

# Town of Strasburg

## **SPECIAL MESSAGE TO THE PUBLIC**

IN PERSON ATTENDANCE WILL BE ALLOWED FOR MEETINGS.  
PLEASE UTILIZE OUR LIVESTREAM BY ACCESSING THE LINK  
BELOW

<https://www.strasburgva.com/bc/page/meetings>

To make public comment please submit to:  
[comment@strasburgva.com](mailto:comment@strasburgva.com)  
by 4:00 p.m., Monday, July 31, 2023

## **Town Council Work Session**

Strasburg Town Hall  
174 W King St  
Strasburg, VA 22657

Monday, July 31, 2023  
7 p.m.

### **Town Council Members:**

Brandy Hawkins Boies, Mayor  
A.D. Carter, IV  
Dane Hooser  
Ashleigh Kimmons  
Andrew Lowder

Emily Reynolds, Vice Mayor  
Christie Monahan  
Doreen Ricard  
Brad Stover

### **Staff Contact:**

J. Waverly Coggsdale, III, Town Manager



# Council Work Session Agenda – Monday, July 31, 2023

---

*Please, silence all cellular devices. Thanks.*

*\*Town Council Work Sessions are typically used for general discussion on matters pertaining to the Town. Formal actions are taken during Town Council Meetings unless otherwise notified.*

## **Call to Order –Mayor Brandy Boies**

### **Public Hearing:**

- 1.) To receive public comment on a Comprehensive Plan Amendment (CPA23-0001) requested by Landmark Atlantic Holdings, LLC, owner, for property identified as Tax Map 016 A 167A located at 144 Fort Bowman Road, approximately seven hundred feet east of the intersection of Fort Bowman Road and Old Valley Pike and containing 3.306 acres. The request is to recategorize the Highway Commercial Development Area to a Residential Development Area.

**Staff Report – (attachment)**

**Public Hearing**

**Council Discussion**

- 2.) To receive public comment on a Rezoning application (REZ23-0001) requested by Landmark Atlantic Holdings, LLC, owner, for property identified as Tax Map 016 A 167A located at 144 Fort Bowman Road, approximately seven hundred feet east of the intersection of Fort Bowman Road and Old Valley Pike and containing 3.306 acres. The request is to rezone the subject property from the Highway Commercial District to the Multi-Family Residential District, construct 29 townhomes, and extend Homewood Way to this development as the primary access.

**Staff Report – (attachment)**

**Public Hearing**

**Council Discussion**

### **Introduction and Recognition of Visitors and Guests:**

- Recognition of Council Member Ricard

### **Citizen Comments on non-agenda items:**

### **Discussion Items/Updates:**

- 1.) **Fillerman Tax Issue**
  - Staff Report, State Code, Email exchange
- 2.) **FY2023 Budget Amendment/Adjustment**
  - Presentation
- 3.) **Update on UDO rewrite**
  - Presentation

### **Committee of the Whole (listed Areas of Focus will be discussed):**

- Public Safety – Presentation and update of the Shenandoah County Emergency Communications Center Radio System
- Ad hoc Committee update on Cedar Springs Proffers
  - Presentation

### **Council Member Comments:**

### **Closed Meeting:**

- Pursuant to Code of Virginia § 2.2-3711(A)(1) for discussion, consideration, or interviews of prospective candidates for employment, assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body. The subject of the closed meeting is to review applications for a vacant Council seat.

### **Discussion/Action after Closed Meeting**

### **Adjournment**

If you require a translator or any type of reasonable accommodation as a result of physical, sensory, or mental disability in order to participate in this meeting, please contact Amy Keller, Clerk of Council, at 540-465-9197 or [akeller@strasburgva.com](mailto:akeller@strasburgva.com). Three days' notice is required.



**Public Hearing; Comprehensive Plan Amendment (CPA23-0001)**

**Meeting Date: July 31, 2023**

---

To: Mayor Boies and Town Council of Strasburg

From: Brian Otis, Planning and Zoning Administrator

Date: July 31, 2023

Re: Public Hearing – CPA23-0001

---

**DESCRIPTION:** The Skatepark Committee and Racey Engineering met with staff on March 2, 2023, to provide an update on the engineered cost analysis. The committee has requested to present to Council the findings of the analysis to include their contributions and other donations of time and materials for the skatepark project.

**Attachments:**

- *Staff Report*



## Comprehensive Plan Amendment CPA23-0001 - Cedar Creek Townhomes STAFF REPORT

PC Meeting Date: July 31, 2023  
Agenda Title: Comprehensive Plan Amendment  
CPA23-0001 - Cedar Creek Townhomes

### Summary

---

Landmark Atlantic Holdings, LLC has requested a Comprehensive Plan Amendment for a parcel that is identified as Highway Commercial in the Future Land Use Map to become Future Residential.

### Background

---

A: Site Location:

Address: 144 Fort Bowman Rd  
Tax Map #: 016 A 167A  
Relative Intersection: 700 feet east of Fort Bowman Road and Old Valley Pike

B: Surrounding Land Uses: This site is bordered by;

- Vacant Highway Commercial to the West (across Homewood Way)
- Interstate 81 to the North
- Parkland (Belle Grove) to the East
- Parkland (Shenandoah Valley Battlefields) to the South

### Comprehensive Plan Analysis

---

A. Highway Commercial

1. Comp Plan definition - *The Highway Commercial (H.C.) district supports commercial and wholesale uses generally located on major roads that generate high volumes of vehicular traffic. It is the intent of the Town to link these commercial uses to residential areas through a suitable network of trails, greenways, and bike paths.*
2. Highway Commercial consists of 45 acres and is 1.7% of the town's total area.

B. Future Residential

1. Multifamily Residential definition - *The Multi-Family Residential (M.F.R.) zoning district blends single-family detached dwellings, two-family dwellings (duplexes), townhomes, apartment buildings, and condominiums. This zoning district is best suited for individuals desirous of a diverse array of housing options and a walkable proximity to business districts.*
2. Multifamily Residential consists of 300 acres and is 11.4% of the town's total area.



**Comprehensive Plan Amendment  
CPA23-0001 - Cedar Creek Townhomes  
STAFF REPORT**

**Staff Recommendation**

---

Staff recommends approval of Comprehensive Plan Amendment #CPA23-0001, Cedar Creek Townhomes, for the following reasons.

