subdivisions, and commercial development adjacent to Routes 3, 205 and 301. The current development pattern follows a historic trend towards concentrating commercial development along the major roads and residential development in the outlying areas. Commercial development is located predominately along Route 3 and in areas adjacent to Routes 205 and 301 (Map 4). The continuation of commercial development is recommended in areas where it either currently exists or is properly zoned for commercial development. Residential development is recommended for the middle portion of the area. Higher density residential development is encouraged to be concentrated in areas served by public water and sewer and lower density residential development is recommended for areas not served by public water and sewer.

Chesapeake Bay Preservation Act Potential Pollution Sources. Potential pollution sources in this area include the underground storage tanks, and the Purkins Corner Wastewater treatment Plant. The primary Resource Protection Area features within this Settlement Area are Pine Hill Creek and tributaries to Upper Machodoc Creek. The physical constraints to development in the area include highly erodible and highly permeable soils. The topography is moderate and septic suitability is typically good.

b. Key Policies/Implementation Strategies for Future Development and Preservation

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1. This is one of the primary locations for future residential development and community facilities in the County, including the location for potential rezoning to higher density residential and mixed-use zoning districts.

2. The proposed residential density for this area ranges from 1 dwelling unit per 1 to 5 acres in those areas without public utilities. In areas with public utilities densities of up to 8 dwelling units per acre may be permitted. Commercial development is recommended to follow the prevailing development pattern along Route 3 and within the triangle created by Route 3, Route 205 and Route 301.

3. A priority location for future public infrastructure, particularly expansions of water and wastewater service. The service area of utilities should generally be limited to the Settlement Area Boundaries. However, utility system expansion should be considered where the opportunity exists to upgrade the utility systems by interconnecting utility systems, expanding service to areas with failing septic systems, or to generally improve service to county residents. The wastewater treatment plant should continue to be monitored and upgraded to ensure it operates within the required limits.

4. Encourage local street extensions in conjunction with new residential development

5. A priority location for commercial services to serve the expanded population of the County.

6. In the Route 3/Route 301 Settlement Area development projects must employ nutrient reduction (best management) practices to comply with the requirements of the King George County Chesapeake Bay Preservation Area Overlay Zoning District.

7. In Route 3/Route 301 where there are areas of highly erodible soils, take action to prevent or control the impact of development on those areas. Continue to enforce all existing regulations to ensure the protection of all erodible soils and adopt additional protective measures as necessary.

8. The wastewater treatment plant is a potential source of pollution. Every effort should be made to ensure that the plant is maintained in prime operational condition and the potential pollution threat minimized.

9. Redevelopment projects should be reviewed to ensure they meet either the 10 percent reduction in non-point source pollutant load or reduction of impervious cover by 20 percent per the Virginia Runoff Reduction Method. In the development and redevelopment of property adjacent to waterways every effort shall reestablish the buffer area.

10. Village District Development Guidelines/Standards:
   a. Main Street Area: the following development standards should be utilized within the “Village District” identified as being the Main Street Area.
   1. Sidewalks should be provided on both sides of all public roads.
2. Encourage a village streetscape setting.
3. Maintain the two-lane traffic pattern within the village area and encourage development of by-pass alternatives.
4. In order to maintain the streetscape, commercial buildings should be allowed to build even with the sidewalk.
5. Whenever possible, sidewalks adjacent to curbs should be wider (width of 6 to 10 feet) than those typically provided.
6. Credit should be given for on-street parking.
7. Street furniture, landscaping for shade and other conveniences are desirable for the convenience of the public.
8. In order to slow traffic and promote the main street area, the speed limit should be reduced to 15-25 mph.
9. Residential uses should be permitted to be established above businesses.
10. The creation of civic and open space uses, such as public parks, and library expansion should be promoted.
11. Opportunities for different modes of transportation including pedestrian crosswalks, walking, biking, and public transit should be provided.
12. A community open space should be developed within this Area.

