

# Issue Analysis Form

**Date:** October 25, 2016 - Board of Supervisors Meeting  
**Item:** BPP Jefferson Pointe LLC – Jefferson Pointe Apartments – Zoning Case Amendment Request

**Lead Department:** Community Development

**Contact Person:** Douglas Miles, Planning Manager



## Description and Current Status

The applicant proposes to raze the existing clubhouse, pool and tennis courts on the property and construct a larger clubhouse building with a fitness gym and a new pool. A new 24 unit apartment building would be built in place of the clubhouse on the site.

## Government Path

**Does this require IDA action?**

Yes  No

**Does this require BZA action?**

Yes  No

**Does this require Planning Commission action?**

Yes

September 22, 2016  
Recommended for  
Approval by 7-0 vote.

**Does this require Board of Supervisors action?**

Yes

October 25, 2016

**Does this require a Public Hearing?**

Yes

No

**If so, before what date?**

n/a

## Fiscal Impact Statement

The applicant has voluntarily offered \$32,784 to address the impact upon the schools and specifically for the funding to be used to replace the doors and windows at L.L. Beazley Elementary School.

## County Impact

The applicant has proffered that the proposed apartment units will be well appointed with interior finishes such as stainless steel appliances, crown molding, tray ceilings, and kitchen islands and decorative backsplashes. The new Clubhouse building will have a second floor fitness gym, a jacuzzi, and a competition style pool for their residents.

## Notes

n/a

Board of Supervisors  
County of Prince George, Virginia

Ordinance

At a regular meeting of the Board of Supervisors of the County of Prince George held in the Boardroom, Third Floor, County Administration Building, 6602 Courts Drive, Prince George, Virginia this 25th day of October, 2016:

Present:

William A. Robertson, Jr., Chairman  
Jerry J. Skalsky, Vice Chairman  
Alan C. Carmichael  
Donald Hunter  
T. J. Webb

Vote:

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**ZONING CASE AMENDMENT RZ-16-04** Request of BPP Jefferson Pointe LLC to amend Cases ZM-96-003 and ZM 86-7 relative to apartments and to recreational facilities. The Comprehensive Plan calls for Residential – multi-family use. The subject property is located near the intersection of Bailey’s Ridge Boulevard and Jefferson Pointe Lane and is identified as Tax Map 12D(02)00-011-0.

BE IT ORDAINED by the Board of Supervisors of Prince George County that the Conditional Rezoning Application identified as RZ-16-04 is granted as an amendment to the official zoning map with the following conditions:

The Owner (the “Owner”) in this zoning case, pursuant to §15.2 2303 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Prince George County, Virginia (the “County”) for themselves and their successors or assigns, proffer that the development of the Property known as Prince George County Tax Identification Numbers 12D(02)00-011-0 (the “Property”) under consideration will be developed according to the following conditions, if and only if the application request for a proffer amendment is granted with only those conditions voluntarily agreed to by the Applicant.

Exhibit A – Schematic Site Plan, prepared by McAllister + Foltz Architecture, P.C., dated August 22, 2016 (the “Plan”).

Exhibit B – Elevations for Apartments, prepared by McAllister + Foltz Architecture, P.C., dated August 22, 2016 (the “Elevations”).

Exhibits C1, C2, C3 – Floor plans for Apartments, prepared by McAllister + Foltz Architecture, P.C., dated August 22, 2016 (the “Floor Plans”).

Exhibit D – List of interior finishes for Apartments dated August 22, 2016.

1. Dedicate to Virginia State Highway Department the necessary right-of-way as required to provide the ultimate improvements of Route 630.
2. Construct a twelve (12) foot widening lane as per VDH&T requirements for later incorporation into Route 630 improvements.
3. Maximum Number of Dwelling Units. The maximum number of dwelling units shall be 24. All units shall either be 2 or 3 bedrooms. Not more than 25 % of these units may contain three (3) bedrooms.
4. Prior to construction of the garden apartments, all mobile homes will be removed from the site.
5. M-1 zoning to be limited only to mini-warehouses similar in design to Southside Self-Storage, Route 36, Prince George County.
6. Retail not to be constructed until Route 630 is improved.
7. Retail to exclude the following permitted and special exception uses:

Adult movie theater; adult book store; massage parlor; fortune tellers; occult sciences; nightclub; pawn shop; auction sales; secondhand store; salvage barn; tire recapping or sales; automotive service; tent revival (temp.); truck terminals; public garage; funeral homes; crematory; cabinet shop; plumbing service and sales; building material sales; canning; carpenter shop; boat sales; automobile rental; mini-motion picture theater; kennels; monument sales; mobile home sales; modular home sales; radio tower; turkey shoot; service station with major repair facilities under cover.
8. No encroachment into designated easements nor lower than recent Fort Lee calculated floodplain elevation without approval of the Army Corps of Engineers.
9. Financing to be insured by FmHA Section 221 (d) (4), with no subsidized any housing units.
10. Construction in Accordance with Plan, Floor Plans, Elevations, and Interior Finishes. The Property shall be developed substantially in accordance with the Plan attached as Exhibit A. Apartment buildings shall be constructed to generally conform to the Elevations attached as Exhibit B. Dwelling units in each of the Apartment buildings shall be constructed generally in conformance with the Floor Plans attached as Exhibit C. The interior finishes in each dwelling unit shall generally conform to Exhibit D. Minor deviations from the floor plans, elevations and list of finishes may be approved by the Director of Community Development and Code Compliance. Major deviations from the Exhibits shall only be permitted if approved by the Planning Commission.

11. Siding Materials. Siding material shall be HardiPlank or similar fiber cement siding, with a minimum of ten percent (10%) of buildings facades faced with brick, stone, stucco, or materials having the appearance of such materials. Alternative siding materials maybe permitted if approved by the Director of Community Development and Code Compliance; however, vinyl siding shall not be permitted.
  