- Since the adoption of the Future Land Use map VDOT has identified the access to Fort Bowman Road as a right-in/right-out only onto northbound Old Valley Pike with no southbound access. This would challenge any future commercial use from developing this location.
- Adequate transportation access to this location would be from Hite Lane and Homewood Way through the existing single-family residential development. Residential uses would create a reduced impact on these roadways.
- Residential uses have a reduced light-shed, noise and traffic impacts on the vicinity's residential and parkland parcels.
- Residential uses are in high demand with limited undeveloped land zoned residential. Higher density residential uses typically provide better opportunities for workforce housing.
- Location and residential use will not adversely affect any viewshed of the valley east of town for existing or future development.
- SWOT analysis of the I-81/Route 11 corridor does not identify concerns with inclusion of residential uses.



## Comprehensive Plan Amendment CPA23-0001 - Cedar Creek Townhomes STAFF REPORT

- Notice to the Comprehensive Plan Amendment was sent via registered mail to all property owners with 500 feet on June 13, 2023
- Signs were posted at the location starting on June 16, 2023
- Notice was posted in the Northern Virginia Daily newspaper publications dated Tuesday, July 11, 2023 and Tuesday, July 18, 2023
- Citizen comments to staff via phone/email.

### Planning Commission Recommendation

---

The Planning Commission unanimously recommended approval.

### Possible Actions

---

- Recommendation to place the Comprehensive Plan Amendment CPA23-0001 - Cedar Springs Townhomes on the Consent Agenda for the August 8 council meeting.
- Recommendation to place the Comprehensive Plan Amendment CPA23-0001 - Cedar Springs Townhomes as a discussion item for the August 8 council meeting.
- Defer any discussion or action on Comprehensive Plan Amendment CPA23-0001 - Cedar Springs Townhomes, to obtain additional information from staff.

### Further Actions

---

If the Town Council approves of the Comprehensive Plan, the following actions moving forward must be completed prior to the commencement of work.

- Approval of the Rezoning REZ23-0001 by Town Council
- Approval of a site plan in conformance with the General Design Plan.
- Post Performance Bond, Landscape Escrow
- Record the subdivision plat
- Obtain Land Disturbance Permit with the county
- Obtain a Land Development Permit

### Attachments

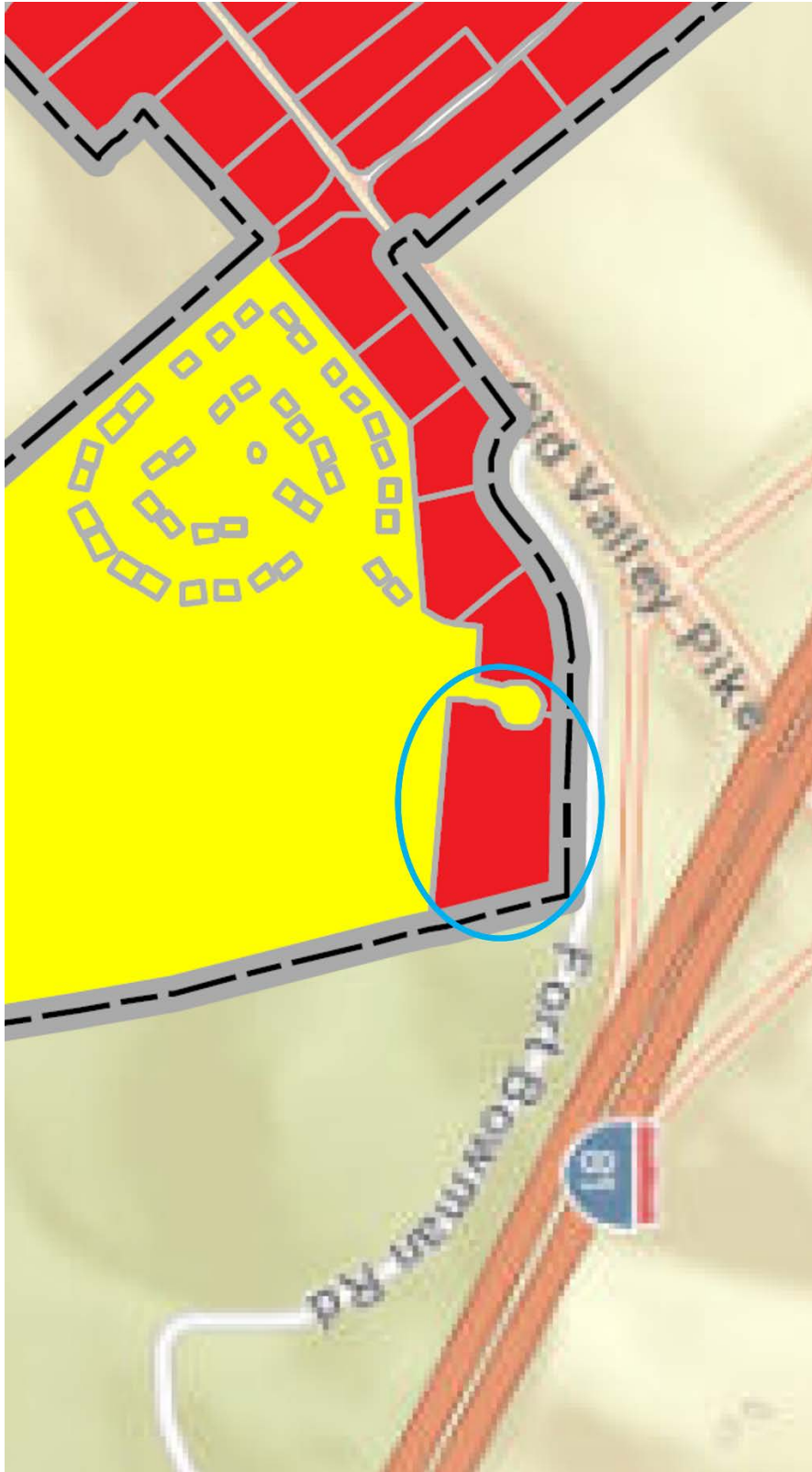
---

- Attachment A - GIS aerial image
- Attachment B - Zoning map
- Attachment C - Future Land Use Map

