

Rezoning: RZ # 02-16

Property: Area: 155.488 acres
Tax Parcels 33-(A)-113, 33-(A)-124, 33-(A)-114B

Record Owners: Blain Properties of Virginia, LLC
HMC, LP, LLP

Project Name: 81-West Business Park

Original Date of Proffers: October 1, 2015

Revisions: February 17, 2016
March 14, 2016
April 7, 2016
April 27, 2016

Magisterial District: Stonewall

Pursuant to Section 15.2-2296 Et. Seq. of the Code of Virginia, 1950, as amended, and the provisions of the Frederick County Zoning Ordinance with respect to conditional zoning, the undersigned owners hereby offer the following proffers that in the event the Board of Supervisors of Frederick County, Virginia, shall approve Rezoning Application #02-16 for rezoning of 154.424-acres from the RA District to Business (B-2) (36.676 acres), to Industrial Transition (B-3) (45.453 acres) and Light Industrial (M-1) (73.360 acres), development of the subject properties shall be done in conformity with the terms and conditions set forth herein, except to the extent that such terms and conditions may be subsequently amended or revised by the owners and such are approved by the Board of Supervisors in accordance with the said Code and Zoning Ordinance. In the event that such rezoning is not granted, then these proffers shall be deemed withdrawn and have no effect whatsoever. These proffers shall be binding upon the owners and their legal successors, heirs, or assigns.

The "Properties" are more particularly described as the lands conveyed to Blain Properties of Virginia, LLC, (an entity registered in New York) from Bradley K. Blain by Deed per instrument #120009054 dated August 22, 2012, and to HMC, LP, LLP, by Deed from Cline's Egg Farm LP, LLP, per instrument 010010026 dated July 12, 2001, as recorded in the Frederick County Circuit Court Clerk's Office. See also plats of record at instrument 150005321 for Tax Parcels 33-(A)-113 and 33-(A)-124.

A Generalized Development Plan (GDP) dated March 15, 2016, by GreyWolfe, Inc., is attached to and made part of this proffer document.

Proffers:

1. Transportation – Vehicle Trips per Day to be determined at Site Plan submission utilizing the current ITE Trip Generation Manual. The owners hereby proffer that the Average Daily Trips shall not exceed 6,330.
 - a. The owners hereby proffer to construct a road to connect Cedar Hill Road (Route 671) to Hopewell Road (Route 672) as shown on the GDP within an 80' right of way. This road and any turn lanes required for the road connections will be built to VDOT standards and dedicated to the County of Frederick. The road shall be two lanes with shoulders and a 10' paved trail. This will be completed prior to the issuance of any occupancy permits.
 - b. The owners hereby proffer to dedicate an additional 5' strip of land to the County of Frederick along Cedar Hill Road (Route 671) west of Alfalfa Lane and 35' east of Alfalfa Lane for future widening as shown on the GDP. This dedication will occur prior to the issuance of any occupancy permits
 - c. The owners hereby proffer three signalization agreements with VDOT at the intersections of Alfalfa Lane, the northbound ramps, and the southbound ramps of Interstate 81 with Hopewell Road (Route 672). These agreements shall be for a pro rata share of only the signal lights, when warranted by VDOT; and not for ramps, roads, or other improvements unless proffered herein. The monetary value of this proffer may be delivered in cash instead, to the County of Frederick, for road improvements in the area when signals are warranted.
 - d. The owners hereby proffer that no commercial entrances shall be built onto Cedar Hill Road (Route 671) or Hopewell Road (Route 672).
 - e. The owners hereby proffer to dedicate 1.21 acres as shown on the GDP to the County of Frederick. Said dedication will be within 90 days of written request from the County of Frederick or at any time by the owners during development.
 - f. The owners hereby proffer a 60' right of way to the County of Frederick for limited access road connections aligned with interstate ramps to Alfalfa Lane as shown on the GDP. The final alignments to be determined by others. All road construction by others. The right of way shall be dedicated within 60 days when requested by the County of Frederick. This proffer shall be deemed extinguished if a modification to the Frederick County Comprehensive Plan removes these connections.

2. Fire & Rescue – Monetary Contributions

- a. The owners hereby proffer a cash contribution to Frederick County for Fire and Rescue purposes, of \$0.10 per building square foot to be disbursed to the Frederick County Fire and Rescue Department, to be paid prior to occupancy permit. The term "building square foot" shall be the combined floor area for each story.

3. Frederick County Sanitation Authority

- a. The owners hereby proffer to grant a temporary easement to the Frederick County Sanitation Authority, as shown on sheet 2 of the attached GDP, on tax parcel 33-(A)-39 for a ground level water tank. The easement shall begin upon approval of the rezoning and extinguished on December 31, 2021. If the Frederick County Sanitation Authority has started construction during that time, then the 1.33 acre of land within the easement shall be dedicated to the Frederick County Sanitation Authority in fee simple on December 31, 2021.