12. Public School Facility Improvements. In accordance with Code of Virginia § 15.2-2303.4, a cash payment of \$1,366 per dwelling unit shall be paid to the County at the time of issuance of the certificate of occupancy for the building for public school facility improvements (the “School Improvements”) necessary to address impacts at L.L. Beazley Elementary School that are specifically attributable to the proposed apartments. School Improvements means a portion of the doors and windows that have been identified as needing replacement to adequately provide educational services to additional children, which School Improvements must be installed within two (2) years of the issuance of the certificate of occupancy for the apartment building, or this proffer shall be void and of no effect. The total cash payment herein provided shall not exceed \$32,784. The Owner affirms that the cash proffer provided herein is voluntarily given to address impacts that are specifically attributable to the new residential development in accordance with Code of Virginia § 15.2-2303.4.

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Adopted on October 25, 2016 and becoming effective immediately.

**BOARD OF SUPERVISORS  
ZONING AMENDMENT REPORT SUMMARY**

**CASE NUMBER:** RZ-16-04 Zoning Case Amendment Request  
**APPLICANT:** BPP Jefferson Pointe LLC – Jefferson Pointe Apts.  
**LOCATION OF PROPERTY:** Intersection of Bailey’s Ridge Boulevard and  
Jefferson Pointe Lane

**TAX MAP:** 12D(02)00-011-0  
**EXISTING ZONING:** R-3 General Residential District  
**PROPOSED ZONING:** R-3 General Residential District  
**EXISTING USE:** clubhouse and pool recreational facility

**SURROUNDING ZONING:**  
**NORTH & EAST:** R-3 General Residential – Apartment complex  
**SOUTH:** M-1, Limited Industrial – Mini-storage facility  
**WEST:** B-1, General Business – Mini-storage facility

**UTILITIES:** County Water and County Wastewater services

**REAL ESTATE TAXES:** No delinquent taxes are owed to the County

**MEETING INFORMATION:**  
**Planning Commission:** Thursday, September 22, 2016 at 7:30 p.m.  
**Planning Commission Recommended Approval to the Board of Supervisors as presented 7-0.**  
**Board of Supervisors:** Tuesday, October 25, 2016 at 7:30 p.m.

**RECOMMENDATION:** Staff recommends Approval with the Applicant’s proffer statement letter dated September 22, 2016.

- ATTACHMENTS:**
1. Rezoning Application, Textual Statement and Proffer Statement Letter
  2. Rezoning Case Staff Report and a GIS Map of the Surrounding Properties
  3. Apartment Plans by McAllister + Foltz Architecture dated August 22, 2016

**PRINCE GEORGE COUNTY, VIRGINIA**  
**BOARD OF SUPERVISORS STAFF REPORT**  
**ZONING CASE AMENDMENT- RZ-16-04**  
**BPP JEFFERSON POINTE LLC**  
**JEFFERSON POINTE APARTMENTS**  
**PUBLIC HEARING: OCTOBER 25, 2016**

**Request:**

The applicant has submitted a zoning case amendment to amend Case ZM-96-003 approved on April 23, 1996 and ZM-87-7 approved on October 28, 1986 by revising the case conditions relative to the number of permitted bedrooms, the approved floor plans, elevations, the interior finishes, siding materials and the deletion of the existing recreational facilities for the apartment residents and by providing a proffer that addresses County public school facility improvements.

Note: Companion case to RZ-16-03 BPP Jefferson Pointe, LLC conditional rezoning request.

**Comprehensive Plan:**

The 2014 Comprehensive Plan Update calls for commercial uses on the subject properties. However, the surrounding properties have been developed with multi-family apartments or commercial uses such as a bank, child care center, and mini-storage complex that support the adjoining Jefferson Pointe Apartments. In 2008, the Independence Place Apartments complex was conditionally rezoned from B-1 to R-3 to permit 232 dormitory apartment units and the Plan called for commercial uses. County Staff recognizes that this portion of the County is suitable for apartments located at the Fort Lee Shop Gate and within the urbanized area of the County.

**Public School Facility Proffers:**

The proposed zoning case amendment changes are designed to provide new, modern apartment housing units and to accommodate corporate and military personnel through short term leases with the potential for school age children. The applicant has proffered that a cash payment of \$ 1,366.00 per dwelling unit shall be paid at the time of issuance of the certificate of occupancy for the building for public school facility improvements. The total cash proffer payment for the 24 apartment units shall not exceed \$32,784.00. The school improvements shall be made at L.L. Beazley Elementary School within two (2) years of the issuance of the certificate of occupancy for the new apartment building once the new clubhouse has been built.

**Police Department:**

The Police Department has reviewed the zoning case amendment request and does not have any specific concerns with the request. The Community Policing Unit will continue to conduct random police patrols and will provide both non-emergency and emergency services. They will conduct directed patrols and any special operations when needed or requested by the property management staff. They will recommend crime prevention strategies to eliminate or reduce the opportunity for crime to occur on site or within the parking lot and on the grounds in the future.

**Jefferson Pointe Apartments – Police Calls Log 7/1/15 to 7/1/16**

<u>Nature</u>	<u># Events</u>
ACCIDENT PROPERTY DAMAGE	1
ALARM RESIDENTIAL	5
ANIMAL AT LARGE	1
ASSAULT	2
ATTEMPT TO LOCATE	3
CHECK WELFARE	1
CIVIL MATTER	4
DEATH INVESTIGATION	1
DISABLED VEHICLE	1
DISTURBANCE	11
DOMESTIC	3
DRUG OFFENSES	3
E911 HANG UP	2
EMS-UNCONSCIOUS/UNRESPONSIVE	2
EXTRA PATROL	1
FRAUD	1
HARRASSMENT CALL	1
INFORMATION RECEIVED	2
JUVENILES INCIDENTS	1
LARCENY	5
MOTOR VEHICLE THEFT	3
NOISE COMPLAINT	7
NON-EMERGENCY 911 CALL	1
PUBLIC SERVICE	2
RECKLESS DRIVING	1
RECOVERED STOLEN PROPERTY	1
REQUESTING SUPERVISOR	1
SERVE COURT PAPER/WARRANT	3
SUICIDE ATTEMPTED	3
SUSPICIOUS INCIDENT	4
SUSPICIOUS VEHICLE	1
TRAFFIC STOP	12
TRESPASSING	2
VANDALISM	1
VEHICLE REPOSSESSION	6
WANTED PERSON	1
WRECKER NEEDED	1

**Total 101**

**Utilities Department:**

The subject property is served by County water and wastewater service and additional tap fees will need to be paid before building permits are issued by Prince George County. The owner shall determine the feasibility of connecting to the existing gravity sewer within Jefferson Pointe Lane that is serving the Jefferson Pointe Apartments and include at a minimum: Evaluation of the need for extension of the public sewer and associated public easements, and/or any private sewer extensions and/or the associated private easements; Evaluation of including the sewer

discharge from the Stay Over Storage property into this new gravity connection / extension to eliminate the private sewer force main and the associated private easement which run across the owner's property along the west side of Baileys Ridge Drive.

