

# TOWN OF BOWLING GREEN TOWN COUNCIL MEETING

# AGENDA

# Thursday, May 05, 2022 7:00 PM

# CALL TO ORDER AND QUORUM ESTABLISHED:

# PUBLIC HEARINGS:

- 1. Rezoning #RZS-2021-025 Northview
- 2. Rezoning #RZS-2021-020 Fairmont
- 3. Rezoning #RZS-2022-008 JPM Investments, East Broaddus Ave

# **DELEGATIONS:**

# **PUBLIC COMMENTS:**

# **MEMBER COMMENTS:**

# **STAFF REPORTS & PRESENTATIONS:**

- 4. Public Works/Utilities Monthly Report for April 2022
- 5. Police Departments Monthly Report April 2022
- 6. Town Clerk/Treasurer Council Monthly Report

April 2022

7. Town Manager Monthly Report for April 2022

# **CONSENT AGENDA:**

- 8. Bills April 2022
- 9. Minutes December 02, 2021, January 06, 2022, February 03, 2022 and April 07, 2022 Town Council Work Sessions
- <u>10.</u> Minutes December 02, 2021, February 03, 2022 and April 07, 2022 Town Council Meetings

#### **UNFINISHED BUSINESS:**

#### **NEW BUSINESS:**

<u>11.</u> Tinsel Town 2022

#### **INFORMATIONAL ITEMS:**

# **COMMITTEE REPORTS:**

# **CLOSED SESSION:**

# **RECONVENE IN OPEN SESSION**

# **ADJOURNMENT**



# TOWN OF BOWLING GREEN TOWN COUNCIL MEETING AGENDA ITEM REPORT

AGENDA ITEM:	Rezoning – #RZS-2021-025 - Northview
ITEM TYPE:	Public Hearing - Duly Advertised
PURPOSE OF ITEM:	Decision - By Motion
PRESENTER:	Allyson Finchum, Town Manager
PHONE:	(804) 633-6212

# **BACKGROUND / SUMMARY:**

The Planning Commission held a public hearing on December 20<sup>th</sup>, 2021, continued to January 31, 2022 and provided no recommendation. The Town Council held a public hearing on March 3, 2022, continued to April 7, 2022. Proffers are amended and a new public hearing must be conducted.

# ATTACHMENTS:

Staff Report Application Applicant's Narrative Maps Ordinances

#### **REQUESTED ACTION:**

Hold public hearing; review project; motion to approve/deny or defer. The decision to approve/deny must be made within one year.



# STAFF REPORT REZONING #RZS-2021-025

Request: Rezoning (B-1 Business to R-3 Residential) Location: AP Hill Boulevard Tax Map: #43-A-42C; 43-22-1, 2, & 3 Owner: Northview Properties, LLC Applicant: Northview LLC Proposed Density: 3.1 du/ac Site Size: 42.18 Total; 34.54 acres +/-(combined for R-3), 6.15 acres (B-2) Existing Land Use: Vacant

Existing Zoning: B-1, Business

Proposed Use: Residential & Business

# Surrounding Land Uses and Zoning:

Northeast: County Boundary and Fort AP Hill; Southeast: Bowling Green Motel, Relax Inn, Village Self-Storage, zoned B-2; Southwest: vacant land & dwellings zoned A-1; Northwest: vacant wooded land and cemetery

The 2021 Comprehensive Plan: Mixed Use (R1, R2, R3, B1, B2, & PUD)

Staff: Allyson Finchum, Town Manager/Zoning Administrator



# **Background & Summary of Proposal**

The applicant is requesting to rezone four parcels totaling 34.54 acres from B-1, Business to R-3, Residential to develop a residential subdivision with 72 single-family houses and 35 townhouse dwellings with a resulting density of 3.1 units per acre. The application for rezoning was submitted for review on November 4, 2021.

- The 42.18-acre site is located at the intersection of Route 301 (AP Hill Boulevard) to the west and Lakewood Road to the north. It is currently undeveloped land.
- The general development plan depicts common area on the perimeter of the development. The total acreage of common area for the residential is 27.7%.
- No recreational features are shown.
- Area for stormwater features is on the southeastern corner of the development adjacent to AP Hill Boulevard.
- Building elevations are not provided.
- The applicant has submitted a narrative which is included in the packet.

# **Proffers**

Proffers have been submitted by the applicant as part of the rezoning application. An applicant may voluntarily submit proffers in an effort to address issues or concerns identified by the Town, to help make the proposed application consistent with the Comprehensive Plan or address other identified development issues. Should this application be approved and proffers accepted, the proffer statement will be recorded at the Circuit Court and govern the use and development of the property.

# **Comprehensive Plan Recommendations**

The Comprehensive Plan Map shows the future land use for this area as *Mixed Use (R1, R2, R3, B1, B2, & PUD)*. This designation includes a variety of densities, as well as various types of residential and business uses along the corridor.

The Comprehensive Plan identifies the Route 301 North Corridor Area on the northeast side of Bowling Green as one of "three commercial areas within the town boundary which will benefit greatly with detailed planning to ensure proper development, redevelopment, growth, and viability."

Excerpts from the Comprehensive Plan are included in the packet.

## Natural and Cultural Resources Impacts

The site is located in the Maracossic Creek (Mattaponi) watershed.

The Chesapeake Bay and storm water regulations provide the framework to protect environmentally sensitive water features.

#### **Traffic Impacts**

AP Hill Boulevard is a four-lane divided Principal Arterial Highway. The applicant has provided a general traffic impact statement. The proposed zoning creates an estimated 629 vehicle trips per day (vpd).

# Public Utility Impacts

#### Water

Water lines must be extended throughout this subdivision with an individual tap to each parcel. There is an existing Town water main along AP Hill Boulevard to serve the proposed development.

The Town's current groundwater withdrawal permit allows for 69,520,000 gallons per year which is 190,465 gallons per day (gpd) on average. The current average daily production is 153,000 gpd. This total includes unaccounted for water usage from water leaks, flushing of hydrants, use from Caroline County Fire and Rescue (training, filling trucks, etc.). Current daily reserve is 37,465 which allows for an additional 124 connections at 300 gpd. Approval of any development that exceeds 190,465 gpd is contingent upon the Virginia Department of Environmental Quality's (VDEQ) approval of a modified withdrawal permit.

If this is the only subdivision approved, it would use approximately 97% of the remaining capacity at total build out. This does not consider development of any undeveloped or underdeveloped land within the Town limits.

The 124-unit capacity figure must take into consideration existing platted vacant lots in town. It may be appropriate for the applicant to consider providing a well site or other assistance towards a future well when required.

#### Sewer

The Town's current sewer capacity permitted is 250,000 (gallons per day), with 98,000 gpd (39.2%) currently used. There is an existing Town sanitary sewer gravity main along AP Hill Boulevard. Sanitary sewer mains must be extended throughout the subdivision, with an individual lateral to each parcel.

There is ample sewer supply available with less than 40% of the capacity utilized.

# Storm water Impacts

The development of 107 residential lots and the corresponding streets/parking areas, with increase in impervious cover and require storm water facilities. The GDP identifies the general location of the proposed stormwater facilities. The storm water requirements may affect the final lot layout/ project design.

# School Impacts:

School impacts are not included in the application.

The school system is funded through the Caroline County Board of Supervisors. Taxpayers (Town and County) provide financial resources for the school system, through real estate and other taxes, together with available state and federal funding. Information is included in the Comprehensive Plan about the schools.

#### <u>Tax Revenue</u>

Included in the narrative is the applicant's fiscal impact statement of the project. The applicant stated R-3 residential development will generate a total annual real estate tax of \$47,840.00 of revenue.

# Zoning and Subdivision Ordinance Considerations

# R-3 Residential

Townhouses and apartment buildings minimum lot requirement of 10,000 square feet shall be waived for the individual lots occupied by each Townhouse dwelling unit. However, in consonance with the concept of open area planning, the total lot area and usable open space

per dwelling unit, townhouse or apartment shall be not less than 6,000 square feet. Such *usable* open space shall be exclusive of areas devoted to streets, alleys and parking area and shall be adequately landscaped with shade trees and grass to provide a park, playground area or swimming pool for the development. The minimum lot size for single-family detached dwellings is 10,000 sf. Over sixty percent of the lots do not meet the minimum lot size requirements.

# **Subdivision**

The development must meet subdivision/zoning ordinance requirements at the time of site plan/subdivision submission. The GDP provided may conflict with one or more of the regulations identified above.

# **Evaluation and Staff Comments**

The following comments are provided by staff for consideration:

- This development is one of two currently proposed residential rezonings in the annexed area (Fairmont) along Route 301 north. Land use in the area is predominantly vacant or commercial. There is likely to be a transition to residential development along the corridor with approval of this project.
- The future land use map identifies this area as *Mixed-Use*. The applicant has provided both a mixture of residential uses (single-family and multi-family) and a mixture of various use districts Residential(R) and Business(B) retained along the corridor on separate parcels already zoned for commercial use.
- The application is for rezoning to R-3 Residential which allows a multi-family use at the highest density provided in the Town of Bowling Green zoning ordinance. The Town Council must decide whether low, medium, or high density and single-family and/or multi-family development meet the intent of the Comprehensive Plan for this parcel.
- Townhouse developments must contain 6,000 square feet of lot area and usable open space per unit. Usable open space is landscaped areas that provide a park, playground or swimming pool.
- The original General Development Plan does not appear to meet minimum lot size requirements per Town ordinance. Staff requests amending the GDP to show general consistency with Town ordinances.

- The Town's appearance and design are noted in the Comprehensive Plan as an important quality of life issue for its residents and as an economic development tool. Details such as exterior elevations of housing and community amenities are not included. Therefore the developer or builder who ultimately builds the project, will decide the layout, aesthetics and amenities, if any. The Planning Commission and Town Council must decide whether the application adequately addresses the Comprehensive Plan.
- Entrance corridors, including Route 301 north, are identified in the Comprehensive Plan as important for historical, aesthetic, and practical reasons, which serve to visually identify the Town boundary, establish the first impression of the Town for visitors, and is indicative of the Town's commitment to its appearance and attractiveness. To meet this intent, development of structures, signs, landscaping, etc. should be the highest quality on an entrance corridor. The proffers for this development do not guarantee this occurring.

The proposed Northview GDP shows a mixture of housing with mostly townhouses as the type most apparent form the road until the commercially zoned parcel between the dwellings and Route 301 is developed. The Comprehensive Plan identifies berms as a possible solution in providing a visual buffer, though no visual buffers have been proffered.

Alternatively, the GDP could be redesigned to address these issues identified in the Comprehensive Plan.

 The Comprehensive Plan recommends to "minimize the impact of development on major roads by limiting access points and providing side street access and common entrances." It also suggests to "prohibit individual single family and duplex units within a development from having direct access to arterial and collector roads wherever possible, and locate residential development along internal roads within the development to improve traffic flow and enhance safety."

The GDP identifies three access points; two along Lakewood Road, a secondary road, and one to Route 301, a principal arterial highway. The Route 301 access point is aligned with the cross-over for both northbound and southbound access. A Traffic Impact Analysis has not been submitted to determine impacts to Lakewood Road.

• The Town currently has water and sewer availability to support this project. About 97% of the currently permitted withdrawal will be utilized at full build out of this project without consideration of other development proposals, existing vacant and underdeveloped parcels within Town limits as well as those parcels outside the Town

approved to be served by the Town water system. The Town may need to consider beginning the process of identifying additional water supply sources (wells) and permits in the near future.

- The 124 unit capacity figure should take into consideration for existing platted vacant lots in town. It may be appropriate for the applicant to consider providing a well site or other assistance towards a future well when required.
- The Comprehensive Plan recommends to "protect environmentally sensitive areas such as steep slopes, historic and archaeological resources, wetlands, water supply, wildlife habitats, and other sensitive areas by locating conflicting land uses away from such areas.

The site is relatively flat and appears to be approximately 1000' from a water feature.

# <u>Update</u>

The Planning Commission held a public hearing on December 20, 2021 which was continued to January 31, 2022.

The Commission granted the applicant's request to move the application to the Town Council. By vote of 4-1, no recommendation was submitted.

The Town Council held a public hearing on March 3, 2022 which was continued to April 7, 2022.

The Planning Commission and Town Council minutes on the subject prepared to date are attached.

Due to changes in proffers, the proposal was re-advertised and a new public hearing is being held.

# Public Outreach Information:

As required by State Code, this item was advertised in the Free-Lance Star on April 14, 2022 and April 21, 2022.

The Staff report, as well as all reports for this Town Council meeting, were posted on the Town website <u>www.townofbowlinggreen.com</u> on May 3, 2022.

Adjacent notices were mailed first class.

#### Next Steps:

The Town Council will hold a public hearing for this application on May 5, 2022. Following the public hearing, the Town Council may defer action to consider the application for up to one year; request more information from the applicant; request a worksession with the applicant; or decide approval/denial on this matter.



#### TOWN OF BOWLING GREEN PLANNING COMMISSION MEETING EXCERPT OF MINUTES December 20, 2021

Town Hall 117 Butler Street, Bowling Green, VA 22427

# **PUBLIC HEARING:**

#### Rezoning - #RZS-2021-025 - Northview

Ms. Finchum presented to the members the request to rezone four parcels from B-1, Business to R-3, Residential, located at the intersection of Northview and A.P. Hill Boulevard. Ms. Finchum explained the property consists of parcels #43-A-42C; 43-22-1, 2, & 3, totaling 42.18 acres, with 34.54 acres requested to be rezoned to R-3 and the leftover 6.15 acres to remain as B-1. Ms. Finchum stated the applicant proposed a residential subdivision that would consist of 72 single-family houses and 35 townhouses, resulting density of 3.1 units per acre. Ms. Finchum discussed the following additional items:

- Proposed common area consists of 27.7% green space to include common area surrounding the perimeter of the development;
- Proposed building elevations have not been provided;
- Information for stormwater features has been provided;
- Proposed development is the second requested residential rezoning in the annexed area;
- Fairmont was the first rezoning request and is under review by Town Council;
- Request for R-3 Residential would allow a multi-family use at the highest density;
- Entrance corridors, including Route 301 North, are identified in the Comprehensive Plan as important for historical, aesthetic, and practical reasons;
- Proposal includes two access points from the side street, Lakewood Road, with a total of three access points located at Lakewood Road, and Route 301;
- Water and sewer are currently availability;
- Approximately 97% of the water availability will be utilized at full build out which does not include any additional proposed or ongoing development within the town;
- There are no wetlands or Resource Protection Areas (RPAs) noted on the property;
- The townhouse development must contain 6,000 square feet of lot area and usable open space combined;
- The Traffic Impact Statement provided by the applicant estimates 629 vehicle trips per day;
- Water and sewer connection fees expected to generate \$1,444,500.00;



- Ample sewer supply available with less than 40% of the capacity currently being utilized;
- Stormwater will be reviewed for compliance at the time of site plan submission;
- Impact on the school system has not been provided;
- The applicant projected the residential development will generate approximately \$47,840.00 in annual real estate tax revenue; and
- Proposed lot size shown on the general development plan (GPD) does not meet the minimum lot size requirements.

Ms. Finchum stated that the application included in the packet was the incorrect application and offered to print the correct application if requested. Ms. Finchum noted the staff report reflected the correct information and concluded her presentation.

Ms. Gattie asked the applicant if they would like to address the members.

Mr. Jason Manns, applicant and resident, introduced Mr. Keith Oster with Sullivan, Donohoe, & Ingalls (SDI), P.C., to present the application.

Mr. Oster, Civil Engineer, SDI, P.C., addressed the members and presented the following information:

- Intent of the project is to provide a generous blend of commercial with residential along the Route 301 corridor;
- Residential homes would be located behind the commercial section, with a blend of high density adjacent to the commercial with single-family homes in the rear;
- Single family homes would be a village style concept with smaller lots;
- Centrally focused area with an intimate, friendly feel;
- Intend to have public water throughout;
- Public Works Director has indicated there is sufficient water capacity for the project;
- Importance of having land use application approved prior to receiving the Department of Environmental Quality's (DEQ) approval to permit an increase for well withdrawal and capacity;
- Sanity sewer with nearby pump station, within the sewer shed of the pump station;
- Beneficial of increased exercise to pumps from additional sewer flow;
- Roads within the development are public;
- Roads are within the Virginia Department of Transportation (VDOT) requirements;
- Knitted together residential components;
- Rear load garages off alleys;
- Sidewalks;
- Core elements of lot size allows for a width and depth that is appropriate to alleys, garages, and to allow flexibility for amenities;
- Amenities are important to the village aspect;
- Lot size can be accommodated if needed;



- Houses buffer commercial;
- More than 25% open space as shown;
- Meets all stormwater regulations;
- Multiple points of entry that meet VDOT requirements;
- Traffic concerns noted; and
- Explained currently zoned as commercial, and a residential use would generate less traffic.

Mr. Oster concluded the presentation and noted he would answer any questions.

Mr. Seigmund inquired if parking for the units would be accessed off the alley ways. Ms. Oster stated the rear load garage units would be accessed off the alley ways.

Mr. Seigmund inquired if units 1-19 have driveways for access off Road B. Mr. Oster stated they have discussed that option.

Mr. Seigmund inquired if units 1-7, and 20-34, would require driveways to be located in the front as there is no proposed rear access to those units. Mr. Oster stated that option has been discussed. Mr. Oster also noted that the alley could be extended for that purpose. Additionally, for the lots that back Lakewood and the adjacent property, the expectation would be a combined hammerhead style driveway to serve two garages each.

Ms. Gambill inquired if the alley ways will require VDOT approval. Mr. Oster stated the alley ways are private and do not require VDOT approval. Ms. Gambill noted private alley ways are not permitted by Town Code. Mr. Oster explained that the homes have full frontage on public streets, and clarified the alley ways are for access to rear load garages.

Mr. Seigmund inquired if streetside parking would be permitted and noted concern of the 12-foot-wide alley way which would need to accommodate trash pickup as well as residential parking. Mr. Oster explained that they were not anticipating residential parking in the alley way. Mr. Seigmund added each townhome lot would need to be entirely paved in the rear to accommodate parking for each unit.

Ms. Gambill inquired if trash pickup would be conducted in the alley way to allow for the desired effect of front facing aesthetics. Mr. Oster confirmed.

Ms. Pelter asked how many cars would fit in an alley way. Mr. Oster stated that on street parking is not anticipated as each of the units is about 25 feet wide, allotting for two parking spaces per unit. Mr. Oster explained each parking space is approximately 18 feet which is pretty standard.

Mr. Seigmund inquired if the townhomes would have a garage on the ground level. Mr. Oster explained that he could not speak to specifics regarding the final build out of product, but noted there would be sufficient space for parking.



Ms. Gambill asked if the alley way behind the townhomes would be impervious service, with the front area landscaped. Mr. Oster stated that is anticipated.

Ms. Pelter inquired if Road D would have ample space for parking on both sides. Mr. Oster stated there would not be enough space for parking on both sides. Ms. Pelter asked if there would be enough for parking on one side, in addition to two-way traffic. Mr. Oster stated he is unsure if there is ample space but there is flexibility widen if needed. Mr. Oster added they did not contemplate on street parking with this particular concept.

Ms. Gambill explained visitors of the residents would not typically park in the rear parking places, on street parking is commonly used. Mr. Oster explained that VDOT does not offer a lot of latitude for perpendicular parking on a public road and would need to be accommodated differently if parking is a critical item.

Ms. Coyle asked for clarification regarding the location and number of proposed entrances to the development; one on A.P. Hill Boulevard and two on Lakewood. Mr. Oster explained it works well to have that connection and under this layout does not see why we could not have all three connections.

Ms. Gattie noted concern of increased traffic to Route 301 if the Lakewood connection do not happen. Mr. Oster stated it seemed unrealistic to not have at least one connection at Lakewood.

Ms. Gambill inquired if the applicant confirmed with VDOT regarding the need for a turn lane located on A.P. Hill Boulevard. Mr. Oster explained the Warrant Analyses was conducted based on the impact of traffic and a turn lane is not anticipated unless required by VDOT.

Ms. Pelter inquired if a portion of the proposed commercial area would be utilized, if a turn lane is required. Mr. Oster stated there appears to be sufficient right of way to accommodate a right turn lane and a road side ditch.

Ms. Pelter inquired where trash collection would be conducted for homes not abutting an alley way. Mr. Oster explained those homes would require curbside trash collection.

Ms. Finchum noted the parking requirement for dwellings is at minimum one parking space for every dwelling unit on site.

Ms. Coyle asked how many businesses are anticipated to locate in the 6.1 acres of commercial space. Mr. Oster explained that is uncertain and would depend on the nature of the business.

Ms. Coyle noted concern regarding the lack and need for a supermarket. Additionally, Ms. Coyle asked at what point would the development of the commercial area take place and if it will be phased in



during the residential development. Mr. Oster explained phasing in commercial was not intended at this time or discussed. However, it is anticipated to get commercial in as quick as possible.

Ms. Pelter inquired if the applicant owned the two parcels located at the corner of Lakewood and AP Hill. Ms. Oster stated the property with the service station is not, all the other parcels are. Ms. Pelter further inquired if those parcels are included in the proposed 6.1 acres of commercial.

Ms. Gambill inquired of the possibility to develop shell sites in which a tenant fit out could be conducted for each business that comes in. Ms. Gambill further explained that it would be easier to attract businesses to move into an existing building rather unless it is a chain.

Ms. Pelter asked for additional clarification regarding the two corner parcels, 44-A-1B1, and 44-A-1A which are included separately on the GDP and are not included in the rezoning request. Mr. Oster explained those two parcels are not included in the request as they are existing commercial parcels.

Ms. Coyle noted the three lots on the south end, located next to the THs is an oddity and inquired if that area is could be utilized as commercial. Mr. Oster stated those lots are anticipated to be utilized as model homes and intended to be single family.

Ms. Gattie asked in terms of the buffer, are we talking vegetation as a buffer on Lakewood and AP Hill Boulevard. Mr. Oster stated that was the anticipation. There is no distinguished buffer on AP Hill, however is more so along Lakewood and the adjacent properties. Mr. Oster noted should lot size minimum become an impediment, a portion of those buffer areas would be incorporated into the total lot area if needed.

Mr. Seigmund asked if the entrances for the 6.1 acres of zoned commercial area would be located on Road D, adjacent to the development or would the location be off of AP Boulevard. Mr. Oster explained the anticipated access would be located off of Road D which would be a stipulation by VDOT. Mr. Seigmund inquired if the access located Road D would potentially accommodate both commercial and residential traffic, as well as street side parking for units 70-93. Mr. Oster confirmed.

Mr. Seigmund inquired if a visual buffer would be located between units 70-93 and the commercial development. Mr. Oster explained due to the nature of the development, the townhomes almost act as the buffer between the commercial and the single-family homes. Mr. Seigmund noted concern for the TH units 70-93 abutting the commercial property, acting as a buffer. With nothing proposed in the commercial area, it is difficult to visualize how daily life will be for residents in those units. Mr. Seigmund noted additional concern regarding issues that the potential volume of traffic and on-street parking would present. Mr. Oster noted some minor adjustment could be made to the width of Road D to accommodate the concern.

Ms. Pelter noted that widening Road D would take away from the already small amount of commercial



area therefore reducing the number of businesses that would come in. Mr. Oster explained the depth 200-300 feet of depth is a reasonable depth relative to the commercial area.

Ms. Gambill noted existing speeding issues on Lakewood Road and voiced concerned from a safety aspect in regard to increased traffic and how to safely manage that. Mr. Oster stated they are showing a dedication to that road and it could be widened to address safety concerns.

Ms. Gattie opened the public comment period.

Mr. Carter, resident, addressed the members in opposition of the project and noted the following concerns and questions:

- Traffic on Lakewood Road;
- Water and sewer;
- Questioned if the marsh lands are protected area; and
- Questioned if Fort AP Hill had noted in concerns or questions.

Mr. Bhagat Moreshwark Umar M, resident, addressed the members in favor of the rezoning request and noted the following:

- Not opposed, in favor of the development;
- Questioned in regards to the special district tax;
  - Are proffers proposed;
  - What are the benefits added for the town; and
  - Will the development contribute to the special district tax.

Ms. Bonnie Cannon, resident, addressed the members in opposition and noted the following concerns:

- Noted security issues giving address at meetings (not related to proposal);
- Strongly opposed;
- Too many unanswered questions;
- Who is the proposed developer;
- Possible tax increase;
- Traffic, VDOT issues;
- Water and sewer;
- Prefer a grocery store or all commercial development;
- Want mom and pop restaurants;
- Infrastructure;
- Emergency services: Fire, EMS, Police; and
- Education and schools.

Ms. Gattie closed the public comment period.



Ms. Gambill inquired if future expansion of Lakewood Road has been discussed with VDOT. Mr. Oster stated no, however the dedication of right-of-way is available should the need arise.

Ms. Gambill stated the Police Department has acknowledged adequate coverage to accommodate the proposed development, however there is concern of adequate Fire and Rescue coverage.

Ms. Pelter noted concern of ample space for Fire and Rescue within the development. Mr. Oster stated the required road would width accommodate Fire and Rescue.

Ms. Finchum inquired if a GDP that meets current code requirements will be submitted. Mr. Oster stated that would be completed to address feedback from this evening's meeting.

Ms. Gambill asked staff if the proposed alley ways meet code requirements. Ms. Finchum stated yes, as long as the homes front on a public road.

Ms. Gambill asked if a HOA would be responsible for the upkeep of the alley way and green space. Mr. Oster stated that was anticipated.

Ms. Pelter asked if the centrally located green space would face the back of homes. Mr. Oster said yes.

Ms. Gambill recommended including a dog park for the residents with pets to help minimize pollutants introduced in the environment.

Ms. Pelter asked for information about street lights. Mr. Oster said yes, there will be street lighting.

Ms. Gambill inquired if there was a proposed location for signage. Mr. Oster stated that has not yet been discussed.

Ms. Gattie asked if the proposed development would be impacted by testing conducted by Fort A.P. Hill. Ms. Finchum stated Fort A.P. Hill commented that they would not recommend approval of residential development on this corridor due to increased complaints from noise pollution.

Mr. Seigmund asked for additional information regarding market research and what drove the density of the proposed development. Mr. Oster noted it was anticipated home buyers would come from the surrounding areas. Mr. Seigmund inquired if a lower density project had been discussed. Mr. Oster said no.

Ms. Pelter inquired about the proposed home values. Mr. Seigmund noted the value of a single-family home as \$375,000.00, and townhome as \$280,000.00.

Ms. Gambill asked if the development will have sidewalks. Mr. Oster said yes. Ms. Pelter asked the



applicant to point out the sidewalk locations notated on the proposed plan.

Ms. Finchum noted a text amendment must be submitted and approved due to the nonconforming lot size. Ms. Pelter asked for clarification. Ms. Finchum noted the proposed lot size does not meet the R-3 District minimum lot size requirements.

Ms. Coyle asked if there is an anticipated elevation for the townhomes. Mr. Oster stated the townhomes will be two story or three-story townhomes.

Ms. Gambill asked the homes will include basements. Mr. Oster stated that has not bee discussed.

Ms. Pelter inquired if model home drawings will be submitted. Mr. Oster stated there are no prepared elevations at this time.

Ms. Pelter asked if the single-family homes will be one or two story. Ms. Oster stated he is unsure at this time.

Ms. Coyle asked if the proposed commercial area will consist of shell suites. Mr. Oster noted that would depend on the owner.

On the motion of Ms. Pelter, seconded by Mr. Seigmund, which carried a vote of 5-0, the Commission agreed to defer the application to the following regular meeting, to allow the applicant time to provide the additional information requested.



#### TOWN OF BOWLING GREEN PLANNING COMMISSION ORGANIZATIONAL MEETING EXCERPT OF MINUTES

January 31, 2022 Town Hall 117 Butler Street, Bowling Green, VA 22427

# **PUBLIC HEARING:**

# Rezoning - #RZS-2021-025 - Northview

Ms. Gattie opened the public comment period.

Mr. Bhagat Moreshwark Umar, resident, addressed the members in favor of the rezoning request and noted the following:

- Thanked the Commission for service.
- Not opposed, in favor of the development;
- Noted concern on infrastructure; and
- Impact on Special District Tax.

Ms. Gattie closed the public comment period.

Ms. Finchum stated information gathered on the Special District Tax will be presented to Town Council.

Ms. Gattie asked Ms. Finchum for updates on the rezoning request. Ms. Finchum noted she has no changes from the initial presentation at the November 15, 2021 meeting.

Ms. Gattie asked if the application would like to address the members.

Mr. Oster, Civil Engineer, SDI, P.C., addressed the members and presented the following information:

- Possible addition of second rear entrance;
- Commit funds to water and sewer improvement
- Implementation of street lights
- Compared existing R-3 Ordinance with proposal for possible amendments and conformance
- Proposing addition of text amendment with rezoning application
- Reduced proposed lot size to approximately 9000 and 1200 sqft.
- Setbacks amended to bring homes closer to front of lot
- Standard lot width reduced to 60 ft



• Corner lot width increased to 80 ft

Ms. Gambill asked for the location of the entrance feature. Ms. Oster stated the entrance feature would be located on Route 301. Ms. Gambill asked if the feature would be located on the north or south side of the Route 301 entrance. Mr. Oster stated that has not been decided at this time.

Ms. Gambill inquired about curb and gutter specifications. Mr. Oster stated the Combination 6" Curb and Gutter (CG6) would be used.

Ms. Finchum explained how zoning requirements have changed over time. Ms. Finchum recommended the use of a R-4 District or apply for a text amendment.

Ms. Gambill noted concern of increased expenses and additional resources needed.

Mr. Manns asked for information about submission of a text amendment. Ms. Finchum explained the process. Ms. Finchum recommended the applicant bring a layout alternative to the Town Council. Mr. Manns stated they would be happy to provide that information.

Ms. Gambill inquired if the applicant reviewed examples of green space. Mr. Manns said he has not review them at this time.

Mr. Seigmund commented the Commission has considered two rezoning proposals in the past few months and noted the following:

- Not necessarily opposed to development
- Potential to plan the connect these new developments by means of pathways or trailways
- Connect developments with older part of community

Mr. Manns responded with the following:

- Possible connections have been discussed
- Would be beneficial
- Willingness to work with other land owners to implement
- Possibly widening of roadways
- Very interested in connectivity

Ms. Finchum asked who owned all three parcels on Route 301 that are noted on the application. Mr. Manns stated the properties belong to his father, Mr. Mike Manns. Ms. Finchum stated it would be beneficial to connect the projects at the right of way near the Fairmont development. Mr. Manns stated they would be willing to do so as long as it does not interfere with the entrance to the commercial parcel.



Mr. Seigmund asked for confirmation of which lots would remain commercial. Ms. Finchum confirmed the location of the parcels.

Ms. Coyle asked if these changes would illuminate green space. Mr. Manns stated yes, some green space will be lost if the lot size must be amended to conform to the current R-3 lot requirements.

Ms. Coyle noted concern with the reduction of open space and discussed the following:

- Lack of open space for children
- No playgrounds
- Only see exclusion with these proposed developments
- Need for a pleasant experience to connect to town
- Core of town is important
- Pathway Plans from 2006 never progressed
- Water and resource concerns

Mr. Manns responded golf cart paths would be separate from walking paths. Mr. Manns explained the two acres in the middle of the development could include a playground.

Ms. Coyle asked if the playground would be accessible to both developments. Mr. Oster said no. Ms. Coyle noted concern of no connectivity and no community. Mr. Manns stated they are committed to the Town of Bowling Green and will do what is in their power.

Ms. Gambill noted the connectivity to town is important with the business aspect should be a focus. Mr. Manns stated they have attempted for three decades to bring commercial to these parcels but lacked the number of rooftops that appealed to buyers.

Ms. Pelter stated there are ample roof tops today and noted concern of the following:

- Traffic
- Water
- Parking
- Resources

Mr. Seigmund inquired how much of the land would be developable up to the protected wetlands. Mr. Manns noted the size of the manmade farm pond can be adjusted but does not know how much would be developable.



Mr. Seigmund noted the lack of existing playgrounds in the town.

Ms. Coyle noted no opposition to development but does not want to see the cookie cutter subdivisions.

Mr. Manns and the members further discussed green space, community, and connectivity needs.

On the motion of Ms. Gambill, seconded by Mr. Seigmund, which carried a vote of 4-1, with Ms. Coyle opposing, to forward the application with no recommendation to Town Council.



TOWN OF BOWLING GREEN TOWN COUNCIL MEETING EXCERPT OF MINUTES Thursday, April 7, 2022 7:00 p.m. Town Hall

# **PUBLIC HEARING:**

# Rezoning - #RZS-2021-02 - Northview

Mayor Gaines noted the public hearing is a continuation from the March 3, 2022, meeting.

Mayor Gaines opened the public comment period. With no one wishing to speak, Mayor Gaines closed the public comment period.

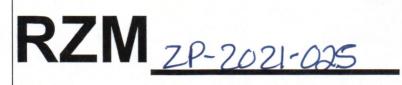
Council stated that the applicant submitted amended proffers. Council requested additional time to discuss and allow the applicant time to address any concerns.

Council requested more time prior to the closing of a public hearing to allow for an applicant's rebuttal.

Council requested the contact information of the Applicant's Representative should additional questions arise.

Council asked for a status update regarding information requested from the Department of Environmental Quality (DEQ) and noted a response has not yet been received.

On the motion of Mr. Voit, seconded by Mr. Wholey, which carried a vote of 8-0, the Town Council voted to defer action to the next meeting.



PREVIOUS EDITIONS OF THE

FORM ARE OBSOLETE

FORM REVISED: 28 April 2008



\*\*This permit shall be posted in a conspicuous place\*\*

# Town of Bowling Green

**Mixed Use Rezoning Application** 

Application and petition are hereby made to the Town Council, Town of Bowling Green, to amend the Zoning Map of the Town of Bowling Green and issue a Certificate of Zoning Compliance, in accordance with the description and for the purpose hereinafter set forth. This application is made subject to all local and state laws and ordinances, which are hereby agreed to by the undersigned, and which shall be deemed a condition entering into the exercise of this application.

	Northview, LLC	(804) 512-9393
	Name	Daytime Telephone Number
	PO Box 117, Bowling Green	Virginia 22427
	Mailing Address	
		·
roperty Inform	nation	
	43-A-42C 43-22-1	, 43-22-7, 43-22-3 B-2 Existing Use/Zoning
	Tax Map/Parcel Number	Existing Use/Zoning
	0 AP Hill Blvd, Bowling Gr	
	Address/Location (use street na	imes)
	None	
	Existing Structures (number an	d type)
lezoning of Pr	operty Requested	
rom Zoning D	esignation	To Zoning Designations (Check all that apply)
R-1	Number of parcels	B-1 Number of parcels
R-2	Number of parcels	B-2 Number of parcels
✓ R-3	Number of parcels 114	M-1 Number of parcels
<ul><li>✓ R-3</li><li>A-1</li></ul>	Number of parcels	

Water and Sewer					
What is your water supply source?		What is y	our sewage disposal s	source?	
Municipal	Private Well	$\checkmark$	Municipal		Septic Tank

As part of the submission, the following questions must be answered with a detailed response in narrative form. Answers of "Yes" or "No" are NOT ACCEPTABLE and the application is not complete until this narrative is submitted.