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

Respectfully Submitted:

By: Bradley K. Blain
Blain Properties of Virginia, LLC
Bradley K. Blain, manager

5/1/16
Date

State of New York,

City/County of Monroe To Wit:

The foregoing instrument was acknowledged before me this 1st day of May, 2016

Owner

Alison Teddi Blain
Notary Public

Registration Number

My Commission Expires 11/30/17

Alison Teddi Blain
Notary Public State of New York
Qualified in Monroe County
Commission Expires November 30, 2017

By: W. Parker 5-6-16
HMC, LP, LLP Date

PG 01144

Commonwealth of Virginia,

City/County of Fredricks To Wit:

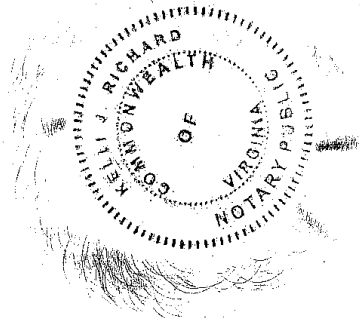
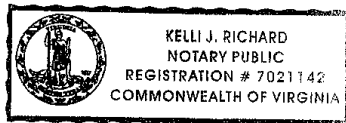
The foregoing instrument was acknowledged before me this 6 day of May, 2016

By William Cline

Kelli J. Richard
Notary Public

7021142
Registration Number

My Commission Expires 1-31-19





AMENDMENT

pg 0145

Action:

PLANNING COMMISSION: March 16, 2016 - Public Hearing Held; Tabled 30 Days
April 6, 2016 - Recommended Approval

BOARD OF SUPERVISORS: April 27, 2016 - ☒ APPROVED ☐ DENIED

AN ORDINANCE AMENDING

THE ZONING DISTRICT MAP

REZONING #02-16 I-81 WEST BUSINESS PARK

WHEREAS, Rezoning #02-16, of I-81 West Business Park submitted by GreyWolfe, Inc., to rezone 36.676 acres from RA (Rural Areas) District to the B2 (General Business) District, 45.453 acres from the RA (Rural Areas) District to the B3 (Industrial Transition) District and 73.360 acres from the RA (Rural Areas) District to the M1 (Light Industrial) District with proffers to accommodate commercial and industrial uses, final revision dated April 27, 2016 was considered. The properties are located on the west side of Interstate 81 between Cedar Hill Road (Rt. 671) and Hopewell Road (Rt. 672). The properties are further identified with PIN(s) 33-A-113, 33-A-124 and 33-A-114B in the Stonewall Magisterial District; and

WHEREAS, the Planning Commission held a public hearing on this rezoning on March 16, 2016 and tabled the application for up to 30 days to allow for revised proffers to be submitted; and

WHEREAS, the Planning Commission held a public meeting on this rezoning on April 6, 2016 and recommended approval; and

WHEREAS, the Board of Supervisors held a public hearing on this rezoning on April 27, 2016; and

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

NOW, THEREFORE, BE IT ORDAINED by the Frederick County Board of Supervisors, that Chapter 165 of the Frederick County Code, Zoning, is amended to revise the Zoning District Map to rezone 36.676 acres from RA (Rural Areas) District to the B2 (General Business) District, 45.453 acres from the RA (Rural Areas) District to the B3 (Industrial Transition) District and 73.360 acres from the

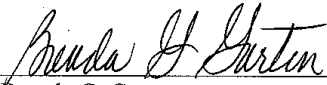
RA (Rural Areas) District to the M1 (Light Industrial) District with proffers to accommodate commercial and industrial uses, final revision dated April 27, 2016. The conditions voluntarily proffered in writing by the Applicant and the Property owner is attached.

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

Passed this 27th day of April, 2016 by the following recorded vote:

Charles S. DeHaven, Jr., Chairman	<u>Aye</u>	Gary A. Lofton	<u>Aye</u>
Robert A. Hess	<u>Aye</u>	Robert W. Wells	<u>Aye</u>
Gene E. Fisher	<u>Aye</u>	Judith McCann-Slaughter	<u>Aye</u>
Blaine P. Dunn	<u>Aye</u>		

A COPY ATTEST


 Brenda G. Garton
 Frederick County Administrator



PG 0147

DATE: 2-17-2016
SCALE: 1"=800'
DRAWN BY: GRO
SHEET 2 OF 2

**GENERALIZED DEVELOPMENT PLAN
BLAIN PROPERTIES OF VIRGINIA, LLC
AND HMC LP, LLP**

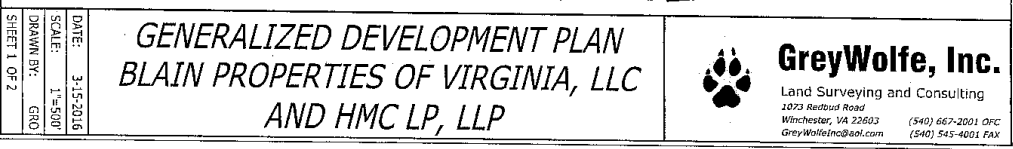


GreyWolfe, Inc.

Land Surveying and Consulting

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Winchester, VA 22603
GreyWolfeInc@aol.com

(540) 667-2001 OPC
(540) 545-4001 FAX



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VIRGINIA: FRÉDERICK COUNTY.SC1.

This instrument of writing was produced to me on

05-10-2016 at 1:33 PM
and with certificate acknowledgement thereto annexed
was admitted to record. Tax imposed by Sec. 58.1-802 of

\$ NA, and 58.1-801 have been paid, if assessable.

Rebecca P. Hogan, Clerk