**Attachment A – GIS aerial image**

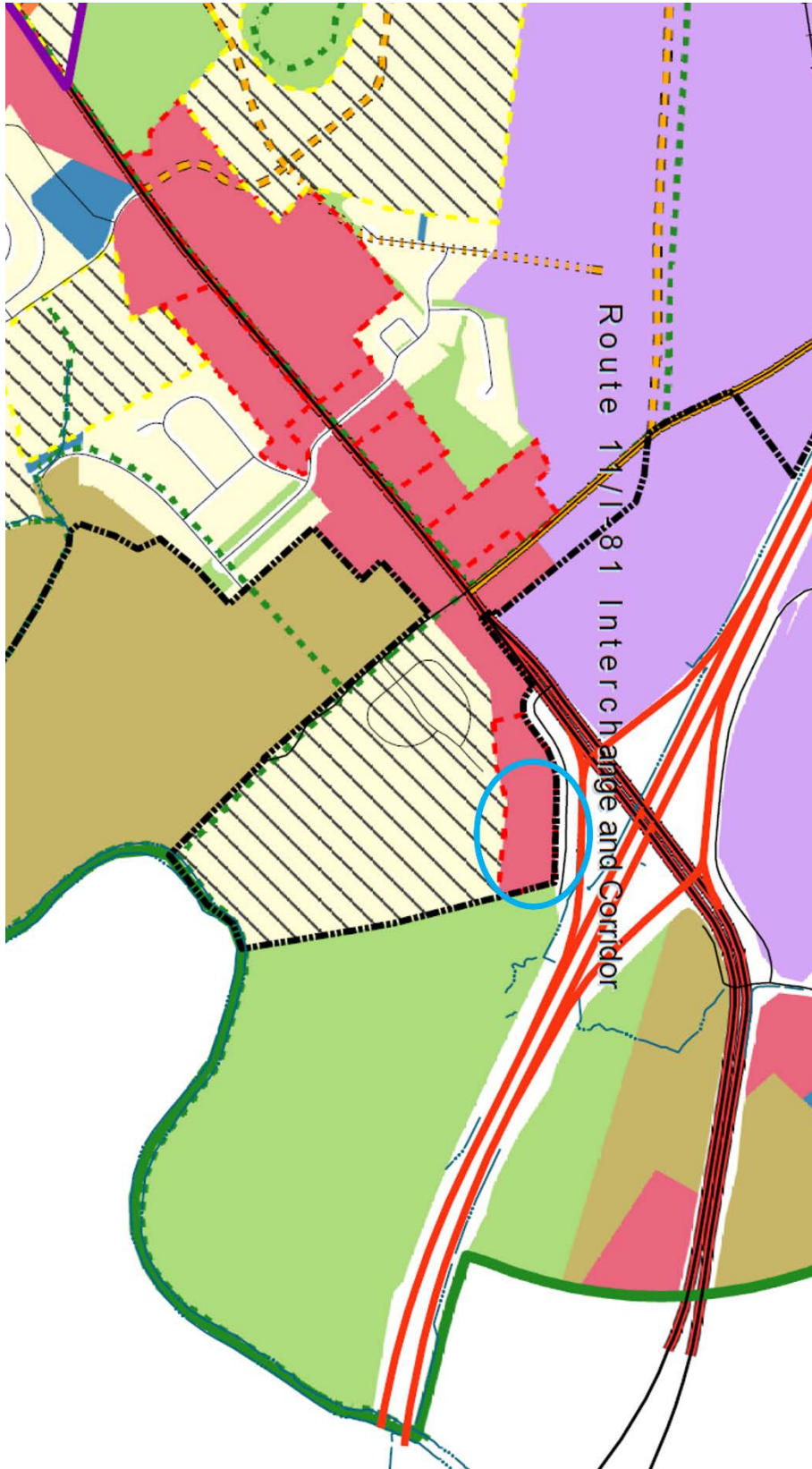


Attachment B - Zoning map





**Attachment C – Future Land Use Map**





**Public Hearing; Rezoning (REZ23-0001)**

**Meeting Date: July 31, 2023**

---

To: Mayor Boies and Town Council of Strasburg

From: Brian Otis, Planning and Zoning Administrator

Date: July 31, 2023

Re: Public Hearing – REZ23-0001

---

**DESCRIPTION:** Landmark Atlantic Holdings, LLC has requested a rezoning of a 3.306 acres parcel located at 144 Fort Bowman Road from Highway Commercial to Multifamily Residential for the purpose of constructing 29 townhomes

**Attachments:**

- *Staff Report*



# Rezoning REZ23-0001 - Cedar Creek Townhomes STAFF REPORT

PC Meeting Date: July 25, 2023  
Agenda Title: Rezoning  
REZ23-0001 - Cedar Creek Townhomes

## Summary

---

Landmark Atlantic Holdings, LLC has requested a rezoning of a 3.306 acres parcel from Highway Commercial to Multifamily Residential for the purpose of constructing 29 townhomes.

## Background

---

This parcel was rezoned to Highway Commercial with the original Homewood rezoning approved February 13, 2006. With this rezoning, the intent was that Fort Bowman Road would be an extension of the Route 11 Highway Commercial Corridor.

Since the 2006 approval, VDOT has identified that they will not support a Route 11 southbound left turn lane. Therefore, limiting access for commercial use on Fort Bowman Road. Commercial developers have proposed to the Planning Commission and Town Council designs that require access through the Villages at Cedar Creek subdivision by use of Homewood Way. The Commission and Council had reservations about serving a commercial use through a residential community.

## Analysis

---

### A. Multifamily Residential District - Consistency Analysis

1. Comprehensive Plan Amendment - CPA23-0001, submitted concurrently with this rezoning, proposes this parcel to become Future Residential.
2. Design Standards for townhouses

Feature	Ordinance Standards	Proposed
Density	16 per acre (52 units)	11.4 per acre (29 units)
Units per building	8 units per building	2 buildings w/ 8 units 1 building w/ 7 units 1 building w/ 6 units
Max building height	35 feet	35 feet
Parking	2.25 per unit (66 total)	66 spaces

### B. Comprehensive Plan - Consistency Analysis

1. Concurrent Comprehensive Plan Amendment, if approved will amend this parcel to Future Residential.

### C. Location

#### 1. Site Location:

Address: 144 Fort Bowman Rd  
Tax Map #: 016 A 167A  
Relative Intersection: 700 feet east of Fort Bowman Road and Old Valley Pike



## Rezoning REZ23-0001 - Cedar Creek Townhomes STAFF REPORT

Planning & Zoning Administration  
174 E. King Street, P.O. Box 351  
Strasburg, VA 22657  
(540) 465-9197 ext. 127

2. Surrounding Land Uses: This site is bordered by;  
Vacant Highway Commercial to the West (across Homewood Way)  
Interstate 81 to the North  
Parkland (Belle Grove) to the East  
Parkland (Shenandoah Valley Battlefields) to the South