The proposed sewer discharge from the owner's property will present additional loading to the City of Hopewell's Bailey Creek sewer interceptor, the owner's feasibility evaluation will need to include coordination and approval also with the City of Hopewell, and any required public sewer line or facility upgrades required to serve the additional sewer flow from the owner's site will be the responsibility of the owner to address to the satisfaction of both the City and the County.

**Transportation:**

The Virginia Department of Transportation (VDOT) has reviewed the request and stated they have no objections to the proposed conditional rezoning case request. The project has been reviewed in accordance with VDOT's Traffic Impact Analysis regulations, 24VAC30-155, and the anticipated site generated traffic does not meet the Traffic Impact Analysis (TIA) regulatory threshold for the submittal of a formal analysis to the Department.

The project is subject to VDOT's Access Management Regulations, 24VAC30-73. Based upon the preliminary exhibit provided, it appears that the site does meet VDOT's access management requirements. All improvements impacting the state maintained rights of way will be evaluated for compliance with Department standards through the site plan review process. Acquisition of a Land Use Permit is required before any work can be done within the VDOT right of way.

**Public Comments:**

As of the writing of this report, County staff has not received any letters, telephone calls, social media postings or any e-mails in support or opposition to this conditional rezoning case request. A Zoning Sign has been placed on the subject property as a courtesy for any public comments.

**Recommendation:**

Staff recommends Approval of this zoning case amendment request along with the applicant's proffers dated October 13, 2016 to permit twenty-four (24) apartment units contained in one new apartment building to be built on the current apartment clubhouse and pool property location.



## STATEMENT OF PROFFERS

BPP Jefferson Pointe, LLC  
Jefferson Pointe Apartments  
September 12, 2016  
Revised October 13, 2016

The Owner (the "Owner") in this zoning case, pursuant to §15.2-2303 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Prince George County, Virginia (the "County") for themselves and their successors or assigns, proffer that the development of the Property known as Prince George County Tax Identification Number 12D(02)00-011 (the "Property") under consideration will be developed according to the following conditions if, and only if, the application request for proffer amendment is granted with only those conditions voluntarily agreed to by the Applicant.

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Exhibit D – List of Interior Finishes for apartments dated August 22, 2016.

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4. Prior to construction of the garden apartments, all mobile homes will be removed from the site.
5. M-1 zoning to be limited only to mini-warehouses similar in design to Southside Self-Storage, Route 36, Prince George County.
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carpenter shop; boat sales; automobile rental; mini-motion picture theater; kennels; monument sales; mobile home sales; modular home sales; radio tower; turkey shoot; service station with major repair facilities under cover.

8. No encroachment into designated easements nor lower than recent Fort Lee calculated floodplain elevation without approval of the Army Corps of Engineers.
9. Financing to be insured by FmHA Section 221 (d) (4), with no subsidized any housing units.
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OWNER

By: 

Attorney-in-Fact for Owner

**Community Development &  
Code Compliance**



*Julie C. Walton, Director  
Jeff Brown, Building Official  
Douglas Miles, Planning Manager*

**County of Prince George, Virginia**

*"A global community where families thrive and businesses prosper"*

**October 13, 2016**

**BOARD OF SUPERVISORS - NOTICE OF PUBLIC HEARING**

Dear owner, agent or occupant of each parcel involved that is abutting property and property immediately across the street or the road from the property affected:

This is notification that the Prince George County Board of Supervisors will hold public hearings on **Tuesday October 25, 2016** beginning at 7:30 p.m. in the Board Meeting Room, on the third floor of the County Administration Building, 6602 Courts Drive, Prince George, Virginia, to consider the following requests that involve the Prince George County Zoning Ordinance:

**CONDITIONAL REZONING RZ-16-03** Request of BPP Jefferson Pointe LLC to conditionally rezone 3.4 +/- acres from B-1, General Business District to R-3 General Residential District to permit apartments. The Comprehensive Plan calls for Commercial use. The subject properties are located at the intersection of Bailey's Ridge Boulevard and Jefferson Park Road, adjacent to Fort Lee, and are identified as Tax Maps 12D(03)00-003-0 & 004-0.

**ZONING CASE AMENDMENT RZ-16-04** Request of BPP Jefferson Pointe LLC to amend Cases ZM-96-003 and ZM 86-7 relative to apartments and to recreational facilities. The Comprehensive Plan calls for Residential – multi-family use. The subject property is located near the intersection of Bailey's Ridge Boulevard and Jefferson Pointe Lane and is identified as Tax Map 12D(02)00-011-0.

A copy of the related materials may be examined in Planning and Zoning within the County Administration Building, (804) 722-8678. The department is open from 8:30 am to 5:00 pm, Monday - Friday. All interested persons shall have the opportunity to be heard at said public hearing. I have attached a copy of the general location of the request property for your use.

Sincerely,

*Douglas Miles*

Douglas Miles, CZA  
Planning Manager / Zoning Administrator

**Community Development &  
Code Compliance**



*Julie C. Walton, Director  
Jeff Brown, Building Official  
Douglas Miles, Planning Manager*

**County of Prince George, Virginia**

*"A global community where families thrive and businesses prosper"*

**September 23, 2016**

**Fort Lee Garrison Commander  
3312 "A" Avenue Suite 208  
Fort Lee, VA 23801**

**BOARD OF SUPERVISORS - NOTICE OF PUBLIC HEARING**

Dear owner, agent or occupant of each parcel involved that is abutting property and property immediately across the street or the road from the property affected:

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Sincerely,

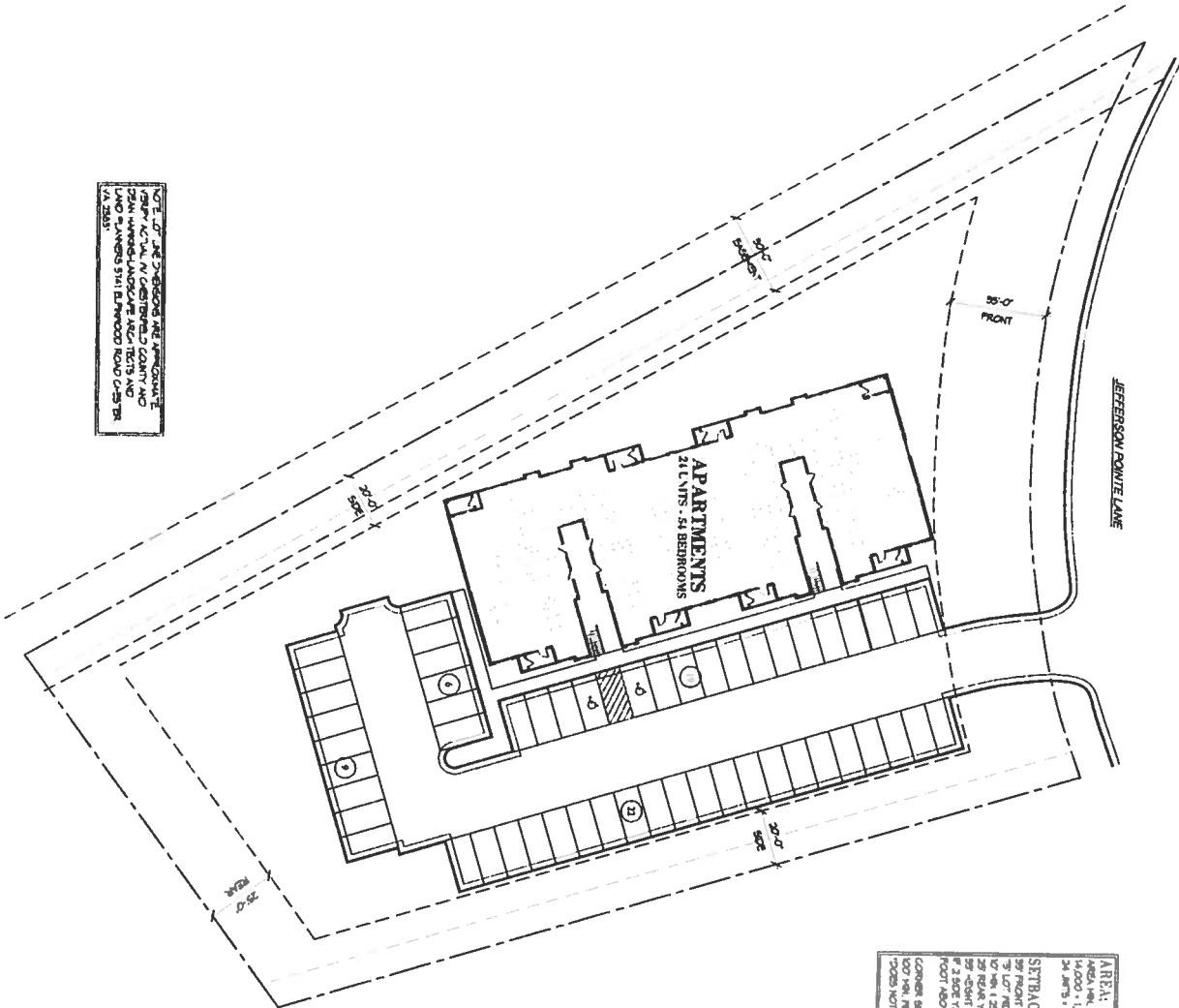
*Douglas Miles*

Douglas Miles, CZA  
Planning Manager / Zoning Administrator

P.O. Box 68 – 6602 Courts Drive, Prince George, VA 23875  
Phone: 804.722.8659 - Fax: 804.722.0702

[www.princegeorgecountyva.gov](http://www.princegeorgecountyva.gov)

DATE: 07-27-2018  
 DRAWN BY: J. HARRIS  
 CHECKED BY: J. HARRIS  
 PROJECT: 2018-001  
 SHEET: 1 OF 1  
 SCALE: AS SHOWN  
 PROJECT LOCATION: 3141 BIRWOOD ROAD, CHESAPEAKE, VA 23041



AREA:	
APART. BLDG.	10,000 SF
14,000' x 1,000' ABOVE G	
24 APARTS	14,000' x 21,000' = 294,000 SF
SETBACKS:	
50' FRONT YARD	
10' SIDE YARD	
25' REAR YARD	
5' SIDE YARD	
5' SIDE YARD, FULL FLOOR EACH	
5' SIDE YARD	
CORNER SIDE YARD - SWAPPED 20'	
100' MIN. WIDTH	
100' MIN. WIDTH	
100' MIN. WIDTH	