1. Describe in detail, why the current zoning designation of the property is inappropriate.

2. Describe in detail, the proposed use(s) of the property.

3. Describe in detail, why the proposed rezoning is necessary.

4. Describe in detail, why the proposed rezoning will not be detrimental to surrounding properties. Please relate your response to the existing zoning of the area, existing land uses in the Town Code, adjacent neighborhoods, and the Town of Bowling Green Comprehensive Plan.

5. Describe the proposed water and wastewater utility infrastructure including sources, discharges, permits, construction, ownership, and maintenance responsibilities.

6. Describe the environmental impact of the proposed use or development and the efforts to be undertaken to abate air, water, noise, storm water, and other environmental impacts during and after construction or after establishing the use.

7. Describe what techniques will be used to control traffic flow and what impacts the proposed use will have on existing roadways and provide a professionally prepared traffic impact analysis for any development expected to generate 250 vehicle trips per day or more.

8. Describe the impact of the proposed use on Caroline County's Schools.

9. Describe the impact of the proposed use on Town of Bowling Green public services (i.e., water service, wastewater disposal, solid waste disposal, and police protection).

10. Describe the impact the proposed use(s) will have on any historic sites or structures on the property or in the vicinity.

11. Describe the impact the proposed use(s) will have on any rare, endangered, or irreplaceable species or natural areas.

12. Describe the impact the proposed use(s) will have on the scenic or natural beauty of the Town of Bowling Green.

NOTE: The applicant is encouraged to consult with the Caroline County Building Official if the requested rezoning includes property containing an existing structure.

Complete and accurate information is required by the Town Staff, Planning Commission, and/or the Town Council in order for the application to be fully and appropriately reviewed. The Town Manager/Zoning Administrator may, at any time during the application acceptance process, find essential information is lacking, deem the application as incomplete, and defer further review or action until such time the required and/or requested information is provided.

XI

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Yes

# **Certification by Owner/Applicant**

I certify that I have the authority to make the foregoing application, that the information given is correct, including any attached plans or drawings, and that all construction will conform with all applicable state, county, and town laws, ordinances, and regulations with regard to zoning, health and building. Failure to do so will automatically render this permit invalid. I understand that two copies of a plot plan (or a plan for signs) must be submitted with this application, that construction requires a building permit Issued by the Caroline County Building Official, that a separate application must be made for water & sewer connections, and that all contractors must register with the Town prior to commencing work. I agree to repair any damages to sidewalks, streets, and utilities caused during this construction. I agree to pay an inspection deposit and notify the Zoning Administrator within ten (10) days of completion of the work for an inspection and issuance of Certificate of Zoning Compliance. Failure to do so may result in the forfeiture of the inspection deposit which in no way relieves me of any obligation to comply with all Town requirements. Land may be used or occupied, and buildings structurally altered or erected may be used or changed in use, only after the Certificate of Zoning Compliance is issued.

	pplicant Signature	MWX
** FOR	TOWN USE ONLY **	
Recommendation of Planning Commission	Date Received	
Recommend Approval	Recommend Disapproval	Date
Action by Town Council	Date Received	
Approved	Disapproved	Date
Recommendation of Director of Public Works	Date Received	
Recommend Approval	Recommend Disapproval	Date

 Zoning Administrator
 Recommend Approval

 Recommend Approval with Conditions (See Attached)
 Fee Paid \$\_\_\_\_\_\_

Zoning Administrator Signature

# **CERTIFICATE OF ZONING COMPLIANCE**

The building, its proposed use, or the use of the land, as described in the above application and permit complies with the provisions of Chapter 126 (Zoning) of the <u>Code of the Town of Bowling Green</u> and any applicable conditions.

**Zoning Administrator Signature** 

Date

Date

# **REMINDER!!**

Approval of this application does not mean work can begin. Permits must be obtained from the Caroline County Building Official and possibly (depending on the scope of the work) Virginia Department of Transportation (VDOT) and the Health Department or Department of Environmental Quality (DEQ). It is the responsibility of the owner/applicant to check with these agencies to ensure all permits are obtained before beginning work.

# ADJACENT PROPERTY OWNERS

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The following are all of the individuals, firms, or corporations owning property adjacent to both sides and rear, and the property in front of (across the street from) the property for which a Mixed Use Rezoning is requested. All adjacent property owner information is required to be accurate and complete before the application can be accepted.

NAME	STREET ADDRESS
1) Fort AP Hill	
Mailing Address: 13 AP Hill Drive, Fort AP Hill, VA 22427	
2) Greenlawn Cemetery	0 Lakewood Road, Bowling Green, VA 22427
Mailing Address:	-
3) Greenlawn Cemetery & Chapel	17623 Lakewood Road, Bowling Green, VA 22427
Mailing Address:	
4) Edward L Webb	0 Lakewood Road, Bowling Green, VA 22427
Mailing Address: PO Box 266, Bowling Green, VA 22427	
5) Michael N & Carol H Manns	0 AP Hill Blvd, Bowling Green, VA 22427
Mailing Address: PO Box 117, Bowling Green, VA 22427	
6) Trustees of Bowling Green Christian Fellowship	17573 AP Hill Blvd, Bowling Green, VA 22427
Mailing Address: PO Box 1351, Bowling Green, VA 22427	
7) Town of Bowling Green	0 AP Hill Blvd, Bowling Green, VA 22427
Mailing Address: PO Box 468, Bowling Green, VA 22427	
8) Capital Investment Ent LLC	18131 AP Hill Blvd, Bowling Green, VA 22427
Mailing Address: 15692 Piedmond Place, Dale City, VA 22193	
9) MMJ Real Estate LLC	17600 AP Hill Blvd, Bowling Green, VA 22427
Mailing Address: 305 Rose Glen Lane, Kennett Square, PA 19348	
10) Bhagat Moreshwarkumar M & Dipti M	18080 AP Hill Blvd, Bowling Green, VA 22427
Mailing Address: 3002 Mall Court, Fredericksburg, VA 22401	
11) Bhagat Moreshwarkumar M & Dipti M	18138 AP Hill Blvd, Bowling Green, VA 22427
Mailing Address: 3002 Mall Court, Fredericksburg, VA 22401	
12) Chase Street Hops LLC	18167 AP Hill Blvd, Bowling Green, VA 22427
Mailing Address: PO Box 1395, Bowling Green, VA 22427	
13) Chase Street Hops LLC	18164 AP Hill Blvd, Bowling Green, VA 22427
Mailing Address: PO Box 1395, Bowling Green, VA 22427	
14) Rappahannock Electric Cooperative	
Mailing Address: PO Box 7388, Fredericksburg, VA 23404	
15)	
Mailing Address:	

# **GENERALIZED DEVELOPMENT PLAN - NARRATIVE**

Owner/Applicant:	Northview Properties, LLC PO Box 117, Bowling Green, VA 22427
Project Name:	"Northview"
Property:	Caroline County Tax Parcels 43-A-43C, 43-22-1, 43-22-2, 43-22-3, 44-A-1A, 44-A-1B1, consisting of an approximate total of 42.18 acres, 36.03 acres of which are subject to this rezoning (collectively, the "Property").
Date:	October 18, 2021
GDP:	Generalized Development Plan, entitled "Northview", prepared by Sullivan, Donahoe & Ingalls, dated October 18, 2021.
Rezoning Request:	From B-2 to R-3
Rezoning File No.:	

#### **Project Overview**

The Property identified above consists of 42.18 acres of land which is currently zoned B-2. The Applicant proposes rezoning a 34.54-acre portion of the Property from the Business District ("B-2") to the Residential District ("R-3") with the remaining 1.49 acres to be provided in Right-of-Way dedication along the Lakewood Rode (Route 608) frontage. Division 7, Section 3-123 of the Town of Bowling Green ("Town") Zoning Ordinance states that the purpose of the R-3 district is "composed of certain moderate to medium concentrations of residential uses plus certain open areas where similar development appears likely to occur."

The objective of the proposed rezoning is to create a multi-use development consisting of seventytwo (72) single family detached dwelling units, thirty-five (35) townhouse units, and one (1) 6.15acre commercial parcel (which will retain the existing B-2 zoning classification). The R-3 district includes single-family dwellings and townhouses as permitted uses. The GDP reflects approximately 9.98 acres of open space, which accounts for 27.7% of the residential portion of the Property. The open space will be used for natural areas, passive recreation, and stormwater management facilities.

The R-3 district requires a minimum lot size of 12,000 square feet for single family detached dwellings and 6,000 square feet for townhouses. This GDP combines smaller lot sizes with explicitly associated open space parcels to maintain the minimum lot sizes. The 72 single family detached dwelling lots total 16.52 acres and are explicitly associated with open space parcels that total 4.80 acres. This total area of 21.32 acres equals an average area of 12,900 square feet per lot, which is greater than the required minimum. The 35 townhouse lots total 2.18 acres and are

explicitly associated with open space parcels that total 2.92 acres. This total area of 5.10 acres equals an average area of 6,347 square feet per lot, which is more than the required minimum.

Existing water and sanitary sewer are available by connections through either direct connection or through existing easements to the southern and southeastern of the project. All water and sewer lines will be constructed to meet the standards of the Town of Bowling Green and will be maintained by the Town of Bowling Green.

#### **Project Location**

The Project will be developed by combining six (6) parcels of land, totaling approximately 42.18 acres, 34.54 of which are subject to this rezoning (6.15 acres of the property will remain B-2). The Project is situated in the Bowling Green voting district. The Project is primarily located along A.P. Hill Blvd, with potential secondary connections being made to Lakewood Road. The existing adjacent property along the AP Hill Blvd frontage is an existing and operating gas station and is also zoned B-2. Two of the southern adjacent properties are zoned A-1; one is developed as a residential dwelling and the other is vacant. The remaining southern property is developed as a pump station and zoned B-2.

The Applicant's proposal is compatible with existing uses in the area, is a good transition between existing uses and will enhance the area's housing stock while maintaining the area's character. Additionally, the Applicant's proposal is in line with the R-3 district which is to provide low-medium density detached, single family dwelling units at a density of approximately 3 units per acre.

#### Transportation

The proposed 107 houses will have direct access to A.P. Hill Blvd, a four-lane principal arterial road, and Lakewood Road, a local street. Access will be provided by three entrances: one on A.P. Hill Blvd, and two on Lakewood Road. The entrance at A.P. Hill Blvd will be located at an existing median crossing, which is depicted in its current location on the GDP. The proposed lots will generate 729 vehicle trips per day, including 65 during AM Peak Hour and 83 during PM Peak Hour. An estimated 479 vehicles per day will utilize Lakewood Road and an estimated 250 vehicles per day will utilize A.P. Hill Blvd. No additional turn lanes or tapers are warranted as part of this Project.

#### **Project Environmental Items**

The Project's design will minimize the impact to the natural topography and mature vegetation located on the Property. No wetlands or RPA features are identified on the County GIS map or on the NWI website. The Applicant will perform all applicable studies for endangered species as is typically necessary for state and federal permitting for the project prior to final site plan approval. There will be a buffer maintained along the frontages along A.P. Hill Blvd and Lakewood Road to maintain the scenic beauty of the Town.

## **Cultural and Historic Resources**

The Property does not appear to have any cultural resources, including civil war era works or cemeteries. As the Property has been previously cleared and tilled over many years, no historic resources remain.

#### **Planning and Zoning**

The Project Property is currently zoned Business District (B-2). The surrounding parcels are zoned B-2 and A-1. The Property currently has access to water and sewer.

#### **Comprehensive Plan**

The Town's Comprehensive Plan's Future Land Use Map classifies the Property as part of the "Mixed Use" designation, which includes the R-3 and B-2 designations proposed on this land.

#### **Fiscal Impacts**

#### Real Estate Taxes

Once developed, this Project will generate additional real estate tax revenue.

- Real Estate Tax Rate for Town of Bowling Green: \$0.13/\$100
- Potential Single Family Home Price: \$375,000
- Potential Taxes from Single Family Homes: \$375,000\*(\$0.13/\$100)\*72 = \$35,100
- Potential Townhouse Price: \$280,000
- Potential Taxes from Townhouses: 280,000\*(0.13/100)\*35 = 12,740

#### Total Annual Real Estate Taxes: \$47,840

#### Water and Sewer Availability and Connection Fees

- Water Availability Fee: \$6,000/lot
- Sewer Availability Fee: \$6,000/lot
- Water Connection Fee: \$750/lot
- Sewer Connection Fee: \$750/lot
- Total No. of Lots: 107

#### Total Water and Sewer Availability and Connection Fees: \$1,444,500

#### Minimum Annual Water and Sewer Usage Fees

- Minimum Bi-Monthly Water Usage Fee: \$40.12/lot
- Minimum Bi-Monthly Sewer Usage Fee: \$86.53/lot
- Total No. of Lots: 107

#### Total Minimum Annual Water and Sewer Usage Fees: \$81,309.30

#### Construction

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Applicant anticipates close collaboration with the Town during the permitting process to identify and manage environmental conditions and design criteria specific to the Project. Through the permitting process, Applicant will implement all required mitigation measures and Best Management Practices (BMPs) as determined by the Town and regulatory agencies.

Construction is anticipated to begin in 2022 and we believe all lots will be constructed within 2 to 3 years of any rezoning approval, subject to market conditions. Phasing of the Project is not anticipated at this time.

#### **Site Preparation**

The Property is currently undeveloped. Construction of the Project would begin with initial clearing and grading (if required). Access to the Project Site would be improved to appropriate construction standards. Road corridors would be surveyed, cleared, and graded to bring equipment, materials, and workers to the areas under construction. Buried electrical lines, and the locations of other facilities may be flagged and staked to guide construction activities. BMPs for stormwater and erosion control would be installed during the site preparation phase and prior to significant grading activities.

#### Housing

The Project will enhance the Town's stock of new, single family detached dwelling units and townhouse units in this area of the Town. This will provide a new diversity of housing stock to the immediate area. Further, the projected value for units should enhance surrounding property values. We believe that all 107 lots will be developed within 2 to 3 years of any rezoning approval (subject to market conditions).

#### **Public Facilities**

The proposed additional lot will have minimal impact on the Town's fire and rescue facilities. The Property is served by the Bowling Green Volunteer Fire Department and the Bowling Green Volunteer Rescue Squad, which are both located approximately 1.25 miles southwest of the Property.

The proposal will have minimal impact on the Police and Sheriff's Office. The Property is served by Bowling Green Police Department and the Caroline County Sheriff's Office, which are both located approximately 1.25 miles southwest of the Property.

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Based on a facilities study conducted by Moseley/McClintock in 1999 on behalf of Caroline County, the school children generation factor is 0.492 students per dwelling unit. The Project's 107 dwelling units will generate a net of approximately fifty-three (53) school-age children.

# Caroline County, Virginia

# **Legend**

County Boundary
 Parcels
 Roads (12,000)
 Interstate
 US Highway Primary
 State Highway Primary
 Secondary
 Secondary - 0
 Null

Roads - Back (12,000)

Interstate

US Highway Primary

Map printed from Caroline

0

https://parcelviewer.geodecisions.com/Caroline/

Feet

1:9,028 / 1"=752 Feet

200 400 600 800

- State Highway Primary
- Secondary
- Secondary 0
- Null Road Labels

608 301 and the second second Broaddus Ave

# Title: Northview 43-A-42C(portion), 43-22-1,2,&3

# Date: 12/9/2021

DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and Caroline County is not responsible for its accuracy or how current it may be.

#### Northview Mixed-Use Development Voluntary Proffer Statement

Applicant/Owner:	Northview Properties, LLC PO Box 117 Bowling Green, Virginia 22427 (Applicant & Owner are hereafter known collectively as the "Applicant")
Project Name:	Northview Mixed-Use Development
Property:	Tax Parcel 43-A-43C (Portion) Tax Parcel 43-22-1 Tax Parcel 43-22-2 Tax Parcel 43-22-3
	(hereafter known collectively as the "Property")
Date:	April 5, 2022
Rezoning Request:	From B-2 to R-3

Rezoning File No.: RZS-2021-025 - Northview

The Applicant is seeking rezoning of the above referenced property, which is the subject of this rezoning application, containing approximately 34.54 acres (hereinafter the "Property"), from Business 2 ("C-2") to Residential 3 ("R-3"). The Property includes Tax Map Parcels 43-A-43C (Portion), Tax Parcel 43-22-1, Tax Parcel 43-22-2, and Tax Parcel 43-22-3. The Applicant, on behalf of itself and its successors and assigns, hereby voluntarily proffer the following in the event that the Property is rezoned by the Board of Supervisors of the Town of Bowling Green, Virginia, (hereinafter the "Town") to the R-3 District, then and in such event the development of the Property shall be in conformance with the following proffers, pursuant to Section 15.2-2303 and 15.2-2303.4, et al. of the Code of Virginia, (1950, as amended); and also pursuant to Section 3-175 of the Code of the Town of Bowling Green, Virginia (2010, as amended) (the "Ordinance"). These proffered conditions ("Proffers") are the only conditions offered on this rezoning, and any prior proffered conditions, whether of record or not, on the Property are hereby superseded by these proffers and any and all previous proffers on the Property are hereby void and of no further force and effect. The subject proffers shall become effective only upon the Town's full and final approval of the rezoning request submitted by the Applicant.

#### I. LAND USE

- A. The overall development of the Property will be limited to:
  - a. Not more than 40 Single Family Attached (Townhome) Dwellings
  - b. Not more than 75 Single Family Detached Dwellings
  - c. Not more than 108 Total Dwellings

- B. There shall be Townhomes generally oriented between the B-2 Commercial Zone (remaining from original property zoning) and the Single Family Detached Dwellings as notionally depicted on the Generalized Development Plan (GDP). The GDP may be revised based on the needs of individual homebuilders and conformance with the Town of Bowling Green Zoning Ordinance, but the internal roads shall be subject to VDOT Road Design Manual Appendix B(1) (SSAR) requirements, as well as other applicable regulations, to suit acceptance as a public street.
- C. The Units may be developed in four sections (with 20 to 30 Dwellings in each section) to suit market demand.
- D. All area lighting shall utilize full cutoff style fixtures, as classified by the Illuminating Engineering Society of North America, in order to be "dark sky" compliant.

#### II. TRANSPORTATION

- A. The Property shall have one full-access traffic entrance from US 301 (A.P. Hill Blvd) which corresponds with an existing median break along the project frontage, and one full-access traffic entrance from SR 608 (Lakewood Rd). Primary travel lanes within the proposed development shall be public. Driveways (if serving one or two properties) and Alleys (if serving more than two properties) within the development shall be private.
  - a. If serving one property, Driveways shall be maintained by the property owner.
  - b. If serving two properties, Driveways shall be maintained equally by the two property owners being served.
  - c. If serving more than two properties, Alleys shall be maintained by the Homeowners Association to be created.
- B. Should the property have additional access from US 301 (A.P. Hill Blvd), such access shall be limited to right-in/right-out access and subject to VDOT approval.
- C. The public roads within the development shall utilize curb and gutter throughout with concrete sidewalks within the public right-of-way as generally shown on the Generalized Development Plan.
- D. The driveways within the development shall utilize concrete driveway aprons within the public right-of-way. The driveways within the development beyond the public right-of-way shall be either concrete or asphalt.
- E. Should the property have additional access from SR 608 (Lakewood Rd), such access shall be gated to preclude use other than by emergency service providers.
- F. The Applicant shall, as part of the first subdivision plat for the Property, dedicate to the Town of Bowling Green for public road purposes, the area identified on the Generalized Development Plan (GDP) as "30' Right-of-Way Dedication" along SR 608 (Lakewood Rd).
- G. No lot shall have direct access to US 301 (A.P. Hill Blvd) or SR 608 (Lakewood Rd).

#### III. ARCHITECTURAL MATERIALS

- A. The exposed portions of the exterior wall surfaces (front, rear, sides) of any units constructed within the Property shall be similar and a high quality of construction. Architectural styles shall provide for a variety of architectural features, building types, textures, design elements, and colors with a commonality of quality materials, finishes and styles.
- B. Single Family Attached (SFA) Dwellings:
  - a. The building materials for only the SFA units will include one or more of the following: vinyl siding (straight edge traditional or Dutch lap in main areas; board and batten or shingles in accent areas)
  - b. Front elevations may include cultured stone or brick veneer accents
  - c. A minimum of 50% of the units shall have covered front entryways
  - d. A minimum of 25% of the units front elevations shall incorporate a roof feature which could include gable ends and/or dormers
  - e. There shall be building offsets in the building plane of front elevations
  - f. The dwellings shall utilize 30-year architectural shingles, 4" aluminum gutters, and paneled garage doors;
  - g. Notwithstanding the foregoing, in the event any of these materials are discontinued or no longer available, then the Applicant will utilize substantially similar materials, subject to the approval of the Planning Director of the Town of Bowling Green.
- C. Single Family Detached (SFD) Dwellings:
  - a. The building materials for only the SFD units will include one or more of the following: vinyl siding (straight edge traditional or Dutch lap in main areas; board and batten or shingles in accent areas)
  - b. front elevations may include cultured stone or brick veneer accents and/or covered front entryways
  - c. a roof feature shall be incorporated into the front elevation (gable ends and/or dormers)
  - d. front elevations shall incorporate an offset in the building plane
  - e. The dwellings shall utilize 30-year architectural shingles, 4" aluminum gutters, and paneled garage doors

f. Notwithstanding the foregoing, in the event any of these materials are discontinued or no longer available, then the Applicant will utilize substantially similar materials, subject to the approval of the Planning Director of the Town of Bowling Green.

#### IV. AMENITIES

- A. The development shall provide and include one (1) Pickleball Court and one (1) Dog Park.
- B. The development shall provide an easement along US 301 (A.P. Hill Blvd) right-of-way, located specifically along the US 301 (A.P. Hill Blvd) south of the project entrance, sufficient to accommodate a future 10' wide trail, with a temporary easement sufficient to accommodate the necessary grading.

#### V. CASH PROFFERS

A. The Applicant will provide a cash proffer to mitigate impacts of the Project to the Town of Bowling Green water distribution system. The proffer will be paid on a per Dwelling basis of \$550 to a total cash proffer amount of \$50,000. Should fewer than 91 Dwellings be constructed on the Property, the remaining balance to \$50,000 shall be paid by the final Dwelling. Should greater than 91 units be constructed, no further proffer above \$50,000 will be paid. The cash proffer will be paid prior to the Certificate of Occupancy (temporary or final) being approved for each Dwelling.

#### VI. REQUIRED NOTICE

A. In each contract for the sale of a residential housing unit within the Property, there shall be included in said contract for sale, a disclosure concerning the location of Fort A.P. Hill, its proximity to the Property, and the potential impacts (including traffic, vibration and sound) upon said residential housing unit from the activities and operations conducted at or upon Fort A.P. Hill, by the U.S. Army, and/or by any other military service branches.

THE REMAINDER OF THIS PAGE IS INTENTIONALLY BLANK

The Applicant makes these Proffers voluntarily, in support of their rezoning application and by our signature deem them reasonable and appropriate as set out in Virginia Code Section 15.2-2303.4.D.1.

Applicant/Owner:

Northview Properties, LLC

By: Mithal A. Meun Title: Members

Commonwealth of Virginia

County of \_\_\_\_\_, to-wit:

The foregoing instrument was sworn to and acknowledged before me this \_\_\_\_\_ day of , 2022, by \_\_\_\_\_\_ (name), the \_\_\_\_\_\_ (title) of Northview Properties, a Virginia Limited Liability Company.

My commission expires:\_\_\_\_\_\_.

Notary Public

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

Registration #\_\_\_\_\_.

Division 7 Residential District R-3

#### Section 3-123. Intent.

The R-3 District is composed of certain moderate to medium concentrations of residential uses plus certain open areas where similar development appears likely to occur. The standards for this district are designed to stabilize and protect the essential character of the area so designed and to promote and encourage, insofar as is compatible with the intensity of land use, a suitable environment for family life. Development is, therefore, limited to single and multifamily dwellings for both permanent and transient occupancy plus selected additional uses, such as schools, parks, churches and certain public facilities that serve the residents of the district. In the development and designation of a primarily multifamily district, it is intended that such be accomplished in consonance with the principles of open area planning, as specified hereinafter. Home occupations, as defined, are permitted. Manufactured homes as residences are prohibited.

#### Section 3-124. Permitted uses.

(a) In Residential District R-3, any building to be erected or land to be used shall be for one or more of the following uses:

(1) Single-family dwellings.

(2) Two-family dwellings (duplexes).

(3) Townhouses or Townhouse complexes.

(4) Apartment buildings or apartment complexes.

(5) Public and semipublic uses such as schools, churches, playgrounds, parks or hospitals.

(6) Public utilities: poles, lines, distribution transformers, pipes, meters and other facilities necessary for the provision and maintenance of public utilities, including water and sewage facilities.

(7) Off-street parking as required by Section 3-180 of this article.

(8) Guest rooms.

(9) Accessory buildings, as defined; however, garages or other accessory buildings, such as carports, porches and stoops attached to the main building shall be considered part of the main building. No portion of any accessory building, including roof, may be closer than three feet to any side or rear property line except that no portion of any swimming pool other than the apron shall be located closer than 10 feet to any side or rear property line. No accessory building shall be located in a front yard.

(10) Parking of one commercial vehicle per dwelling unit subject to the following limitations:

[a] No garbage, truck, tractor and/or trailer of a tractor-trailer truck, dump truck with a gross weight of 12,000 pounds or more, cement-mixer truck, wrecker with a net weight of 12,000 pounds or more or similar such vehicles or equipment shall be parked on any public street in any residential district.

[b] Any commercial vehicle parked in any residential district shall be owned and/or operated only by the occupant of the dwelling unit at which it is parked.

#### Section 3-125. Permitted accessory uses.

(a) Uses which are customarily accessory and clearly incidental and subordinate to permitted principal uses, including:

(1) Home occupations.

Section 3-126. Special uses.

(a) The following uses are permitted when authorized by the Town Council of Bowling Green after a recommendation from the Planning Commission:

(1) Swimming pools, private club, corporate or public.

(2) Family care homes, foster homes or group homes.

(3) Day-care center.

(4) Bed and Breakfast Establishment.

Section 3-127. Specifications and Requirements.

(a) Area.

(1) For residential lots containing or intended to contain only a single-family dwelling served by public water and sewage disposal, the minimum lot area shall be 12,000 square feet.

(2) For residential lots containing or intended to contain only a single-family dwelling served by public water systems but having individual sewage disposal systems, the minimum lot area shall be 15,000 square feet. The administrator may require a greater area if considered necessary by the Health Officer.

(3) For residential lots containing or intended to contain only a single-family dwelling served by public sewage disposal systems but having individual water systems, the minimum lot area shall be 15,000 square feet. The Administrator may require a greater area if considered necessary by the Health Officer.

(4) For residential lots containing or intended to contain a single-family dwelling served by individual water and sewage systems, the minimum lot area shall be 19,000 square feet or more if considered necessary by the Health Officer.

(5) For residential lots containing or intended to contain a two-family dwelling served by public water and sewage disposal systems, the minimum lot area shall be 18,000 square feet.

(6) For residential lots containing or intended to contain a two-family dwelling served by public water systems but having individual sewage disposal systems, the minimum lot area shall be 22,000 square feet.

(7) For residential lots containing or intended to contain a two-family dwelling served by public sewage disposal systems but having individual water systems, the minimum lot area shall be 22,000 square feet.

(8) For residential lots containing or intended to contain a two-family dwelling served by individual water and sewage disposal systems, the minimum lot area shall be 26,000 square feet.

(9) For permitted uses utilizing individual sewage disposal systems, the required area for any such use shall be approved by the Health Officer. The Administrator shall require a greater area if considered necessary by the Health Officer.

(b) Setback.

(1) Buildings shall be located 30 feet or more from any street right-of-way which is 50 feet or greater in width or 55 feet or more from the center line of any street right-of-way less than 50 feet in width. This shall be known as the "setback line."

(2) Permitted exceptions to Front Yard Requirements. When a residential structure is nonconforming due to encroachment into the required Front Yard Setback, such structure may be expanded or extended on either side or both sides provided that the following conditions are met:

[a] Such addition or extension shall not come any closer to the front property line or further encroach into the front yard to any greater extent than the front corner of the existing structure on the side proposed for the addition or extension; and[b] All other requirements of the Zoning Ordinance for the zoning designation of the property, including the side and rear yard setback requirements shall be met.

#### (c) Frontage.

(1) For single-family dwellings, the minimum lot width at the setback line shall be 70 feet or more.

(2) For two-family dwellings, the minimum lot width at the setback line shall be 80 feet or more.

(d) Yards.

(1) Side. The minimum side yard shall be 10 feet or more, and the total width of the two required side yards shall be 20 feet or more.

(2) Rear. Each main building shall have a rear yard of 25 feet or more.

(e) Height. Buildings may be erected up to 35 feet in height except that:

(1) The height limit for dwellings may be increased up to 45 feet and up to three stories, provided that there are two side yards, each of which is 10 feet or more, plus one foot or more of side yard for each additional foot of building height over 35 feet.

(2) A public or semipublic building, such as a school, church, library or general hospital, may be erected to a height of 60 feet from grade, provided that required front, side and rear yards shall be increased one foot for each foot in height over 35 feet.

(3) Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, television antennas and radio aerials are exempt. Parapet walls may be up to four feet above the height of the building on which walls rest.

(4) No accessory building which is within 10 feet of any part lot line shall be more than one story in height. All accessory buildings shall be less than the main building in height.

(f) Corner lots.

(1) Of the two sides of a corner lot, the front shall be deemed to be the shorter of the two sides fronting on streets.

(2) The side yard on the side facing the side street shall be 20 feet or more for both the main and accessory building.

(3) For subdivisions platted after the enactment of this article, each corner lot shall have a minimum width at the setback line of 100 feet or more.

(4) To reduce traffic hazards, landscaping of corner lots shall be limited to planting, fences or other landscaping features of no more than three feet in height within the space between the setback line and the property line on the street corner side of the lot.

(g) Townhouses and apartment buildings.

(1) The minimum lot requirement of 10,000 square feet shall be waived for the individual lots occupied by each Townhouse dwelling unit. However, in consonance with the concept of open

area planning, the total lot area and usable open space per dwelling unit, Townhouse or apartment shall be not less than 6,000 square feet. Such usable open space shall be exclusive of areas devoted to streets, alleys and parking area and shall be adequately landscaped with shade trees and grass to provide a park, playground area or swimming pool for the development. (2) Any freestanding, continuously walled or continuously roofed structure shall contain not

more than six Townhouses or six apartments.

(3) Freestanding structures shall not be closer than 30 feet to each other or 15 feet to any property line.

(4) Front and rear yard requirements shall conform to those of the R-3 District.

(5) The developer shall provide fencing and landscaping of a permanent nature which will adequately screen any Townhouse or apartment development from abutting R-1 and R-2 District properties. The Town Planning Commission shall ensure that this provision is effectively met before the Zoning Administrator shall issue a certificate of zoning compliance.

(6) Off-street parking shall be provided by the developer in the amount of two parking spaces per dwelling unit.

(7) Townhouse and apartment developments shall be served by public water and sewage disposal systems.

# **Excerpts from the 2021 Bowling Green Comprehensive Plan**

(Various sections of the Comprehensive Plan are attached to assist review of residential development in the area. The Comprehensive Plan, in its entirety, should be used to evaluate the project.)

# **CHAPTER 1**

The comprehensive plan shall be made with the purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the territory which will, in accordance with present and probable future needs and resources, best promote the health, safety, morals, order, convenience, prosperity and general welfare of the inhabitants, including the elderly and persons with disabilities.

# Benefits of the Comprehensive Plan

The Comprehensive Plan is the Town's most important document to consult when making land use decisions. It is also used in the development of future resources for the Town.

The Comprehensive Plan is used to guide the Town staff, the Planning Commission, and the Town Council in the review of land use applications. The plan provides the Town with the most defensible basis for its decisions. By consistently following the recommendations of the Comprehensive Plan, the Town can assure that its land use decisions are consistent and not arbitrary.

# A Vision for the Town of Bowling Green

## The Vision:

Sustainable and Proper Growth.

- a. The right growth, in the right amount, at the right time.
- b. Address needs before they become requirements.
- c. Be proactive, not reactive.
- d. Keep the correct mix of development.
- e. Sensitivity to our Military Partners and Neighbors.
- f. Environmentally responsible.
- g. Sustainable growth rate.
- h. Continually adjust the plan to remain proactive.
- i. Synchronized with Caroline County.

# **CHAPTER 3 - ENVIRONMENT**

One purpose of the inventory is to identify physical conditions that limit or prevent development. These physical constraints include flood-prone areas, steep slopes, poor soils, wetlands, and other environmentally sensitive features. The existence of these features shall be considered in the determination of site suitability or unsuitability for development. The location of development shall occur only on sites that are suitable for development.

## Stream Bank Erosion

There are three areas of the Town of Bowling Green that have been identified as areas of potential stream bank erosion (**See Map Annex, Topography**). They are, generally, an area to the North of West Broaddus Avenue behind the Town's Sewage Treatment Plant which acts as the receiving stream for effluent from the plant and is an unnamed tributary of the Mattaponi River, an area on

both sides of Lakewood Road extending from Lakewood Road to Route 301which is associated with the Maracossic Creek system, and an area near the Southeast corner of Bowling Green on the Bowling Green Farm property.

## Future Water Demand

The population of the Town of Bowling Green has been projected to increase by just over three hundred (300) people in the next twenty-five years. This would bring the Town's population to 1315 by the year 2030. Estimated total current water usage is approximately 150,000 gallons per day. This figure includes areas both inside the Town boundary and areas in adjacent Caroline County. Based on the output of the Town's newest well, the capacity of the system is estimated to be at 216,800 gallons per day. Although this output is felt to be an adequate capacity to meet the anticipated demand, the Town is currently in discussions with a developer concerning the development of another well that will be added to the Town's water system.

# Chesapeake Bay Preservation Area Designation

The following section includes the designation of Chesapeake Bay Preservation Areas for Comprehensive Plan and Ordinance implementation and Chesapeake Bay Preservation Act enforcement purposes. Portions of the environmentally sensitive areas described above qualify for designation as a Chesapeake Bay Preservation Area. There are two levels of CBPAs: Resource Protection Areas (RPA) and Resource Management Areas (RMA). Resource Protection Areas are prevented from being developed except for water dependent uses, with some exceptions, as outlined in the Bowling Green Chesapeake Bay Preservation Ordinance. Resource Management Areas include land types that if not properly used or developed, have a potential to cause significant water quality degradation or diminish the functional value of the Resource Protection Areas.