### D. Proffer Statement

1. REFERENCES
  - a. The site plan shall be substantially conforming to the referenced General Design Plan.
2. USES & DEVELOPMENT
  - a. The development shall consist of a maximum of 29 townhouse dwellings.
3. Water
  - a. Public connections will be made at Homewood Way and Fort Bowman Rd to create a loop of the utility.
  - b. Monetary offsets are in place to address the impact on the potable water system.
4. SEWER
  - a. Sewer will connect to the gravity system for the Hite Lane pumpstation.
  - b. Monetary offsets are in place to address the impact on the sewer system.
5. TRANSPORTATION
  - a. Homewood Way – Improved with sidewalk to Fort Bowman Rd.
  - b. Fort Bowman Rd – Will be provided with a gate that will be controlled by first responders in case of emergency use.
  - c. A parking lot will be installed to accommodate the 0.25 parking beyond the 2.00 required at each dwelling.
6. LANDSCAPING, OPEN SPACE & BUFFERS
  - a. Landscaping and buffers shall be determined and identified on the site plan.
  - b. Stormwater facilities shall be on commonly owned and maintained property. The General Design Plan identifies an underground system located at the parking lot.
7. POLICE
  - a. Monetary offsets are in place to address the impact on the police services.
8. PARKS & RECREATION
  - a. Monetary offsets are in place to address the impact on the P&R services.
9. ADMINISTRATION
  - a. Monetary offsets are in place to address the impact on the administrative services.



## Rezoning REZ23-0001 - Cedar Creek Townhomes STAFF REPORT

Planning & Zoning Administration  
174 E. King Street, P.O. Box 351  
Strasburg, VA 22657  
(540) 465-9197 ext. 127

### Staff Recommendation

---

Staff recommends approval of rezoning #REZ23-0001, Cedar Creek Townhomes, for the following reasons.

- The Rezoning is consistent with the CPA23-0001 application.
- Adequate transportation access to this location would be from Hite Lane and Homewood Way through the existing single-family residential development. Residential uses would create a reduced impact on these roadways in comparison to a commercial use.
- Multifamily Residential uses have a reduced light-shed, noise and traffic impacts on the vicinity's residential and parkland parcels.
- Residential uses are in high demand with limited undeveloped land zoned residential. Higher density residential uses typically provide better opportunities for workforce housing.
- Limitations of access via Fort Bowman Rd and 100-foot-wide gas easement pose significant challenges for commercial use of this parcel.

### Community Input

---

- Notice to the Rezoning was sent via registered mail to all property owners with 500 feet on June 13, 2023
- Signs were posted at the location starting on June 16, 2023
- Notice was phone posted in the Northern Virginia Daily newspaper publications dated Tuesday, July 11, 2023 and Tuesday, July 18, 2023
- Citizen comments to staff via /email.

### Planning Commission Recommendation

---

The Planning Commission unanimously recommended approval.



## Rezoning REZ23-0001 - Cedar Creek Townhomes STAFF REPORT

Planning & Zoning Administration  
174 E. King Street, P.O. Box 351  
Strasburg, VA 22657  
(540) 465-9197 ext. 127

### Possible Actions

---

- Recommendation to place the Rezoning REZ23-0001 - Cedar Springs Townhomes on the Consent Agenda for the August 8 council meeting.
- Recommendation to place the Rezoning REZ23-0001 - Cedar Springs Townhomes as a discussion item for the August 8 council meeting.
- Defer any discussion or action on Rezoning REZ23-0001 - Cedar Springs Townhomes, to obtain additional information from staff.

### Further Actions

---

If the Town Council approves of the Rezoning, the following actions moving forward must be completed prior to the commencement of work.

- Approval of a site plan in conformance with the General Design Plan.
- Post Performance Bond, Landscape Escrow
- Record the subdivision plat
- Obtain Land Disturbance Permit with the county
- Obtain a Land Development Permit

### Attachments

---

Attachment A - Proffer Statement  
Attachment B - General Design Plan  
Attachment C - Exterior elevations  
Attachment D - GIS aerial image  
Attachment E - Zoning map



**Rezoning REZ23-0001 - Cedar Creek Townhomes  
STAFF REPORT**

Planning & Zoning Administration  
174 E. King Street, P.O. Box 351  
Strasburg, VA 22657  
(540) 465-9197 ext. 127

**Attachment A – Proffer Statement**

**PROFFER AMENDMENT STATEMENT**

#REZ2023-0001, Village at Cedar Creek Townhomes Rezoning

Applicant: Landmark Atlantic Holdings, LLC

Date: 6/16/2023

**PROFFER STATEMENT**

RE: Rezoning REZ2023-0001, Cedar Creek Townhomes  
Owners: Landmark Atlantic Holdings LLC  
Applicant: Racey Engineering, PLLC  
Property: 144 Fort Bowman Road  
Tax Map Numbers: 016 A 167A  
Location: Located on the corner of Homewood Way and Fort Bowman Road  
Approximately 3.306 acres

Date: June 16, 2023

The Applicant hereby submits the following voluntary proffers (“Proffer Statement”), which are contingent upon the Town approval for the above referenced rezoning. This Proffer Statement shall supersede all other proffers made prior hereto in effect for the Property. In the event the above-referenced rezoning is not granted as applied for by the Applicant, this Proffer Statement shall be withdrawn and are null and void and the zoning ordinance for the Highway Commercial District shall remain in full force and effect.

The headings set forth below have been prepared for convenience or reference only and shall not control or affect the meaning or be taken as an interpretation of any provisions of the proffers. The improvements proffered herein shall be provided at the time of development of that portion of the site adjacent to the improvement, unless otherwise specified herein or authorized by the Town. The term "Applicant" as referenced herein shall include within its meaning all future owners and successors in interest.

“Final Rezoning,” as the term is used herein, shall be defined as that zoning which is in effect on the day following the last day upon which the Strasburg Town Council (the “Council”) decision granting the rezoning may be contested in the appropriate court or, if contested, the day following entry of a final court order affirming the decision of the Council which has not been appealed, or if appealed, the day following which the decision has been affirmed on appeal.



## PROFFER AMENDMENT STATEMENT

#REZ2023-0001, Village at Cedar Creek Townhomes Rezoning

Applicant: Landmark Atlantic Holdings, LLC

Date: 6/16/2023

### SECTION 1. REFERENCES

1.1 References in this Proffer Statement to plans and exhibits shall include the following:

- A. General Design Plan entitled "Village at Cedar Creek Townhomes Rezoning," prepared by Racey Engineering, dated May 24, 2023, consisting of the following sheets (the "GDP"):
- Cover Sheet
  - Project Notes
  - Existing Features
  - Layout Plan
  - Preliminary Site Plan

1.2 These conditions shall supersede conditions identified in REZ2006-04 Planned Development titled "Homewood at the Shenandoah Valley" that were initially approved on June 17, 2008.