**SCHEMATIC SITE PLAN**  
 1" = 30'

# Exhibit A



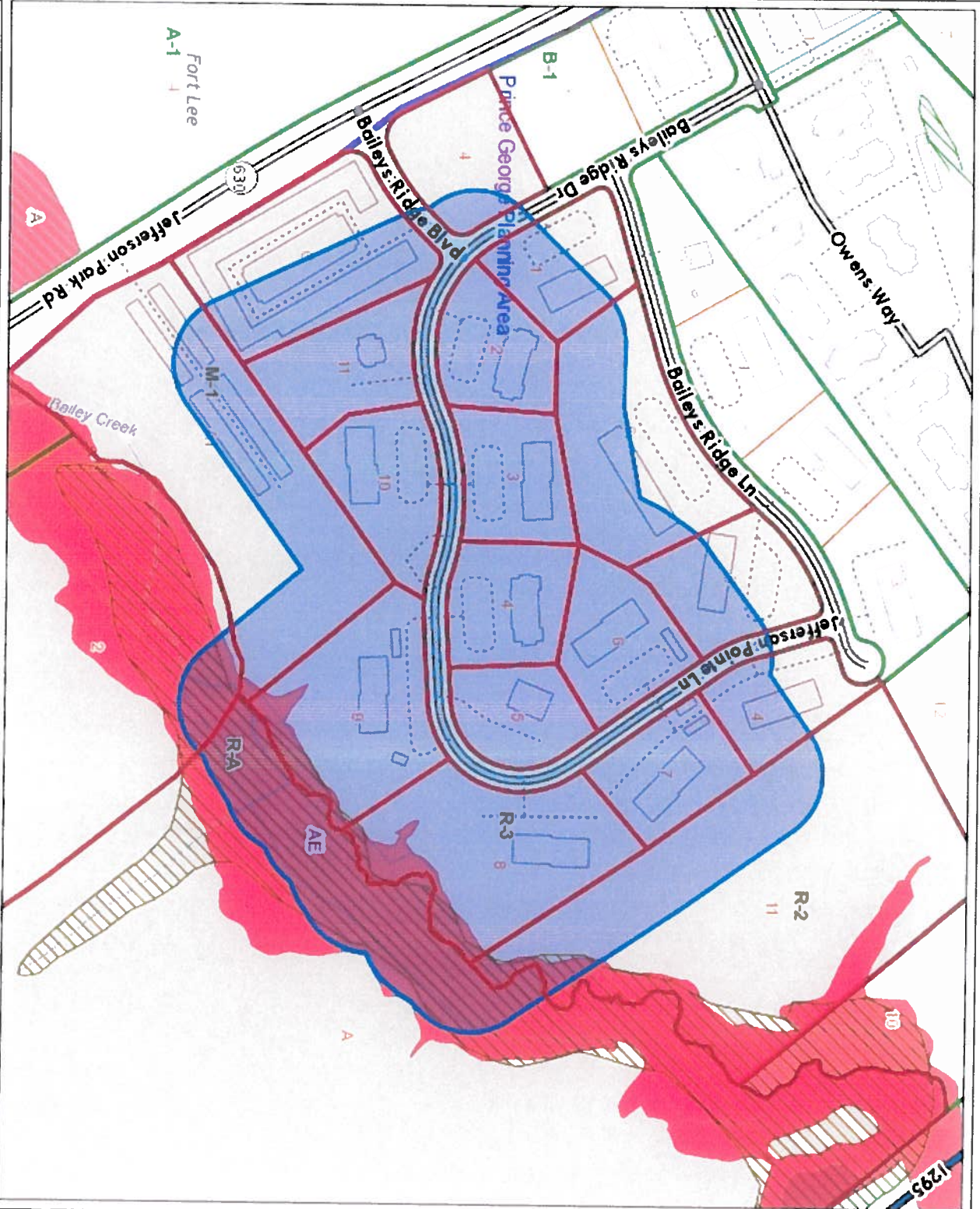
**McCallister + Polz**  
 Architecture, P.C.  
 401 Southlake Boulevard  
 Dickinson, Virginia 22705  
 Telephone: (804) 794-2177

## Jefferson Pointe Apartments

Bailey's Bridge Road  
 Prince George County, Virginia

DATE: 07/27/18	BY: J. HARRIS
DATE: 07/27/18	BY: J. HARRIS

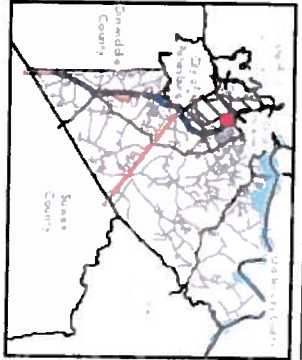




The information contained in this data should not be used as a "legal description". Map information is believed to be accurate, but accuracy is not guaranteed.



Map Scale 1: 3,734  
8/23/2016



- Legend**
- Schools
  - Firestations
  - Zoning Outlines
  - Political Boundaries
  - FEMA Floodzones
  - Taxparcels
  - Access Easements
  - Wetlands
  - Swamps
  - Planning Area

**Notes**



# REZONING APPLICATION

Department of Community Development and Code Compliance  
 6602 Courts Drive  
 Prince George, VA 23875  
 Planning Division (804) 722-8678  
[www.princegeorgecountyva.gov](http://www.princegeorgecountyva.gov)

OFFICE USE ONLY

APPLICATION #:

RZ-1604

DATE SUBMITTED:

8/22/16

*(Please fill-in all blanks)*

GENERAL PROPERTY INFORMATION

LEGAL OWNER(S) OF PROPERTY REQUESTED TO BE REZONED:

BPP Jefferson Pointe LLP

ADDRESS: c/o Douglas Management & Realty  
1700 NW 66<sup>th</sup> Ave, Suite 102

TAX MAP OF SUBJECT PARCEL: 12D(02)00-011

CITY: Plantation

STATE: FL

ZIP CODE: 33313

DISTRICT: 2, Bland

E-MAIL ADDRESS:

RECORDED IN THE CIRCUIT COURT CLERK'S OFFICE:

DEED BOOK 16 PAGE 304 Date 2/4/2016 DEED RESTRICTIONS: None

CURRENT LAND USE: Apartments

ACREAGE: 20.883

COMPREHENSIVE PLAN DESIGNATION: Residential - Multi-family

### ZONING CLASSIFICATION

PRESENT ZONING : R-3 with proffers

PROPOSED ZONING: R-3, revise proffers

REASON(S) FOR REZONING REQUEST, INCLUDING DESCRIPTION OF PROPOSED USE: Revise proffers to eliminate requirement for recreational facility so that the recreational facility can be relocated to an adjacent property.

OWNER AGENT/REP

AGENT OR REPRESENTATIVE OF PROPERTY OWNER(S), IF ANY (SPECIFY INTEREST):

NAME: Ann Neil Cosby or Adena M. Patterson

PHONE NUMBER: 804-775-7737 or 804-775-7764

ADDRESS: c/o McGuireWoods LLP, 800 E Canal Street

CITY: Richmond

STATE: VA

ZIP CODE: 23219

E-MAIL ADDRESS: [acosby@mcguirewoods.com](mailto:acosby@mcguirewoods.com) or [apatterson@mcguirewoods.com](mailto:apatterson@mcguirewoods.com)

PROJECT DESCRIPTION

PROVIDE A GENERAL DESCRIPTION OF THE PROJECT: *(Attach a separate letter if necessary)*

See attached information

AFFIDAVIT

A. The undersigned (1) Property Owner or (7) duly authorized agent or representative certifies that this petition and the foregoing answers, statement, and other information herewith submitted are in all respect true and correct to the best of their knowledge and belief.