In order to help protect the water quality of the Chesapeake Bay's tributaries, higher performance standards for land use in the Town's Chesapeake Bay Preservation Areas should be met. The performance standards include the implementation of erosion and sediment control, storm water management, minimizing impervious surfaces, preserving natural vegetation, periodic septic tank pump out, and other standards that are outlined in the Chesapeake Bay Preservation Ordinance of the Town.

# **Resource Protection Areas**

RPAs include a 100-foot vegetated buffer area located adjacent to and landward along both sides of a perennial stream. These areas have intrinsic water quality value due to the ecological and biological processes they perform and are sensitive to impacts which may result in significant degradation of the water quality of State waters. In their natural condition, these lands provide for the removal, reduction, or assimilation of sediments, nutrients, and potentially harmful or toxic substances in runoff. Land development, except for water-dependent uses, redevelopment, public roads, utilities, and uses for which rights have been grandfathered, is prohibited in RPAs. In the case of water-dependent facilities, all non-water-dependent components of the project must be located in the RMA.

# Suitability for Development

Wetlands, flood-prone areas, steep slopes, and poor soils are land characteristics that determine whether land is suitable or unsuitable for development. The wetland areas have been identified in the Town and are discussed above. The wetlands have been included in the CBPAs of the Town.

There are numerous legal constraints to development of wetlands. Pertinent laws are taken into consideration when developing an area with wetlands.

Very localized areas of steep slopes do exist within the Town. Most of the slopes of 15% or greater are designated as CBPAs. Steep slopes outside of the CBPAs have also been mapped. Slopes of 15 to 25 percent, while developable, should only be done so with proper erosion and sediment controls because of the rapid to very rapid runoff associated with these slopes. Slopes of 25% or greater should be kept under permanent vegetative cover. Those steep slopes associated with waterways have been included in the CBPAs of the Town.

Certain soil characteristics affect the suitability of land for septic drain field use. These include slope, susceptibility to severe wetness, flooding potential, permeability, percolation, and filtering characteristics. Sewage may not be sufficiently treated if these characteristics are present on the site which can result in degradation of water quality. Areas of the Town which are unsuitable for septic systems should be designated as unsuitable for development until public sewer lines are installed.

## Chesapeake Bay Preservation Areas and Areas Unsuitable for Development

The following discussion provides information about current and future land use and physical characteristics in areas of Town that contain sensitive natural features. There are several areas which deserve consideration for protection under the Chesapeake Bay Preservation Act with a designation of Chesapeake Bay Preservation Area (CBPA) (See Map Annex, Chesapeake Bay Preservation Areas).

1. An area is located in the northern corner of Town between Routes 2 and 301. It is characterized by hardwood forest and rolling topography with flat ridges and steep slopes. The bottoms display non-tidal wetland areas possibly fed by groundwater and intermittent streams. However, neither intermittent streams nor wetlands appear in this area on the most recent U.S.G.S., 7.5' Topographic Map or the National Wetlands Inventory Maps. In an open area on Route 2 near the intersection of Routes 2 and 301, there is a private community recreation facility with a community building, swimming pool and tennis courts. This entire area is vegetated. Current zoning in the area is residential, with a small amount of commercial. As identified in the Comprehensive Plan, future land use for this area is designated as conservation areas, low density residential, and a small amount of commercial. This area is not considered to require designation as a Chesapeake Bay Preservation Area.

2. An area further out from the intersection of Routes 2 and 301 within the same section of Town, sensitive environmental areas have been identified and characterized by a pond, wetlands and a creek. These areas are associated with Maracossic Creek. Broaddus Pond extends from the Town boundary to Lakewood Road. Maracossic Creek and wetlands extend from the east side of Lakewood Road to the Town boundary on the southeast side of Route 301. This aquatic system drains to the Mattaponi, a tributary of the York River. The waters described above with an adjacent 100 foot buffer measured from mean high water are designated as RPA or a Resource Protection Area of the Chesapeake Bay. The

Resource Management Area (RMA) includes a buffer adjacent to the RPA of 100 feet. Land use designations include conservation areas and residential uses along Lakewood Road. Business development exists along the Route 301 corridor. Business and residential land uses are consistent with future land use plans for the area. The RPA cannot be developed because of

creeks, ponds, wetlands and steep slopes in some areas. Any development planned for the RMA must abide by the Town's Chesapeake Bay Preservation Ordinance.

# Long-Range Planning for Environmental Protection

Land use planning in Bowling Green will help protect its water quality and natural features and provide for appropriate land use in the Town. In considering future development, the Town must consider protecting vital resources such as a clean water supply for the Town's current and future residents. Land use planning must consider the Town's connection to other areas through its waterways and the importance of those waterways to residents, wildlife, and vegetation in other localities.

Establishing Chesapeake Bay Preservation Areas (CBPAs) in the Town is important to protect the Chesapeake Bay system for the Commonwealth of Virginia and the transient wildlife that depend on those waters. The Town is located in the Chesapeake Bay Drainage Area and its streams and water system drain into the Mattaponi River which flows into the York River, a major tributary of the Chesapeake Bay. The Town's Chesapeake Bay Preservation Ordinance includes Town-wide measures to ensure water quality protection.

This chapter contains valuable information about the current condition of the Town's natural environment. It also outlined factors that may have a negative impact on the environment. The Town has a number of resources available to address environmental concerns. The Town's Comprehensive Plan and the Zoning and Subdivision Ordinances provide the Town staff with powerful tools to manage the way developments are proposed and constructed. Chapter 9 of the Comprehensive Plan which deals with land use should be used in conjunction with this chapter on the environment when planning for and reviewing development proposals. The land use chapter contains a map which outlines where certain types of development should be placed, along with Development Standards and Design Features that outline how developments should be built into the landscape.

# CHAPTER 8 - HISTORIC RESOURCES, TOURISM, AND ECONOMIC DEVELOPMENT

## **Economic Development**

A. Preserve the charm and rural character of Bowling Green by encouraging responsible residential development through wise land use, appropriate scale and density, and sensitivity to the environment, topography, and wetlands making the Town attractive to the type of business compatible with a small town.

# **CHAPTER 9 - LAND USE**

## Introduction

Land use is one of the most complex issues in planning. All sections of the Comprehensive Plan must be considered together as they work together to provide the complete vision. A good future land use plan is critical to the economic vitality and quality of life of the community. This chapter will examine the existing land use and the Town's goals for future land use along with outlining Development Standards and Design Features that shall be used by the community and developers when proposing new land uses and development.

Existing Land Use	Households	Percent	Acres	Percent	Future Land Use	Acres	Percent
)						522.4	51.50/
Residential (R1)	343	80.1%	200.3	19.7%	Low Density Residential	523.4	51.5%
Residential (R2 & R3)	78	18.2%	13.3	1.3%	Moderate Density Residential	13.3	1.3%
Planned Unit Development	0	0%	0.0	0.0%	High Density/Mixed Use	0.0	0.0%
Commercial (B1 & B2)	2	.5%	60.4	5.7%	Commercial	165.3	16.1%
Industrial (M1)	0		0.0	0.0%	Limited (Light) Industry	6.6	0.6%
Agricultural (A1)	4	1.0%	190.9	18.8%	Agricultural	0.0	0.0%
Conservation/Historic (A-1)	1	.2%	126.8	12.5%	Conservation/Historic (A-1)	126.8	12.5%
Right of Way			155.7	15.4%	Right-of-Way	155.7	15.4%
Institutional/Public Lands			26.2	2.6%	Institutional/Public Lands	26.2	2.6%
Encroachment Potential Areas			0.0	0.0%	Encroachment Potential Areas	0.0	0.0%
Vacant/Undeveloped			243.7	24.0%	Not Applicable	-	-
Total	<u>428</u>	<u>100.0%</u>	1017.3	100.0%	Total	1017.3	100.0%

Table 9-1: Land Use – Existing and Future

# Future Vision

Growth will come to Bowling Green and it is important that the Future Land Use Plan provide the right balance of residential, commercial and industrial land use to meet the demands for growth without sacrificing Bowling Green's small town charm and quality of life. The Future Land Use map indicates what types of development are appropriate for a particular area. It should be noted that the Comprehensive Plan is not an ordinance. It is a plan to help guide Town officials in making land use decisions. Table 9-1 shows the amount and percentage of land which is proposed for various types of land use.

# Area Plan

There are three commercial areas within the town boundary which will benefit greatly with detailed planning to ensure proper development, redevelopment, growth, and viability. These areas are the Broaddus Avenue commercial corridor, the Downtown Commercial District, and the Route 301 North Corridor Area on the Northeast side of Bowling Green. Residential areas are located on the North and South ends of Main Street, including side streets, Bowling Green Meadows and Caroline Manor Apartments. Detailed plans should be established and reviewed on a regular basis to ensure that all activity is supportive of the established goals and objectives for each area. Although individual area plans are relevant for establishing goals and tracking progress toward those goals to achieve a desired result, the size of Bowling Green in both population and land area dictates the need for an overarching plan to unify the town across all development areas. This plan requires the input from residents, business owners, land owners, developers, builders, VDOT, Fort A.P Hill, and Caroline County in concert with the Planning Commission and Town Council to document a unified position on land use and development.

# Future Land Use Descriptions:

These descriptions are to be used in conjunction with the Future Land Use Map of the Comprehensive Plan when evaluating development proposals. The Future Land Use Map and Comprehensive Plan are intended to be used as guidelines for development over the next five to ten years.

# Low Density Residential

Low Density Residential areas are residential developments or land suitable for such development with overall densities of no more than 3 to 4 dwelling units per acre dependent upon the character of the surrounding area, physical attributes of the property, and consistency with the Comprehensive Plan. Low Density Residential areas are located where natural characteristics such as terrain and soils are suitable for residential development and where public services and utilities exist or are planned for the near future. This land use is consistent with the Town Code requirements for Zoning Designation R-1.

## Moderate Density Residential

Moderate Density Residential areas are residential developments or land suitable forsuch developments with an overall density of no more than 4 to 8 dwelling units per acre, depending on the character and density of surrounding development, physical attributes of the property, and consistency with the Comprehensive Plan. Moderate Density Residential areas are located where natural characteristics terrain soils suitable for higher density residential such as and are development and where public services and utilities exist or are planned for the near future. This land use is consistent with the Town Code requirements for

Zoning Designations R-2.

## High Density Residential

High Density Residential areas are residential developments or land suitable for such developments with an overall density of no more than 5 to 10 dwelling units per acre, depending on the character and density of surrounding development, physical attributes of the property, and consistency with the Comprehensive Plan. High Density Residential areas are located where natural characteristics such as terrain and soils are suitable for higher density residential development and where public services and utilities exist or are planned for the near future. This land use is consistent with the Town Code requirements for Zoning Designations R-3 and PUD.

## **Commercial**

General business activities having a moderate impact on nearby developments are designated Commercial. Location criteria for commercial uses require access to arterial roads, preferably at intersections with collector and arterial roads; moderate to large sized sites; public water and sewer; suitable environmental features such as soils and topography; and adequate buffering by physical features or adjacent uses to protect nearby residential development. This land use is consistent with the Town Code requirements for Zoning Designation B-1 and B-2.

## Agricultural/Conservation/Historic Areas

Agricultural, Conservation, and Historic Areas are lands that are intended to be preserved. Wetlands, steep slopes, wildlife habitats, and streams banks are types of areas that meet the criteria under the Chesapeake Bay Protection Act as environmentally sensitive and require conservation. Historically significant sites and properties are important and should be preserved. Examples of preferred land use in these three areas include agriculture, horticulture, parks, wildlife habitats, open space, historic preservation, renovation back to original use, adaptive reuse, or any use that maintains the integrity of the site or property. Agricultural land use is consistent with the Town Code requirements for Zoning Designation A-1.

# **Development Standards:**

Development standards are intended to provide a guide for accommodating land uses in a manner

harmonious with the environment. If any standard listed in the Comprehensive Plan conflicts with existing ordinances, the Town Code is the final authority.

# General Land Use Standards

Permit new development where the impact of such development can be adequately addressed. Particular attention shall be given to impacts such as density, intensity, building height and scale, land uses, smoke, noise, dust, odor, vibration, light, traffic, and encroachment.

Permit new development or redevelopment only when required public services, utilities, and facilities or upgraded public services, utilities, and facilities can be provided.

Preserve the natural and wooded character of the Town. Particular attention shall be given to locating structures and uses outside of sensitive areas; maintaining existing topography, vegetation and trees to the maximum extent possible, especially along roads and between uses; encouraging enhanced landscaping of the developments located in open fields; locate new roads and minimize access points, such as driveways, in accordance with VDOT requirements; and utilize lighting where necessary to enhance safety.

Protect land designated as conservation areas by encouraging conservation easements.

Protect environmentally sensitive areas such as steep slopes, historic and archaeological resources, wetlands, water supply, wildlife habitats, and other sensitive areas by locating conflicting land uses away from such areas.

Minimize the impact of development on major roads by limiting access points and providing side street access and common entrances.

Encourage a transition to underground utilities for existing above ground utilities when major improvements are planned or when major work on collocated utilities supports the transition from above ground to underground.

# **Residential Land Use Standards**

Ensure that overall housing densities are compatible with the capacity of public services, facilities, and utilities available or planned; and character of development in the surrounding area. Ensure that residential developments provide usable open space and protect the Town's natural wooded character.

Preserve sensitive areas as open space, retain trees and vegetation, and design residential developments to preserve the character of the Town's natural setting in support of a pleasant living environment.

Design with the best and most beneficial use of topography and other physical features in mind.

Encourage builders and developers to design diversity and character into their development to avoid excessive repetitiveness in larger developments.

Prohibit individual single family and duplex units within a development from having direct access

to arterial and collector roads wherever possible. Locate residential development along internal roads within the development improve traffic flow and enhance safety.

# Aesthetics and Design:

The Town's appearance and design are important as a quality of life issue for its residents and as an economic development tool. The following are design features and resources that should be used to propose and develop land uses.

# Aesthetics:

## Entrance Corridors

These corridors are important for historical, aesthetic, and practical reasons. Entrance corridors serve to visually mark the boundary of the municipality, establish the first impression of the Town for visitors, and generally, show the Town's commitment to its appearance and attractiveness. There are five major entrance corridors in the Town: Route 301 at Fort A.P. Hill, Route 2 startingat Paige Road, Route 207 adjacent to the Bowling Green Shopping Center, Route 301/Route 207/Route 2 at the outer bypass interchange, and Route 301 bypass at the eastern entrance to the Town. Design features such as signs, appropriate placement of parking areas near the corridors, and landscaping should be encouraged.

# **External Factors Affecting Development:**

## **Encroachment on Military Installations**

Bowling Green must be constantly aware of its proximity to Fort A.P. Hill especially in its North Route 301 area where future development is highly possible. Encroachment can be prevented by working closely with Department of Defense officials at Fort A. P. Hill.

# **Chapter 10 – Goals and Implementation Plans**

The goals below are organized into general areas of consideration. The category is followed by a primary goal, supported by multiple implementation directives with explanation.

## **Environment:**

### Goal

Achieve a pattern of land use that balances water quality and environmental protection with social and economic needs.

## Implementation

Focus growth in areas most suitable for development to protect environmentallysensitive areas:

- 1. Determine soil suitability by referencing County information before development plan reviews. Do not allow development where soil conditions donot support the proposed plans.
- 2. Limit development in areas of the Chesapeake Bay Preservation Act withslopes of 15% or greater.

Conserve the Town's natural and fiscal resources by supporting infill and concentrated development and redevelopment in existing and defined growth areas.

1. Adhere to the Comprehensive Plan when reviewing potential development plans,

recommending projects that follow those guidelines as a rule.

- 2. Encourage infill growth in the downtown area an<u>d commercial district to reduce the need of expansion into undeveloped areas.</u>
- 3. Prioritize shared access, parking, and pedestrian walkway improvements toachieve a welldesigned and concentrated commercial downtown area. Continue thismethod as growth occurs in the secondary commercial areas.
- 4. Review Subdivision and Zoning Ordinances every two years, as a minimum, toensure alignment between environmental and development goals. This may involve updates to those ordinances, to the Comprehensive Plan, or both as needs change.

Protect the groundwater and surface water resources from an increase in pollution while managing the potable water supply

- 1. Support and maintain communication with the Public Works Director.Encourage consistent reporting to be made aware of issues as early as possible toaddress them.
- 2. Ensure that the job description of the Public Works Director is updated according to the needs of the town.
- 3. Prevent increases in storm water runoff by maintaining Best ManagementPractices (BMP) at runoff sites, including vegetative buffers and the maintenancethereof.

Enlist County, Regional or State Assistance where needed to ensure water quality protection.

- 1. Maintain a cooperative partnership with Caroline County for the enforcement of the Town's Chesapeake Bay Preservation Act Program and to address any erosion problems.
- 2. Encourage the use of shared or regional retention basins for existing andfuture development.
- 3. Enlist State and County assistance as needed in order to identify possible sources of point and non-point pollution in the town such as illegal landfills, underground storage tanks, abandoned wells, failing septic systems, inadequate treatment of organic effluent, and industrial discharges
- 4. Educate the Town citizenry on ways to conserve water and to minimize impacts on water quality.

Protect the natural wooded character of the town.

- 1. When reviewing site plans, ensure that trees are retained to the highest extentpossible.
- 2. will attempt to provide funding for trees to be planted on Town properties and in selected areas throughout Town.

## Housing

Goal

Encourage adequate housing in a variety of attractive styles and costs to meet the needs of present and future Town residents.

## Implementation

Assure a scale and density of residential development compatible with adjacent and surrounding land uses, environmental conditions, and supporting infrastructure.

- 1. Review the Zoning and Subdivision Ordinances to ensure they allow residential development in areas with surrounding compatible land uses and adequateprovision for public utilities.
- 2. Review the Zoning and Subdivision Ordinances and Comprehensive Plan to ensure they allow densities that maximize the use of land for new housing while protecting the environment and surrounding character.

- 3. Encourage the rehabilitation of existing substandard housing. Coordinate withCaroline County to ensure the Building Code allows for rehabilitation at a reasonable cost.
- 4. Review the Zoning and Subdivision Ordinances to ensure they requireadequate buffers between residential, commercial and industrial uses to protect development from encroachment.

## Transportation

Goal

Provide for the safe, efficient and economical movement of people and goods.

### Implementation

- 1. Plan and coordinate land use development and transportation improvements in such a manner as to establish and maintain a viable Town roadway system.
- 2. Prioritize road transportation improvement projects and pursuefunding through multiple avenues
- 3. Private land developers will be required to provide adequate transportation improvements necessary to serve their developments. They must minimize the impact of development on the roadway network by limiting access points, providing joint entrances, and interconnecting adjoining developments.
- 4. Ensure regional and local transportation networks complement each other bycooperating collaborating with the County and VDOT on applicable projects.
- 1. Ensure that the transportation network is designed to be compatible with the environment.
- 2. Review the environmental impact of all proposed road projects to ensure that theymeet the goals of the Comprehensive Plan.
- 3. Improve the environmental setting of the road network by providing for roadway beautification projects, Adopt-a-Highway programs, and corporate sponsored projects.
- 4. Promote the use and development of sidewalks throughout Town.
- 5. Review the Town's sidewalk system annually and make recommendations for improvement of the system.
- 6. Provide funding for new sidewalks if possible using Town funds or request funds from Caroline County and VDOT for new sidewalks. In addition the Town Manager willsearch for grant opportunities.

# 5. Community Facilities and Services

Goal

Provide a variety of community facilities and services to meet the needs of the citizens of Bowling Green.

## Implementation

- 1. Develop a Master Community Facilities and Services Plan to assess the Town's current and future public service needs.
- 2. Ensure that resources are available to meet the needs of the community.
- 3. Develop a plan that reviews Town, County, and State facilities and services so that the town does not duplicate items that are already being provided.
- 4. Review existing facilities regularly to assess their conditions and needof upkeep or renovation to extend their life.
- 5. Pursue grant funding for public facilities and services when available to ease theeconomic burden of the Town.

# Land Use

<u>Goal</u>

Provide a balanced pattern of land use that promotes harmony among existing development, future development, and the natural environment while meeting the Town's future growth needs.

**Implementation** 

- 1. Ensure that land exists for the controlled growth of residential, commercial, industrial, and institutional uses. Review land use annually and recommend updates if land for a particular use becomes limited.
- 2. Ensure that land uses are compatible with their surroundings.
- 3. Encourage the compatibility of land uses between the Town's Comprehensive Plan and Caroline County's Comprehensive Plan. When reviewing the Town's Plan seek ways to consolidate resources and support theneeds of both jurisdictions.
- 4. Review all land use applications and the associated impacts to ensure that they are compatible with the Town's environmental protection goals.
- 5. Promote infilling of downtown commercial district whenever possible. Limit intensive commercial development of vacant land outside of the 301 Growth District.
- 6. Require development proposals to include analysis assessments regarding traffic impact, environmental impact, and other considerations such as noise, odor, smoke, light, building height and scale. Private developers willbe required to provide funds to address impact in and adjacent to development.
- 7. Maintain the character of the town by easing land use transition. Adequate buffers will be required for new development adjacent to existing residential areas when such new development represents a change in land use. These buffers will differ based on the intensity of the change.
- 8. Review the Zoning and Subdivision Ordinances to ensure adequate setbacks, buffers, and restrictions exist between development areas in theResidential Character Preservation Plan in the Comprehensive Plan.
- 9. Ensure that vices to promote those land uses are consistent with the Town'sability to provide.
- 10. Conduct an annual review of the [CIP] to ensure funds are provided to support the future land use plans and infrastructure needs of new developments.
- 11. Review all development proposals so that the Town's ability to provide public services is not jeopardized or exceeds mandated limits.
- 12. Define and implement a process to seek private investment and/or State or Federal grants that will provide funds to support facilities andfuture land uses.

# **Utility Resource Management Plan**

# Goal -

To responsibly and efficiently provide a means to oversee incoming growth of the Town of Bowling Green. To establish a method of control over the Town's resource usage and establish a method of phasing in scaled development to address potential resource capacity concerns.

# Implementation:

Staff maintains an accurate and accessible current projection of public utility capacity and usage. A corresponding engineering study to verify capacity should also be enacted.

This report will establish a baseline usage of current public utility from which to generate the following Plans. The report should also include an estimated impact of expected by-right usage awaitingconnection but not yet online.

The Planning Commission shall give a recommendation and Council approve an appropriate threshold limiting large development upon reaching a defined percentage of utility capacity. This is beyond the scope of the existing DEQ limit and is intended as a hard stop against large scale projects that would over-encumber the Town's ability to provide service to its existing residents.

The Planning Commission shall give a recommendation and Council approve a defined projection of land use to direct growth while approaching this limit. This should establish a policy of prioritizing specific land uses incrementally so that uses grow together rather than a single large development absorbing all remaining supply. These brackets may be tiered and tied to related overall caps to serve as amulti-phased growth plan as the Town looks to expand its resource capacities.

Benchmarks and ratios will be assigned to land use types based off of remaining utility access. If the Town chooses to establish multiple growth tiers then large developments will be on hold until the corresponding benchmarks of those tiers are met.

These metrics are to be reassessed annually at a minimum.

The Town will establish and continue on an overall utility conservation, maintenance, and expansion plan that will serve future growth without causing undue economic or environmental harm to the community. The Town will reach out and work with both inside and outside agencies to complete these goals. The Town will be transparent with the public. Efforts will be made to search for grant opportunities and other potential ways to improve utility performance, access, and growth.

This Plan will be adopted into the Bowling Green Comprehensive Plan as a defined policy indealing with all site plan and development projects.

## Sewer

Totals do not include County reserve and usage

Current Usage		Amount	% of	Actions
		(gallons per day)	capacit	Triggered
			yused	
Max Capacity Permitted		250,000		
Total Average Usage by Town		98,000	39.2 %	None
<ul> <li>Residential</li> </ul>		51,156	20.4 %	
<ul> <li>Commercial</li> </ul>		29,890	12.0 %	
<ul> <li>Inflow and Infiltration</li> </ul>		16,954	6.8 %	
Caroline County Reserve		45,000	18.0%	
Unused Capacity		107,000	42.8 %	
Tier 1 Growth Cap	New	Total GPD	Capacit	
	Growth		yused	
	GPD		-	
Total Max Usage	25,000	123,000	60.0 %	<ul> <li>Engineering Study</li> </ul>
<ul> <li>Residential</li> </ul>	9,944	61,100	29.8 %	<ul> <li>Project Approval</li> </ul>
<ul> <li>Commercial</li> </ul>	4,760	34,650	16.9 %	<ul> <li>Financing Secured</li> </ul>
<ul> <li>Inflow and Infiltration</li> </ul>	46	17,000	8.3 %	
<ul> <li>Reserve</li> </ul>	10,250	10,250	5.0 %	
Unused Capacity		82,000	40.0%	
Tier 2 Growth Cap	New	Total GPD	Capacit	
	Growth		yused	
	GPD			
Total Max Usage	20,500	143,500	70.0 %	<ul> <li>Break Ground on</li> </ul>
<ul> <li>Residential</li> </ul>	9,225	70,325	34.3 %	Project
<ul> <li>Commercial</li> </ul>	6,150	40,800	19.9 %	<ul> <li>Secure Amended</li> </ul>
<ul> <li>Inflow and Infiltration</li> </ul>	0	17,000	8.3 %	Permit
<ul> <li>Reserve</li> </ul>	5,125	15,375	7.5 %	
Unused Capacity		61,500	30.0%	



### TOWN OF BOWLING GREEN TOWN COUNCIL MEETING AGENDA ITEM REPORT

AGENDA ITEM:	Rezoning – #RZS-2021-020 - Fairmont
ITEM TYPE:	Action Item
PURPOSE OF ITEM:	Decision - By Motion
PRESENTER:	Allyson Finchum, Town Manager
PHONE:	(804) 633-6212

### **BACKGROUND / SUMMARY:**

The Planning Commission held a public hearing on October 18, 2021, continued to November 15, 2021 and recommended denial. The Town Council held a public hearing on January 6, 2022, continued to February 3, 2022. Proffers are amended and a new public hearing must be conducted.

#### ATTACHMENTS:

Staff Report Application Applicant's Narrative Maps Ordinances

#### **REQUESTED ACTION:**

Hold public hearing; review project; motion to approve/deny or defer. The decision to approve/deny must be made within one year.



# STAFF REPORT REZONING #RZS-2021-020

**Request:** Rezoning (Business to R-3 Residential)

Location: AP Hill Boulevard

**Tax Map:** #43-A-34; 43E-1-4R, 5, 6, 7, & 8

**Owner/Applicant:** Fairmont Land LLC

Proposed Density: 4.52 du/ac

**Site Size:** 19.47 acres +/- (combined)

Existing Land Use: Vacant

**Existing Zoning:** B-1, Business

Proposed Use: Residential

### Surrounding Land Uses and Zoning:



South: Maracossic Creek zoned A-1 West: Pond in Caroline County zoned Rural Preservation North: Vacant wooded area with Pond zoned A-1

The 2021 Comprehensive Plan: Mixed Use (R1, R2, R3, B1, B2, & PUD)

Staff: Allyson Finchum, Town Manager/Zoning Administrator

### **Background & Summary of Proposal**

The applicant is requesting to rezone six parcels totaling 19.47 acres from B-1, Business to R-3, Residential to develop (no more than per proffer) a 78-parcel residential subdivision with townhouses and single-family houses with a resulting density of 4.53 units per acre. The application for rezoning was filed on July 12, 2021. An amendment to the application in the form of a draft proffer statement proffering the General Development Plan (GDP), was filed on September 7, 2021 and amended on January 12, 2022 thereby providing for consideration and review of the GDP submitted with the application (upon signature).

- The 19.47 acre site is located on the west side of Route 301 (AP Hill Boulevard) approximately 500 feet north of Broaddus Avenue. It is currently undeveloped land.
- One point of ingress/egress (right in/right out) is identified for the subdivision. This access point is off of AP Hill Boulevard and the only public access to the property.
- A ten-foot wide multi-use path is shown on VDOT right-of-way, which if constructed will provide pedestrian connection to Broaddus Avenue from the development.
- The general development plan depicts common area on the perimeter of the development. The total acreage is not identified.
- No recreational features are shown.
- Area for stormwater features is not shown.
- Building elevations are not provided.
- The applicant has submitted a narrative which is included in the packet.

### Proffers

Proffers have been submitted by the applicant as part of the rezoning application. An applicant may voluntarily submit proffers in an effort to address issues or concerns identified by the Town, to help make the proposed application consistent with the Comprehensive Plan or address other identified development issues. Should this application be approved and proffers accepted, the proffer statement will be recorded at the Circuit Court and govern the use and development of the property.

Prior to approval the Town Attorney will review the Proffers to determine if they are legally sufficient and of acceptable legal form.

### **Comprehensive Plan**

The Comprehensive Plan Map shows the future land use for this area as *Mixed Use (R1, R2, R3, B1, B2, & PUD)*. This designation includes a variety of densities, as well as various types of residential and business uses along the corridor.

The Comprehensive Plan identifies the Route 301 North Corridor Area on the northeast side of Bowling Green as one of "three commercial areas within the town boundary which will benefit greatly with detailed planning to ensure proper development, redevelopment, growth, and viability."

Excerpts from the Comprehensive Plan are included in the packet.

### Natural and Cultural Resources Impacts

The site is located in the Maracossic Creek (Mattaponi) watershed. The property borders the Maracossic Creek, ponds, and wetlands. The 100' Resource Protection Area (RPA) is found along the entire western edge of the site.

The Chesapeake Bay and storm water regulations provide the framework to protect environmentally sensitive water features.

### Traffic Impacts

AP Hill Boulevard is a four-lane divided Principal Arterial Highway. The applicant has provided a general traffic impact statement. The proposed zoning creates and estimated 610.7 vehicle trips per day (vpd). The statement indicates a substantial decrease from 5,709.8 vpd estimate if the site is developed with the currently allowable business uses.

### Public Utility Impacts

### Water

Water lines must be extended throughout this subdivision with an individual tap to each parcel. There is an existing Town water main along AP Hill Boulevard to serve the proposed development.

The Town's current groundwater withdrawal permit allows for 69,520,000 gallons per year which is 190,465 gallons per day (gpd) on average. The current average daily production is 153,000 gpd. This total includes unaccounted for water usage from water leaks, flushing of

hydrants, use from Caroline County Fire and Rescue (training, filling trucks, etc.). Current daily reserve is 37,465 which allows for an additional 124 connections at 300 gpd. Approval of any development that exceeds 190,465 gpd is contingent upon the Virginia Department of Environmental Quality's (VDEQ) approval of a modified withdrawal permit.

The 124 unit capacity figure should take into consideration existing platted vacant lots in town. It may be appropriate for the applicant to consider providing a well site or other assistance towards a future well when required.

### Sewer

The Town's current sewer capacity permitted is 250,000 (gallons per day), with 98,000 gpd (39.2%) currently used. There is an existing Town sanitary sewer gravity main along AP Hill Boulevard. Sanitary sewer mains must be extended throughout the subdivision, with an individual lateral to each parcel.

There is ample sewer supply available with less than 40% of the capacity utilized.

### Storm water Impacts

The development of 78 residential lots and the corresponding streets/parking areas, with increase in impervious cover and require storm water facilities. The GDP does not show the general location of any potential facilities. Thus, the storm water requirements may affect the final lot layout/ project design.

## School Impacts:

School impacts are included in the application on page 3 of the narrative. Student Generation Elementary - 25.4 additional students Middle – 11.4 additional students High – 14 additional students Total—50.8 students

The school system is funded through the Caroline County Board of Supervisors. Taxpayers (Town and County) provide financial resources for the school system, through real estate and other taxes, together with available state and federal funding. Information is included in the Comprehensive Plan about the schools. The estimated student generation figures provided in the application are small, compared to overall number of residentially zoned lots throughout the County.

#### Tax Revenue

Included in the packet is the applicant's economic analysis of the project. The applicant stated, B-2 development (i.e. gas station, fast food, retail) will generate \$7,930.00 of tax revenue as opposed to R-3 residential development which will generate \$32,890.00 of revenue.

#### Zoning and Subdivision Ordinance Considerations

#### **R-3** Residential

Townhouses and apartment buildings minimum lot requirement of 10,000 square feet shall be waived for the individual lots occupied by each Townhouse dwelling unit. However, in consonance with the concept of open area planning, the total lot area and usable open space per dwelling unit, Townhouse or apartment shall be not less than 6,000 square feet. Such *usable* open space shall be exclusive of areas devoted to streets, alleys and parking area and shall be adequately landscaped with shade trees and grass to provide a park, playground area or swimming pool for the development.

#### Subdivision

3-221(c) Each lot shall abut on a street dedicated by the subdivision plat or on an existing publicly dedicated street.

(2) Streets. [a] All streets shall be constructed in compliance with the state Subdivision Street Design Guide (24 VAC 30-91-160) requirements of the Virginia Department of Highways and Transportation and the Town of Bowling Green, Virginia.

#### Section 3-205. Definitions and word usage.

"Street" means the publicly owned, principal means of access to any lot in a subdivision. The term "street" shall include road, lane, drive, place, avenue, highway, boulevard or any other thoroughfare used for a similar purpose.

Ultimately, the development must meet subdivision/zoning ordinance requirements at the time of site plan/subdivision submission. The GDP provided may conflict with one or more of the regulations identified above.

#### **Evaluation and Staff Comments**

The following comments are provided by staff for consideration:

- This development is one of two currently proposed residential rezonings in the annexed area (Fairmont) along Route 301 north. Land use in the area is predominantly vacant or commercial. There is likely to be a transition to residential development along the corridor with approval of this project.
- The future land use map identifies this area as *Mixed-Use*. While the term is not clearly defined in the Comprehensive Plan the typical use of the term is a mixture of various use districts Residential(R), Business (B), Planned Unit Development (PUD)). The Town Council must decide whether a residential development is appropriate for the parcel and a comprehensive plan amendment should be approved.
- The application is for R-3 Residential which allows multi-family use at the highest density provided in the Town of Bowling Green zoning ordinance. If a residential development is preferred, the Town Council must decide whether low, medium, or high density and single-family and/or multi-family development is preferred on the parcel.
- The Town's appearance and design are noted in the Comprehensive Plan as an important quality of life issue for its residents and as an economic development tool. Details such as exterior elevations of housing and community amenities are not included. Therefore the developer or builder who ultimately builds the project, will decide the layout, aesthetics and amenities, if any. The Town Council must decide whether the application and proffers adequately address the Comprehensive Plan.
- Entrance corridors, including Route 301 north, are identified in the Comprehensive Plan as important for historical, aesthetic, and practical reasons, which serve to visually identify the Town boundary, establish the first impression of the Town for visitors, and to generally show the Town's commitment to its appearance and attractiveness. To meet this intent, development of structures, signs, landscaping, etc. should be the highest quality on an entrance corridor. The proposed Fairmont GDP does not contain proffers to guarantee this occurring.

As well, the GDP shows the rear of the townhouses facing to within 100' of AP Hill Boulevard. The Comprehensive Plan identifies berms as a possible solution in providing a visual buffer, though no visual buffers have been proffered.