### SECTION 2. USES & DEVELOPMENT

2.1 General. The proposed development will include improvements to extend Homewood Way and utilities to the property, the construction of a Townhouse development with a maximum of 29 dwelling units.

### SECTION 3. COMMUNITY DESIGN

3.1 Entrance and Streetscape. Any proposed entrance feature, signage and streetscape plantings shall be indicated on the site plan.

3.2 Mailboxes. Mailboxes shall be of the gang type. Location will be coordinated with the USPS and indicated on the site plan.

3.3 Waste removal. The site plan shall indicate the location and design of dumpster enclosures. If trash bins for each dwelling and community center are provided in lieu of dumpsters, the site plan shall indicate sufficient street-side locations for bins on pick-up days.

### SECTION 4. WATER

4.1 Public Connections. All development on the Property shall connect to public water. The Applicant shall be responsible for the costs and construction of those on and offsite improvements required in order to provide such service for the demand generated by the development on the Property.

4.2 Water system design. The site plan shall incorporate a loop of the potable water system. This loop shall contain a connection at Homewood Way from the Villages at Cedar Creek development and from an existing system near the Fort Bowman Road/Old Valley Pike intersection.

4.3 Monetary Proffer. The applicant shall make a monetary contribution to the Town of Strasburg in the amount of \$215.00 per single-family attached residential unit on the property. Said contribution shall be used for water plant and water systems purposes and shall be paid prior to

**PROFFER AMENDMENT STATEMENT**

#REZ2023-0001, Village at Cedar Creek Townhomes Rezoning

Applicant: Landmark Atlantic Holdings, LLC

Date: 6/16/2023

and as a condition of the zoning occupancy permit issuance for each residential unit constructed on the Property.

**SECTION 5. SEWER**

5.1 Public Connections. All development on the Property shall connect to public sewer. The Applicant shall be responsible for the costs and construction of those on and offsite improvements required in order to provide such service for the demand generated by the development on the Property.

5.2 Monetary Proffer. The applicant shall make a monetary contribution to the Town of Strasburg in the amount of \$385.00 per single-family attached residential unit on the property. Said contribution shall be used for sewer plant and sewer systems purposes and shall be paid prior to and as a condition of the zoning occupancy permit issuance for each residential unit constructed on the Property.

**SECTION 6. TRANSPORTATION**

6.1 Homewood Way improvements. Any improvements to Homewood Way shall be completed (minus topcoat) prior to the issuance of the first dwelling occupancy.

6.2 Fort Bowman Road improvements. Access to Fort Bowman Road from Homewood Way shall be by locked gate. The gate shall have a Knox Box or similar device approved by the Fire Department to allow emergency personnel to unlock the gate as needed.

6.3 Access. Access to the property shall be by Homewood Way as generally shown on the GDP. The final location and design of the entrance shall be shown on the approved site plan.

6.4 Internal street design. Internal streets shall be publicly owned, publicly maintained, platted as public right of way, and built to public road standards set forth by VDOT regulations.

6.5 Parking. Off-street parking shall be provided to accommodate 2.25 parking spaces per dwelling. Each dwelling lot is provided with 2 spaces. The remaining spaces are provided within a common parking area.

**SECTION 7. LANDSCAPING, OPEN SPACE & BUFFERS**

7.1 Landscape design. Landscaping shall be provided in accordance with the UDO and reflected on the site plan.

7.2 Landscaping maintenance. Landscaping shall be maintained by the property owner as shown on the approved site plan.

7.3 Open space maintenance. Areas designated as open space shall only be developed for the uses of trails, parks, and SWM/BMP facilities. The open space may never be developed for any other use and be owned by a property management company or HOA.

7.4 Buffers.

**PROFFER AMENDMENT STATEMENT**

#REZ2023-0001, Village at Cedar Creek Townhomes Rezoning

Applicant: Landmark Atlantic Holdings, LLC

Date: 6/16/2023

- A. A 25-foot landscape buffer shall be installed and maintained with the intent to separate the proposed residential development from the commercial district to the east. All buffers shall be in general conformance with the GDP.

SECTION 7. POLICE

7.1 Monetary Proffer. The applicant shall make a monetary contribution to the Town of Strasburg in the amount of \$130.00 per single-family attached residential unit on the property. Said contribution shall be used for police purposes and shall paid prior to and as a condition of the zoning occupancy permit issuance for each residential unit constructed on the Property.

SECTION 8. PARKS & RECREATION

8.1 Monetary Proffer. The applicant shall make a monetary contribution to the Town of Strasburg in the amount of \$350.00 per single-family attached residential unit on the property. Said contribution shall be used for parks and recreation purposes and shall paid prior to and as a condition of the zoning occupancy permit issuance for each residential unit constructed on the Property.

SECTION 9. ADMINISTRATION

9.1 Monetary Proffer. The applicant shall make a monetary contribution to the Town of Strasburg in the amount of \$700.00 per single-family attached residential unit on the property. Said contribution shall be used for administrative systems and structures purposes and shall paid prior to and as a condition of the zoning occupancy permit issuance for each residential unit constructed on the Property.

Owner/Owners Agent Signature: \_\_\_\_\_

Date \_\_\_\_\_

All conditions set forth within this proffer statement were approved by the Strasburg Town Council on \_\_\_\_\_.

Planning and Zoning Administrator \_\_\_\_\_

Date \_\_\_\_\_



**Rezoning REZ23-0001 - Cedar Creek Townhomes  
STAFF REPORT**

Planning & Zoning Administration  
174 E. King Street, P.O. Box 351  
Strasburg, VA 22657  
(540) 465-9197 ext. 127

**Attachment B – General Design Plan**



GENERAL NOTES AND STANDARDS:

- CONSTRUCTION STANDARDS
ALL CONSTRUCTION METHODS AND MATERIALS SHALL CONFORM WITH THESE DRAWINGS, PROJECT SPECIFICATIONS, WITH ALL CURRENT APPLICABLE CODES AND UNLESS OTHERWISE SPECIFIED, WITH THE LATEST REVISIONS OF THE FOLLOWING REFERENCE DOCUMENTS:
• THE COUNTY OF SHENANDOAH CONSTRUCTION STANDARDS AND SPECIFICATIONS
• VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) ROAD & BRIDGE SPECIFICATIONS
• VDOT ROAD AND BRIDGE STANDARDS
• VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK (VESCH)
• VIRGINIA STORMWATER MANAGEMENT HANDBOOK
• MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD)
• VIRGINIA WORK AREA PROTECTION MANUAL
CONSTRUCTION NOTES
1. ALL CONSTRUCTION SHALL CONFORM WITH APPLICABLE FEDERAL, STATE, AND LOCAL CONSTRUCTION STANDARDS AS IDENTIFIED IN THESE PLANS. THE CONTRACTOR SHALL OBTAIN ALL APPLICABLE PERMITS. THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING LICENSES AT THEIR EXPENSE. MAINTAIN COPIES OF THE PERMITS AND LICENSES ON-SITE AT ALL TIMES DURING CONSTRUCTION, AND SHALL BE RESPONSIBLE FOR ABIDING BY ALL CONDITIONS AND REQUIREMENTS OF THE PERMITS.