NAME: Ann Neil Cosby

SIGNED: [Signature]

DATE: 8/22/2016

MAILING ADDRESS: McGuireWoods LLP, Gateway Building, 800 E. Canal Street

CITY/STATE/ZIP: Richmond, VA 23219

PHONE NUMBER: 804-775-7737

E-MAIL ADDRESS: [ACosby@mcguirewoods.com](mailto:ACosby@mcguirewoods.com)

STATE BELOW THE NAME, ADDRESS, AND PHONE NUMBER OF PERSON(S) TO BE CONTACTED REGARDING THIS APPLICATION IF OTHER THAN ABOVE PERSON(S):

NAME: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

CITY/STATE/ZIP: \_\_\_\_\_

PHONE NUMBER: \_\_\_\_\_

E-MAIL ADDRESS: \_\_\_\_\_

.....

STATE OF VIRGINIA

COUNTY OF: PRINCE GEORGE

Subscribed and sworn before me this 22<sup>nd</sup> day of August, 2016.

[Signature]  
Notary Public

My Commission expires: 31 July, 2018



AFFIDAVIT



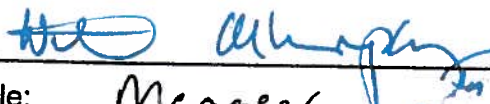


SPECIAL LIMITED POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, that I, William M. Murphy, am the Manager of BPP Jefferson Pointe LLC, Delaware, a corporation, (the "Owner"), and am duly authorized to act on behalf of the Owner. The Owner owns parcels of land located in Prince George County, Virginia ("Prince George"), which parcels of land are identified among the official records of Prince George as Tax Map #s 12D(02)00-001, 002, 003, 004, 005, 006, 007, 008, 009, 010, and 011 (the "Property"). On or about August 25, 2016, the Property was included in a rezoning application to amend the proffers (the "Application").


The Owner of the Property, having full right and authority to do so hereby makes, constitutes, and appoints Ann Neil Cosby, D. Brennen Keene, R. Robert Benaicha, and Adena M. Patterson (collectively, the "Appointees"), any of whom may act, the true and lawful attorneys-in-fact for the Owner in connection with the Application. Each Appointee shall have full power and authority to do and perform as may be necessary to prepare documents and conditions on behalf of the Owner, to seek the rezoning and to proffer any and all conditions, plus any amendments, modifications, substitutions, or deletions relating to the Application, as necessary for the use of the Property as requested in the Application, subject to review by the Owner.

IN WITNESS WHEREOF, I have hereunto set my hand this 18<sup>th</sup> day of August 2016.

  
Title: Manager

STATE OF Massachusetts,  
CITY/COUNTY OF Newbury, to-wit:

The foregoing instrument was acknowledged before me this 18<sup>th</sup> day of August, 2016 by William A. Murray

  
Notary Public Keith M. Yankow

My commission expires: 10/08/2021

Notary Registration Number: 546296

**Description of Project  
R-3 Amendment  
Jefferson Pointe Apartments**

Tax Parcel 12D(02) 001-011 (the "Property") was rezoned, subject to approved proffers (the "Proffers"), as part of a 71-acre rezoning in 1986 (the "Bogese Rezoning"). Copies of the Proffers are attached hereto as Exhibit A. The majority of the land included in the Bogese Rezoning, including the Property, was rezoned to R-3 for townhouse development. Other parcels were rezoned for commercial use. In 1996, the Proffers were amended as they applied to those parcels zoned R-3 (including the Property). A copy of the amended Proffers (the "Amended Proffers") is attached hereto as Exhibit B. Specifically, Proffer Condition #3 was amended to replace the term "townhouses" with the term "garden apartments" and a new condition No. 11 was added requiring "[r]ecreational facilities, including a pool, tennis courts, jacuzzi and recreational building to be provided for residents." See Exhibit B at p. 2, Condition No. 11.

Currently, a recreational facility, clubhouse and pool have been built on the Property pursuant to the Amended Proffers. The Applicant proposes to raze the existing facilities on the Property and construct new larger facilities on adjacent property [see companion case]. The new facilities would include a two-story clubhouse, with a gym, and a new swimming pool. A new apartment building with 24 units would then be built on the Property. The units would have one, two, or three bedrooms.

This request is to amend the Proffers for the Property, as amended by the Amended Proffers. Specifically, the Applicant requests the following modifications:

- Condition No. 3: [Apartments] to have a maximum of three (3) bedrooms, provided that not more than 25% of the total apartment units may contain three bedrooms.
- Condition No. 10: *Delete in its entirety*
- Condition No. 11: *Delete in its entirety*

The revision to Condition 3 permits the construction of a limited number of three bedroom apartments. This revision will provide additional housing options to mitigate the current need for housing around Fort Lee. The need for housing to serve Fort Lee continues to be a need in the County, as identified in the Prince George County Comprehensive Plan. It is anticipated that a majority of the new apartment units will be leased by members of the Fort Lee community, and will be marketed as such. Condition No. 10 is no longer necessary applicable. Condition No. 11 is no longer necessary, given that new and improved recreational amenities are proposed to be built on adjacent property [see companion case].

Board of Supervisors  
County of Prince George  
Prince George, Virginia

Zoning Map Ordinance

At a regular meeting of the Board of Supervisors of the County of Prince George held in the Prince George High School Auditorium the 23rd day of April, 1996:

<u>Present:</u>	<u>Vote:</u>
Henry D. Parker, Jr., Chairman	Yea
Nathaniel Elliott, Vice-Chairman	Yea
Samuel L. Bland	Yea
Lawrence L. Coleman	Yea
G. Reid Foster, Jr.	Yea

On motion of Mr. Elliott, which carried unanimously, the following Zoning Map Ordinance amendment was adopted:

WHEREAS Pierce Construction, Inc., applicant, did on March 28, 1996, make application to modify the conditions contained in Zoning Map Ordinance ZM-86-7 relative to a rezoning of a 71-acre parcel of land; and

WHEREAS the property is identified by Assessor's Parcel No. 12-(6)-A, Bland District, and is located off Jefferson Park Road; and

WHEREAS the notice and hearing requirements of Section 15.1-431, the Code of Virginia (1950, as amended) have been observed; and

WHEREAS the Board of Supervisors finds that it is empowered by the Zoning Ordinance to grant or to deny the rezoning request for which application is made; and

WHEREAS the Board of Supervisors has given due consideration to the interests of the adjacent properties and the interests of the general public; and

WHEREAS the Board of Supervisors finds that the interests of the adjacent properties and the interests of the general public would not be adversely affected by

the rezoning request provided appropriate conditions are adhered to; and

WHEREAS the Prince George County Planning Commission did recommend that this request be approved;

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of the County of Prince George this 23rd day of April, 1996 that the conditions attached to Zoning Map Ordinance ZM-86-7, dated October 28, 1986 are hereby amended in the following manner:

Condition #3 is amended by replacing the term "townhouses" with the term "garden apartments."