Alternatively, the GDP could be redesigned to address these issues identified in the Comprehensive Plan.

 The Comprehensive Plan recommends to "minimize the impact of development on major roads by limiting access points and providing side street access and common entrances." It also suggests to "prohibit individual single family and duplex units within a development from having direct access to arterial and collector roads wherever possible, and locate residential development along internal roads within the development to improve traffic flow and enhance safety."

The GDP indicates a single access to Route 301, limited to right in/right out entrance. The subject property does not have frontage on any other public road, to which access can be relocated.

- The Town currently has water and sewer availability to support this project. About 94.2% of the currently permitted withdrawal will be utilized at full build out of this project without consideration of other development proposals, existing vacant and underdeveloped parcels within Town limits as well as those parcels outside the Town approved to be served by the Town water system. The Town may need to consider beginning the process of identifying additional water supply sources (wells) and permits in the near future.
- The Comprehensive Plan recommends to "protect environmentally sensitive areas such as steep slopes, historic and archaeological resources, wetlands, water supply, wildlife habitats, and other sensitive areas by locating conflicting land uses away from such areas.

The property abuts various water features, including ponds, streams, and wetlands. The Chesapeake Bay Resource Protection Area is identified on the GDP. The Chesapeake Bay Preservation Regulations addresses protection of those areas.

- Townhouse developments must contain 6,000 square feet of lot area and usable open space per unit. Usable open space is landscaped areas that provide a park, playground or swimming pool. The open space layout on the GDP includes most of the designated RPA, which may not allow the above referenced uses. A pedestrian path connecting the townhouses with the RPA and features has been designed to assist in meeting the R3 usable open space requirements. The BMP area should be excluded from the calculations. A more detailed site plan containing calculations will need to be provided to determine the exact amount of usable open space.
- Staff requests amending the GDP to show general consistency with Town ordinances.

#### Update:

The Planning Commission held a public hearing on October 18, 2021, continued to November 15, 2021.

The Planning Commission recommended denial.

The Town Council held a public hearing on January 6, 2022, continued to February 3, 2022.

The Planning Commission and Town Council minutes on the subject prepared to date are attached.

Due to changes in proffers, the proposal was re-advertised and a new public hearing is being held.

#### Public Outreach Information:

As required by State Code, this item was advertised in the Free-Lance Star on April 14, 2022 and April 21, 2022.

The Staff report, as well as all reports for this Town Council meeting, were posted on the Town website <u>www.townofbowlinggreen.com</u> on May 3, 2022.

Adjacent notices were mailed first class.

#### Next Steps:

The Town Council will hold a public hearing for this application on May 5, 2022. Following the public hearing, the Town Council may defer action to consider the application for up to one year; request more information from the applicant; request a worksession with the applicant; or decide approval/denial on this matter.



### TOWN OF BOWLING GREEN PLANNING COMMISSION MEETING EXCERPT OF MINUTES

### Monday, October 18, 2021 7:00 PM

### **PUBLIC HEARING:**

ZP-2021-020: Hansen, Daniel, Owner / Fairmont Land LLC, Applicant: Request a Rezoning from B2, Business (no specified density) to R-3, Residential (with a gross density of no more than 7.26 dwelling units per acre)

The Town Manager presented the staff report.

Daniel Webb, the applicant, presented information on the project.

The Planning Commission questioned the traffic pattern due to the location of the entrance to the development not aligned with a cross-over to northbound Route 301; accuracy of the number of vehicle trips per day; number of school-aged children generated from development; request for HOA documents; private versus public road serving townhouses; number of requested houses and appropriate density of development; adequate water for growth; usable open space and amenities; comparing revenue and costs generated by residential versus commercial development.

Barbara Byrd, 17262 Lakewood Road, commented on the following:

Asked if AP Hill has been notified and provided comments. Questioned the water source and well, the buffer, effect on owners of ponds, environmental impacts, price of homes, effect on property values, whether the owner was an LLC, whether stormwater pond will be built and the liability.

Tommy Wright, 17339 Harding Drive, commented:

Two existing nearby ponds have quality waterflow and shouldn't be interrupted. Type of vegetative buffer, concerned about swamp land, environmentally sensitive land and Chesapeake Bay Act.

Rob Henderson, 17584 Jackson Drive, commented:

Not in support of gas stations. In support of places to eat. Wants developer to finish their current project (Maury Heights) before starting another development.

Mike Manns, 17350 Lakewood Road, commented:

Concern about proximity of houses to his adjacent property. Concern about the protection of children from natural hazards who may cross onto his property. The property was annexed to help financially support the Town. Requested the Town to carefully consider and be tough on all applications because the Town only gets to do this one time.

Bonnie Cannon, 123 South Main Street, commented:

Route 301 corridor is horrible for traffic, prefer commercial. Concerned with impacts to Sheriff, Fire and Rescue, Schools, Water and Sewer. Concern with increase in property assessment and paying additional taxes. In support of grocery store, restaurants.

Commissioner's comments:

Issues raised included: wanting food establishments and uses that are good for the Town into the future, mixed use projects with commercial along Route 301 corridor and residential behind, concerned with high number of vehicle trips per day, traffic, safety on Route 301.

Tina Gambill motioned to continue public hearing to November 15, 2021 to perform due diligence and review the information submitted by the applicant at the meeting.

Sandra Pelter seconded the motion.

Discussion followed: Scott Seigmund stated there is one opportunity to develop this area correctly and wants additional information and input from the community. Valarie Coyle expressed the same and the need to review the new information. The Planning Commission requested information on the finished floor elevation and if the dwellings will have basements, and information on the stormwater ponds.

Voting Aye: Lisa Gattie, Valarie Coyle, Tina Gambill, Sandra Pelter, Charles Scott Seigmund. Opposed: None. Absent: None. Motion passed unanimously.



### TOWN OF BOWLING GREEN PLANNING COMMISSION MEETING EXCERPT OF MINUTES

#### November 15, 2021 Town Hall 117 Butler Street, Bowling Green, VA 22427

## **PUBLIC HEARING:**

### Rezoning - #RZS-2021-020 - Fairmont

Ms. Finchum presented to the members the request to rezone a 19.47-acre undeveloped site, located on the west side of Route 301 (AP Hill Boulevard), approximately 500 feet north of Broaddus Avenue. Ms. Finchum explained that the applicant is requesting to rezone six parcels from B-1, Business to R-3, Residential to develop an 88-parcel residential subdivision with 55 townhouses and 33 single-family houses, resulting density of 4.53 units per acre. Ms. Finchum discussed the following:

- One point of ingress/egress off of AP Hill Boulevard for public access to the property;
- A ten-foot-wide multi-use path that is proposed to provide pedestrian access to Broaddus Avenue from the development;
- The development would be the first proposed subdivision in the annexed area along Route 301;
- Planning Commission and Town Council will need to determine whether the mixed-use classification in the Comprehensive Plan means mixture of residential uses or a mixture of various use districts such as residential, business, planned unit development;
- The Planning Commission and Town Council must decide whether the project fits in with the design of the town.
- The project is located on an entrance corridor and will need to be attractive in appearance.
- Existing water and sewer are available to support the project; however, 94.2% of the currently permitted withdrawal will be utilized at full build out of this project;
- Additional water resources are being considered for future development needs;
- Proffers have been submitted by the applicant, but there is area for change to be made prior to the final site plan;
- The applicant has addressed traffic concerns with the proffered 200-foot right turn lane and taper from A.P. Hill Boulevard;
- Traffic impact statements have been provided that noted an estimated 610.7 vehicle trips generated by the development;
- Concern of impacts to schools, Fire, EMS, and Law Enforcement;
- If developed as a R-3 residential development, it is expected to generate \$32,890.00 of revenue;
- Public concerns voiced at prior meeting included:
  - Increased traffic



- Traffic patterns
- o Safety
- o Impacts to services such as water & sewer, schools, Fire & Rescue, and Law Enforcement;
- Land use and density issues;
- More community support for other uses such as grocery stores, restaurants, and other mixed-use projects;
- Revenue and tax concerns;
- Annexed area use;
- Prices of homes;
- Impact to existing taxes and property values;
- Impact to environmentally sensitive land;
- Request for Home Owners Association (HOA) information;
- Open space and amenities;
- Types of vegetative buffers;
- Desire for completion of Maury Heights prior to starting another development;
- Proximity to adjacent properties;
- Elevation information; and
- Request that all applications are carefully considered along the Route 301 Corridor.

Ms. Gattie asked if the applicant would like to address the members.

Mr. Webb, applicant, noted a correction to proposed density of 4.5 units per acres. Ms. Finchum acknowledged.

Mr. Webb noted there was nothing further to add from the previous presentation and offered to answer any questions.

Ms. Gattie opened the public comment period.

Ms. Jean Jordan, resident, asked why surveyors were working on Lakewood Road. and noted concern regarding the proposed number of homes.

Mr. Charles Roseman, resident, noted concern regarding the proposed number of homes on 19 acres.

Mr. Ronnie George, resident, inquired if the entrance had been approved by the Virginia Department of Transportation (VDOT).

Ms. Gattie closed the public comment period.

Mr. Webb, applicant, responded to the residents' responses and discussed the following:

• Surveyors are not associated with this project;



- Number of lots has been consistent throughout proposal; 33 single family homes, and 55 townhomes;
- 4 <sup>1</sup>/<sub>2</sub> units per acre, appropriate for Route 301;
- Area purposed for growth;
- Additional homes needed to further growth;
- Open to modifying proposal to make it compatible with surrounding neighbors; and
- Entrance location has been approved by VDOT.

Ms. Gambill inquired if the requested additional documentation on stormwater, elevations, and HOA information had been submitted. Mr. Webb stated they do not have the finished floor elevation at this time, but have provided a proposed elevation and floor plan. The location of the stormwater pond has been shown and meets the Department of Environmental Quality's (DEQ) requirements. Mr. Webb noted there will be a HOA, however the draft has not been completed. Mr. Webb discussed the expected responsibilities of the HOA.

Ms. Gattie inquired if the multi-use trail will be within the development or will the trail be utilized to connect the development to the town. Mr. Webb stated there are two trails; one trail is around the perimeter of the property and the other trail goes from the development along the right of way which ties into the side walk network of the town. Ms. Gattie asked if the proposed trails will remain as part of the proposal. Mr. Webb stated the proposed trails are an important benefit and will remain in the plan unless there is a VDOT issue.

Ms. Coyle asked for clarification regarding the location of the sidewalk. Mr. Webb noted the location of the sidewalk

Mr. Webb added that he has discussed the water concerns with DEQ and further explained the review for additional wells could be approved once the need for an increase in capacity can be shown.

Ms. Gambill stated that the water may not be potable at the aquafer and it was recommended to get on a surface water program instead of depending on the ground water and wells. Mr. Webb explained the tremendous expense of a surface water source and stated the county's well system should be adequate for the next 20 to 30 years.

Ms. Gambill commented that the responses received from residents have been of concern and in opposition of the development. Ms. Gambill recommended they review previous public comments in regard with the Comprehensive Plan, and take into consideration the residents' concerns regarding mixed-use and their requests for commercial development.

Ms. Pelter agreed and noted that the area was purposed as mixed use, to be utilized for commercial with some residential behind.



Ms. Coyle noted appreciation for the explanation regarding water and noted the project would put capacity at 94%. Ms. Coyle stated growth is needed for the town, and agreed that roof tops are great but there is a greater need for revenue. However, the greater concern remains with water and traffic.

Mr. Webb stated that the water concerns could be resolved by drilling a well.

Ms. Coyle asked for information regarding the issue with the existing well at Maury Heights. Mr. Webb stated the casing does not meet current standards.

Ms. Coyle asked if the town is supplying water to Maury Heights due to the existing well issue. Mr. Webb said yes.

Mr. Webb stated the proposed project will produce additional revenue from new connection fees. Mr. Webb noted that additional rooftops are needed for commercial growth.

Ms. Pelter asked how many bedrooms are proposed for each home. Mr. Webb stated the single-family homes and townhomes will have three to four bedrooms.

Ms. Gambill explained that the cost of a well is approximately \$100,000, but if the water is not potable, an additional expense will be incurred to properly abandon the well and drill for another. Mr. Webb stated there could be issues with contaminants in any water source but the water would be tested prior to the placement of the well. Mr. Webb noted a treatment system is typically put in place if contaminants are found.

Ms. Pelter noted concern regarding the calculations of bedrooms and children. Ms. Pelter explained there would be greater impact on the schools and vehicle traffic then what was shown in the report. Mr. Webb stated the traffic generation is based on ITE (Institute of Transportation Engineers) standards and are accurate.

Ms. Gattie noted concern of environmental impact, aesthetics, and traffic. Ms. Gattie stated growth is needed, however there a lot of reservations about the proposed development.

On the motion of Ms. Coyle, seconded by Ms. Gambill, which carried a vote of 5-0, the Commission agreed to forward the application to Town Council with a recommendation of denial.



### TOWN OF BOWLING GREEN TOWN COUNCIL MEETING MINUTES

### February 3, 2022 7:00 p.m. Town Hall 117 Butler Street, Bowling Green, VA 22427

## **PUBLIC HEARINGS:**

### Rezoning - #RZS-2021-020 - Fairmont:

Mayor Gaines noted the public hearing is a continuation from the January 6, 2022 meeting.

Mayor Gaines opened the public comment period.

<u>Mr. Jason Satterwhite, Former Mayor, 145 S. Main Street</u>, addressed the members to present a brief history of the 301 Corridor plans and visions of the town. Discussed annex of the area in the 1990's; County promised to develop the area but land remained dormant; Water and Sewer plans implemented; Special Tax District added; and property owners pay additional tax. Mr. Satterwhite noted concern that a developer finally approached the Town in interest and now there raised concerns of water and other issues. Mr. Satterwhite noted full support of this development and the Northview development; and requested the members consider approval.

<u>Mr. David Stork, 115 Maury Avenue</u>, addressed the members in favor of the Fairmont development and echoed that of Mr. Satterwhite's statements. Mr. Stork explained the need for more rooftops to get more wanted amenities. Mr. Stork stated the infrastructure is in place and is in support of any development of the 301 Corridor. Mr. Stork urged the members to consider approval.

<u>Mr. Dan Hansen, resident of Bowling Green</u>, addressed the members in favor of the development. Mr. Hansen stated full disclosure of association with the application. Mr. Hansen requested the members consider approval for the Fairmont and Northview developments. Mr. Hansen discussed the many attempts made by the Town to develop the property for twenty-four years.

Ms. Whitney Watts, 165 S. Main Street, addressed the members in support of the project.

Mr. Mike Bugat, 18080 A.P. Hill Boulevard, addressed the members in favor of the development. Mr. Bugat noted concerns regarding the Special District Tax and sufficient water resources.

<u>Ms. Sandra Pelter, Planning Commissioner, 328 N. Main Street</u>, addressed the members in favor of the development but would like things critiqued. Ms. Pelter discussed insufficient time for the Planning Commission to review the application; and noted the many concerns the Planning Commission had with the proposed development.

<u>Mr. Tommy Wright, 17339 Arden Drive</u>, addressed the members not in favor or opposition of the development. Mr. Wright noted concern regarding environmental and pond safety issues.

Mayor Gaines requested the assistance and discussion from Council to determine further action to close the public hearing. Council discussed proper procedure with Ms. Andrea Erard , Town Attorney.

Mayor Gaines closed the public comment period.

Mayor Gaines requested a discussion session and asked if there was anyone that had any additional questions or comments.

Mr. Dan Webb, applicant, noted there was no additional information to report and offered to answer questions;

- Council asked if the water issue was solved; Mr. Webb noted sufficient water capacity and availability of funds for improvements.
- Council requested overview of new layout submission; Mr. Webb reviewed the changes, additions, and eliminations made to the layout; and change of proffer language.
- Council inquired about the guarantees to follow proposed proffers.
- Council read the list of concerns provided by the Planning Commission;
  - Site plan lacks specifics;
  - No accommodation for commercial component;
  - No implementation of development into existing communities;
  - Noise pollution of Fort AP Hill;
  - Water concerns;
  - Environmental and safety issues;
  - Substantial traffic increase;
  - Real estate taxes;
  - Lack of buffers
  - Lack of open space and greenway areas;
  - Impact on community services;
  - Unwanted cookie cutter developments;
  - Desire to have connectivity;
  - Requested proactive steps be taken; and
  - Concern of change in the vision of the town.
- Council noted representation of the Town and in favor of growth on Route 301; Echoed concerns regarding water and need for commercial.

- Council requested information from the traffic study; Mr. Webb reviewed the anticipated traffic impact.
- Council asked if discussion had taken place regarding the connection of Fairmont and Northview
- Council stated the Home Owner Association information would address safety concerns;
- Council discussed water concerns and the following information:
  - Department of Environmental Quality's (DEQ) requirements;
  - Water and sewer not an issue;
  - o Growth requires improvements;
  - Traffic volume on Route 301 already exists;
  - Clarified the Special District Tax fees include both residential and commercial properties; and
  - $\circ$   $\,$  Comprehensive Plan designated the area for mixed use.
- Council presented research collected regarding impacts to Route 301 and water concerns;
- Council stated traffic concern is greater Broaddus Avenue instead of Route 301; mixed use plan and decisions need to be made; requested information for the remaining cost owed on Special District Tax; water is there and permits to withdrawal approved; well shutdown and replacement concern; and
- Council requested current water usage percentage; Ms. Finchum, Town Manager, noted the total was approximately 94% and expressed the need for additional water supply.

Mr. Webb addressed the concerns made by Council and discussed the following:

- Importance of connectivity within the town;
- Proposed trail to provide pedestrian and multi-mobile connection;
- Large open space located along the property perimeter;
- Large common area located at the center of the development;
- Location of homes moved away from 301;
- Understand water concerns and funds are proffered;
- Modifications have been made in response to concerns raised;
- Possibilities of connection to other developments;
- Elevation information provided;
- Trail safety discussed;
- Water improves to be at the discretion of the town; and
- Reviewed location of wetlands boundaries and safety.

On the motion of Mr. Voit, seconded by Ms. Howard, which carried a vote of 7-0, the Town Council voted to defer action to the March 3, 2022 meeting.

# **Commercial to Residential Permit**

**Town of Bowling Green** 

117 Butler Street

Bowling Green, VA 22427

804-633-6212

Permit Number: RZS-2021-020



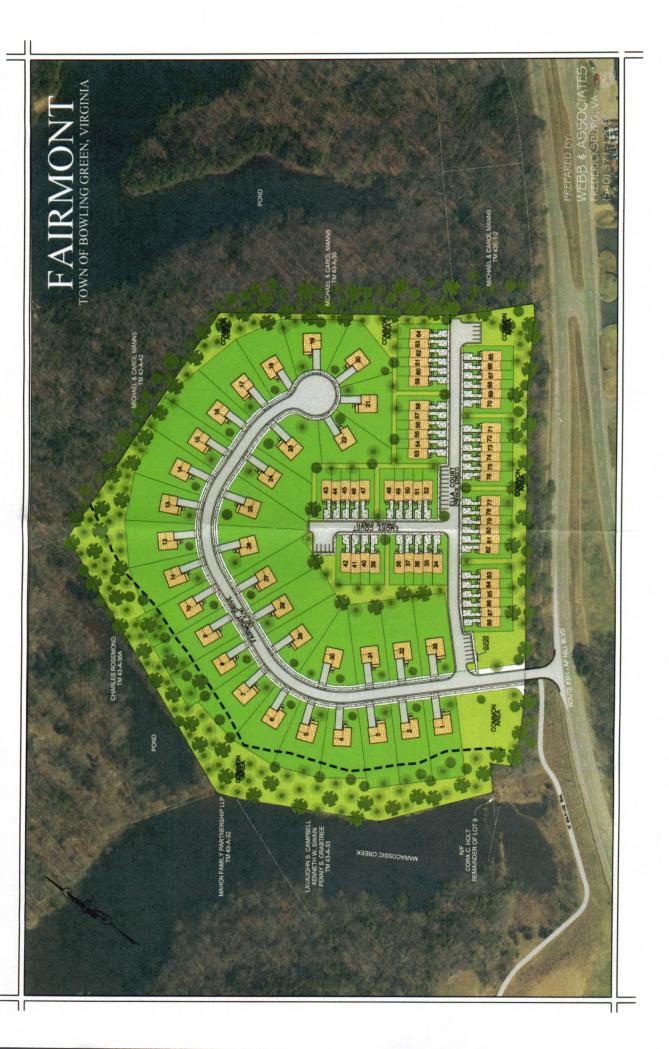
Job Location: 0 City,State,Zip: , APN: 43-A-34 Use Type: Commercial Adjacent Property Notice: Square Feet: 0 Job Description: change from B-2 to R-3		Permit Type: Commercial to Permit #: RZS-2021-020 Permit Status: Pending Date Issued: 09/13/2021 Approved Date:	o Residential
Applicant Name: Daniel Hansen Address: 8 Devonshire Dr City,State,Zip: Fredericksburg, VA 22401 Phone: 540-273-0191 Email:		<b>Owner:</b> HANSEN DANIEL <b>Address:</b> 8 DEVONSHIRE <b>City,State,Zip:</b> FREDERICK <b>Phone:</b> <b>Email:</b>	DR
<u>Comments</u>			
Fee	Amount	Payment Date	Amount
Tota	l Fee: \$1432.50		Total Paid: \$1432.50

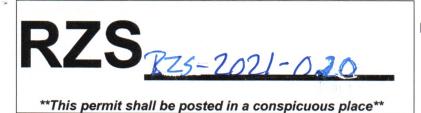
It is hereby certified that the above use as shown on the plats and plans submitted with the application conforms with all applicable provisions of the Town of Bowling Green Zoning Ordinance. The issuance of this Permit does not allow the violation of the Town of Bowling Green Zoning Ordinances or other governing Regulations.

Zoning Administrator

9/13/21 Date

This is submitted only. Approval is to be decided by Town Council.

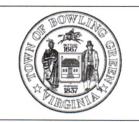




PREVIOUS EDITIONS OF THE

FORM ARE OBSOLETE

FORM REVISED: 28 April 2008



# Town of Bowling Green

# **Single Use Rezoning Application**

Application and petition are hereby made to the Town Council, Town of Bowling Green, to amend the Zoning Map of the Town of Bowling Green and issue a Certificate of Zoning Compliance, in accordance with the description and for the purpose hereinafter set forth. This application is made subject to all local and state laws and ordinances, which are hereby agreed to by the undersigned, and which shall be deemed a condition entering into the exercise of this application.

Owner				
	Daniel I. Hanen		<u>540-273</u>	3-0191
	Name		Daytime Telephore	ne Number
	8 Devonshire Drive, Fredericksburg,	VA 22401		میں میں ملقود میں در
	Mailing Address			
Property Information				
	43-A-34; 43E-1-4R, 5, 6, 7, 8		Vacant/B-2	
	Tax Map/Parcel Number		Existing Use/Zoning	
	A.P. Hill BLVD			
	Address/Location (use street names)			
	None			
	Existing Structures (number and type)			
Rezoning of Property	Requested			
From Zoning Designa		To Zoning Designati	on	
Water and Sewer				
What is your water sup	oply source?	What is your sewage d	isposal source?	
X Municipal	Private Well	X Municipal		Septic Tank

# As part of the submission, the following questions must be answered with a detailed response in narrative form. Answers of "Yes" or "No" are NOT ACCEPTABLE and the application is not complete until this narrative is submitted.

1. Describe in detail, why the current zoning designation of the property is inappropriate.

2. Describe in detail, the proposed use(s) of the property.

3. Describe in detail, why the proposed rezoning is necessary.

4. Describe in detail, why the proposed rezoning will not be detrimental to surrounding properties. Please relate your response to the existing zoning of the area, existing land uses in the Town Code, adjacent neighborhoods, and the Town of Bowling Green Comprehensive Plan.

5. Describe the proposed water and wastewater utility infrastructure including sources, discharges, permits, construction, ownership, and maintenance responsibilities.

6. Describe the environmental impact of the proposed use or development and the efforts to be undertaken to abate air, water, noise, storm water, and other environmental impacts during and after construction or after establishing the use.

7. Describe what techniques will be used to control traffic flow and what impacts the proposed use will have on existing roadways and provide a professionally prepared traffic impact analysis for any development expected to generate 250 vehicle trips per day or more.

8. Describe the impact of the proposed use on Caroline County's Schools.

9. Describe the impact of the proposed use on Town of Bowling Green public services (i.e., water service, wastewater disposal, solid waste disposal, and police protection).

10. Describe the impact the proposed use(s) will have on any historic sites or structures on the property or in the vicinity.

11. Describe the impact the proposed use(s) will have on any rare, endangered, or irreplaceable species or natural areas.

12. Describe the impact the proposed use(s) will have on the scenic or natural beauty of the Town of Bowling Green.

NOTE: The applicant is encouraged to consult with the Caroline County Building Official if the requested rezoning includes property containing an existing structure.

Complete and accurate information is required by the Town Staff, Planning Commission, and/or the Town Council in order for the application to be fully and appropriately reviewed. The Town Manager/Zoning Administrator may, at any time during the application acceptance process, find essential information is lacking, deem the application as incomplete, and defer further review or action until such time the required and/or requested information is provided.

A copy of a Vicinity Map is attached.

Yes

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# CERTIFICATE OF ZONING COMPLIANCE

The building, its proposed use, or the use of the land, as described in the above application and permit complies with the provisions of Chapter 126 (Zoning) of the <u>Code of the Town of Bowling Green</u> and any applicable conditions.

Zoning Administrator Signature

No

Certification by Owner/Applicant
I certify that I have the authority to make the foregoing application, that the information given is correct, including any attached plans or drawings, and that all construction will conform with all applicable state, county, and town laws, ordinances, and regulations with regard to zoning, health and building. Failure to do so will automatically render this permit invalid. I understand that two copies of a plot plan (or a plan for signs) must be submitted with this application, that construction requires a building permit Issued by the Caroline County Building Official, that a separate application must be made for water & sewer connections, and that all contractors must register with the Town prior to commencing work. I agree to repair any damages to sidewalks, streets, and utilities caused during this construction. I agree to pay an inspection deposit and notify the Zoning Administrator within ten (10) days of completion of the work for an inspection and issuance of Certificate of Zoning Compliance. Failure to do so may result in the forfeiture of the inspection deposit which in no way relieves me of any obligation to comply with all Town requirements. Land may be used or occupied, and buildings structurally altered or erected may be used or changed in use, only after the Certificate of Zoning Compliance is issued.
Applicant: Daniel C. Webb, Managing Member, Fairmont Land, LLC
7/12/21 Owner 2 cent & Ganson Date Owner/Applicant Signature
Date Owner/Applicant Signature
** FOR TOWN USE ONLY **
Recommendation of Planning Commission Date Received
Recommend Approval Recommend Disapproval Date
Action by Town Council Date Received
Approved Disapproved Date
Recommendation of Director of Public Works Date Received
Recommend Approval Recommend Disapproval Date
Zoning Administrator Recommend Approval Recommend Disapproval
Recommend Approval with Conditions (See Attached) Fee Paid \$
Zoning Administrator Signature Date
REMINDER!!
Approval of this application does not mean work can begin. Permits must be obtained from the Caroline County Building Official and possibly (depending on the scope of the work) Virginia Department of Transportation (VDOT) and the Health Department or Department of Environmental Quality (DEQ). It is the responsibility of the owner/applicant to check with these agencies to ensure all permits are obtained before beginning work.

1

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#### ADJACENT PROPERTY OWNERS

The following are all of the individuals, firms, or corporations owning property adjacent to both sides and rear, and the property in front of (across the street from) the property for which a Single Use Rezoning is requested. All adjacent property owner information is required to be accurate and complete before the application can be accepted.

NAME	STREET ADDRESS
1) Peter B. Swain Life Estate	0 A.P. Hill BLVD, Bowling Green, VA 22427
Mailing Address: 17450 Mill Stone Lane, Bowling Green,	VA 22427
2)Mahon Family Partnership LLP Mailing Address:116 Vance Drive, Fredericksburg, VA 224	0 Lakewood Road Bowling Green, VA 22427
Maning Address Ho value blive, Hedenoksburg, VA22	
3) Charles F. & Theresa J. Rosemond Mailing Address: PO Box 452, Bowling Green, VA 22427	17256 Lakewood Road, Bowling Green, VA 22427
4) Michael N. & Carol H. Manns	0 A.P. Hill BLVD, Bowling Green, VA 22427
Mailing Address: PO Box 117, Bowling Green, VA 22427	
5) Mailing Address:	
6) Mailing Address:	
7) Mailing Address:	
8) Mailing Address:	
9) Mailing Address:	
10)	
11) Mailing Address:	
12) Mailing Address:	
13) Mailing Address:	
14) Mailing Address:	
15) Mailing Address:	

#### FAIRMONT REZONING NARRATIVE

Applicant/Owner:	Fairmont Land, LLC ("Applicant") 11903 Bowman Drive, Suite 106, Fredericksburg, VA 22408
Engineer:	Daniel Webb, P.E., W W Webb & Associates, PLLC 11903 Bowman Dr., Suite 106, Fredericksburg, Va. 22408 Office: (540)371-1209, Fax: (540)371-4650 email: dan.webb@webbassociates.net
Project Name:	Fairmont
Property:	Town of Bowling Green Tax Parcels 43-A-34; 43E-1-4R, 5 6, 7, 8 consisting of 19.4727 located on the south bound lane of Route #301, A.P. Hill Boulevard (the "Property").
Date:	July 1, 2021 Rev. January 12, 2022
GDP:	Generalized Development Plan, entitled "Fairmont", prepared by W W Webb & Associates, PLLC, dated July 1, 2021, attached hereto as <u>Exhibit</u> <u>A</u> (the "GDP") <sup>1</sup>
Rezoning Request:	From B-2 to R-3
Rezoning #:	RZS-2021-020

#### I. <u>Project Overview</u>

The Applicant proposes rezoning of properties listed as Tax Maps 43-A-34; 43E-1-4R, 5 6, 7, 8 from B-2 to R-3. The total project acreage is 19.4727 acres. Currently, the subject parcels front on Route #301 (A.P. Hill Blvd), a four lane divided highway. To the south is a wide waterbody called Maracossic Creek and zoned A-1. To the west is a pond located in Caroline County and zoned RP. To the North is an undeveloped wooded area bound by another Pond zoned A1.

This project proposes residential subdivision to accommodate single family dwellings and townhouses

#### II. <u>Comprehensive Plan</u>

#### Future Land Use Map

The subject Property lies within the Town's "Mixed Use" land use designation area. The "Mixed Use" land use designation area allow for multiple residential and business uses.

#### Fiscal Impacts

For decades the subject property has been zoned business B-2 but has not developed due to lack of demand for business on the 301 corridor. There is currently a market for residential in Bowling Green and this location is perfect for this moderate/high density development. This development will generate additional real estate, personal, Route 301 tax district, and vehicle license tax. In addition to those taxes, the additional rooftops will provide patrons that will continue to fuel the revitalization of our Main Street business district.

#### **Real Estate Tax Income:**

- Town of Bowling Green Real Estate Tax Rate: \$0.13/\$100
- Current Real Estate Assessment: \$325,300
- Current Real Estate Tax generated by the site : (\$325,300/100)\*0.13 = \$422.89
- Proposed Single Family Home Price: \$350,000
- Proposed Single Family Tax generated: (\$350,000/100)\*\$0.13\*32 Houses = \$14,560
- Proposed Townhouse Price: \$250,000
- Proposed Townhouse Tax generated: (\$250,000/100)\*\$0.13\*46 Townhouses = \$14,950 Existing Real Estate Tax: \$422.89

Proposed Real Estate Tax: \$422.07Proposed Real Estate Tax: \$14,560+\$14,950 = \$29,510

#### Real Estate Tax Increase of \$29,087.11/Year

#### III. Land Use

As noted above, the Applicant proposes rezoning the Property from B-2 to R-3. The proposed Residential R-3 zoning uses will be less impactful to all adjacent properties than the possible Business B-2 zoning uses as currently zoned. The adjacent properties located in the town are all designated as "Mixed Use" in the future land use map. This property is unique in the fact this it is bound on all sides by bodies of water with the exception of its 986' of frontage along A.P. Hill Boulevard. There will be a buffer maintained along the frontage on A.P. Hill Boulevard to maintain scenic beauty of the Town.

#### IV. <u>Cultural Resources</u>

Based on review of the Comp Plan and information from the Virginia Department of Historic Resources and the United States Department of the Interior, the Property does not have any cultural resources.

#### V. <u>Fire, Rescue, Police</u>

We believe the proposal will have minimal impacts on the County's fire and rescue facilities. The Property is served by the Bowling Green Volunteer Fire Department, which is located approximately 1 mile southwest of this site and the Bowling Green Volunteer Rescue Squad, which is located approximately 1 mile southwest of this site.

The proposal will have minimal impact on the Bowling Green's Police Department and the Caroline County Sheriff's Office. The Property is served by the Bowling Green Police Department and the Caroline County Sherriff's office. Both are approximately 1 mile southwest of this site.

#### VI. <u>Schools</u>

		Stu	dent Gene	ration Facto	ors			
		Ele	mentary	Middle	H	ligh		
Unit Type		Sch	ool	School	S	School	Total	
Single Family	v Dwelli	ng (SFD)	0.257	7 0.1	1307	0.1832		0.5716
Townhouse(T	TH)		0.3072	2 0.1	1286	0.1453		0.5811
	*Sour	ce: Spotsylva	ania Coun	ty Planning	Depa	rtment		
School Type	Units	Unit Type	Gener	ation Factor	r 7	<b>Sotal Students</b>		
Elementary	32	SFD	0.257	7	8	.2		
Middle	32	SFD	0.130	7	4	.2		
<u>High</u>	32	SFD	0.1832	2	5	.9		
Total Single I	Family I	Dwelling		18.	.3			
School Type	Units	Unit Type	Gener	ation Factor	r T	Total Students		
Elementary	46	TH	0.3072	2	1	4.1		
Middle	46	TH	0.128	6	5	.9		
<u>High</u>	46	TH	0.145.	3	6	<u>.7</u>		
Total Townho	ouse				2	26.7		
Total Projecte	ed Stude	ents			4	5.0		

#### VII. Solid Waste

The property will be serviced by the Town's trash collection service.

#### VIII. <u>Water and Sewer</u>

The property will be serviced by the Town's public existing water and sewer system. Both public water and sewer run along the frontage of the property. The public sewer line is a force main line and will require the construction of a public pump station in order to tie into the system. All water and sewer lines will be constructed to meet the Town of Bowling Green's standards and will be maintained by the Town of Bowling Green. Below is a summary of water and sewer fees generated by the site:

- Water Availability Fee: \$6,000/Lot
- Sewer Availability Fee: \$6,000/Lot
- Water Connection Fee: \$750/Lot
- Sewer Connection Fee: \$750/Lot
- Total # of Lots: 78

#### **Total Water and Sewer Fees:** \$13,500/Lot = \$1,053,000

- Minimum By-Monthly Water Usage Fee: \$40.12/Lot
- Minimum By-Monthly Sewer Usage Fee: \$86.53/Lot
- Total # of Lots: 78

#### Total Minimum Annual Water and Sewer Usage Fee = \$59,272.20

#### IX. <u>Environment</u>

The project's design will minimize the impact to the natural topography and vegetation located on the Property, and Applicant's design will be in compliance with County and State requirements for stormwater management for the development of the site. There are wetlands on the site and disturbance of them will be kept to a minimum.