VPDES GENERAL PERMIT REQUIREMENTS:

- 1. LAND DISTURBANCE SHALL NOT COMMENCE UNTIL A REGISTRATION STATEMENT FOR THE VPDES GENERAL PERMIT FOR DISCHARGE FROM CONSTRUCTION ACTIVITIES (9VAC25-880) HAS BEEN SUBMITTED AND A PERMIT COVERAGE NUMBER FROM THE VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY IS PROVIDED TO THE PROGRAM ADMINISTRATOR. THIS INCLUDES THE DEVELOPMENT AND IMPLEMENTATION OF A STORMWATER POLLUTION PREVENTION PLAN (SWPPP).
2. THE VESCP AUTHORITY MUST BE NOTIFIED ONE WEEK PRIOR TO THE PRE-CONSTRUCTION CONFERENCE, ONE WEEK PRIOR TO THE COMMENCEMENT OF LAND DISTURBANCE, AND ONE WEEK PRIOR TO FINAL INSPECTION. NO WORK ON-SITE CAN BE CONDUCTED WITHOUT FIRST HOLDING A PRE-CONSTRUCTION CONFERENCE WITH THE VESCP AUTHORITY.

AND THAT HAS NOT BEEN PREVIOUSLY ADDRESSED IN THE SWPPP. THE SWPPP MUST BE MAINTAINED AT A CENTRAL LOCATION ONSITE. IF AN ONSITE LOCATION IS UNAVAILABLE, NOTICE OF THE SWPPP'S LOCATION MUST BE POSTED NEAR THE MAIN ENTRANCE AT THE CONSTRUCTION SITE.

- 5. RETAIN A COPY OF THE VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK, LATEST EDITION ON SITE AND ADHERE TO THE STANDARDS LISTED AT ALL TIMES.
6. PRIOR TO ANY LAND DISTURBING ACTIVITY, CONTRACTOR SHALL PROVIDE THE NAME, CERTIFICATION INFORMATION, AND CONTACT INFORMATION OF THE DESIGNATED RESPONSIBLE LAND DISTURBER (RLD) TO THE APPROPRIATE AUTHORITY.

DEMOLITION NOTES:

- 1. PRIOR TO STARTING ANY DEMOLITION CONTRACTOR IS SHALL ENSURE THAT COPIES OF ALL APPLICABLE PERMITS AND APPROVALS ARE MAINTAINED ON SITE AND AVAILABLE FOR REVIEW. CONTRACTOR ALSO SHALL HAVE COMPLETED THE PRE-CONSTRUCTION CONFERENCE.
2. CONTRACTOR SHALL INSTALL THE REQUIRED SOIL EROSION AND SEDIMENT CONTROL AND/OR TREE PROTECTION MEASURES PRIOR TO SITE DISTURBANCE.
3. CONTRACTOR SHALL LOCATE (VERTICALLY AND HORIZONTALLY) ALL UTILITIES AND SERVICES, INCLUDING, BUT NOT LIMITED TO GAS, WATER, ELECTRIC, SANITARY AND STORM SEWER, TELEPHONE, CABLE, FIBER OPTIC CABLE, ETC. WITHIN THE LIMITS OF DISTURBANCE. THE CONTRACTOR SHALL USE AND COMPLY WITH THE REQUIREMENTS OF THE APPLICABLE UTILITY NOTIFICATION SYSTEM TO LOCATE ALL THE UNDERGROUND UTILITIES.

GRADING AND EARTHWORK NOTES:

- 1. ALL MATERIALS USED FOR FILL OR BACK-FILL SHALL BE FREE OF WOOD, ROOTS, OR ANY OTHER NON-COMPACTIBLE SOIL TYPE MATERIAL. UNSATISFACTORY MATERIALS ALSO INCLUDE MAN-MADE FILLS AND REFUSE DERIVED FROM ANY SOURCE.
2. SATISFACTORY MATERIAL FOR USE AS FILL FOR THIS PROJECT (UNLESS OTHERWISE SPECIFIED) INCLUDE THOSE CLASSIFIED IN ASTM D-2487 AS GW, GP, GM, FC, GM, FC, SW, SP, SM, SC, ML AND CL GROUPS. THE MOISTURE CONTENT SHALL BE CONTROLLED WITHIN PLUS OR MINUS 2 PERCENTAGE POINTS OF OPTIMUM TO FACILITATE COMPACTION. GENERALLY, UNSATISFACTORY MATERIALS INCLUDE MATERIALS CLASSIFIED IN ASTM D-2487 AS PT, CH, MH, OL, OH, AND ANY SOIL TOO WET TO FACILITATE COMPACTION. CH AND MH SOILS MAY BE USED SUBJECT TO APPROVAL BY A PROFESSIONAL GEOTECHNICAL ENGINEER.

PAVEMENT AND DRAINAGE NOTES:

- 1. ALL CONSTRUCTION AND MATERIALS SHALL CONFORM WITH THE STANDARDS AND SPECIFICATIONS OF THE VIRGINIA DEPARTMENT OF TRANSPORTATION'S, LATEST EDITION, EXCEPT WHERE SHENANDOAH COUNTY STANDARDS ARE APPLICABLE.
2. CONTRACTOR SHALL NOTIFY ALL UTILITY COMPANIES HAVING UNDERGROUND UTILITIES ON SITE OR IN RIGHT-OF-WAY PRIOR TO EXCAVATION. CONTRACTOR SHALL CONTACT UTILITY LOCATING COMPANY AND LOCATE ALL UTILITIES PRIOR TO GRADING START.
3. ALL STORM SEWER SHALL BE DUAL WALL HDPE PIPE WITH SMOOTH INTERIOR AND CORRUGATED EXTERIOR WALLS, EXCEPT AS NOTED. MINIMUM COVER IN PAVED AREAS SHALL BE 2' UNLESS OTHERWISE NOTED.