The wording under Condition #4 is deleted and replaced by the following:

4. Prior to construction of the garden apartments, all mobile homes will be removed from the site.

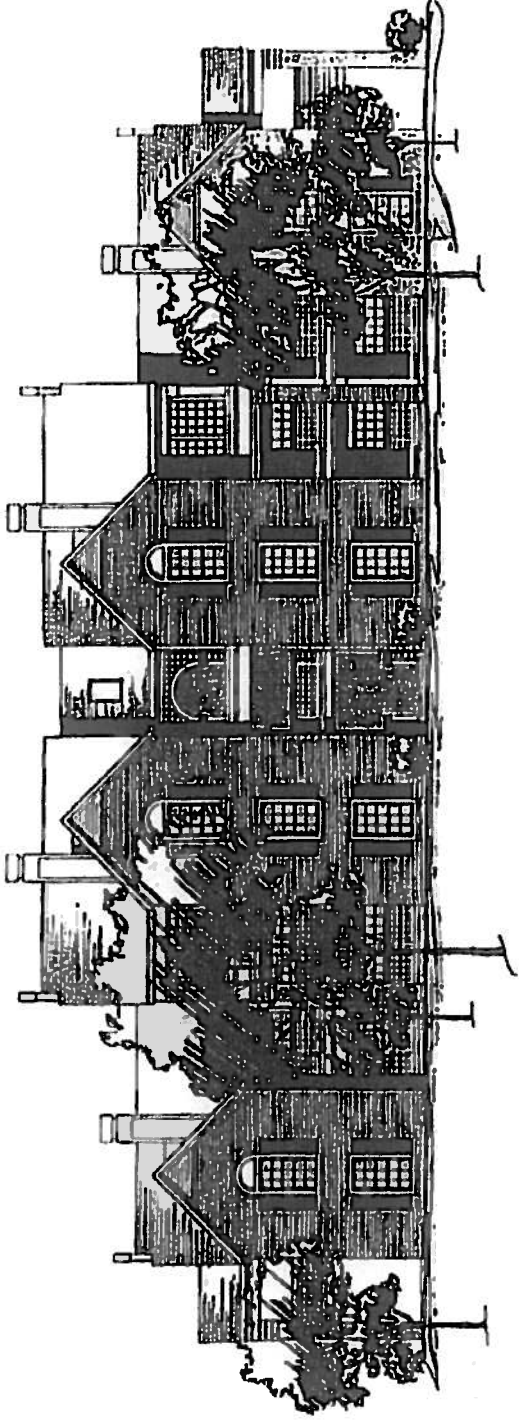
Adding three additional conditions to read:

9. Financing to be insured by FmHA Section 221(d)(4), with no subsidized financing of any housing units.
10. Construction to be similar in design to the enclosed sketch.
11. Recreational facilities including a pool, tennis courts, jacuzzi and recreational building to be provided for residents.

Attachment: ZM-86-7

A Copy Teste:

  
John G. Kines, Jr.  
County Administrator



20 UNIT GARDEN APARTMENT BUILDING

BAILEY'S RIDGE APTS.  
PRINCE GEORGE CO., VIRGINIA

EDWARD H. WINKS  
JAMES D. SNOW  
ARCHITECTS, P.C.  
1415 FREDERICK ST. SUITE 200  
BETHESDA, MD 20814

WS  
Architects



Board of Supervisors  
County of Prince George  
Prince George, Virginia

Ordinance

At a regular meeting of the Board of Supervisors of the County of Prince George held in the General District Courtroom of the County of Prince George on the 28th day of October, 1986:

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<u>Present:</u>	<u>Vote:</u>
Harry G. King, Chairman	Yea
Henry D. Parker, Jr., Vice Chairman	Yea
Samuel L. Bland	Yea
E. W. Burrow	Yea
John H. Minor	Yea

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On motion of Mr. Parker, which carried unanimously, the following ordinance was adopted:

WHEREAS M. J. Bogese, Sr. did on July 29, 1986 make application to the Board of Supervisors of the County of Prince George to rezone a 71 acre tract of land located at 4507 Jefferson Park Road, Route 630, known as Assessor's Parcel No. 12-(A)-6, 8, Bland District; and

WHEREAS M. J. Bogese, Sr., as part of the rezoning application, has proffered in writing conditions concerning the development of the property in accordance with the terms of conditional zoning as provided for by Section 21-105 of the County Code; and

WHEREAS the notice and hearing requirements of Section 15.1-431 of the Code of Virginia (1950, as amended) have been met; and

WHEREAS the Board of Supervisors finds that it is empowered by the County Code to grant or to deny the rezoning request for which application is made; and

WHEREAS the Board of Supervisors has given due consideration to the interests of the surrounding area and to the interests of the general public; and

WHEREAS the Prince George County Planning Commission held public hearings on the proposed rezoning on August 28 and September 25, 1986 and after its evaluation of this request has recommended to the Board of Supervisors by majority vote to approve the request as presented; and

WHEREAS the Board of Supervisors has considered carefully the recommendation of the Planning Commission concerning said rezoning and feels that the conditions as offered by the applicant will provide a quality development for the County;

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of the County of Prince George this 28th day of October, 1986 that the Official Zoning Map of the County of Prince George be and is hereby amended as follows:

Section 1. The following parcels, Assessor's Parcel Nos. 12-(A)-6 and 8, presently zoned R-2 Limited Residential be rezoned to M-1 Limited Industrial (8.8 acres); B-1 General Business (28.6 acres); and R-3 General Residential (36.7 acres) in accordance with the proposed zoning plat of August 20, 1986.