#### X. <u>Transportation</u>

The Property abuts A.P. Hill Drive (Route #301), which is a four (4) lane public road classified as a principal arterial road. Access to the Property will be provided on Fairmont Drive by a right in-right out on A.P. Hill Boulevard.

If the property were developed as business it could generate 5,710 VPD of overall trips on a daily basis, including 432 VPD during A.M. peak hours and 520 VPD during P.M. peak hours. (Land Use – 815, 820, 853, 934)

This project will generate 552 VPD of overall trips on a daily basis, including 39 VPD during A.M. peak hours and 51 VPD during P.M. peak hours. (Land Use – 210 & 221)

See attached Traffic Generation Impact Analysis Exhibit B.

#### EXHIBIT A

#### Generalized Development Plan

See attached "General Development Plan, Fairmont – Tax Maps 43-A-34; 43E-1-4R, 5 6, 7, 8" dated July 1, 2021 and last revised on January 12, 2022 prepared by W.W. Webb & Associates, PLLC.

#### EXHIBIT B

Traffic Generation Impact Analysis

See attached "Traffic Generation Impact Analysis, Fairmont – dated July 1, 2021 and last revised on January 12, 2022 prepared by W.W. Webb & Associates, PLLC.

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# Caroline County, Virginia

#### **Legend**

County Boundary Roads (12,000)

> Interstate US Highway Primary State Highway Primary Secondary Secondary - 0 Null Roads - Back (12,000)

Interstate

- US Highway Primary
- State Highway Primary

Map printed from Caroline

0

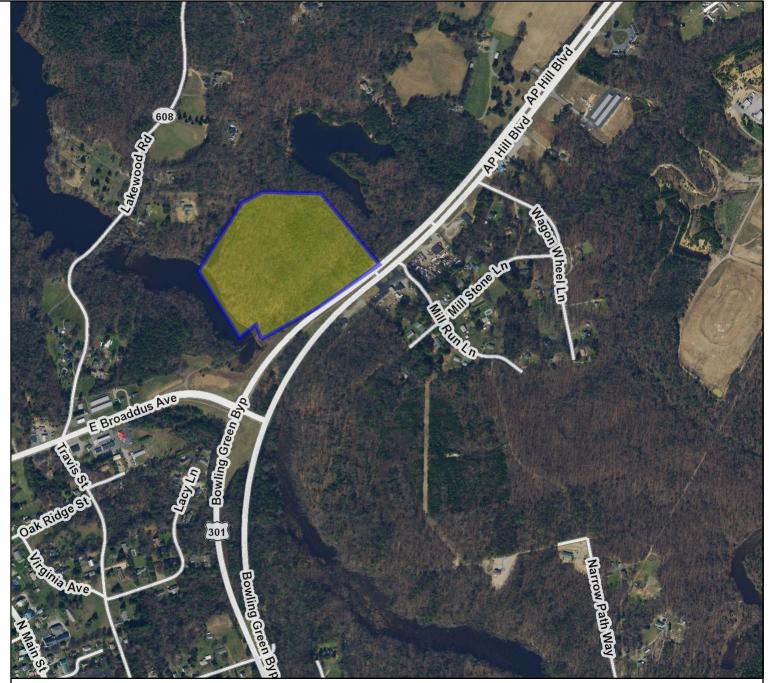
https://parcelviewer.geodecisions.com/Caroline/

Feet

1:9,028 / 1"=752 Feet

200 400 600 800

- Secondary
- Secondary 0
- Null Road Labels



#### Title: Vicinity Map Rezoning RZS-2021-020

# Date: 9/16/2021

DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and Caroline County is not responsible for its accuracy or how current it may be.

# FAIRMONT GENERALIZED DEVELOPMENT PLAN TOWN OF BOWLING GREEN, VIRGINIA TM 43-A-34; 43E-1-4R, 5, 6, 7, 8

#### **APPLICANT/OWNER**

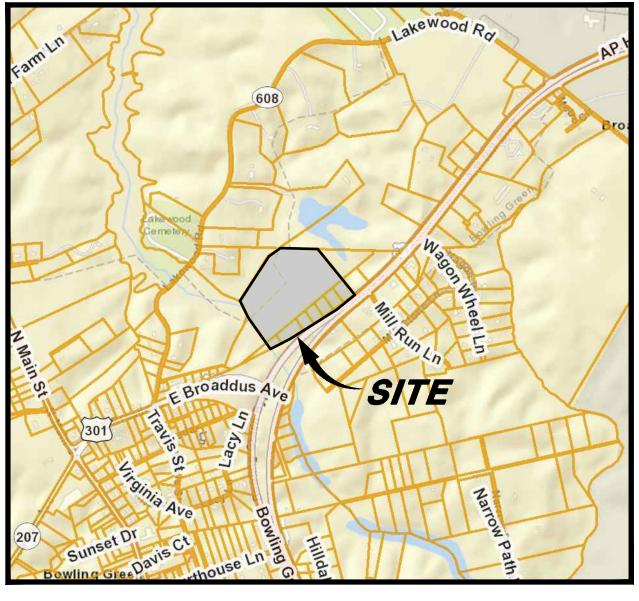
RMONT LAND II 3 BOWMAN DRIVE, SUITE

# SITE STATISTICS.

- 1.) TAX MAP: TM 43-A-34; 43E-1-4R, 5, 6, 7, 8
- 2.) PARCEL ACREAGE: 19.4727 ACRES
- 3.) EXISTING ZONING: BUSINESS DISTRICT B-2 PROPOSED ZONING: RESIDENTIAL DISTRICT R-3
- 4.) TRIP GENERATIONS: ITE SINGLE-FAMILY DETACHED HOUSING (210) 32 LOTS \* 9.44 = 302 VPDITE MULTI FAMILY HOUSING MID-RISE (221)
  - 46 LOTS \* 5.44 = 250 VPDTOTAL = 5521 VPD
- 5.) CLUSTER MAILBOXES PROVIDED FOR ENTIRE SITE
- 6.) NO EVIDENCE OF ANY PLACES OF BURIAL ON SITE.
- 7.) PROPERTY WITHIN ZONE X PER FLOOD INSURNCE RATE MAP, COMMUNITY-PANEL NO. 51033 0240C; DATED 3/2/2009.
- 8.) THIS PROPERTY IS SERVICED BY PUBLIC WATER AND SEWER.



EXISTING ZONING - B-2 **PROPOSED ZONING - R-3** 

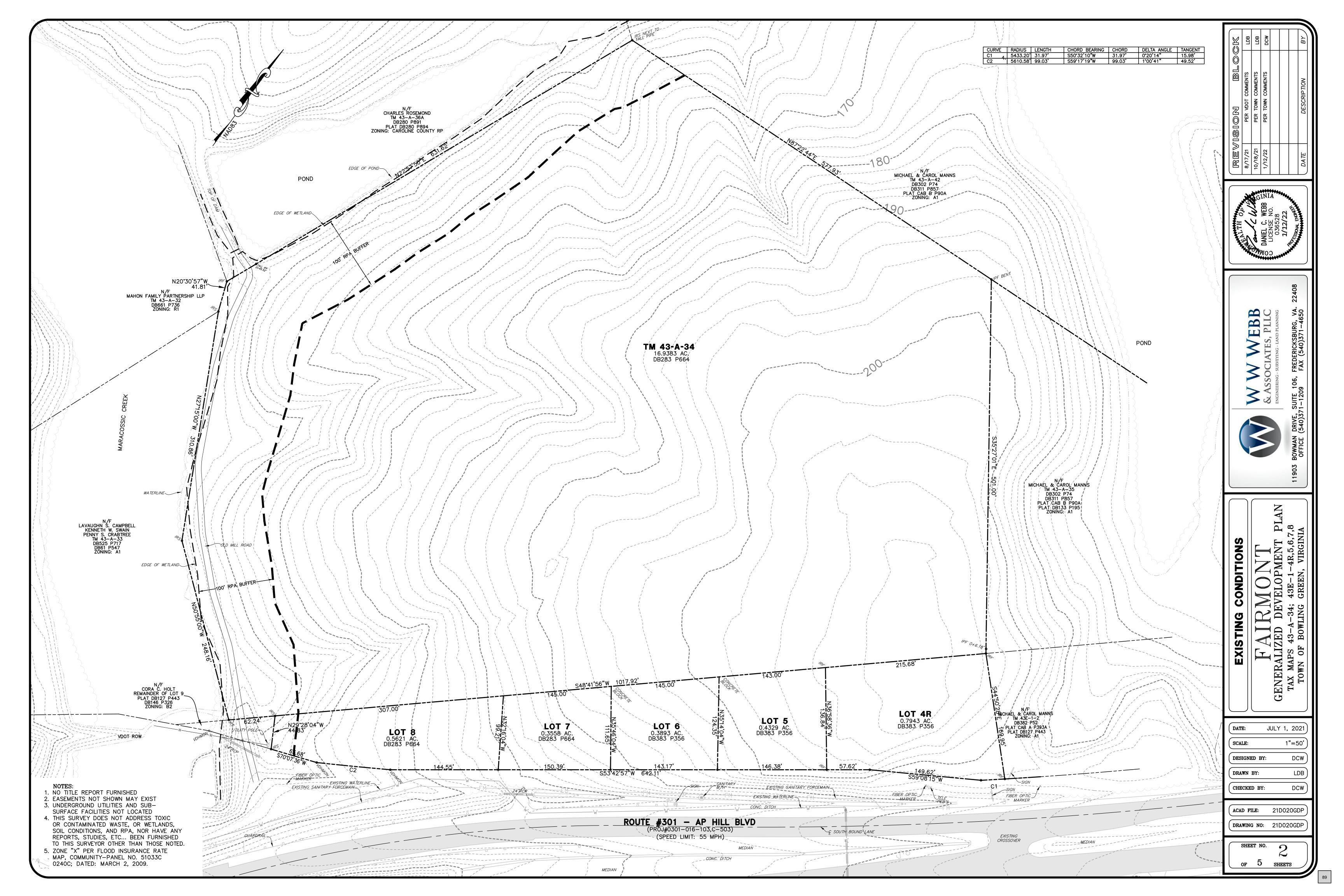


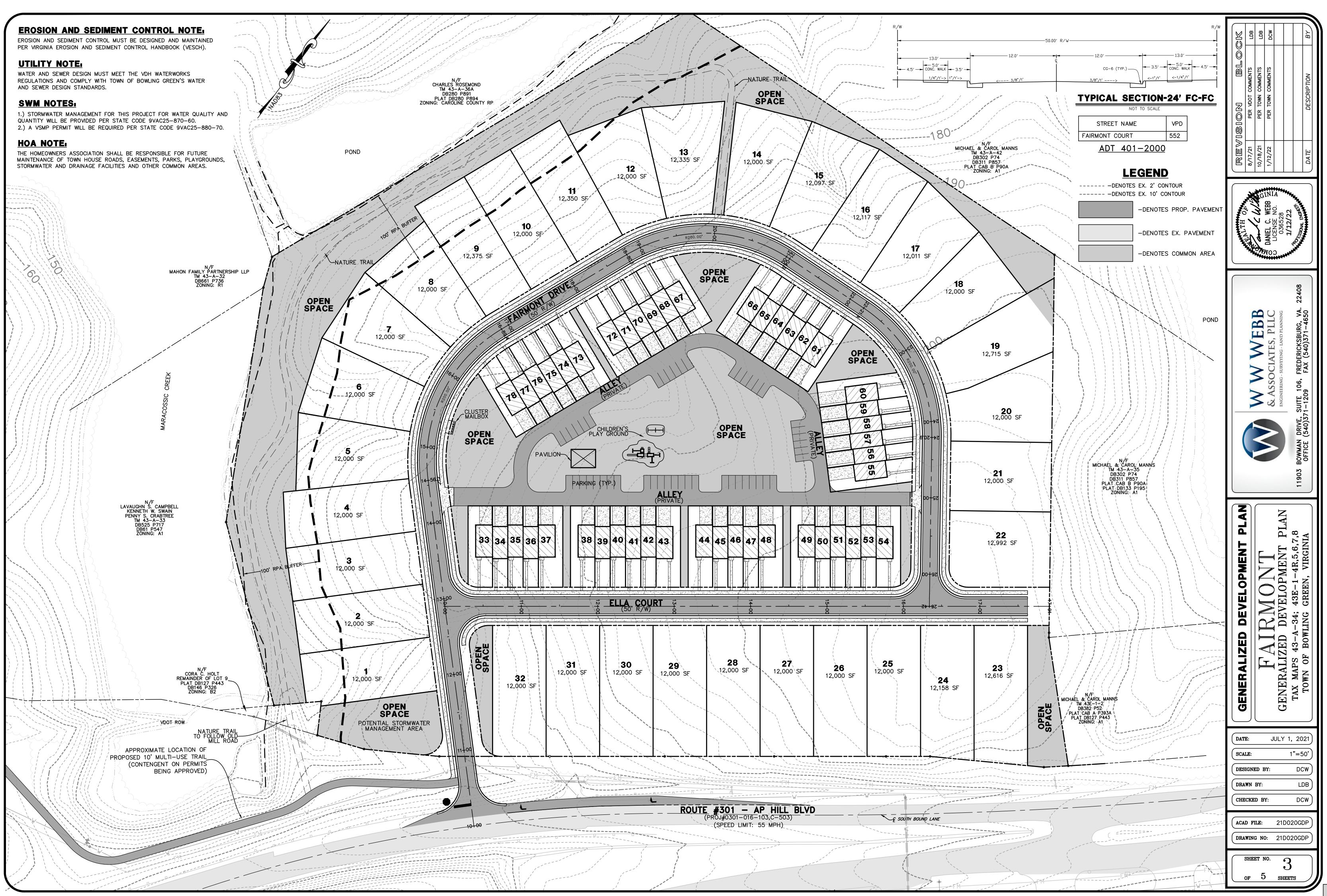
VICINITY MAP SCALE: 1"=1,200'

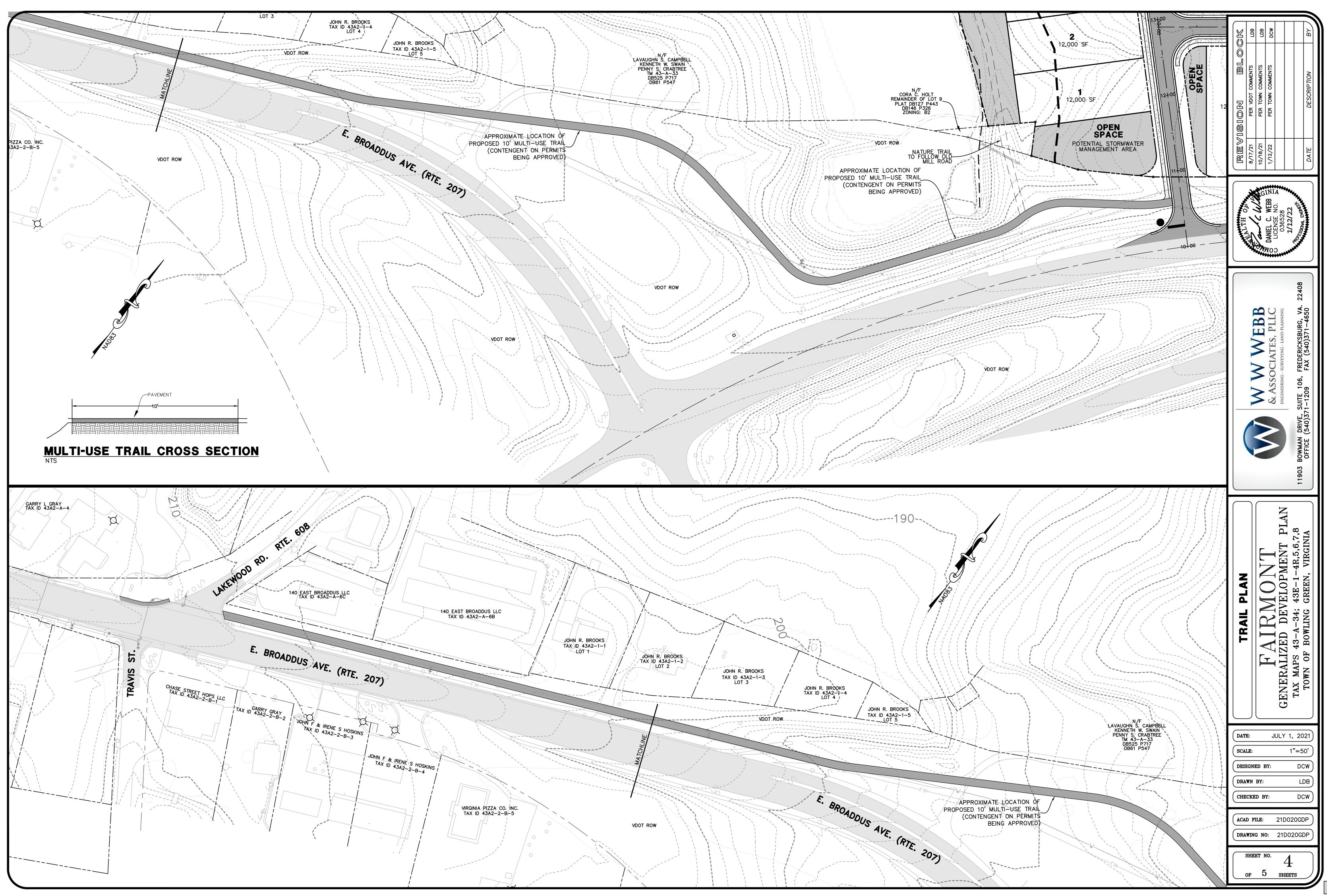
# INDEX TO DRAWINGS

1.) COVER SHEET

- 2.) EXISTING CONDITIONS
- 3.) GENERALIZED DEVELOPMENT PLAN
- 4.) TRAIL PLAN
- 5.) TURN LANE ANALYSIS

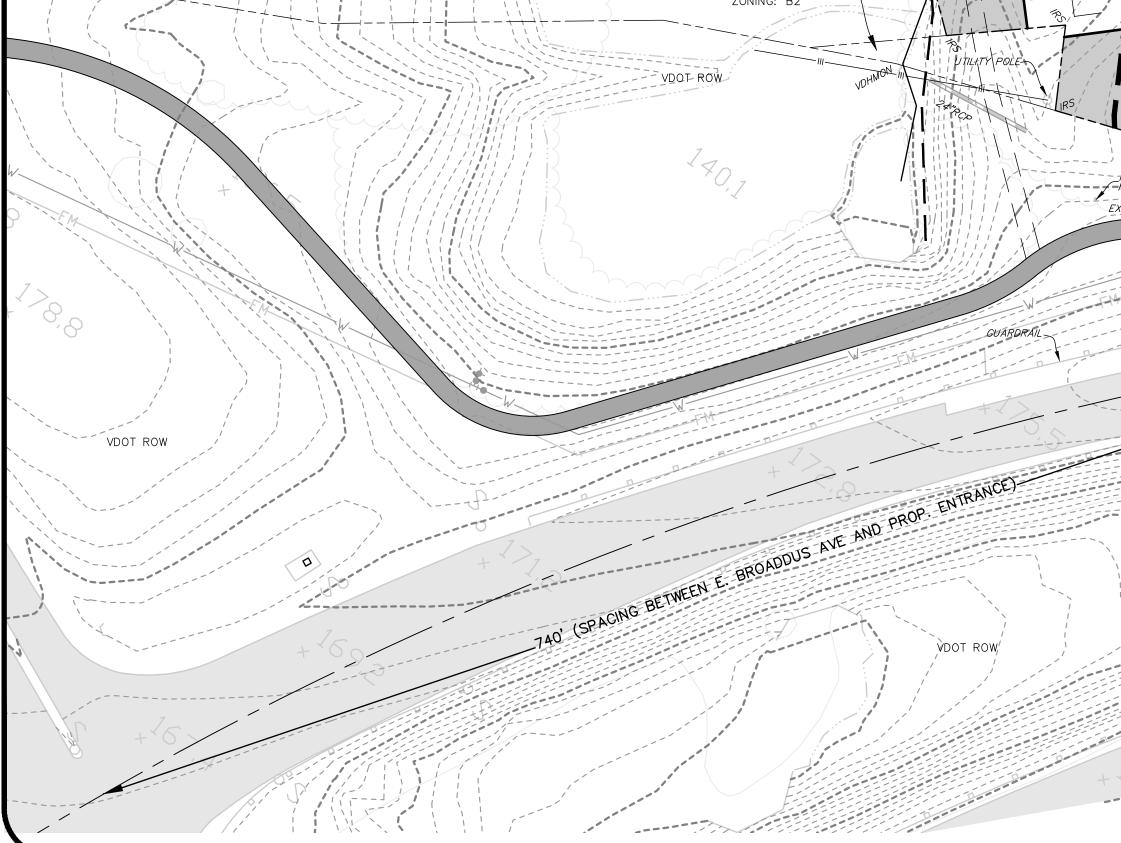


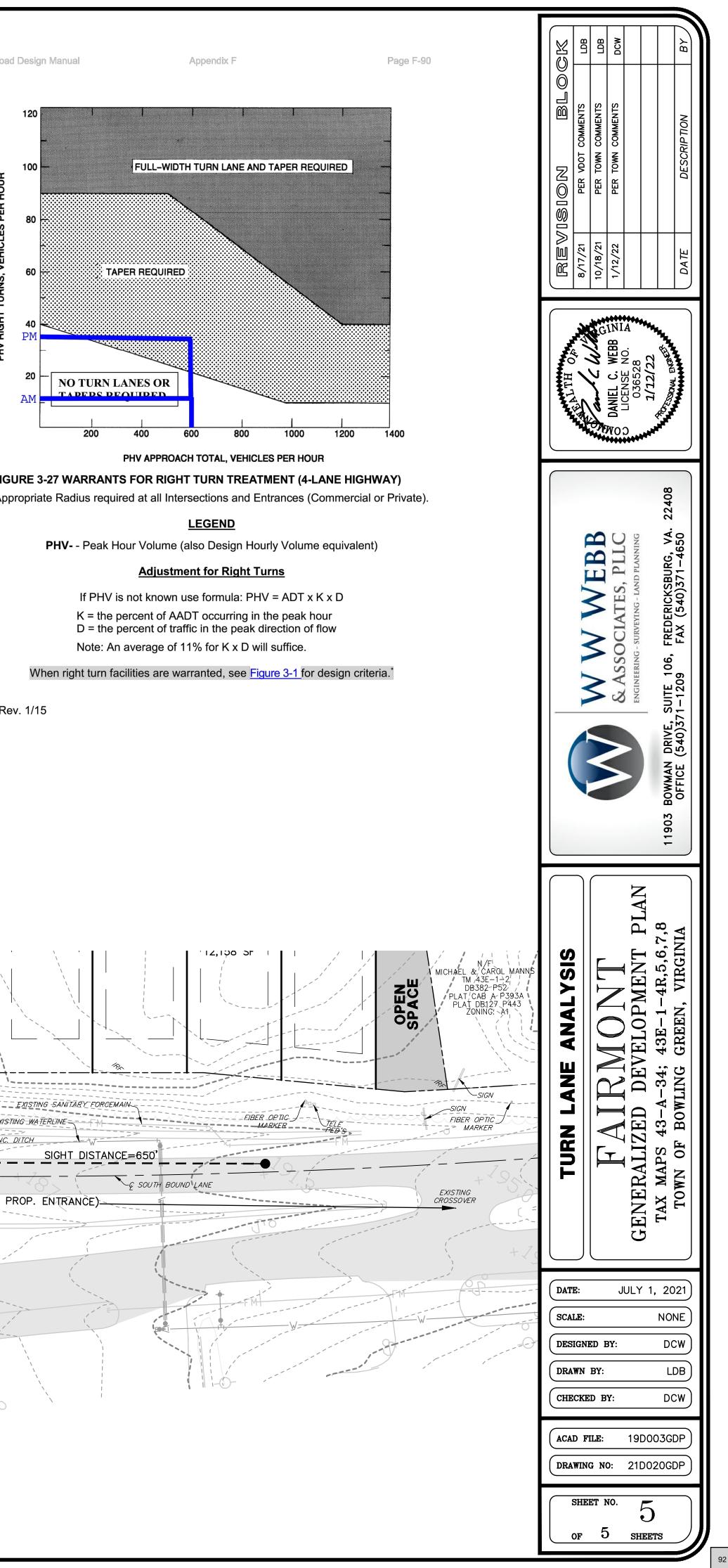




WEBB AND ASSOCIATES, PLLC	

WEBB AND ASSOCIATES, PLLC	RIGHT TURN LANE ANALYSIS	
A SURVEYING AND DESIGN COMPANY	A.M. PEAK HOUR	Road D
11903 Bowman Drive, Suite 106, FREDERICKSBURG, VA. 22408 540-371-1209 FAX 540-371-4650	Project - Traffic Data Peak Hour, A.M. Weekday: Land Use 221 (Multi-Family Housing - Mid-Rise	
DATE: 01/12/22	27% Entering and 73% Exiting (Based on ITE manual)	
PROJECT:     Fairmont       PREPARED BY:     Lauren D. Brooks, P.E.	Vehicles Per Hour     =	15 VPH
SUBJECT:     AP Hill Blvd       Town of Bowling Green, VA	Vehicles Entering Site =15X27%=Peak Hour, A.M. Weekday: Land Use: 210 (Single Family Detatched Housin	4 VPH
	26% Entering and 74% Exiting (Based on ITE manual) Vehicles Per Hour	
AP Hill Blvd - Traffic Volume	Peak Hour =	24 VPH
Construction Design VDOT Traffic Data 10 yr	Vehicles Entering Site =24X26%=Peak Hour, A.M. Weekday	6 VPH
Year         Year         Year         10 yr         Ann Avg           2022         2032         2009         2019         Increase         % Inc	Peak Hour	39 VPH 11 VPH
11000 11000 0 0.0%		
Design Design Design Design k Peak Direction PH in PH in Opp	AP Hill Blvd - VDOT Traffic Data	
Growth*YearsYearAADTFactorHourFactorPeak Dir. Direction1.0%102032125190.09411770.509599578	Projected VPD =         12,519         AADT, 2032           K Factor =         0.094         Peak Hour	SIGH SIGH
* Assumed Growth Rate	Dir Factor = 0.509 % of Traffic in Peak Direction	
SITE- TRIP GENERATION DATA         Based on Number of Dwelling Units (ITE 10th Addition, Trip Generation)	Assume AM Peak Direction is Advancing Traffic, Westbound	
Land Use: 221 (Multi-Family Housing - Mid-Rise)	Using Projected AAWDT12,519X0.094	= 1,177 VPH
Total Dwelling Units=46Dwelling UnitsAverage VPD, Weekday =5.44VPD/Dwelling Unit	Advancing traffic (Westbound) = 1177 X 0.509	= 599 VPH
VPD, Average =         46         X         5.44         =         250         VPD           Peak Hour VPH, AM =         0.32         VPH/Dwelling Unit	Right Turn Volume into Site = Percentage of Right Turning Vehicles =	11 VPH 1.8%
VPH, AM Peak =         46         X         0.32         =         15         VPH	Posted Speed Limit = 60 mph	
Peak Hour VPH, PM =         0.41         VPH/Dwelling Unit           VPH, PM Peak =         46         X         0.41         =         19         VPH	Enter Data in Figure 3-26:(See Attached) Turn Lane or Taper	NOT Required Appro
Based on Number of Dwelling Units (ITE 10th Addition, Trip Generation)	P.M. PEAK HOUR	
Total Dwelling Units=   32   Dwelling Units	<u>Project - Traffic Data</u> Peak Hour, P.M. Weekday: Land Use 221 (Multi-Family Housing - Mid-Rise)	
Average VPD, Weekday =     9.44     VPD/Dwelling Unit       VPD, Average =     32     X     9.44     =     302     VPD	60% Entering and 40% Exiting (Based on ITE manual)	
Peak Hour VPH, AM =         0.76         VPH/Dwelling Unit           VPH, AM Peak =         32         X         0.76         =         24         VPH	Vehicles Per Hour     =	19 VPH
Peak Hour VPH, PM =   1   VPH/Dwelling Unit	Vehicles Entering Site = 19 X 60% =	11 VPH
VPH, PM Peak =         32         X         1         =         32         VPH           TOTAL	Peak Hour, P.M. Weekday: Land Use: 210 (Single Family Detatched Housin 64% Entering and 36% Exiting (Based on ITE manual)	
Average VPD, Weekday =       VPD, Average =       552       VPD         Peak Hour VPH, AM =       VPH, AM Peak =       39       VPH	Vehicles Per Hour     =	32 VPH
Peak Hour VPH, AM =VPH, AM Peak =SSVPHPeak Hour VPH, PM =VPH, PM Peak =S1VPH	Vehicles Entering Site =32X64%=Peak Hour, P.M. Weekday </td <td>20 VPH TOTAL</td>	20 VPH TOTAL
	Peak Hour	51 VPH
	Vehicles Entering Site =	32 VPH
	AP Hill Blvd - VDOT Traffic Data	
	Projected VPD = 12,519 AADT, 2032	
	K Factor =0.094Peak HourDir Factor =0.509% of Traffic in Peak Direction	
	Assume AM Peak Direction is Advancing Traffic, Westbound Using Projected AAWDT	
	Peak Hour =         12,519         X         0.094           Advancing traffic (Westbound) =         1177         X         0.509	= 1,177 VPH = 599 VPH
	Right Turn Volume into Site =	32 VPH
	Percentage of Right Turning Vehicles = Posted Speed Limit = 60 mph	5.3%
	Enter Data in Figure 3-26:(See Attached) Taper Required	
ZONING: B2		
	OPEN	
VOHIN VOHIN IRS	AL STORMWATER SEMENT AREA	
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FIBER OPTIC 1 MARKER EXISTING SANITARY		SANITARY
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PROP	STOP SIGN	
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	PROP. 48' TAPER	784' (SPACING BETWEEN EX. CROSSOVER AND PRO
	<b>4301 - AP HILL BLVD</b>	_CONE. DITCH
	ROUTE #301 - AP HILL BLVD (PROJ#0301-016-103,C-503) (SPEED LIMIT: 55 MPH) (SPEED LIMIT: 55 MPH)	MEDIAN
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	<u>TURN LANE PLAN</u> 1"=50'	





#### VOLUNTARY PROFFER STATEMENT

Applicant/Owner:	Fairmont Land, LLC ("Applicant") 11903 Bowman Drive, Suite 106, Fredericksburg, VA 22408
Project Name:	"Fairmont"
Property:	Town of Bowling Green Tax Parcels 43-A-34; 43E-1-4R, 5 6, 7, 8 consisting of 19.4727 located on the south bound lane of Route #301, A.P. Hill Boulevard (the "Property").
Date:	September 7, 2021 Rev. January 12, 2022
GDP:	Generalized Development Plan, entitled "Fairmont", prepared by W W Webb & Associates, PLLC, dated July 1, 2021, attached hereto as <u>Exhibit</u> <u>A</u> (the "GDP") <sup>1</sup>
Rezoning Request:	From B-2 to R-3
Rezoning #:	RZS-2021-020

#### 1. <u>General Requirements</u>.

(a) The following proffers are being made pursuant to Sections 15.2-2298 and 15.2-2303, and 15.2-2303.4, et al. of the Code of Virginia (1950), as amended, and Section 3-175, et al. of the Zoning Ordinance of the Town of Bowling Green (2010, as amended). The proffers provided herein are the only proffered conditions offered in this rezoning application and being provided in accordance with Section 15.2-2303.4, et al., of the Code of Virginia 1950, as amended (the "Proffers"). If the Proffers are approved, any prior proffers in which the Property (as generally defined above and shown on the GDP) may be subject to or previously offered with this application or otherwise previously proffered are hereby superseded by these proffers, and said prior proffers will be of no further legal force and effect (collectively "Prior Proffers"). In addition and notwithstanding the foregoing, the Proffers are conditioned upon and become effective only in the event the Applicant's rezoning #RZS-2021-020 is approved (including through applicable appeal periods) by the Town of Bowling Green's Town Council (the "Town").

(b) Except as otherwise provided herein, the Property will be developed in accordance with that certain generalized development plan entitled "Fairmont", dated July 1, 2021 and last revised on January 12, 2022, prepared by W W Webb and Associates, attached hereto and marked as <u>Exhibit A</u> (the "GDP") and will include no more than 78 single family or townhouse residential units.

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

#### 2. <u>Transportation</u>

The Applicant agrees to provide a 200 foot right turn lane and a 200 foot right turn lane taper from A.P. Hill Boulevard, as generally shown on Sheet 5 of the GDP.

#### 3. <u>Cash Proffer</u>

The Applicant agrees to pay the total sum of 50,000.00 for water system improvements within the immediate area of the Property as determined by the Town. This amount will be paid in lump sum payment prior to the issuance of the  $20^{\text{th}}$  certificate of occupancy.

#### 4. <u>Amenities</u>

The Applicant will construct a multi-use trail, a nature trail, a children's playground, and a pavilion as generally shown on the GDP. These items may be relocated and/or amended by the Applicant.

#### [AUTHORIZED SIGNATURES TO FOLLOW]

The Applicant/Owner makes these Proffers voluntarily, in support of their rezoning application and by our signatures deem them reasonable and appropriate as set out in Virginia Code Section 15.2-2303.4 A.D.1.

WITNESS the following signatures:

#### OWNER:

#### **Fairmont Land, LLC**

By:

Daniel C. Webb, Managing Member

Date: 1/12/22

#### COMMONWEALTH OF VIRGINIA COUNTY OF SPOTSYLVANIA

The foregoing was subscribed, sworn to and acknowledged before me this 12<sup>TH</sup> day of January 12, 2022, by Daniel C. Webb.