- CONSTRUCTION, AS DETERMINED BY THE INSPECTORS FOR THE OWNER OR THE LOCALITY.
19. ANY NECESSARY PAVEMENT WIDENING BETWEEN THE EXISTING PAVEMENT AND PROPOSED IMPROVEMENTS IS THE RESPONSIBILITY OF THE CONTRACTOR.
20. WHERE PAVEMENT IS BEING REMOVED, THE CONTRACTOR SHALL REMOVE AGGREGATE BASE MATERIAL TO SUB-GRADE.
21. EXISTING PAVEMENT AND OTHER SURFACES DISTURBED BY CONTRACTOR (WHICH ARE NOT TO BE REMOVED) SHALL BE REPAIRED TO LIKE-NEW CONDITION.

GENERAL UTILITY NOTES:

- 1. NOTHING ON THESE CONTRACT DRAWINGS SHALL BE CONSTRUED AS A GUARANTEE THAT UTILITIES INDICATED AS EXISTING ARE IN THE LOCATION INDICATED OR THAT THEY ACTUALLY EXIST, OR THAT OTHER UTILITIES DO NOT WITHIN THE AREA OF OPERATIONS. PRIOR TO COMMENCEMENT OF WORK, THE CONTRACTOR SHALL MAKE ALL NECESSARY INVESTIGATIONS TO DETERMINE THE EXISTENCE, LOCATIONS, AND ELEVATIONS OF EXISTING UTILITIES IN THE WORK AREA. CONTACT THE ENGINEER IMMEDIATELY IF LOCATION OR ELEVATION IS DIFFERENT FROM THAT SHOWN ON THE PLANS, IF THERE APPEARS TO BE A CONFLICT, OR UPON DISCOVERY OF ANY UTILITY NOT SHOWN ON THE PLANS TO PERMIT REVISIONS.
2. CONTRACTOR SHALL TAKE PRECAUTIONARY MEASURES TO PROTECT THE UTILITIES SHOWN HEREON AND ANY OTHER EXISTING UTILITIES NOT SHOWN ON THESE PLANS. IF A UTILITY IS DAMAGED DURING CONSTRUCTION, STOP WORK IMMEDIATELY AND NOTIFY THE ENGINEER. DAMAGE TO UTILITIES (INCLUDING UNDERGROUND) OR PROPERTY OF OTHERS BY CONTRACTOR DURING CONSTRUCTION SHALL BE REPAIRED TO PRE-CONSTRUCTION CONDITIONS BY CONTRACTOR AT NO COST TO OWNER.

WATER AND SANITARY SEWER NOTES:

- 1. ALL CONSTRUCTION MATERIALS AND INSTALLATION SHALL CONFORM TO THE LATEST STANDARDS AND SPECIFICATIONS OF SHENANDOAH COUNTY OR THE VDOT ROAD AND BRIDGE STANDARDS, THE MOST STRINGENT SHALL APPLY.
2. WATER LINES WITHIN THE RIGHT-OF-WAY SHALL BE SDR-18 PVC CONFORMING TO THE APPLICABLE ASTM, AWWA, ANSI, OR OTHER APPROPRIATE STANDARD.
3. ONSITE WATER LINES (3" AND LARGER) SHALL BE AWWA C900, CLASS 200, PVC OR CEMENT-LINED DUCTILE IRON PRESSURE PIPE.

REQUIRED SHOP DRAWING SUBMITTALS:

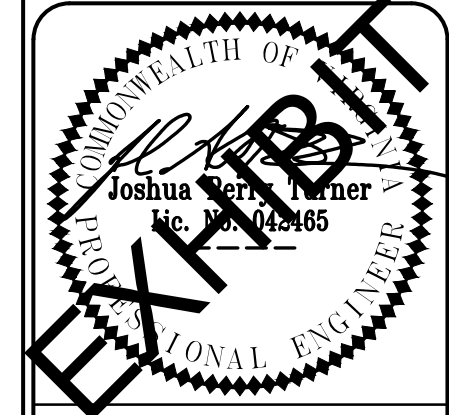
- 1. IF NOTED WITHIN THE PLANS OR REQUIRED FOR THE PROJECT, THE CONTRACTOR SHALL SUBMIT TO THE ENGINEER COMPLETE SHOP DRAWING SUBMITTAL PACKAGES FOR REVIEW AND APPROVAL. THE REQUIRED SUBMITTALS IN THIS PLAN SET HAVE NOT BEEN LIMITED TO: DETENTION SYSTEMS, RETAINING WALLS, SHORING, STORMWATER QUALITY DEVICES OR MEASURES.

VIRGINIA RUNOFF REDUCTION METHOD (VRRM) DESIGN DISCLAIMER:

THE METHODOLOGY OF THE VIRGINIA RUNOFF REDUCTION METHOD (VRRM) IS CONTINGENT UPON THE UNDERSTANDING THAT ALL PROPOSED BMP'S WILL BE MAINTAINED AND REMAIN FULLY FUNCTIONAL THROUGHOUT THE LIFE OF THE DEVELOPMENT (FOREVER). THE PLANS, SEQUENCE OF CONSTRUCTION, DETAILS, AND MAINTENANCE PROCEDURES PROPOSED IN THIS PLAN SET HAVE BEEN PROVIDED TO ENSURE THE PROPOSED BMP'S ARE PROPERLY INSTALLED AND MAINTAINED. THE ENGINEER-OF-RECORD IS NOT RESPONSIBLE FOR ANY DAMAGE OF DOWNSTREAM PROPERTIES OR WATERWAYS DUE TO THE STRUCTURAL AND/OR NON-STRUCTURAL BMP'S NOT FULLY SERVICED AND CONTINUALLY MAINTAINED AS SPECIFIED IN THE BMP SPECIFICATIONS AND MAINTENANCE PROCEDURES PROVIDED IN THIS PLAN SET AND ADDITIONAL REQUIREMENTS FROM DEQ, THE LOCALITY, AND OTHER AGENCIES.

LEGEND table with columns for EXISTING and PROPOSED. Rows include PROPERTY LINE, BUILDING RESTRICTION LINE, CONTOUR (1' INTERVAL), CULVERT PIPE, WATER LINE, SANITARY SEWER LINE, UNDERGROUND ELECTRIC LINE, OVERHEAD ELECTRIC, UNDERGROUND FIBER OPTIC, STORM DRAIN PIPING, LIMITS OF DISTURBANCE, CENTER OF ROAD, GAS LINE, LANDSCAPE BUFFER LINE, FENCE (1), FENCE (2), CURB & GUTTER, GRAVEL AREA, ASPHALT AREA, CONCRETE AREA, LANDSCAPED AREA, TREE LINE, IRON PIN/ROD, SPOT ELEVATION, MANHOLE (UNSPECIFIED), STORM MANHOLE, SEWER MANHOLE, WATER METER, HYDRANT, WATER VALVE/WATER VALVE BOX, CLEANOUT, GRATE INLET, GAS VALVE, TELEPHONE PEDESTAL, UTILITY POLE, LIGHT POLE, SIGN, BORE LOCATION, BENCHMARK, STATION MARKER, GUIDE WIRE, QUANTITY OF PARKING SPACES, TREE.