Section 2. The following conditions, voluntarily proffered with rezoning application in accordance with Chapter 21-Section 105 of the Code of Prince George County shall apply to the property described in Section 1 above, which are in addition to the regulations contained in Chapter 21 of the Code of Prince George County and shall apply to the overall 71 acre tract designated as Assessor's Parcel Nos. 12-(A)-6 and 8:

1. Dedicate to Virginia State Highway Department the necessary right-of-way as required to provide for the ultimate improvements of Route 630.
2. Construct a twelve (12) foot widening lane as per VDH&T requirements for later incorporation into Route 630 improvements.



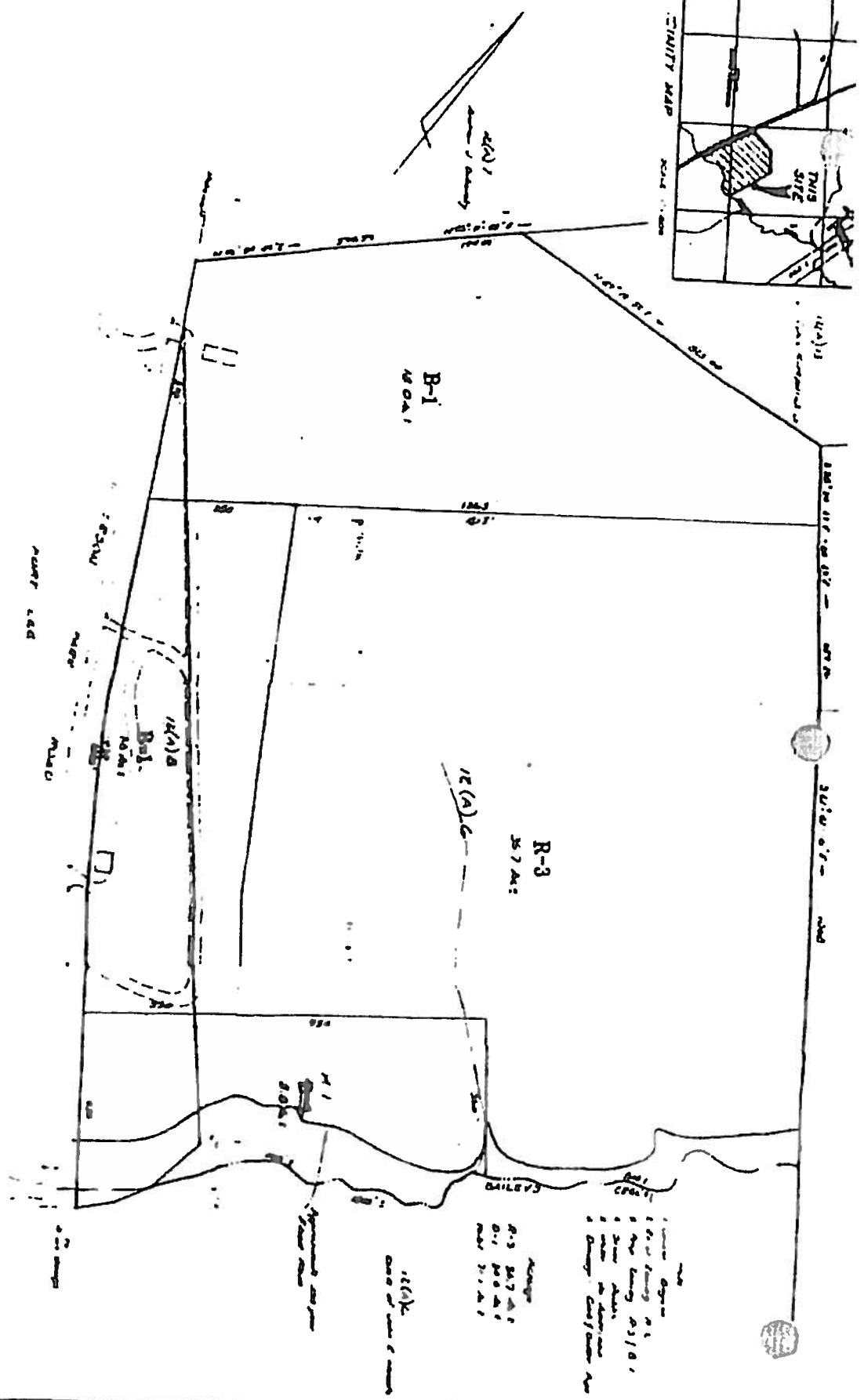
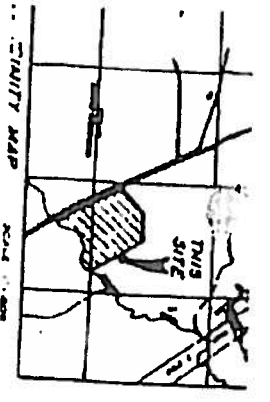
3. Townhouses to have a maximum of two (2) bedrooms.
4. Townhouses to be of the style of Canterbury Townhouses, Hopewell.
5. M-1 zoning to be limited only to mini-warehouses similar in design to Southside Self-Storage, Route 36, Prince George County.
6. Retail not to be constructed until Route 630 is improved.
7. Retail to exclude the following permitted and special exception uses.

Adult movie theater; adult book store; massage parlor; fortune tellers; occult sciences; nightclub; pawn shop; auction sales; secondhand store; salvage barn; tire recapping or sales; automobile service; tent revival (temp.); truck terminals; public garage; funeral homes; crematory; cabinet shop; plumbing service and sales; building material sales; canning; carpenter shop; boat sales; automobile rental; mini-motion picture theater; kennels; monument sales; mobile home sales; modular home sales; radio tower; turkey shoot; service station with major repair facilities under cover.

8. No encroachment into designated easements nor lower than recent Fort Lee calculated floodplain elevation without approval of the Army Corps of Engineers.

A Copy Tests:

  
John G. Rhee, Jr.  
County Administrator



BORDER - 17' COASTAL RESERVING - 5' ZONE