Notary Public

Print Name: Linda Saunders Ehardt My Commission Expires: January 31, 2022 Registration No. 125325

# EXHIBIT A

Generalized Development Plan

#### Real Estate Tax

				Real Es	tate		
		Re	al Estate	Tax Rat	e (Per		
		Ass	sesment	\$100)		Rea	l Estate Tax
<b>Current Undevelo</b>	ped	\$	325,300.00	\$	0.13	\$	422.89
Developed B-2							
	Gas Station Site	\$	1,500,000.00				
	Fast Food Site	\$	1,100,000.00				
	Retail Site	\$	1,000,000.00				
	40,000 SF Shopping Center	\$	2,500,000.00				
	Total =	\$	6,100,000.00	\$	0.13	\$	7,930.00
Developed R-3							
	Single Family Home (32*\$350000)	\$	11,200,000.00				
	Townhouse (46*\$250,000)	\$	11,500,000.00				
		\$	22,700,000.00	\$	0.13	\$	29,510.00

Utilities

		Wate	er & Sewer			
		Availa	ablity and	Number of		
		Conn	ection Fees	Connections	То	tal
Current Undevelo	ped	\$	-	-	\$	-
Developed B-2						
	Gas Station Site (1" Meter)	\$	14,500.00	1	\$	14,500.00
	Fast Food Site (1" Meter)	\$	14,500.00	1	\$	14,500.00
	Retail Site (1" Meter)	\$	14,500.00	1	\$	14,500.00
	40,000 SF Shopping Center (1" Meter)	\$	14,500.00	4	\$	58,000.00
					\$	101,500.00
Developed R-3						
	Single Family Home (5/8" Meter)	\$	13,500.00	32	\$	432,000.00
	Townhouse (5/8" Meter)	\$	13,500.00	46	\$	621,000.00
	,	·	-,	-	<u> </u>	L,053,000.00
			er & Sewer Bi			
			hly Usage	Number of		tal Annual
		Fees		Connections	Fee	2
Current Undevelo	ped	\$	-	-	\$	-
Developed B-2						
	Gas Station Site (1" Meter)	\$	133.60	1	\$	801.60
	Fast Food Site (1" Meter)	\$	133.60	1	\$	801.60
	Retail Site (1" Meter)	\$	133.60	1	\$	801.60
	40,000 SF Shopping Center (1" Meter)	\$	133.60	4	\$	3,206.40
					\$	5,611.20
Developed R-3	Single Family Home (5/8" Meter)	\$	126.65	32	\$	24,316.80
	Townhouse (5/8" Meter)	\$	126.65	46	\$	34,955.40
					\$	59,272.20

Division 7 Residential District R-3

#### Section 3-123. Intent.

The R-3 District is composed of certain moderate to medium concentrations of residential uses plus certain open areas where similar development appears likely to occur. The standards for this district are designed to stabilize and protect the essential character of the area so designed and to promote and encourage, insofar as is compatible with the intensity of land use, a suitable environment for family life. Development is, therefore, limited to single and multifamily dwellings for both permanent and transient occupancy plus selected additional uses, such as schools, parks, churches and certain public facilities that serve the residents of the district. In the development and designation of a primarily multifamily district, it is intended that such be accomplished in consonance with the principles of open area planning, as specified hereinafter. Home occupations, as defined, are permitted. Manufactured homes as residences are prohibited.

#### Section 3-124. Permitted uses.

(a) In Residential District R-3, any building to be erected or land to be used shall be for one or more of the following uses:

(1) Single-family dwellings.

(2) Two-family dwellings (duplexes).

(3) Townhouses or Townhouse complexes.

(4) Apartment buildings or apartment complexes.

(5) Public and semipublic uses such as schools, churches, playgrounds, parks or hospitals.

(6) Public utilities: poles, lines, distribution transformers, pipes, meters and other facilities necessary for the provision and maintenance of public utilities, including water and sewage facilities.

(7) Off-street parking as required by Section 3-180 of this article.

(8) Guest rooms.

(9) Accessory buildings, as defined; however, garages or other accessory buildings, such as carports, porches and stoops attached to the main building shall be considered part of the main building. No portion of any accessory building, including roof, may be closer than three feet to any side or rear property line except that no portion of any swimming pool other than the apron shall be located closer than 10 feet to any side or rear property line. No accessory building shall be located in a front yard.

(10) Parking of one commercial vehicle per dwelling unit subject to the following limitations:

[a] No garbage, truck, tractor and/or trailer of a tractor-trailer truck, dump truck with a gross weight of 12,000 pounds or more, cement-mixer truck, wrecker with a net weight of 12,000 pounds or more or similar such vehicles or equipment shall be parked on any public street in any residential district.

[b] Any commercial vehicle parked in any residential district shall be owned and/or operated only by the occupant of the dwelling unit at which it is parked.

#### Section 3-125. Permitted accessory uses.

(a) Uses which are customarily accessory and clearly incidental and subordinate to permitted principal uses, including:

(1) Home occupations.

Section 3-126. Special uses.

(a) The following uses are permitted when authorized by the Town Council of Bowling Green after a recommendation from the Planning Commission:

(1) Swimming pools, private club, corporate or public.

(2) Family care homes, foster homes or group homes.

(3) Day-care center.

(4) Bed and Breakfast Establishment.

Section 3-127. Specifications and Requirements.

(a) Area.

(1) For residential lots containing or intended to contain only a single-family dwelling served by public water and sewage disposal, the minimum lot area shall be 12,000 square feet.

(2) For residential lots containing or intended to contain only a single-family dwelling served by public water systems but having individual sewage disposal systems, the minimum lot area shall be 15,000 square feet. The administrator may require a greater area if considered necessary by the Health Officer.

(3) For residential lots containing or intended to contain only a single-family dwelling served by public sewage disposal systems but having individual water systems, the minimum lot area shall be 15,000 square feet. The Administrator may require a greater area if considered necessary by the Health Officer.

(4) For residential lots containing or intended to contain a single-family dwelling served by individual water and sewage systems, the minimum lot area shall be 19,000 square feet or more if considered necessary by the Health Officer.

(5) For residential lots containing or intended to contain a two-family dwelling served by public water and sewage disposal systems, the minimum lot area shall be 18,000 square feet.

(6) For residential lots containing or intended to contain a two-family dwelling served by public water systems but having individual sewage disposal systems, the minimum lot area shall be 22,000 square feet.

(7) For residential lots containing or intended to contain a two-family dwelling served by public sewage disposal systems but having individual water systems, the minimum lot area shall be 22,000 square feet.

(8) For residential lots containing or intended to contain a two-family dwelling served by individual water and sewage disposal systems, the minimum lot area shall be 26,000 square feet.

(9) For permitted uses utilizing individual sewage disposal systems, the required area for any such use shall be approved by the Health Officer. The Administrator shall require a greater area if considered necessary by the Health Officer.

(b) Setback.

(1) Buildings shall be located 30 feet or more from any street right-of-way which is 50 feet or greater in width or 55 feet or more from the center line of any street right-of-way less than 50 feet in width. This shall be known as the "setback line."

(2) Permitted exceptions to Front Yard Requirements. When a residential structure is nonconforming due to encroachment into the required Front Yard Setback, such structure may be expanded or extended on either side or both sides provided that the following conditions are met:

[a] Such addition or extension shall not come any closer to the front property line or further encroach into the front yard to any greater extent than the front corner of the existing structure on the side proposed for the addition or extension; and[b] All other requirements of the Zoning Ordinance for the zoning designation of the property, including the side and rear yard setback requirements shall be met.

#### (c) Frontage.

(1) For single-family dwellings, the minimum lot width at the setback line shall be 70 feet or more.

(2) For two-family dwellings, the minimum lot width at the setback line shall be 80 feet or more.

(d) Yards.

(1) Side. The minimum side yard shall be 10 feet or more, and the total width of the two required side yards shall be 20 feet or more.

(2) Rear. Each main building shall have a rear yard of 25 feet or more.

(e) Height. Buildings may be erected up to 35 feet in height except that:

(1) The height limit for dwellings may be increased up to 45 feet and up to three stories, provided that there are two side yards, each of which is 10 feet or more, plus one foot or more of side yard for each additional foot of building height over 35 feet.

(2) A public or semipublic building, such as a school, church, library or general hospital, may be erected to a height of 60 feet from grade, provided that required front, side and rear yards shall be increased one foot for each foot in height over 35 feet.

(3) Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, television antennas and radio aerials are exempt. Parapet walls may be up to four feet above the height of the building on which walls rest.

(4) No accessory building which is within 10 feet of any part lot line shall be more than one story in height. All accessory buildings shall be less than the main building in height.

(f) Corner lots.

(1) Of the two sides of a corner lot, the front shall be deemed to be the shorter of the two sides fronting on streets.

(2) The side yard on the side facing the side street shall be 20 feet or more for both the main and accessory building.

(3) For subdivisions platted after the enactment of this article, each corner lot shall have a minimum width at the setback line of 100 feet or more.

(4) To reduce traffic hazards, landscaping of corner lots shall be limited to planting, fences or other landscaping features of no more than three feet in height within the space between the setback line and the property line on the street corner side of the lot.

(g) Townhouses and apartment buildings.

(1) The minimum lot requirement of 10,000 square feet shall be waived for the individual lots occupied by each Townhouse dwelling unit. However, in consonance with the concept of open

area planning, the total lot area and usable open space per dwelling unit, Townhouse or apartment shall be not less than 6,000 square feet. Such usable open space shall be exclusive of areas devoted to streets, alleys and parking area and shall be adequately landscaped with shade trees and grass to provide a park, playground area or swimming pool for the development. (2) Any freestanding, continuously walled or continuously roofed structure shall contain not

more than six Townhouses or six apartments.

(3) Freestanding structures shall not be closer than 30 feet to each other or 15 feet to any property line.

(4) Front and rear yard requirements shall conform to those of the R-3 District.

(5) The developer shall provide fencing and landscaping of a permanent nature which will adequately screen any Townhouse or apartment development from abutting R-1 and R-2 District properties. The Town Planning Commission shall ensure that this provision is effectively met before the Zoning Administrator shall issue a certificate of zoning compliance.

(6) Off-street parking shall be provided by the developer in the amount of two parking spaces per dwelling unit.

(7) Townhouse and apartment developments shall be served by public water and sewage disposal systems.

# **Excerpts from the 2021 Bowling Green Comprehensive Plan**

(Various sections of the Comprehensive Plan are attached to assist review of residential development in the area. The Comprehensive Plan, in its entirety, should be used to evaluate the project.)

# **CHAPTER 1**

The comprehensive plan shall be made with the purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the territory which will, in accordance with present and probable future needs and resources, best promote the health, safety, morals, order, convenience, prosperity and general welfare of the inhabitants, including the elderly and persons with disabilities.

# Benefits of the Comprehensive Plan

The Comprehensive Plan is the Town's most important document to consult when making land use decisions. It is also used in the development of future resources for the Town.

The Comprehensive Plan is used to guide the Town staff, the Planning Commission, and the Town Council in the review of land use applications. The plan provides the Town with the most defensible basis for its decisions. By consistently following the recommendations of the Comprehensive Plan, the Town can assure that its land use decisions are consistent and not arbitrary.

# A Vision for the Town of Bowling Green

#### The Vision:

Sustainable and Proper Growth.

- a. The right growth, in the right amount, at the right time.
- b. Address needs before they become requirements.
- c. Be proactive, not reactive.
- d. Keep the correct mix of development.
- e. Sensitivity to our Military Partners and Neighbors.
- f. Environmentally responsible.
- g. Sustainable growth rate.
- h. Continually adjust the plan to remain proactive.
- i. Synchronized with Caroline County.

# **CHAPTER 3 - ENVIRONMENT**

One purpose of the inventory is to identify physical conditions that limit or prevent development. These physical constraints include flood-prone areas, steep slopes, poor soils, wetlands, and other environmentally sensitive features. The existence of these features shall be considered in the determination of site suitability or unsuitability for development. The location of development shall occur only on sites that are suitable for development.

#### Stream Bank Erosion

There are three areas of the Town of Bowling Green that have been identified as areas of potential stream bank erosion (**See Map Annex, Topography**). They are, generally, an area to the North of West Broaddus Avenue behind the Town's Sewage Treatment Plant which acts as the receiving stream for effluent from the plant and is an unnamed tributary of the Mattaponi River, an area on

both sides of Lakewood Road extending from Lakewood Road to Route 301which is associated with the Maracossic Creek system, and an area near the Southeast corner of Bowling Green on the Bowling Green Farm property.

#### Future Water Demand

The population of the Town of Bowling Green has been projected to increase by just over three hundred (300) people in the next twenty-five years. This would bring the Town's population to 1315 by the year 2030. Estimated total current water usage is approximately 150,000 gallons per day. This figure includes areas both inside the Town boundary and areas in adjacent Caroline County. Based on the output of the Town's newest well, the capacity of the system is estimated to be at 216,800 gallons per day. Although this output is felt to be an adequate capacity to meet the anticipated demand, the Town is currently in discussions with a developer concerning the development of another well that will be added to the Town's water system.

#### Chesapeake Bay Preservation Area Designation

The following section includes the designation of Chesapeake Bay Preservation Areas for Comprehensive Plan and Ordinance implementation and Chesapeake Bay Preservation Act enforcement purposes. Portions of the environmentally sensitive areas described above qualify for designation as a Chesapeake Bay Preservation Area. There are two levels of CBPAs: Resource Protection Areas (RPA) and Resource Management Areas (RMA). Resource Protection Areas are prevented from being developed except for water dependent uses, with some exceptions, as outlined in the Bowling Green Chesapeake Bay Preservation Ordinance. Resource Management Areas include land types that if not properly used or developed, have a potential to cause significant water quality degradation or diminish the functional value of the Resource Protection Areas.

In order to help protect the water quality of the Chesapeake Bay's tributaries, higher performance standards for land use in the Town's Chesapeake Bay Preservation Areas should be met. The performance standards include the implementation of erosion and sediment control, storm water management, minimizing impervious surfaces, preserving natural vegetation, periodic septic tank pump out, and other standards that are outlined in the Chesapeake Bay Preservation Ordinance of the Town.

#### **Resource Protection Areas**

RPAs include a 100-foot vegetated buffer area located adjacent to and landward along both sides of a perennial stream. These areas have intrinsic water quality value due to the ecological and biological processes they perform and are sensitive to impacts which may result in significant degradation of the water quality of State waters. In their natural condition, these lands provide for the removal, reduction, or assimilation of sediments, nutrients, and potentially harmful or toxic substances in runoff. Land development, except for water-dependent uses, redevelopment, public roads, utilities, and uses for which rights have been grandfathered, is prohibited in RPAs. In the case of water-dependent facilities, all non-water-dependent components of the project must be located in the RMA.

# Suitability for Development

Wetlands, flood-prone areas, steep slopes, and poor soils are land characteristics that determine whether land is suitable or unsuitable for development. The wetland areas have been identified in the Town and are discussed above. The wetlands have been included in the CBPAs of the Town.

There are numerous legal constraints to development of wetlands. Pertinent laws are taken into consideration when developing an area with wetlands.

Very localized areas of steep slopes do exist within the Town. Most of the slopes of 15% or greater are designated as CBPAs. Steep slopes outside of the CBPAs have also been mapped. Slopes of 15 to 25 percent, while developable, should only be done so with proper erosion and sediment controls because of the rapid to very rapid runoff associated with these slopes. Slopes of 25% or greater should be kept under permanent vegetative cover. Those steep slopes associated with waterways have been included in the CBPAs of the Town.

Certain soil characteristics affect the suitability of land for septic drain field use. These include slope, susceptibility to severe wetness, flooding potential, permeability, percolation, and filtering characteristics. Sewage may not be sufficiently treated if these characteristics are present on the site which can result in degradation of water quality. Areas of the Town which are unsuitable for septic systems should be designated as unsuitable for development until public sewer lines are installed.

#### Chesapeake Bay Preservation Areas and Areas Unsuitable for Development

The following discussion provides information about current and future land use and physical characteristics in areas of Town that contain sensitive natural features. There are several areas which deserve consideration for protection under the Chesapeake Bay Preservation Act with a designation of Chesapeake Bay Preservation Area (CBPA) (See Map Annex, Chesapeake Bay Preservation Areas).

1. An area is located in the northern corner of Town between Routes 2 and 301. It is characterized by hardwood forest and rolling topography with flat ridges and steep slopes. The bottoms display non-tidal wetland areas possibly fed by groundwater and intermittent streams. However, neither intermittent streams nor wetlands appear in this area on the most recent U.S.G.S., 7.5' Topographic Map or the National Wetlands Inventory Maps. In an open area on Route 2 near the intersection of Routes 2 and 301, there is a private community recreation facility with a community building, swimming pool and tennis courts. This entire area is vegetated. Current zoning in the area is residential, with a small amount of commercial. As identified in the Comprehensive Plan, future land use for this area is designated as conservation areas, low density residential, and a small amount of commercial. This area is not considered to require designation as a Chesapeake Bay Preservation Area.

2. An area further out from the intersection of Routes 2 and 301 within the same section of Town, sensitive environmental areas have been identified and characterized by a pond, wetlands and a creek. These areas are associated with Maracossic Creek. Broaddus Pond extends from the Town boundary to Lakewood Road. Maracossic Creek and wetlands extend from the east side of Lakewood Road to the Town boundary on the southeast side of Route 301. This aquatic system drains to the Mattaponi, a tributary of the York River. The waters described above with an adjacent 100 foot buffer measured from mean high water are designated as RPA or a Resource Protection Area of the Chesapeake Bay. The

Resource Management Area (RMA) includes a buffer adjacent to the RPA of 100 feet. Land use designations include conservation areas and residential uses along Lakewood Road. Business development exists along the Route 301 corridor. Business and residential land uses are consistent with future land use plans for the area. The RPA cannot be developed because of

creeks, ponds, wetlands and steep slopes in some areas. Any development planned for the RMA must abide by the Town's Chesapeake Bay Preservation Ordinance.

# Long-Range Planning for Environmental Protection

Land use planning in Bowling Green will help protect its water quality and natural features and provide for appropriate land use in the Town. In considering future development, the Town must consider protecting vital resources such as a clean water supply for the Town's current and future residents. Land use planning must consider the Town's connection to other areas through its waterways and the importance of those waterways to residents, wildlife, and vegetation in other localities.

Establishing Chesapeake Bay Preservation Areas (CBPAs) in the Town is important to protect the Chesapeake Bay system for the Commonwealth of Virginia and the transient wildlife that depend on those waters. The Town is located in the Chesapeake Bay Drainage Area and its streams and water system drain into the Mattaponi River which flows into the York River, a major tributary of the Chesapeake Bay. The Town's Chesapeake Bay Preservation Ordinance includes Town-wide measures to ensure water quality protection.

This chapter contains valuable information about the current condition of the Town's natural environment. It also outlined factors that may have a negative impact on the environment. The Town has a number of resources available to address environmental concerns. The Town's Comprehensive Plan and the Zoning and Subdivision Ordinances provide the Town staff with powerful tools to manage the way developments are proposed and constructed. Chapter 9 of the Comprehensive Plan which deals with land use should be used in conjunction with this chapter on the environment when planning for and reviewing development proposals. The land use chapter contains a map which outlines where certain types of development should be placed, along with Development Standards and Design Features that outline how developments should be built into the landscape.

# CHAPTER 8 - HISTORIC RESOURCES, TOURISM, AND ECONOMIC DEVELOPMENT

#### **Economic Development**

A. Preserve the charm and rural character of Bowling Green by encouraging responsible residential development through wise land use, appropriate scale and density, and sensitivity to the environment, topography, and wetlands making the Town attractive to the type of business compatible with a small town.

# **CHAPTER 9 - LAND USE**

#### Introduction

Land use is one of the most complex issues in planning. All sections of the Comprehensive Plan must be considered together as they work together to provide the complete vision. A good future land use plan is critical to the economic vitality and quality of life of the community. This chapter will examine the existing land use and the Town's goals for future land use along with outlining Development Standards and Design Features that shall be used by the community and developers when proposing new land uses and development.

Existing Land Use	Households	Percent	Acres	Percent	Future Land Use	Acres	Percent
Residential (R1)	343	80.1%	200.3	19.7%	Low Density Residential	523.4	51.5%
Residential (R2 & R3)	78	18.2%	13.3	1.3%	Moderate Density Residential	13.3	1.3%
Planned Unit Development	0	0%	0.0	0.0%	High Density/Mixed Use	0.0	0.0%
Commercial (B1 & B2)	2	.5%	60.4	5.7%	Commercial	165.3	16.1%
Industrial (M1)	0		0.0	0.0%	Limited (Light) Industry	6.6	0.6%
Agricultural (A1)	4	1.0%	190.9	18.8%	Agricultural	0.0	0.0%
Conservation/Historic (A-1)	1	.2%	126.8	12.5%	Conservation/Historic (A-1)	126.8	12.5%
Right of Way			155.7	15.4%	Right-of-Way	155.7	15.4%
Institutional/Public Lands			26.2	2.6%	Institutional/Public Lands	26.2	2.6%
Encroachment Potential Areas			0.0	0.0%	Encroachment Potential Areas	0.0	0.0%
Vacant/Undeveloped			243.7	24.0%	Not Applicable	-	-
Total	428	<u>100.0%</u>	1017.3	100.0%	Total	1017.3	100.0%

Table 9-1: Land Use – Existing and Future

#### Future Vision

Growth will come to Bowling Green and it is important that the Future Land Use Plan provide the right balance of residential, commercial and industrial land use to meet the demands for growth without sacrificing Bowling Green's small town charm and quality of life. The Future Land Use map indicates what types of development are appropriate for a particular area. It should be noted that the Comprehensive Plan is not an ordinance. It is a plan to help guide Town officials in making land use decisions. Table 9-1 shows the amount and percentage of land which is proposed for various types of land use.

#### Area Plan

There are three commercial areas within the town boundary which will benefit greatly with detailed planning to ensure proper development, redevelopment, growth, and viability. These areas are the Broaddus Avenue commercial corridor, the Downtown Commercial District, and the Route 301 North Corridor Area on the Northeast side of Bowling Green. Residential areas are located on the North and South ends of Main Street, including side streets, Bowling Green Meadows and Caroline Manor Apartments. Detailed plans should be established and reviewed on a regular basis to ensure that all activity is supportive of the established goals and objectives for each area. Although individual area plans are relevant for establishing goals and tracking progress toward those goals to achieve a desired result, the size of Bowling Green in both population and land area dictates the need for an overarching plan to unify the town across all development areas. This plan requires the input from residents, business owners, land owners, developers, builders, VDOT, Fort A.P Hill, and Caroline County in concert with the Planning Commission and Town Council to document a unified position on land use and development.

# Future Land Use Descriptions:

These descriptions are to be used in conjunction with the Future Land Use Map of the Comprehensive Plan when evaluating development proposals. The Future Land Use Map and Comprehensive Plan are intended to be used as guidelines for development over the next five to ten years.

#### Low Density Residential

Low Density Residential areas are residential developments or land suitable for such development with overall densities of no more than 3 to 4 dwelling units per acre dependent upon the character of the surrounding area, physical attributes of the property, and consistency with the Comprehensive Plan. Low Density Residential areas are located where natural characteristics such as terrain and soils are suitable for residential development and where public services and utilities exist or are planned for the near future. This land use is consistent with the Town Code requirements for Zoning Designation R-1.

#### Moderate Density Residential

Moderate Density Residential areas are residential developments or land suitable forsuch developments with an overall density of no more than 4 to 8 dwelling units per acre, depending on the character and density of surrounding development, physical attributes of the property, and consistency with the Comprehensive Plan. Moderate Density Residential areas are located where natural characteristics terrain soils suitable for higher density residential such as and are development and where public services and utilities exist or are planned for the near future. This land use is consistent with the Town Code requirements for

Zoning Designations R-2.

#### High Density Residential

High Density Residential areas are residential developments or land suitable for such developments with an overall density of no more than 5 to 10 dwelling units per acre, depending on the character and density of surrounding development, physical attributes of the property, and consistency with the Comprehensive Plan. High Density Residential areas are located where natural characteristics such as terrain and soils are suitable for higher density residential development and where public services and utilities exist or are planned for the near future. This land use is consistent with the Town Code requirements for Zoning Designations R-3 and PUD.

#### **Commercial**

General business activities having a moderate impact on nearby developments are designated Commercial. Location criteria for commercial uses require access to arterial roads, preferably at intersections with collector and arterial roads; moderate to large sized sites; public water and sewer; suitable environmental features such as soils and topography; and adequate buffering by physical features or adjacent uses to protect nearby residential development. This land use is consistent with the Town Code requirements for Zoning Designation B-1 and B-2.

#### Agricultural/Conservation/Historic Areas

Agricultural, Conservation, and Historic Areas are lands that are intended to be preserved. Wetlands, steep slopes, wildlife habitats, and streams banks are types of areas that meet the criteria under the Chesapeake Bay Protection Act as environmentally sensitive and require conservation. Historically significant sites and properties are important and should be preserved. Examples of preferred land use in these three areas include agriculture, horticulture, parks, wildlife habitats, open space, historic preservation, renovation back to original use, adaptive reuse, or any use that maintains the integrity of the site or property. Agricultural land use is consistent with the Town Code requirements for Zoning Designation A-1.

#### **Development Standards:**

Development standards are intended to provide a guide for accommodating land uses in a manner

harmonious with the environment. If any standard listed in the Comprehensive Plan conflicts with existing ordinances, the Town Code is the final authority.

# General Land Use Standards

Permit new development where the impact of such development can be adequately addressed. Particular attention shall be given to impacts such as density, intensity, building height and scale, land uses, smoke, noise, dust, odor, vibration, light, traffic, and encroachment.

Permit new development or redevelopment only when required public services, utilities, and facilities or upgraded public services, utilities, and facilities can be provided.

Preserve the natural and wooded character of the Town. Particular attention shall be given to locating structures and uses outside of sensitive areas; maintaining existing topography, vegetation and trees to the maximum extent possible, especially along roads and between uses; encouraging enhanced landscaping of the developments located in open fields; locate new roads and minimize access points, such as driveways, in accordance with VDOT requirements; and utilize lighting where necessary to enhance safety.

Protect land designated as conservation areas by encouraging conservation easements.

Protect environmentally sensitive areas such as steep slopes, historic and archaeological resources, wetlands, water supply, wildlife habitats, and other sensitive areas by locating conflicting land uses away from such areas.

Minimize the impact of development on major roads by limiting access points and providing side street access and common entrances.

Encourage a transition to underground utilities for existing above ground utilities when major improvements are planned or when major work on collocated utilities supports the transition from above ground to underground.

#### **Residential Land Use Standards**

Ensure that overall housing densities are compatible with the capacity of public services, facilities, and utilities available or planned; and character of development in the surrounding area. Ensure that residential developments provide usable open space and protect the Town's natural wooded character.

Preserve sensitive areas as open space, retain trees and vegetation, and design residential developments to preserve the character of the Town's natural setting in support of a pleasant living environment.

Design with the best and most beneficial use of topography and other physical features in mind.

Encourage builders and developers to design diversity and character into their development to avoid excessive repetitiveness in larger developments.

Prohibit individual single family and duplex units within a development from having direct access

to arterial and collector roads wherever possible. Locate residential development along internal roads within the development improve traffic flow and enhance safety.

# Aesthetics and Design:

The Town's appearance and design are important as a quality of life issue for its residents and as an economic development tool. The following are design features and resources that should be used to propose and develop land uses.

## Aesthetics:

## Entrance Corridors

These corridors are important for historical, aesthetic, and practical reasons. Entrance corridors serve to visually mark the boundary of the municipality, establish the first impression of the Town for visitors, and generally, show the Town's commitment to its appearance and attractiveness. There are five major entrance corridors in the Town: Route 301 at Fort A.P. Hill, Route 2 startingat Paige Road, Route 207 adjacent to the Bowling Green Shopping Center, Route 301/Route 207/Route 2 at the outer bypass interchange, and Route 301 bypass at the eastern entrance to the Town. Design features such as signs, appropriate placement of parking areas near the corridors, and landscaping should be encouraged.

# **External Factors Affecting Development:**

## **Encroachment on Military Installations**

Bowling Green must be constantly aware of its proximity to Fort A.P. Hill especially in its North Route 301 area where future development is highly possible. Encroachment can be prevented by working closely with Department of Defense officials at Fort A. P. Hill.

## **Chapter 10 – Goals and Implementation Plans**

The goals below are organized into general areas of consideration. The category is followed by a primary goal, supported by multiple implementation directives with explanation.

## **Environment:**

## Goal

Achieve a pattern of land use that balances water quality and environmental protection with social and economic needs.

## Implementation

Focus growth in areas most suitable for development to protect environmentallysensitive areas:

- 1. Determine soil suitability by referencing County information before development plan reviews. Do not allow development where soil conditions donot support the proposed plans.
- 2. Limit development in areas of the Chesapeake Bay Preservation Act withslopes of 15% or greater.

Conserve the Town's natural and fiscal resources by supporting infill and concentrated development and redevelopment in existing and defined growth areas.

1. Adhere to the Comprehensive Plan when reviewing potential development plans,

recommending projects that follow those guidelines as a rule.

- 2. Encourage infill growth in the downtown area an<u>d commercial district to reduce the need of expansion into undeveloped areas.</u>
- 3. Prioritize shared access, parking, and pedestrian walkway improvements toachieve a welldesigned and concentrated commercial downtown area. Continue thismethod as growth occurs in the secondary commercial areas.
- 4. Review Subdivision and Zoning Ordinances every two years, as a minimum, toensure alignment between environmental and development goals. This may involve updates to those ordinances, to the Comprehensive Plan, or both as needs change.

Protect the groundwater and surface water resources from an increase in pollution while managing the potable water supply

- 1. Support and maintain communication with the Public Works Director.Encourage consistent reporting to be made aware of issues as early as possible toaddress them.
- 2. Ensure that the job description of the Public Works Director is updated according to the needs of the town.
- 3. Prevent increases in storm water runoff by maintaining Best ManagementPractices (BMP) at runoff sites, including vegetative buffers and the maintenancethereof.

Enlist County, Regional or State Assistance where needed to ensure water quality protection.

- 1. Maintain a cooperative partnership with Caroline County for the enforcement of the Town's Chesapeake Bay Preservation Act Program and to address any erosion problems.
- 2. Encourage the use of shared or regional retention basins for existing andfuture development.
- 3. Enlist State and County assistance as needed in order to identify possible sources of point and non-point pollution in the town such as illegal landfills, underground storage tanks, abandoned wells, failing septic systems, inadequate treatment of organic effluent, and industrial discharges
- 4. Educate the Town citizenry on ways to conserve water and to minimize impacts on water quality.

Protect the natural wooded character of the town.

- 1. When reviewing site plans, ensure that trees are retained to the highest extentpossible.
- 2. will attempt to provide funding for trees to be planted on Town properties and in selected areas throughout Town.

## Housing

Goal

Encourage adequate housing in a variety of attractive styles and costs to meet the needs of present and future Town residents.

## Implementation

Assure a scale and density of residential development compatible with adjacent and surrounding land uses, environmental conditions, and supporting infrastructure.

- 1. Review the Zoning and Subdivision Ordinances to ensure they allow residential development in areas with surrounding compatible land uses and adequateprovision for public utilities.
- 2. Review the Zoning and Subdivision Ordinances and Comprehensive Plan to ensure they allow densities that maximize the use of land for new housing while protecting the environment and surrounding character.

- 3. Encourage the rehabilitation of existing substandard housing. Coordinate withCaroline County to ensure the Building Code allows for rehabilitation at a reasonable cost.
- 4. Review the Zoning and Subdivision Ordinances to ensure they requireadequate buffers between residential, commercial and industrial uses to protect development from encroachment.

## Transportation

Goal

Provide for the safe, efficient and economical movement of people and goods.

## Implementation

- 1. Plan and coordinate land use development and transportation improvements in such a manner as to establish and maintain a viable Town roadway system.
- 2. Prioritize road transportation improvement projects and pursuefunding through multiple avenues
- 3. Private land developers will be required to provide adequate transportation improvements necessary to serve their developments. They must minimize the impact of development on the roadway network by limiting access points, providing joint entrances, and interconnecting adjoining developments.
- 4. Ensure regional and local transportation networks complement each other bycooperating collaborating with the County and VDOT on applicable projects.
- 1. Ensure that the transportation network is designed to be compatible with the environment.
- 2. Review the environmental impact of all proposed road projects to ensure that theymeet the goals of the Comprehensive Plan.
- 3. Improve the environmental setting of the road network by providing for roadway beautification projects, Adopt-a-Highway programs, and corporate sponsored projects.
- 4. Promote the use and development of sidewalks throughout Town.
- 5. Review the Town's sidewalk system annually and make recommendations for improvement of the system.
- 6. Provide funding for new sidewalks if possible using Town funds or request funds from Caroline County and VDOT for new sidewalks. In addition the Town Manager willsearch for grant opportunities.

## 5. Community Facilities and Services

Goal

Provide a variety of community facilities and services to meet the needs of the citizens of Bowling Green.

## Implementation

- 1. Develop a Master Community Facilities and Services Plan to assess the Town's current and future public service needs.
- 2. Ensure that resources are available to meet the needs of the community.
- 3. Develop a plan that reviews Town, County, and State facilities and services so that the town does not duplicate items that are already being provided.
- 4. Review existing facilities regularly to assess their conditions and needof upkeep or renovation to extend their life.
- 5. Pursue grant funding for public facilities and services when available to ease theeconomic burden of the Town.

# Land Use

<u>Goal</u>

Provide a balanced pattern of land use that promotes harmony among existing development, future development, and the natural environment while meeting the Town's future growth needs.

**Implementation** 

- 1. Ensure that land exists for the controlled growth of residential, commercial, industrial, and institutional uses. Review land use annually and recommend updates if land for a particular use becomes limited.
- 2. Ensure that land uses are compatible with their surroundings.
- 3. Encourage the compatibility of land uses between the Town's Comprehensive Plan and Caroline County's Comprehensive Plan. When reviewing the Town's Plan seek ways to consolidate resources and support theneeds of both jurisdictions.
- 4. Review all land use applications and the associated impacts to ensure that they are compatible with the Town's environmental protection goals.
- 5. Promote infilling of downtown commercial district whenever possible. Limit intensive commercial development of vacant land outside of the 301 Growth District.
- 6. Require development proposals to include analysis assessments regarding traffic impact, environmental impact, and other considerations such as noise, odor, smoke, light, building height and scale. Private developers willbe required to provide funds to address impact in and adjacent to development.
- 7. Maintain the character of the town by easing land use transition. Adequate buffers will be required for new development adjacent to existing residential areas when such new development represents a change in land use. These buffers will differ based on the intensity of the change.
- 8. Review the Zoning and Subdivision Ordinances to ensure adequate setbacks, buffers, and restrictions exist between development areas in theResidential Character Preservation Plan in the Comprehensive Plan.
- 9. Ensure that vices to promote those land uses are consistent with the Town'sability to provide.
- 10. Conduct an annual review of the [CIP] to ensure funds are provided to support the future land use plans and infrastructure needs of new developments.
- 11. Review all development proposals so that the Town's ability to provide public services is not jeopardized or exceeds mandated limits.
- 12. Define and implement a process to seek private investment and/or State or Federal grants that will provide funds to support facilities andfuture land uses.

# **Utility Resource Management Plan**

## Goal -

To responsibly and efficiently provide a means to oversee incoming growth of the Town of Bowling Green. To establish a method of control over the Town's resource usage and establish a method of phasing in scaled development to address potential resource capacity concerns.

## Implementation:

Staff maintains an accurate and accessible current projection of public utility capacity and usage. A corresponding engineering study to verify capacity should also be enacted.

This report will establish a baseline usage of current public utility from which to generate the following Plans. The report should also include an estimated impact of expected by-right usage awaitingconnection but not yet online.