b. Commercial Core Standards: the following development standards should be utilized within the “Village District” identified as being the Commercial Core Area.
1. To promote connectivity of the residential areas and commercial areas sidewalks along both sides of public roads should be provided.
2. Landscaping should be provided along the frontages of all roads.
3. Commercial development should be setback from the road and should incorporate shared entrances and parking areas with lot layouts to create compact efficient development.
4. All new road should be interconnecting with existing roads and/or create/continue a Grid Pattern.
5. Parking lots located at the rear or side of buildings and shall be screened from the sidewalk by low walls, fences or hedges.
6. Adjacent Parking lots shall have vehicular entries connections via an alley or internally.
7. Opportunities for different modes of transportation including walking, biking, and public transit should be created.

c. Residential Core Standards:
1. Located adjacent to “Main Street and Commercial Core Areas” having a pedestrian Orientation defined primarily as being able to reach a destination within ¾ mile.
2. Development is characterized as having “Neighborhood Friendly Roads” and “Paths”, including sidewalks at least 4 feet wide preferably with a planting
strip between road and sidewalk. Does not require grid street pattern.

3. Zoning requirements should allow for reduced setback requirements and varying lot sizes.

4. Development should include interconnected roads; parks and open space; and a mixture of housing types and affordability.

5. Clear Boundaries should be maintained between Residential Core Areas and the Rural Areas.

FISCAL IMPACT ANALYSIS – BERKLEY GROUP

January 3, 2020, Darren Coffey provided the following analysis of the King George Crossroads Fiscal Impact Analysis. (Attached with spreadsheets)

Enclosed with this memo is the Berkley Group’s revised analysis of the potential fiscal impact to the County from the proposed King George Crossroads development. This analysis projects the potential impact on the County’s revenues and expenses, utility systems, and staffing service levels for the schools and public safety departments.

This fiscal impact analysis utilizes the data received from the County during the development of the fiscal profile in 2019, data from the County’s FY2018 budget and the US Census Bureau’s 2017 American Community Survey, and updated details of the proposed development from the County’s staff report, the applicant’s proffer statement, and generalized development plan dated December 13, 2019.

Based on the model’s assumptions, the proposed development would result in an additional 1,160 residents with 135 of those residents being new students and at least 180 being over the age of 55. At buildout, projected total annual revenues from the new residential and commercial taxes are $2,937,135. Projected annual expenses from the proposed development are $2,915,542. These expenses include new law enforcement officers (2), new fire/rescue personnel (2), and new teachers (9) assuming the County wishes to retain existing service levels. Additionally, the proposed development would require upgrades to the Perkins Corner sewer system to accommodate the required service capacity (a projected 52,538 gpd deficit). The project would also generate one time estimated revenues of $9,720,164 including water and sewer connection fees, building and zoning permit fees, other related fees/permits, and proffers from the project.

Overall, the project is projected to generate $21,593 in net revenue annually assuming revenues and expenses remain unchanged (or at least proportional) over time. While this net revenue figure isn’t large, it does account for numerous expenditures that the County may or may not choose to incur over time. Developments that proffer infrastructure improvements have public benefits that can extend well beyond the project in terms of transportation, recreation, water/sewer capacity, and other infrastructure and these proffers are largely accounted for in the one-time revenue estimate associated with the project’s buildout ($9,720,164).
Attachments:

A. Application Form.
B. Proffer Statement.
C. Impact Statement
D. Design Guidelines
E. Generalized Development Plan.
F. Area To Be Rezoned Map. ( Included in GDP)
G. King George County Service Authority Letter
H. VDOT review letter
I. King George County Schools letter
J. Fire and Rescue letter – January 2020 (Revised)
K. Section 2.8 King George County Zoning Ordinance R-3
L. Section 2.9 King George Zoning Ordinance C-1
M. Section 2.10 King George Zoning Ordinance C-2
N. GIS map of area
O. Fiscal Impact Study – Berkley Group – January 3, 2020
P. January 6, 2020 email – Landon Davis
Q. Pennoni TIA Response January 14, 2020
S. Real Estate Transfer Agreement, May 21, 2020