The Planning Commission shall give a recommendation and Council approve an appropriate threshold limiting large development upon reaching a defined percentage of utility capacity. This is beyond the scope of the existing DEQ limit and is intended as a hard stop against large scale projects that would over-encumber the Town's ability to provide service to its existing residents.

The Planning Commission shall give a recommendation and Council approve a defined projection of land use to direct growth while approaching this limit. This should establish a policy of prioritizing specific land uses incrementally so that uses grow together rather than a single large development absorbing all remaining supply. These brackets may be tiered and tied to related overall caps to serve as amulti-phased growth plan as the Town looks to expand its resource capacities.

Benchmarks and ratios will be assigned to land use types based off of remaining utility access. If the Town chooses to establish multiple growth tiers then large developments will be on hold until the corresponding benchmarks of those tiers are met.

These metrics are to be reassessed annually at a minimum.

The Town will establish and continue on an overall utility conservation, maintenance, and expansion plan that will serve future growth without causing undue economic or environmental harm to the community. The Town will reach out and work with both inside and outside agencies to complete these goals. The Town will be transparent with the public. Efforts will be made to search for grant opportunities and other potential ways to improve utility performance, access, and growth.

This Plan will be adopted into the Bowling Green Comprehensive Plan as a defined policy indealing with all site plan and development projects.

## Sewer

Totals do not include County reserve and usage

Current Usage		Amount	% of	Actions
		(gallons per day)	capacit	Triggered
			yused	
Max Capacity Permitted		250,000		
Total Average Usage by Town		98,000	39.2 %	None
<ul> <li>Residential</li> </ul>		51,156	20.4 %	
Commercial		29,890	12.0 %	
<ul> <li>Inflow and Infiltration</li> </ul>		16,954	6.8 %	
Caroline County Reserve		45,000	18.0%	
Unused Capacity		107,000	42.8 %	
Tier 1 Growth Cap	New	Total GPD	Capacit	
	Growth		yused	
	GPD		-	
Total Max Usage	25,000	123,000	60.0 %	<ul> <li>Engineering Study</li> </ul>
<ul> <li>Residential</li> </ul>	9,944	61,100	29.8 %	<ul> <li>Project Approval</li> </ul>
<ul> <li>Commercial</li> </ul>	4,760	34,650	16.9 %	<ul> <li>Financing Secured</li> </ul>
<ul> <li>Inflow and Infiltration</li> </ul>	46	17,000	8.3 %	
<ul> <li>Reserve</li> </ul>	10,250	10,250	5.0 %	
Unused Capacity		82,000	40.0%	
Tier 2 Growth Cap	New	Total GPD	Capacit	
	Growth		yused	
	GPD			
Total Max Usage	20,500	143,500	70.0 %	<ul> <li>Break Ground on</li> </ul>
<ul> <li>Residential</li> </ul>	9,225	70,325	34.3 %	Project
<ul> <li>Commercial</li> </ul>	6,150	40,800	19.9 %	<ul> <li>Secure Amended</li> </ul>
<ul> <li>Inflow and Infiltration</li> </ul>	0	17,000	8.3 %	Permit
<ul> <li>Reserve</li> </ul>	5,125	15,375	7.5 %	
Unused Capacity		61,500	30.0%	



## TOWN OF BOWLING GREEN PLANNING COMMISSION MEETING AGENDA ITEM REPORT

AGENDA ITEM:	Rezoning – #RZS-2022-008 – JPM Investments, East Broaddus Ave
ITEM TYPE:	Public Hearing - Duly Advertised
PURPOSE OF ITEM:	Decision - By Motion
PRESENTER:	Allyson Finchum, Town Manager
PHONE:	(804) 633-6212

#### **BACKGROUND / SUMMARY:**

Planning Commission held a public hearing on April 28, 2022 and recommended approval of the application. Town Council to hold public hearing and defer, approve/deny request.

#### ATTACHMENTS:

Staff Report Application Applicant's Narrative Maps Ordinances

#### **REQUESTED ACTION:**

Hold Public Hearing; review project; motion to defer, approve, or deny.



## STAFF REPORT REZONING #RZS-2022-008

**Request:** Rezoning (Business to R-1 Residential)

**Location:** Southwest Corner of East Broaddus Avenue and Travis Street

**Tax Map:** #43A2-3-A-17; 43A2-3-A-18; 43A2-3-A-19; 43A2-3-A-20

**Owner/Applicant:** JPM Investments, Jason Manns

**Proposed Density:** 3.63 dwelling units per acre for single-family dwellings and 1.68 dwellings per acre for two-family dwellings (with water & sewer connection)

**Site Size:** 2.29 acres +/- (combined)

## Existing Land Use:

Parcels #43A2-3-A-17, 18; & 20 are Vacant Parcel #43A2-3-A-19 contains Existing Principal and Accessory Structure

Existing Zoning: B-1, Business

Proposed Use: Residential

## Surrounding Land Uses and Zoning:

South: Residential Single-Family Dwellings zoned R-1 West: Principal and Accessory Structures used as Residential Dwellings zoned B-1 North: Vacant Parcel and Business (Sales of Sheds and Trailers) zoned B-1 East: Across Travis Street is Vacant Structure zoned B-2

#### The 2021 Comprehensive Plan: Commercial

Staff: Allyson Finchum, Town Manager/Zoning Administrator

#### **Background & Summary of Proposal**

The applicant is requesting to rezone four parcels totaling 2.29+/- acres from B-1, Business to R-1, Residential. Three of the parcels are vacant and one contains a structure and accessory structure. The structure appears to have been built as a dwelling but was used for many years as a State Farm Insurance Office. The accessory structure contains a garage area with an apartment continuously rented as a residence on the second story. Thus, the accessory structure has maintained non-conforming use rights unlike the principal structure which must be rezoned to residential to be used as a residential dwelling.

#### **Proffers**

No proffers have been submitted by the applicant. Any proffers must be reviewed by the Town Attorney and approved by Town Council.

#### **Comprehensive Plan Recommendations**

The Future Land Use Map identifies East Broaddus Avenue as one of the three *Commercial corridors in the Town*. Excerpts from the Comprehensive Plan are attached.

#### Natural and Cultural Resources Impacts

The Chesapeake Bay and storm water regulations provide the framework to protect environmentally sensitive water features. There are not known environmentally sensitive area on these parcels.

## Traffic Impacts

The parcels are pre-existing and a traffic impact statement is not included with the application.

#### Public Utility Impacts

#### Water

Water lines must have an individual tap to each parcel. There is an existing Town water main along East Broaddus Ave to serve the proposed development of these parcels.

The Town's current groundwater withdrawal permit allows for 69,520,000 gallons per year which is 190,465 gallons per day (gpd) on average. The current average daily production is 153,000 gpd. This total includes unaccounted for water usage from water leaks, flushing of hydrants, use from Caroline County Fire and Rescue (training, filling trucks, etc.). Current daily reserve is 37,465 which allows for an additional 124 connections at 300 gpd. Approval of any development that exceeds 190,465 gpd is contingent upon the Virginia Department of Environmental Quality's (VDEQ) approval of a modified withdrawal permit.

#### Sewer

A Town sewer line is located on East Broaddus Avenue but not adjacent to the property.

The Town's current sewer capacity permitted is 250,000 (gallons per day), with 98,000 gpd (39.2%) currently used.

There is ample sewer supply available with less than 40% of the capacity utilized.

#### Storm water Impacts

The parcels are pre-existing and each is less than one acre. The applicant has not submitted documentation pertaining to storm water management and may not necessary.

#### **School Impacts:**

School impacts are not included in the application.

#### Tax Revenue

Information on tax revenue was not included in the application.

#### Zoning and Subdivision Ordinance Considerations

#### **R-1** Residential

The R-1 district "is composed of certain quiet, low-density residential areas plus certain open areas where similar residential development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage a suitable environment for family life and at the same time permit certain home occupations and/or activities of a character unlikely to develop concentrations of traffic, noise, crowds of customers or outdoor advertising. To these ends, development is limited to relatively low concentration, and permitted uses are limited basically to single-unit dwellings providing homes for the residents plus certain additional uses such as schools, parks, churches and certain public and private facilities that do not detract from this low-intensity residential use. Manufactured homes as residences are prohibited."

The required lot area is dependent on connection to utilities.

(1) For residential lots containing or intended to contain only a single-family dwelling served by public water and sewage disposal, the minimum lot area shall be 12,000 square feet.

(2) For residential lots containing or intended to contain only a single-family dwelling served by public water systems but having individual sewage disposal systems, the minimum lot area shall be 15,000 square feet. The Administrator may require a greater area if considered necessary by the Health Officer. (3) For residential lots containing or intended to contain a single-family dwelling served by public sewage disposal systems but having individual water systems, the minimum lot area shall be 15,000 square feet. The Administrator may require a greater area if considered necessary by the Health Officer. (4) For residential lots containing or intended to contain a single-family dwelling served by individual water and sewage systems, the minimum lot area shall be 20,000 square feet or more if considered necessary by the Health Officer.

(5) For residential lots containing or intended to contain a two-family dwelling served by public water and sewage disposal systems, the minimum lot area shall be 18,000 square feet. Page 23 of 154

(6) For residential lots containing or intended to contain a two-family dwelling served by public water systems but having individual sewage disposal systems, the minimum lot area shall be 22,000 square feet.

(7) For residential lots containing or intended to contain a two-family dwelling served by public sewage disposal systems but having individual water systems, the minimum lot area shall be 22,000 square feet. (8) For residential lots containing or intended to contain a two-family dwelling served by individual water and sewage disposal systems, the minimum lot area shall be 26,000 square feet. (9) For permitted uses utilizing individual sewage disposal systems, the required area for such use shall be approved by the Health Officer. The Administrator shall require a greater area if considered necessary by the Health Officer

#### **Evaluation and Staff Comments**

The following comments are provided by staff for consideration:

- Land use along East Broaddus Avenue from the traffic light at Main Street to the intersection of Travis Street is predominantly residential use. The transition to commercial occurs near the subject properties and continues to A.P. Hill Boulevard. Rezoning of commercial lots to residential would reduce the commercial land area on one of the few commercial corridors in Bowling Green. However, the physical existence of Travis Street along with well-established existing businesses from Travis Street to A.P. Hill Boulevard prevents a high likely hood of additional changes from commercial to residential.
- The application is for R-1 Residential which allows single-family homes to be built byright if code requirements are met. A Special Use Permit must be received by the Town to allow two-family dwellings.
- No proffers have been submitted with this request.
- The parcels are pre-existing and cannot be subdivided due to minimum lot size requirements of the Town Zoning Ordinance. The applicant is not requesting additional development rights at higher density but to return the parcels to residential use with one dwelling unit per parcel.
- The existing parcels do not appear to have significant traffic impacts.
- The Town currently has water and sewer available to support development of three single-family dwellings.
- Full build-out of existing vacant and underdeveloped parcels within Town limits, those
  parcels approved to be served by the Town water and sewer system and proposed
  future development may overburden the existing water system. Development might be
  delayed if the water or sewer system reaches capacity prior to construction on the
  property.
- The lot area will determine required connection to the utility system. A plat has not been submitted to assist with determination.

## Public Outreach Information:

As required by State Code, this item was advertised in the Free-Lance Star on April 14, 2022, and April 21, 2022 for the Town Council public hearing.

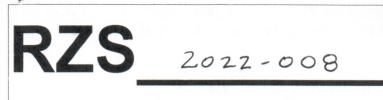
The Staff report, as well as all reports for this meeting, were posted on the Town website <u>www.townofbowlinggreen.com</u> on May 2, 2022.

#### Next Steps:

The Planning Commission held their public hearing on April 28, 2022, the Planning Commission recommended approval of the application to the Town Council.

No minutes from the public hearing are available currently.

The Town Council will hold a public hearing on this application on May 5, 2022. The Town Council may defer, approve, or deny the proposal.



PREVIOUS EDITIONS OF THE

FORM ARE OBSOLETE

FORM REVISED: 28 April 2008



\*\*This permit shall be posted in a conspicuous place\*\*

# Town of Bowling Green

**Single Use Rezoning Application** 

Application and petition are hereby made to the Town Council, Town of Bowling Green, to amend the Zoning Map of the Town of Bowling Green and issue a Certificate of Zoning Compliance, in accordance with the description and for the purpose hereinafter set forth. This application is made subject to all local and state laws and ordinances, which are hereby agreed to by the undersigned, and which shall be deemed a condition entering into the exercise of this application.

<u>Owner</u>	<u>SPM Investments / Sason P Manns</u> Name <u>P.O. Box 14</u> Bowling Green, UA. Mailing Address	949-235-6828 Daytime Telephone Number 22427
Property Information	<u>Address/Location (use street names)</u> <u>132</u> <u>F. Broaddus</u> <u>AVR</u> <u>Boulme</u> <u>Address/Location (use street names)</u> <u>1505</u> <u>Address/Location (use street names)</u>	Bl Existing Use/Zoning Green VA:224127
Rezoning of Proper	gnation3-/ To Zoning Designatio	on
Water and Sewer What is your water su Municipal		

As part of the submission, the following questions must be answered with a detailed response in narrative form. Answers of "Yes" or "No" are NOT ACCEPTABLE and the application is not complete until this narrative is submitted.

1. Describe in detail, why the current zoning designation of the property is inappropriate.

2. Describe in detail, the proposed use(s) of the property.

3. Describe in detail, why the proposed rezoning is necessary.

4. Describe in detail, why the proposed rezoning will not be detrimental to surrounding properties. Please relate your response to the existing zoning of the area, existing land uses in the Town Code, adjacent neighborhoods, and the Town of Bowling Green Comprehensive Plan.

5. Describe the proposed water and wastewater utility infrastructure including sources, discharges, permits, construction, ownership, and maintenance responsibilities.

6. Describe the environmental impact of the proposed use or development and the efforts to be undertaken to abate air, water, noise, storm water, and other environmental impacts during and after construction or after establishing the use.

7. Describe what techniques will be used to control traffic flow and what impacts the proposed use will have on existing roadways and provide a professionally prepared traffic impact analysis for any development expected to generate 250 vehicle trips per day or more.

8. Describe the impact of the proposed use on Caroline County's Schools.

9. Describe the impact of the proposed use on Town of Bowling Green public services (i.e., water service, wastewater disposal, solid waste disposal, and police protection).

10. Describe the impact the proposed use(s) will have on any historic sites or structures on the property or in the vicinity.

11. Describe the impact the proposed use(s) will have on any rare, endangered, or irreplaceable species or natural areas.

12. Describe the impact the proposed use(s) will have on the scenic or natural beauty of the Town of Bowling Green.

NOTE: The applicant is encouraged to consult with the Caroline County Building Official if the requested rezoning includes property containing an existing structure.

Complete and accurate information is required by the Town Staff, Planning Commission, and/or the Town Council in order for the application to be fully and appropriately reviewed. The Town Manager/Zoning Administrator may, at any time during the application acceptance process, find essential information is lacking, deem the application as incomplete, and defer further review or action until such time the required and/or requested information is provided.

A copy of a Vicinity Map is attached.

# CERTIFICATE OF ZONING COMPLIANCE

Yes

The building, its proposed use, or the use of the land, as described in the above application and permit complies with the provisions of Chapter 126 (Zoning) of the <u>Code of the Town of Bowling Green</u> and any applicable conditions.

Zoning Administrator Signature

Date

No

#### ADJACENT PROPERTY OWNERS

5 4

The following are all of the individuals, firms, or corporations owning property adjacent to both sides and rear, and the property in front of (across the street from) the property for which a Single Use Rezoning is requested. All adjacent property owner information is required to be accurate and complete before the application can be accepted.

NAM	Ę,	STREET ADDRESS
1) Calsan Elizat	th Beale	133 Oak Ridge St. BG, VA 22427
Mailing Address: PO Box	502 Bowling brein, 1	14 22421 O
2) Beasley, Timor	the James	129 Ock Ridge St, Bortin Green, VA 22427
Mailing Address: 129 0	A DIVINE	Gran I A L A C LL A A LOG
3) Slater Travis, Mailing Address: 121 oak	H Rider St, BG, VA 2241	121 Ocle Kidge St, BG, VH, 22421
	A	100 D. M. M. Dr. WA DOWNT
4) Simms Dauglas Mailing Address:490	pi Jeff Dalis Frederi	despury VA
5) Bearley Bobby (	G + Sandra	O Broaddis Ave, BG, VA, 22427
Mailing Address: RoBox	112, Miltord, VA 2	2514
6) Gras Garry L Mailing Address: P.C.	Box 2 5, Bucking GI	133 Broaddus Ave, BG, VA 22427
, 1	1 - ()	
7) Chase St. Hops/Me Mailing Address: PO F	ark Genes Box 1395, Boulme (r	Ren, VH 22427
		2 10 CLA 1/19 AR + 20/1/P
8) Hosting John + Mailing Address: 103 Ccd	LICAR Bouling Ger	Broaddes Subdiv Lot 193pt of 18, pt 204162
9) Mailing Address:		
10)		
Mailing Address:		
11)		
Mailing Address:		
12)		
Mailing Address:		
10		
13) Mailing Address:		
Mannig Address.		
14)		
Mailing Address:		
15)		
Mailing Address:		

Certificatio	on by Owner/Applicant
rawings, and that all construction will conform with all application oning, health and building. Failure to do so will automatically or signs) must be submitted with this application, that constru- nat a separate application must be made for water & sewer co- commencing work. I agree to repair any damages to sidewalk aspection deposit and notify the Zoning Administrator within to ertificate of Zoning Compliance. Failure to do so may result	ation, that the information given is correct, including any attached plans or able state, county, and town laws, ordinances, and regulations with regard to y render this permit invalid. I understand that two copies of a plot plan (or a plan uction requires a building permit Issued by the Caroline County Building Official, connections, and that all contractors must register with the Town prior to ks, streets, and utilities caused during this construction. I agree to pay an ten (10) days of completion of the work for an inspection and issuance of t in the forfeiture of the inspection deposit which in no way relieves me of any e used or occupied, and buildings structurally altered or erected may be used or cc is issued.
2114122 00	non P. Mannes
	Applicant Signature
Bate	
** FOR	TOWN USE ONLY **
ecommendation of Planning Commission	Date Received
Recommend Approval	Recommend Disapproval Date
ction by Town Council	Date Received
Approved	Disapproved Date
	Disappioved Date
ecommendation of Director of Public Works	Date Received
Recommend Approval	Recommend Disapproval Date
ening Administrator	
oning Administrator Recomm	nend Approval Recommend Disapproval
Recommend Approval with Conditions (Se	ee Attached) Fee Paid \$ \$855
Zoning Administrator Signature	<u>3/9/22</u> Date
	Date
F	REMINDER!!
nd possibly (depending on the scope of the work) Virgi	gin. Permits must be obtained from the Caroline County Building Officia inia Department of Transportation (VDOT) and the Health Department o esponsibility of the owner/applicant to check with these agencies to

125

- 1. The current zoning is inappropriate because there is currently a home in the middle lot among four total lots, rendering the other lots on the parcel too small to adequately provide any commercial use.
- 2. The proposed use of the property is one single family detached homes on each of the three empty lots.
- 3. The proposed zoning would allow three homes to be built.
- 4. When the lots were originally made the intent was that there would be homes on them. In order to facilitate a commercial tenant in the home the zoning was changed to commercial, but the commercial tenant has been gone for quite a long time, and there has been no additional commercial interest, but there is considerable residential interest.
- 5. The three lots have an easement for a water and sewer hook up that was placed there with these lots in mind.
- 6. There would be no detrimental environmental impact. All necessary precautions will be taken to ensure the least impact to the environment.
- 7. These will not generate 250 car trips per day.
- 8. There will be very little impact, because it will only be three homes.
- 9. There will be very little impact, because it will only be three homes.
- 10. There will be no impact on any historic sites or structures.
- 11. There will be no impact on any rare, endangered, or irreplaceable species or natural areas.
- 12. There will be no detrimental impact on the scenic beauty of Bowling Green. This will accentuate the beauty of Bowling Green by replacing thick brush with a manicured lawn and a beautiful home.

# Zoning Ordinance Excerpt for R1

#### **Division 5. Residential District R-1**

#### Section 3-113. Intent.

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This district is composed of certain quiet, low-density residential areas plus certain open areas where similar residential development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage a suitable environment for family life and at the same time permit certain home occupations and/or activities of a character unlikely to develop concentrations of traffic, noise, crowds of customers or outdoor advertising. To these ends, development is limited to relatively low concentration, and permitted uses are limited basically to single-unit dwellings providing homes for the residents plus certain additional uses such as schools, parks, churches and certain public and private facilities that do not detract from this low-intensity residential use. Manufactured homes as residences are prohibited.

(Code 2010, § 3-113)

#### Section 3-114. Permitted uses.

(a) Only one main building and its accessory buildings may be erected on any lot or parcel of land in the Residential District R-1. Structures to be erected or land to be used shall be for the following uses:

(1) Single-family dwellings.

(2) Public and semipublic uses such as schools, churches, playgrounds and parks.

(3) Accessory buildings, as defined; however, garages or other accessory buildings, such as carports, porches and stoops attached to the main building shall be considered part of the main building. No portion of any accessory building, including roof, may be closer than three feet to any side or rear property line, except that no portion of any swimming pool other than the apron shall be located closer than 10 feet to any side or rear property line. No accessory building shall be located in a front yard.

(4) Public utilities: poles, lines, distribution transformers, pipes, meters and other facilities necessary for the provision and maintenance of public utilities, including water and sewage facilities.

(5) Off-street parking as required by Section 3-180 of this article.

(6) Parking of one commercial vehicle per dwelling unit subject to the following limitations:

[a] No garbage, truck, tractor and/or trailer of a tractor-trailer truck, dump truck with a gross weight of 12,000 pounds or more, cement-mixer truck, wrecker with a net weight of 12,000 pounds or more or similar such vehicles or equipment shall be parked on any public street in any residential district.

[b] Any commercial vehicle parked in any residential district shall be owned and/or operated only by the occupant of the dwelling unit at which it is parked.

(Code 2010, § 3-114)

#### Section 3-115. Permitted accessory uses.

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(a) Uses which are customarily accessory and clearly incidental and subordinate to permitted principal uses are permitted accessory uses, including:

(1) Home occupations.

(Code 2010, § 3-115)

#### Section 3-116. Special uses.

(a) The following uses are permitted when authorized by the Town Council of Bowling Green after a recommendation from the Planning Commission:

(1) Guest rooms.

(2) Family care homes.

(3) Two-family dwellings created by conversion of an existing single-family dwelling into a two-family dwelling.

(4) Day-care center.

(5) Bed and Breakfast Establishment.

(6) Minor Event Facilities.

(Code 2010, § 3-116; Ord. No. O-2018-12, 3-1-2018)

#### Section 3-117. Specifications and Requirements.

(a) Area.

(1) For residential lots containing or intended to contain only a single-family dwelling served by public water and sewage disposal, the minimum lot area shall be 12,000 square feet.

(2) For residential lots containing or intended to contain only a single-family dwelling served by public water systems but having individual sewage disposal systems, the minimum lot area shall be 15,000 square feet. The Administrator may require a greater area if considered necessary by the Health Officer.

(3) For residential lots containing or intended to contain a single-family dwelling served by public sewage disposal systems but having individual water systems, the minimum lot area shall be 15,000 square feet. The Administrator may require a greater area if considered necessary by the Health Officer.

(4) For residential lots containing or intended to contain a single-family dwelling served by individual water and sewage systems, the minimum lot area shall be 20,000 square feet or more if considered necessary by the Health Officer.

(5) For residential lots containing or intended to contain a two-family dwelling served by public water and sewage disposal systems, the minimum lot area shall be 18,000 square feet.

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(6) For residential lots containing or intended to contain a two-family dwelling served by public water systems but having individual sewage disposal systems, the minimum lot area shall be 22,000 square feet.

(7) For residential lots containing or intended to contain a two-family dwelling served by public sewage disposal systems but having individual water systems, the minimum lot area shall be 22,000 square feet.

(8) For residential lots containing or intended to contain a two-family dwelling served by individual water and sewage disposal systems, the minimum lot area shall be 26,000 square feet. (9) For permitted uses utilizing individual sewage disposal systems, the required area for such use shall be approved by the Health Officer. The Administrator shall require a greater area if considered necessary by the Health Officer.

(b) Setback.

(1) Structures shall be located 35 feet or more from any street right-of-way which is 50 feet or greater in width or 60 feet or more from the center of any street right-of-way less than 50 feet in width. This shall be known as the "setback line."

(2) Permitted exceptions to Front Yard Requirements. When a residential structure is non- conforming due to encroachment into the required Front Yard Setback, such structure may be expanded or extended on either side or both sides provided that the following conditions are met:

[a] Such addition or extension shall not come any closer to the front property line or further encroach into the front yard to any greater extent than the front corner of the existing structure on the side proposed for the addition or extension; and

[b] All other requirements of the Zoning Ordinance for the zoning designation of the property, including the side and rear yard setback requirements shall be met.

(c) Frontage. The minimum lot width at the setback line shall be 100 feet or more.

(d) Yards.

(1) Side. The minimum side yard for each main structure shall be 15 feet.

(2) Rear.

[a] Each main structure shall have a rear yard of 35 feet or more.

[b] Certain architectural features, those being sills, belt courses, bay windows, cornices, eaves, roof overhangs, chimneys, entrance stairs and stoops, and similar architectural features of a building may project into required yards by not more than five (5) feet. These provisions shall be applied to all lots, conforming and non-conforming.

[c] Unenclosed additions on the rear of houses, those being un-walled, unenclosed additions designed specifically and particularly for outdoor activities and attached to the

Page 24 of 154

rear of a dwelling, may extend into a required rear yard area. Extension of such unenclosed addition into a required rear yard may encroach up to a maximum of fifteen (15) feet. In no case shall more than 25% of the required total area of a rear yard be covered by such encroachment. Such extensions may include, but are not limited to decks, porches, patio or deck covers. Screening is considered an enclosure and is therefore not permitted by this Section. In no case may any such addition extend into a required front or side yard, except as otherwise provided herein. These provisions shall be applied to all lots, conforming and non-conforming.

(e) Height. Buildings may be erected up to 35 feet in height, except that:

(1) The height limit for dwellings may be increased up to 45 feet and up to three stories, provided that each side yard is 30 feet plus one foot or more of side yard for each additional foot of building height over 35 feet.

(2) A public or semipublic building, such as a school, church or library, may be erected to a height of 60 feet from grade, provided that required front, side and rear yards shall be increased one foot for each foot in height over 35 feet.

(3) Church spires, belfries, cupolas, municipal water towers, chimneys, flues, flagpoles, television antennas and radio aerials are exempt. Parapet walls may be up to four feet above the height of the building on which the walls rest.

(4) No accessory building which is within 20 feet of any party side or rear lot line shall be more than one story in height. All accessory buildings shall be less than the main building in height.

(f) Corner lots.

(1) Of the sides of a corner lot, the front shall be deemed to be the shorter of the two sides fronting on streets.

(2) The side yard on the side facing the side street shall be 35 feet or more for both main and accessory buildings.

(3) For subdivisions platted after the enactment of this article, each corner lot shall have a minimum width at the setback line of 125 feet or more.

(4) To reduce traffic hazards, landscaping of corner lots shall be limited to planting, fences or other landscaping features of no more than three and a half feet in height within the space between the setback line and the property line on the street corner side of the lot.

(Code 2010, § 3-117; Ord. No. O-2017-003, 8-3-2017)

# 2021 Comprehensive Plan Excerpt

## Future Land Use Descriptions:

These descriptions are to be used in conjunction with the Future Land Use Map of the Comprehensive Plan when evaluating development proposals. The Future Land Use Map and Comprehensive Plan are intended to be used as guidelines for development over the next five to ten years.

## Low Density Residential

Low Density Residential areas are residential developments or land suitable for such development with overall densities of no more than 3 to 4 dwelling units per acre dependent upon the character of the surrounding area, physical attributes of the property, and consistency with the Comprehensive Plan. Low Density Residential areas are located where natural characteristics such as terrain and soils are suitable for residential development and where public services and utilities exist or are planned for the near future. This land use is consistent with the Town Code requirements for Zoning Designation R-1.

## **Commercial**

General business activities having a moderate impact on nearby developments are designated Commercial. Location criteria for commercial uses require access to arterial roads, preferably at intersections with collector and arterial roads; moderate to large sized sites; public water and sewer; suitable environmental features such as soils and topography; and adequate buffering by physical features or adjacent uses to protect nearby residential development. This land use is consistent with the Town Code requirements for Zoning Designation B-1and B-2.



## TOWN OF BOWLING GREEN TOWN COUNCIL MEETING MONTHLY REPORT / PROJECT UPDATE

AGENDA ITEM:	Public Works/Utilities Monthly Report for April 2022

**DATE:** April 29, 2022

PREPARED BY: Josh Irby

## MONTHLY REPORT / PROJECT UPDATE:

## Water

- Working on cross connection prevention program- Part of Virginia Waterworks Regulations
- Annual hydrant flushing is complete
- Consumer Confidence Report Finished for 2021 and posted on Town website
- Working with Town Admin Staff to contact customers regarding possible water leaks
- All water meters have been installed

#### Wastewater

• Plant is running ok

## Public Works

- Set up for meetings at Town Hall
- Weekly Staff Meetings
- Normal grass cutting
- Parking signs installed for Visitor Center, Police Department, and Public Parking

## ATTACHMENTS:

• DMR for March

## HEADS UP ITEMS:

PERMITTEE NA! FACILTY NAME/	ME/ADDRESS (INCLUI LOCATION IF DIFFER	DE ENT)	NATI	COMMONWEALTH OF VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY NATIONAL POLLUTANT DISCHARCE ELIMINATION SYSTEM (NPDES) DISCHARGE MONITORING REPORT (DMR)		DEPT. OF ENVIRONMENTAL QUALI' (REGIONAL OFFICE) Northern Regional Office 13901 Crown Court				
NAME: ADDRESS:	Bowling Green Wast co Town of Bowling Bowling Green, VA	ewater Treatment Plant Green 22427		E	VA0020737 PERMIT NUMBER	001 DISCHARGE NUMB	ER	Woodbridge, VA 22	193	
FACILITY LOCATION:	219 Anderson Ave Bowling Green, VA	22427	FI		AR MO DAY	YEAR     MO     DA       TO     2022     03     31	Y	NOTE: READ PERMIT INSTRUCTION FORM.	`AND GENERAL IS BEFORE COMI	
Parame	er	QUANTI	TY OR LOADING MAXIMUM	UNITS		UALITY OR CONC	ENTRATION	NO. FREQUENCY	SAMPLE	LAB

Parameter			TY OR LOADING		QUALITY OR CONCENTRATION					FREQUENCY	SAMPLE	LAB
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GENERAL PERMIT REQUIREMENTS OR COMMENTS: OUTFALL-SPECIFIC COMMENTS:: PARAMETER-SPECIFIC COMMENTS:

4/7/22, 12:50 PM

BYPASSES AND	TOTAL OCCURENCES	TOTAL FLOW(M.G.)	TOTAL BOD5(K.G.)	OPERATOR IN RESPONSIBLE CHARGE				
OVERFLOWS				Joshua	Irby		1965008627	
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upervision in accordance with a system designed to assure that qualified personnel properly gather and valuate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, b the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant		PRINCIPAL EXECUTIVE OF AGEN		TELEPHONE	804-221-1834			
enalties for submi-	tting false information, incl	iding the possibility of fine an	d imprisonment for knowing			202	2-04-07 12:49:51	
violations.		TYPED OR PRINTED NAME	SIGNATURE	Date				

Page 1

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## TOWN OF BOWLING GREEN TOWN COUNCIL MEETING MONTHLY REPORT / PROJECT UPDATE

AGENDA ITEM:	Police Departments Monthly Report April 2022
DATE:	05/01/2022
PREPARED BY:	Chief Justin Cecil Sr.

## MONTHLY REPORT / PROJECT UPDATE:

Police Activity for April 2022

- 32-Total calls for service
- 13-Assist other agencies
- 36-Summons / Parking tickets
- 66-Park walk and talks
- 1-Larceny
- 1-Fraud
- 61-Property checks/ Vacation checks/ Business Checks
- 1 Domestic/Assault
- 3-Animal control
- 2- Motor Vehicle Accidents

#### ATTACHMENTS: None

#### **HEADS UP ITEMS:**



## TOWN OF BOWLING GREEN TOWN COUNCIL MEETING MONTHLY REPORT / PROJECT UPDATE

AGENDA ITEM:	Town Clerk/Treasurer Council Monthly Report April 2022
DATE:	May 5, 2022
PREPARED BY:	Jackie Nance

## MONTHLY REPORT / PROJECT UPDATE:

- Attended Weekly Staff Meetings.
- Completed monthly payrolls/taxes.
- Completed monthly accounts payable.
- Completed daily register reconciliation.
- Completed daily banking/cc payment processing- supervisor approval.
- Worked with past Treasurer on nights and weekends for some training topics.
- Completed Keystone Payroll training- ran 1<sup>st</sup> payroll.
- Completed FY 23 Budget prep.
- Filed Quarterly payroll taxes.
- Grant fund closeout document research for P.W. vehicle purchase.
- Meeting at County Offices for cash reconciliation overview.
- Verified Positive Pay file format for check file upload to bank.
- Initiated SLFRP project fund reporting.
- Brainstorm sessions for Harvest Festival.
- Completed Report for delinquent utility accounts- assigned penalties

#### **ATTACHMENTS:**

- Monthly Town Hall Rental Report April 2022
- Delinquent Tax Report Current Report
- YTD Budget Report Current Report

HEADS UP ITEMS: NONE

The employees of Bowling Green, Virginia are committed to providing the highest quality service to the community as directed by the Town Council within the constraints of the town's resources and will do so without regard to personal gain or privilege.

## TOWN HALL RENTALS

<u>#USES</u>	April 2022 <u>NAME OF USER</u>	ACTIVITY	<u>FEES</u>
5	Town Hall Activities	Class	\$ 250.00
1	Town Council Meeting	Meeting	N/C
1	Town Council Work Session	Meeting	N/C
1	LOVE works project	Meeting	N/C
1	Planning Commission	Meeting	N/C
1	A.P Hill Committee	Meeting	N/C
1	Private Event	Spring School	\$ 575.00
1	Private Event	Dance	\$ 575.00

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Totals

\$ 1400.00

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## TOWN OF BOWLING GREEN TOWN COUNCIL MEETING MONTHLY REPORT / PROJECT UPDATE

AGENDA ITEM: Town Administration Monthly Report - April 2022

**DATE:** May 5, 2022

PREPARED BY: Allyson Finchum

## MONTHLY REPORT / PROJECT UPDATE:

- Preparation and Staff for the April 26th Planning Commission Meeting Public Hearing for ZP2022-008 JPM Investments East Broaddus Ave; Public Hearing for Sign Ordinance (to allow signs on parapet walls up to 5 ft above roofline); Discussion of the Comprehensive Plan (definition of Mixed Use); and Zoning Text Amendments
- Review of Site Plan for ZP 2021-013 Village Self-Storage on Route 301
- Review of Zoning Permits (approval of Antique Store 119 Courthouse Lane, Single Family Dwelling – 160 Dickinson, Single-Family Dwelling - 170 Dickinson, Solar Panels on roof – 263 Meadow Lane; Fence – 113 Lafayette, Commercial Remodel – 105 Milford Street)
- Planning and Zoning Inquiries
- Keystone Software Implementation for Accounts Payable and Payroll
- Water and Sewer Build-Out Analysis
- Budget Preparation
- ARPA Funds Annual Federal Report
- ARPA Funds Project Playground Improvements
- Visitors Center Set-Up
- Trash Collection Recycling Issue under Review
- Preparation of May 5th, 2022 Town Council Agenda Packet: Northview Rezoning Public Hearing, Fairmont Rezoning Public Hearing, JPM Investments East Broaddus Ave Public Hearing
- Preparation of May 5th, 2022 Town Council Worksession: FY23 Budget, Harvest Festival
- Training of New Staff

#### Meetings/Training attended:

- April 7th Town Council Worksession
- April 7th Town Council Meeting
- April 26th Planning Commission Meeting
- Weekly Staff Meetings
- Meetings on various topics with:
  - Developers/Citizens
  - Caroline County/Commissioner of the Revenue/State Governmental Agencies Planning Commissioners

**Town Council Members** 

- Specific Topics:
- Harvest Festival
- LOVE Works Sign

#### Schedule:

- Zoning Ordinance text amendments to allow additional uses in the B-1 business district
- Zoning Ordinance on Food Trucks
- Update of the Comprehensive Plan with Planning Commission



# TOWN OF BOWLING GREEN TOWN COUNCIL MEETING AGENDA ITEM REPORT

AGENDA ITEM:	Bills – April 2022
ITEM TYPE:	Consent Agenda
PURPOSE OF ITEM:	Decision - By Motion
PRESENTER:	Jackie Nance, towntreasurer@townofbowlinggreen.com
PHONE:	(804) 633-6212

# BACKGROUND / SUMMARY:

Invoices for items purchased and services rendered in April 2022

#### **ATTACHMENTS:**

Check Reports: 04/08/2022 04/22/2022

# **REQUESTED ACTION:**

Approve invoices.

Ck Date	Vendor Name	Check Amt
4/8/2022	ALACRITI PAYMENTS, LLC	52.79
4/8/2022	BAI MUNICIPAL SOFTWARE	6,882.00
4/8/2022	BMW CLEANING SERVICES	1,250.00
4/8/2022	CAROLINE COUNTY	35.72
4/8/2022	CAROLINE GRAYS CHAPTER 2473	300.00
4/8/2022	CONSOLIDATED PIPE & SUPPLY	670.90
4/8/2022	DEBORAH T BENNETT	70.00
4/8/2022	GRAINGER	529.87
4/8/2022	JOHNSON'S EXTERMINATING	625.00
4/8/2022	K L LANGFORD EXCAVATING	5,635.00
4/8/2022	KEYSTONE INFORMATION SYSTEMS	10,622.14
4/8/2022	MARY JAMES	175.00
4/8/2022	RED WING SHOES	130.49
4/8/2022	STEMMLE PLUMBING REPAIR	874.00
4/8/2022	USA BLUE BOOK	355.63
4/8/2022	VERIZON	337.61
4/8/2022	VERIZON WIRELESS	481.52
4/8/2022	VUPS	45.15
4/8/2022	WASTE MANAGEMENT	5,221.04
4/8/2022	XEROX FINANCIAL SERVICES	123.22
4/22/2022	A & M HOME CENTER	206.27
4/22/2022	ATLANTIC UNION BANK	285.98
4/22/2022	BKT UNIFORMS	363.00
4/22/2022	BOWLING GREEN FIRE DEPT	16,000.00
4/22/2022	BOWLING GREEN RESCUE SQUAD	1,000.00
4/22/2022	CAROLINE COUNTY HIGH SCHOOL	1,000.00
4/22/2022	CASH	72.18
4/22/2022	CORE & MAIN	1,250.00
4/22/2022	DIAMOND SPRINGS	62.21
4/22/2022	ENVIROCOMPLIANCE LAB INC	1,420.00
4/22/2022	G & G MILFORD FARM SERV.	677.25
4/22/2022	GALL'S LLC	72.00
4/22/2022	JUSTTECH	185.35
4/22/2022	KATHERINE DEAN	299.00
4/22/2022	LOCAL SERVICES	154.51
4/22/2022	PRO SHRED SECURITY	45.00
4/22/2022	RED WING SHOES	135.99
4/22/2022	STAPLES ADVANTAGE	750.04
4/22/2022	USA BLUE BOOK	88.95
4/22/2022	VACORP	92.16
4/22/2022	WASTE MANAGEMENT	1,954.73
4/22/2022	WEBB SMITH INTERIORS	375.00
		60,906.70



# TOWN OF BOWLING GREEN TOWN COUNCIL MEETING AGENDA ITEM REPORT

AGENDA ITEM:	Minutes – December 02, 2021, January 06, 2022, February 03, 2022 and April 07, 2022 Town Council Work Sessions
ITEM TYPE:	Consent Agenda
PURPOSE OF ITEM:	Decision - By Motion
PRESENTER:	Allyson Finchum, townmanager@townofbowlinggreen.com
PHONE:	(804) 633-6212

#### **BACKGROUND / SUMMARY:**

Minutes transcribed from the December 02, 2021, January 06, 2022, February 03, 2022 and April 07, 2022 Town Council Work Sessions

#### ATTACHMENTS:

Minutes from the December 02, 2021, January 06, 2022, February 03, 2022 and April 07, 2022 Town Council Work Sessions

# **REQUESTED ACTION:**

Approve Minutes.



# TOWN OF BOWLING GREEN TOWN COUNCIL WORKSESSION MEETING MINUTES

# December 2, 2021 5:00 p.m. Town Hall 117 Butler Street, Bowling Green, VA 22427

# CALL TO ORDER AND QUORUM ESTABLISHED:

Mayor Gaines called the meeting to order and noted a quorum was present.

# PRESENT:

Mayor Mark Gaines Vice-Mayor Valerie Coyle Council Member Jean Davis Council Member Tammie Gaines Council Member Jerry Covington Council Member Jeff Voit Council Member Arthur Wholey

# ABSENT:

Council Member Deborah Howard

# **BUSINESS:**

Town Council discussed the following matters:

- Town Hall Rental Rates;
- Utilize FY22 Budgeted Funds for Part-Time Police Officer;
- Worksession Schedule for FY23 Budget, Tax Rates, and Utility Rates; and
- Organizational Chart and Job Descriptions/Responsibilities.

# **INFORMATIONAL ITEMS:**

None.

# ADJOURNMENT:

The Town Council closed the Worksession.



# TOWN OF BOWLING GREEN TOWN COUNCIL WORKSESSION MEETING MINUTES

January 6, 2022 5:00 P.M. Town Hall 117 Butler Street, Bowling Green, VA 22427

# **ROLL CALL AND QUORUM ESTABLISHED:**

Mayor Gaines called the meeting to order and noted a quorum was present.

# PRESENT:

Mayor Mark Gaines Vice-Mayor Valerie Coyle Council Member Jean Davis Council Member Jeff Voit Council Member Tammie Gaines Council Member Deborah Howard Council Member Arthur Wholey

# **BUSINESS:**

Town Council discussed the following matters:

- FY22 Budget Public Works;
- Review of Treasurer and Administrative Assistant/Clerk Positions;
- Ordinance Amendments Site Plans; and
- Other Business.

# **INFORMATIONAL ITEMS:**

Town Council discussed the following matters:

• Public Work/Utilities Budget Proposal FY23 and Capital Improvement Program.

# ADJOURNMENT:

The Town Council closed the Worksession.



# TOWN OF BOWLING GREEN TOWN COUNCIL WORKSESSION MEETING MINUTES

February 3, 2022 5:00 p.m. Town Hall 117 Butler Street, Bowling Green, VA 22427

# CALL TO ORDER AND QUORUM ESTABLISHED:

Mayor Gaines called the meeting to order and noted a quorum was present.

# PRESENT:

Mayor Mark Gaines Vice-Mayor Valerie Coyle Council Member Jean Davis Council Member Jeff Voit Council Member Tammie Gaines Council Member Deborah Howard

# **ABESENT:**

Council Member Arthur Wholey

# **BUSINESS:**

Town council discussed the following matters:

• FY23 Police Department Budget – Deferred until March 3, 2022

# **CLOSED SESSION:**

# **Closed Session for Appointments for Town Council:**

Ms. Gaines requested a motion to enter closed session for the purpose of discussing the following:

In accordance with § 2.2-3711 (A) VA Code Ann. for the purpose of conducting interviews for appointment for Town Council.

On the motion of Ms. Gaines, seconded by Ms. Coyle, which carried a vote of 6-0, the Town Council voted to enter a Closed Session.

On the motion of Mr. Voit, seconded by Ms. Coyle, which carried a vote of 6-0, the Town Council voted to return to Regular Session and Certification of Closed Session.

# **RECONVENE IN OPEN SESSION:**

# **Certification of Closed Session:**

Whereas, the Bowling Green Town Council, has convened a Closed Meeting this 3<sup>rd</sup> day of February 2022, pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

Whereas, §2.2-3712 of the Code of Virginia requires a certification by the Bowling Green Town Council that such closed meeting was conducted in conformity with the Virginia Law.

Now, therefore it be resolved on this 3<sup>rd</sup> day of February, 2022, that the Bowling Green Town Council does hereby certify that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting was heard, discussed or considered by the Bowling Green Town Council.

Voting Aye: Mayor Mark Gaines, Vice-Mayor Valerie Coyle, Council Member Jean Davis, Council Member Jeff Voit, Council Member Tammie Gaines, and Council Member Deborah Howard.

# **INFORMATIONAL ITEMS:**

None.

# **ADJOURNMENT:**

The Town Council closed the Worksession.



# TOWN OF BOWLING GREEN TOWN COUNCIL MONTHLY WORKSESSION MINUTES

# AGENDA

# Thursday, April 07, 2022 5:00 PM

# SWEARING-IN OF NEW COUNCIL MEMBER (4:45PM)

Mayor Mark Gaines announced the swearing-in of Randy Hageman. Randy Hageman was sworn-in as Town Council Member by Clerk of the Circuit Court Susan Minarchi.

# CALL TO ORDER AND QUORUM ESTABLISHED:

Mayor Gaines called the meeting to order and noted a quorum was present. Mayor Gaines formally introduced Randy Hageman to Council.

# PRESENT:

Mayor Mark Gaines Vice-Mayor Valerie Coyle Council Member Jean Davis Council Member Jeff Voit Council Member Tammie Gaines Council Member Deborah Howard Council Member Randy Hageman

# **BUSINESS:**

Town Council discussed the following matters:

• FY23 Budget -

Town Manager discussed the budget. Town Manager addressed questions that Council had on the budget. Items discussed were revenue, property taxes, expenditures, contingency fund, legal fees, utility billing, water meter purchases and salaries. Council asked for a flow chart of job titles and duties for office personnel.

- Town Vehicle Use Policy-Council decided on 10 miles instead of 20 miles for Town Vehicle Use Policy. The change would go into effect immediately following the vote.
- Other Matters-Town Manager addressed the question of vendor fees for the Flea Market.

Town Manager discussed that ARPA funds under the amount of ten million dollars can be used for a variety of projects.

#### **INFORMATIONAL ITEMS:**

• Approval of Intern Town Manager discussed the approval of an intern. Jackie Voit was unanimously agreed on by council as the intern.

# **ADJOURNMENT**

The Town Council closed the Worksession.



# TOWN OF BOWLING GREEN TOWN COUNCIL MEETING AGENDA ITEM REPORT

AGENDA ITEM:	Minutes – December 02, 2021, February 03, 2022 and April 07, 2022 Town Council Meetings
ITEM TYPE:	Consent Agenda
PURPOSE OF ITEM:	Decision - By Motion
PRESENTER:	Allyson Finchum, townmanager@townofbowlinggreen.com
PHONE:	(804) 633-6212

#### BACKGROUND / SUMMARY:

Minutes transcribed from the December 02, 2021, February 03, 2022 and April 07, 2022 Town Council Meetings

#### ATTACHMENTS:

Minutes from December 02, 2021, February 03, 2022 and April 07, 2022 Town Council Meetings

# **REQUESTED ACTION:**

Approve Minutes.



# TOWN OF BOWLING GREEN TOWN COUNCIL MEETING MINUTES

December 2, 2021 7:00 p.m. Town Hall 117 Butler Street, Bowling Green, VA 22427

# CALL TO ORDER AND QUORUM ESTABLISHED:

Mayor Gaines called the meeting to order and noted a quorum was present.

The Pledge of Allegiance was recited.

#### PRESENT:

Mayor Mark Gaines Vice-Mayor Valerie Coyle Council Member Jean Davis Council Member Tammie Gaines Council Member Jerry Covington Council Member Jeff Voit Council Member Arthur Wholey

# ABSENT:

Council Member Deborah Howard

# **DELEGATIONS:**

None.

# **PUBLIC COMMENT:**

Mayor Gaines opened the public comment period.

<u>Ms. Karen Tignor, resident outside of Bowling Green</u> – Addressed the members with concerns regarding the increase of Town Hall Rental Rates. Ms. Tignor noted the building was constructed for the use of the community and requested Council reconsider the increase.

Mayor Gaines closed the public comment period.

# **MEMBER COMMENTS:**

Council Member Jean Davis noted a lot of complaints have been received regarding nepotism on the Town Council. Ms. Davis recommended the issue be placed on the January meeting for vote.

# **STAFF REPORTS & PRESENTATIONS:**

The following staff reports were presented to Council:

Public Works/Utilities Monthly Report for November 2021.

• No further discussion.

Community & Economic Development Monthly Report for November 2021

- Review and discussion of previously requested breakdown for Expenditures and Revenue for the Harvest Festival. Council noted concern was noted of some inconsistency on the audit. Staff offered to do additional research would be conducted if requested and noted the implementation of new software will aid in matter.
- Council requested clarification regarding the allocation of funds from the 2021 Wine Festival to the 2021 Harvest Festival Fund.
- Council requested clarification regarding the total number food vendors and food tax collected. Concern was also noted of tax revenue loss from food vendors.
- Solutions for future events were discussed.

Police Department Monthly Report for November 2021

• No further discussion.

Town Clerk/Treasurer Monthly Report for November 2021

• No further discussion.

Town Manager Monthly Report for November 2021

- Update on participation of Rappahannock River Water Supply Withdrawal Permit. Caroline County provided assurance that the town is not financially obligated until implementation of the project and the Town may choose to opt out at that time. Council requested a letter from Caroline County on this matter.
- Update on previously noted concern regarding a missed deadline for ARPA COVID funds and noted the deadline was extended to April 30<sup>th</sup>, 2022.

# CONSENT AGENDA:

Mr. Wholey requested discussion on Consent Agenda Item 7.

On the motion of Ms. Gaines, seconded by Mr. Voit, which carried a vote of 7-0, the Town Council voted to accept Consent Agenda Item 6 as presented.

On the motion of Mr. Voit, seconded by Ms. Gaines, which carried a vote of 7-0, the Town Council voted to accept Consent Agenda Item 7 as presented.

# **UNFINISED BUSINESS:**

# **Establish Public Hearing for Town Hall Rental Rates:**

Ms. Finchum noted the addition of the \$47 per hour fee for police protection.

On the motion of Ms. Davis, seconded by Ms. Coyle, which carried a vote of 7-0, the Town Council voted to schedule the Town Hall Rental Rate Public Hearing for the January 6, 2022 meeting, with the addition of the \$47 hourly rate for police protection.

# **NEW BUSINESS:**

# Preliminary Engineering Report for Sewer upgrades:

Mr. Josh Irby introduced Mr. Danylo Villhauer, Dewberry Engineers Inc., to present the Preliminary Engineering Report to the members.

Mr. Villhauer presented and discussed the following:

- Purpose to evaluate improvements to existing waste water collection system;
- Identified concrete sewer mains in poor condition and in need to be replacement;
- Identified sewer manholes in need replacement;
- Identified five waste water collection stations in need of improvements:
  - Emergency generators put in place
  - o Pumps in need of replacement
  - Addition of security fencing needed
- Discussed waste water treatment facility improvements and capacity increase:
  - Recommended remaining at existing capacity;
  - Need for increase must be justified;
  - Expansion in capacity would require additional nutrient removal;
  - Replacement of mechanical equipment;
  - Recommended addition of new equalization basin;
  - o Recommended modern defused duration and blower system;
  - Improvements needed to filtration systems;
  - Recommended new dewatering facility;
  - Upgrades to electrical room and control systems;
  - Suggested plant wide control data system to track plant processes;
  - Review of implementation schedules;
- Review of implementation schedule of three to four years; and
- Estimated project costs of \$16,000,000.00.

Mr. Voit asked for information about additional certifications or education needed for staff regarding the

modernized systems. Mr. Irby explained training process and that time would be allocated for staff training.

Mayor Gaines inquired if project implementation would require the plant to shut down. Mr. Villhauer explained the project progress would be sequenced to ensure the plant remains operational throughout construction.

Mr. Wholey asked for information regarding water usage totals included the added use of new housing developments. Mr. Irby discussed existing capacity usage.

# **ADDITONAL ITEMS:**

On the motion of Mr. Wholey, seconded by Mr. Voit, which carried a vote of 7-0, the Town Council voted to approve the hiring of a part-time police officer, not to exceed the current allotted budget amount for the Police Department for the year.

# **INFORMATIONAL ITEMS:**

None.

# **COMMITTEE REPORTS:**

Council Member Voit - Committee did not meet this month and noted cancellation of the December meeting.

Council Member Jean Davis – No discussion Vice-Mayor Valerie Coyle – No discussion Council Member Tammie Gaines – No discussion Council Member Jerry Covington – No discussion Council Member Arthur Wholey – Committee did not meet this month.

# **ADJOURNMENT:**

On the motion of Mr. Voit, seconded by Ms. Gaines, which carried a vote of 7-0, the Town Council voted to adjourn the December 2, 2021 meeting at 7:05 p.m.



# TOWN OF BOWLING GREEN TOWN COUNCIL MEETING MINUTES

February 3, 2022 7:00 p.m. Town Hall 117 Butler Street, Bowling Green, VA 22427

# CALL TO ORDER AND QUORUM ESTABLISHED:

Mayor Gaines called the meeting to order and noted a quorum was present.

The Pledge of Allegiance was recited.

# PRESENT:

Mayor Mark Gaines Vice-Mayor Valerie Coyle Council Member Jean Davis Council Member Tammie Gaines Council Member Jeff Voit Council Member Deborah Howard Council Member Arthur Wholey

# **PUBLIC HEARINGS:**

#### Rezoning - #RZS-2021-020 - Fairmont:

Mayor Gaines noted the public hearing is a continuation from the January 6, 2022 meeting.

Mayor Gaines opened the public comment period.

<u>Mr. Jason Satterwhite, Former Mayor, 145 S. Main Street</u>, addressed the members to present a brief history of the 301 Corridor plans and visions of the town. Discussed annex of the area in the 1990's; County promised to develop the area but land remained dormant; Water and Sewer plans implemented;

Special Tax District added; and property owners pay additional tax. Mr. Satterwhite noted concern that a developer finally approached the Town in interest and now there are raised concerns of water and other issues. Mr. Satterwhite noted full support of this development and the Northview development; and requested the members consider approval.

<u>Mr. David Stork, 115 Maury Avenue</u>, addressed the members in favor of the Fairmont development and echoed that of Mr. Satterwhite's statements. Mr. Stork explained the need for more rooftops to get more wanted amenities. Mr. Stork stated the infrastructure is in place and is in support of any development of the 301 Corridor. Mr. Stork urged the members to consider approval.

<u>Mr. Dan Hansen, resident of Bowling Green</u>, addressed the members in favor of the development. Mr. Hansen stated full disclosure of association with the application. Mr. Hansen requested the members consider approval for the Fairmont and Northview developments. Mr. Hansen discussed the many attempts made by the Town to develop the property for twenty-four years.

Ms. Whitney Watts, 165 S. Main Street, addressed the members in support of the project.

<u>Mr. Mike Bugat, 18080 A.P. Hill Boulevard</u>, addressed the members in favor of the development. Mr. Bugat noted concerns regarding the Special District Tax and sufficient water resources.

<u>Ms. Sandra Pelter, Planning Commissioner, 328 N. Main Street</u>, addressed the members in favor of the development but would like things critiqued. Ms. Pelter discussed insufficient time for the Planning Commission to review the application; and noted the many concerns the Planning Commission had with the proposed development.

<u>Mr. Tommy Wright, 17339 Arden Drive</u>, addressed the members not in favor or opposition of the development. Mr. Wright noted concern regarding environmental and pond safety issues.

Mayor Gaines requested the assistance and discussion from Council to determine further action to close the public hearing. Council discussed proper procedure with Ms. Andrea Erard, Town Attorney.

Mayor Gaines closed the public comment period.

Mayor Gaines requested a discussion session and asked if there was anyone that had any additional questions or comments.

Mr. Dan Webb, applicant, noted there was no additional information to report and offered to answer questions;

- Council asked if the water issue was solved; Mr. Webb noted sufficient water capacity and availability of funds for improvements.
- Council requested overview of new layout submission; Mr. Webb reviewed the changes, additions, and eliminations made to the layout; and change of proffer language.
- Council inquired about the guarantees to follow proposed proffers.
- Council read the list of concerns provided by the Planning Commission;
  - Site plan lacks specifics;
  - No accommodation for commercial component;

- No implementation of development into existing communities;
- Noise pollution of Fort AP Hill;
- Water concerns;
- Environmental and safety issues;
- Substantial traffic increase;
- Real estate taxes;
- Lack of buffers
- Lack of open space and greenway areas;
- Impact on community services;
- Unwanted cookie cutter developments;
- Desire to have connectivity;
- Requested proactive steps be taken; and
- Concern of change in the vision of the town.
- Council noted representation of the Town and in favor of growth on Route 301; Echoed concerns regarding water and need for commercial.
- Council requested information from the traffic study; Mr. Webb reviewed the anticipated traffic impact.
- Council asked if discussion had taken place regarding the connection of Fairmont and Northview
- Council stated the Home Owner Association information would address safety concerns;
- Council discussed water concerns and the following information:
  - Department of Environmental Quality's (DEQ) requirements;
  - Water and sewer not an issue;
  - Growth requires improvements;
  - Traffic volume on Route 301 already exists;
  - Clarified the Special District Tax fees include both residential and commercial properties; and
  - Comprehensive Plan designated the area for mixed use.
- Council presented research collected regarding impacts to Route 301 and water concerns;
- Council stated traffic concern is greater Broaddus Avenue instead of Route 301; mixed use plan and decisions need to be made; requested information for the remaining cost owed on Special District Tax; water is there and permits to withdrawal approved; well shutdown and replacement concern; and
- Council requested current water usage percentage; Ms. Finchum, Town Manager, noted the total was approximately 150,000 GPD and expressed the need for additional water supply.

Mr. Webb addressed the concerns made by Council and discussed the following:

- Importance of connectivity within the town;
- Proposed trail to provide pedestrian and multi-mobile connection;
- Large open space located along the property perimeter;
- Large common area located at the center of the development;
- Location of homes moved away from 301;
- Understand water concerns and funds are proffered;
- Modifications have been made in response to concerns raised;
- Possibilities of connection to other developments;
- Elevation information provided;

- Trail safety discussed;
- Water improves to be at the discretion of the town; and
- Reviewed location of wetlands boundaries and safety.

On the motion of Mr. Voit, seconded by Ms. Howard, which carried a vote of 7-0, the Town Council voted to defer action to the March 3, 2022 meeting.

# **DELEGATIONS:**

None.

# **PUBLIC COMMENTS:**

Mayor Gaines closed the public comment period.

<u>Mr. Paul Ehrlich, 11769 Coolidge</u>, addressed the members in concern of a sudden increase to his water bill and asked for explanation. Council noted staff has determined the cause; staff working diligently to review; citizens pay percentage for improvements such as the newly installed water meters.

<u>Mr. Mark Basson, Caroline County Commissioner of the Revenue, 109 Morgan Court</u>, addressed the members in appreciation for the police department's staff and response; enjoyment of working with Ms. Finchum and staff; Invited Council or anyone interested to schedule a meeting to discuss any tax information or processes information.

<u>Mr. Jason Satterwhite, Former Mayor, 145 S. Main Street</u> addressed the members in appreciation for the concern for the safety of children; responsibility of the children falls on the parents; clarified comment made regarding the payment of health insurance benefits to individuals who do not elect health coverage; requested it be noted that he did not bring up the issue but did agree at that time.

Ms. Whitney Watts, 165 S. Main Street, addressed the members to raise the following concerns:

- Availability of minutes and agendas due to staffing shortage;
- Disbanding of the Economic Development Authority (EDA) and is in support of the EDA;
- Staff shortage and EDA disbandment will impact commercial growth;
- Important items that do not appear on the agenda;
- Removal of the employee benefit of additional compensation to those who do not participate in the health insurance policy at the last meeting;
- Council members that are now opposed to employee benefit were offered the same benefit one year ago;
- Inquired if cost analysis was conducted;
- Rash decision made to remove benefit;
- Town continues to lose employees that make the town a great place to live and conduct business;
- Significant reservations of changing town events to volunteer based; and
- Town is experiencing a wave of growth, investment, vibrancy, and interest not seen in decades.

<u>Ms. Rebecca Sullivan, 161 S. Main Street</u>, addressed the members to discuss concern regarding the changing of town events to volunteer based.

Mayor Gaines closed the public comment period.

# MEMBER COMMENTS:

Council Member Deborah Howard noted understanding of the event concerns presented to Council.

Council Member Jeff Voit addressed water meter concerns and requested investigation to be conducted by staff; Noted appreciation to the Police Department; Clarified the EDA has not been dissolved; More discussion needed for resolution of the events issues.

Ms. Finchum addressed the members to explain the cause for the event issues and confirmed no changes have been made. Council concurred.

Council invited everyone to the upcoming LOVE Sign Design on February 19, 2022.

# **STAFF REPORTS & PRESENTATIONS:**

The following staff reports were presented to Council:

Draft FY20 Audit Presentation by Robinson, Farmer, Cox Associates, PLLC.

- Reviewed Exhibits of Audit Reports for FY20 in detail;
- Reviewed comments and recommendations for improvement;
- Reviewed the Governance Letter; and
- Addressed questions posed by Council.

Public Works/Utilities Monthly Report for January 2022.

• No discussion.

Police Department Monthly Report for January 2022.

• No discussion.

Town Clerk/Treasurer Monthly Report for January 2022.

• No discussion.

Town Manager Monthly Report for January 2022

- Council requested update on replacement for missing cone on ADA ramp on Main Street; Ms. Finchum stated VDOT was made aware of the issue; and
- Council asked for clarification regarding upcoming meeting with DEQ; Discussion of scheduling on a worksession, regular meeting, or special meeting.

# **CONSENT AGENDA:**

On the motion of Ms. Gaines, seconded by Mr. Voit, which carried a vote of 7-0, the Town Council voted to accept Consent Agenda as presented.

# **UNFINISED BUSINESS:**

# Town Hall Rental Rates:

Mayor Gaines reviewed concerns and comments presented at the previous public hearing.

Council discussed previous and new concerns regarding the rate change. Clarification of proper legal process requested and explained.

On the motion of Mr. Voit, seconded by Ms. Gaines, which carried a vote of 7-0, the Town Council voted to accept the Town Hall Rental Rates as presented.

# **INFORMATIONAL ITEMS:**

# **NEW BUSINESS:**

# Authorize Advertisement and Hiring of Certified Public Accountant to Perform FY21 Audit:

On the motion of Mr. Wholey, seconded by Mr. Voit, which carried a vote of 7-0, the Town Council voted to authorize Advertisement and Hiring of Certified Public Account to Perform FY21 Audit.

# **COMMITTEE REPORTS:**

Council Member Voit –No discussion. Council Member Jean Davis – No discussion. Vice-Mayor Valerie Coyle – Added the importance of a new contract needed for Town Hall Rental Rates. Council Member Tammie Gaines – No discussion. Council Member Jerry Covington – No discussion. Council Member Arthur Wholey – Requested the scheduling a meeting for discussion on event concerns and suggestions.

Council asked for a status update on collection of delinquent meals tax. No new information available to report at that time.

# **ADJOURNMENT:**

On the motion of Mr. Voit, seconded by Ms. Gaines, which carried a vote of 7-0, the Town Council voted to adjourn the February 3, 2022 meeting at 9:17 p.m.



TOWN OF BOWLING GREEN TOWN COUNCIL MEETING Thursday, April 7, 2022 7:00 p.m. Town Hall

# CALL TO ORDER AND QUORUM ESTABLISHED:

Mayor Gaines called the meeting to order and noted a quorum was present.

The Pledge of Allegiance was recited.

# PRESENT:

Mayor Mark Gaines Vice-Mayor Valerie Coyle Council Member Jean Davis Council Member Tammie Gaines Council Member Jeff Voit Council Member Deborah Howard Council Member Randy Hageman Council Member Arthur Wholey

# **PUBLIC HEARING:**

# Rezoning - #RZS-2021-02 - Northview

Mayor Gaines noted the public hearing is a continuation from the March 3, 2022, meeting.

Mayor Gaines opened the public comment period. With no one wishing to speak, Mayor Gaines closed the public comment period.

Council stated that the applicant submitted amended proffers. Council requested additional time to discuss and allow the applicant time to address any concerns.

Council requested more time prior to the closing of a public hearing to allow for an applicant's rebuttal.

Council requested the contact information of the Applicant's Representative should additional questions arise.

Council asked for a status update regarding information requested from the Department of Environmental Quality (DEQ) and noted a response has not yet been received.

On the motion of Mr. Voit, seconded by Mr. Wholey, which carried a vote of 8-0, the Town Council voted to defer action to the next meeting.

#### **DELEGATIONS:**

#### Appointment of Treasurer

On the motion of Mr. Wholey, seconded by Ms. Gaines, which carried a vote of 8-0, the Town Council voted to appoint Ms. Jackie Nance, as Treasurer for the Town of Bowling Green.

#### **PUBLIC COMMENT:**

Mayor Gaines opened the public comment period.

Mr. Keith Oster, Applicant's Representative, with Sullivan, Donohoe, & Ingalls (SDI), P.C., presented to the members updated proffers for #RZS-2021-20-Northview, and reviewed the following:

- Amendments to proposed proffers:
  - Buyer acknowledgement for proximity to Fort AP Hill;
  - Area lighting and dark sky compliance;
  - Widening of roads to accommodate parking;
  - Architectural Materials Section;
  - o Amenities;
  - Trail expansion;
- Adjustments to the Generalized Development Plan (GDP) with the current ordinance requirements; and
- Request for an ordinance amendment is under review by the Planning Commission.

The Applicant's Representative concluded the presentation and noted he would answer any questions.

Council asked for information regarding the signing of proffers. Staff stated that a copy of the signed proffers has been received.

Mr. Paul Urlick, resident, updated the members regarding water bill issues that was previously brought to the attention of Council. Mr. Urlick stated his bill has returned to normal, but he has not received explanation as to the cause. Additionally, Mr. Urlick expressed concern regarding the increase of Town Hall Rental Rates and requested the fee for the Bowling Green Volunteer Fire Department remain at \$250 per use.

Mr. Mark Bissoon, resident, addressed the members to offer use of his commercial property for a mural or signage to welcome visitors to the Town of Bowling Green.

Mayor Gaines closed the public comment period.

# MEMBER COMMENT:

Council welcomed new Council Member, Mr. Randy Hageman.

#### **STAFF REPORTS & PRESENTATIONS:**

The following staff reports were presented to Council.

Public Works/Utilities Monthly Report for March 2022

• No discussion.

Police Department Monthly Report for March 2022

• No discussion.

Town Treasurer Monthly Report for March 2022

• No discussion.

Town Manager Monthly Report for March 2022

• Council expressed appreciation to staff for their continued hard work.

Playground Update

- Mr. Dan Webb, volunteer, reviewed a draft playground concept which notated areas in need of improvement, equipment relocation, or additional amenities. The committee requested discussion and input from Council.
- Council discussed new equipment; upgrade of restroom amenities; paving; lighting; safety and security; landscaping; and ADA Compliance.

Planning Commission Report

- Council noted the request made by the Planning Commission hold a joint meeting with DEQ regarding existing and future water concerns.
- Staff reviewed ordinance amendments under review by the Planning Commission.

#### **CONSENT AGENDA:**

#### Bills – March 2022

Council asked for information regarding the purchase of office supplies and equipment. Staff noted purchases are made from multiple vendors. Council recommended utilizing the online retailer Newegg for computer and electronic purchases.

On the motion of Mr. Voit, seconded by Ms. Gaines, which carried a vote of 8-0, the Town Council voted to accept the Consent Agenda as presented.

# **UNFINISED BUSINESS:**

#### Rezoning - #RZS-2021-20 - Fairmont

Mayor Gaines asked if the members had any questions or requests for deferral of the application.

Council and Staff discussed the submission of revised proffers which would require readvertisement.

On the motion of Mr. Wholey, seconded by Ms. Howard, which carried a vote of 8-0, the Town Council voted to approve the readvertisement and defer action to the meeting scheduled for May 5, 2022.

Council asked for clarification regarding payment of the readvertising fee. Staff noted the responsibility is to the Town.

#### **NEW BUSINESS:**

#### Vehicle Use Policy

Ms. Finchum presented to the members the Draft Employee Vehicle Use Policy and explained the policy would aid in lowering the costs of fuel and vehicle replacement.

On the motion of Mr. Wholey, seconded by Mr. Voit, which carried a vote of 8-0, the Town Council voted to approve the Employee Vehicle Use Policy as presented, to include the reduction in residential distance from the Town of Bowling Green to 10 miles.

#### **<u>Public Complaint Form</u>**

Mayor Gaines discussed the implementation of a Public Complaint Form. Mayor Gaines explained the form would allow staff to take in and process citizen complaints and concerns. Council asked for input and suggestions.

#### ADJOURNMENT:

On the motion of Mr. Voit, seconded by Mr. Wholey, which carried a vote of 8-0, the Town Council voted to adjourn the April 7, 2022, meeting at 7:57 p.m.



# TOWN OF BOWLING GREEN TOWN COUNCIL MEETING AGENDA ITEM REPORT

AGENDA ITEM:	Tinsel Town 2022
ITEM TYPE:	Consent Agenda
PURPOSE OF ITEM:	Decision - By Motion
PRESENTER:	Allyson Finchum, townmanager@townofbowlinggreen.com
PHONE:	(804) 633-6212

# BACKGROUND / SUMMARY:

Tinsel Town is an annual event conducted in Town Hall by a private entity.

# ATTACHMENTS:

# **REQUESTED ACTION:**

Reduce cost of facility.