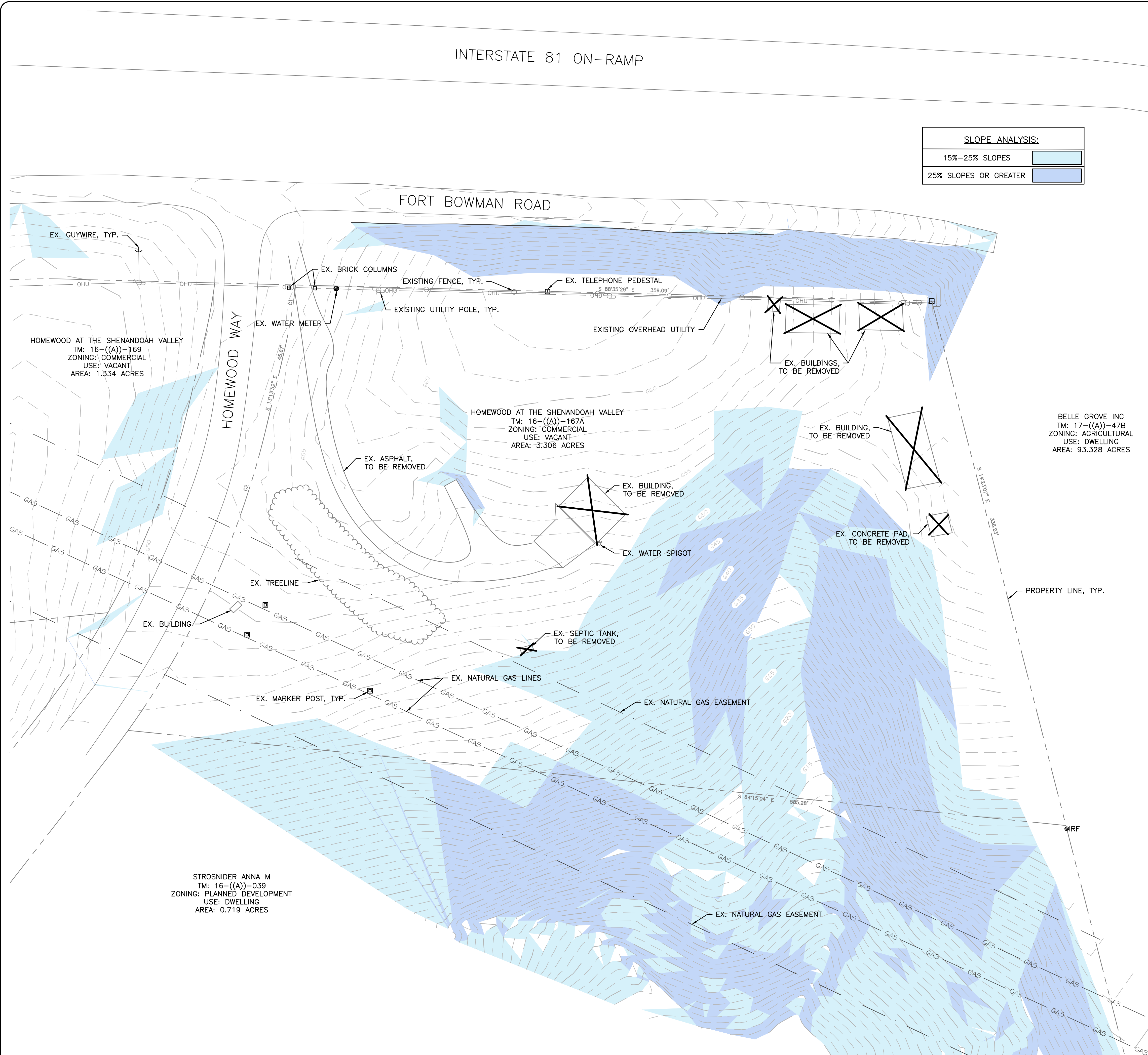
Revision table with columns: No., Submittal / Revision, Date. Row 1: 308 PLANS, JPT, 05/24/23.



PRELIMINARY REVIEW SET

RACEY ENGINEERING, PLLC logo and contact information: 312 WEST MAIN ST., P.O. BOX 387, LURAY, VA 22835. PH: (440) 749-9277, FAX: (440) 749-6118.

Project information: STRASBURG TOWNHOUSES, PROJECT NOTES, LANDMARK ATLANTIC HOLDINGS, LLC, SHENANDOAH COUNTY. RACEY PROJECT NUMBER: 9620. PUBLISH DATE: 5/24/2023. T101.



**SLOPE ANALYSIS:**

15%-25% SLOPES	
25% SLOPES OR GREATER	

**SURVEY SOURCE AND INFORMATION:**

SOURCE: THIS TOPOGRAPHIC SURVEY WAS COMPLETED BY RACEY ENGINEERING, PLLC ON OR BEFORE MAY 5, 2021, FROM ACTUAL CONVENTIONAL AND RTK GPS SURVEY METHODS FROM RACEY ENGINEERING, PLLC ESTABLISHED CONTROL. THIS MAP MEETS MINIMUM ACCURACY STANDARDS UNLESS OTHERWISE NOTED.

HORIZONTAL AND VERTICAL DATUM: VA NAD83 BASED UPON GPS OBSERVATION PERFORMED BY RACEY ENGINEERING, PLLC.

CONTOUR INTERVAL: 1 FT.

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT OR TITLE REPORT AND DOES NOT THEREFORE, NECESSARILY INDICATE ALL EASEMENTS AND ENCUMBRANCES ON THE PROPERTY THAT MIGHT BE DISCLOSED IN A TITLE SEARCH.

UTILITIES SHOWN HEREON ARE BASED ON VISIBLE, PHYSICAL EVIDENCE. UNDERGROUND UTILITIES WERE NOT MARKED AS PART OF THIS PROJECT. IT SHALL BE THE RESPONSIBILITY OF THE OWNER/CONTRACTOR TO HAVE UTILITIES MARKED PRIOR TO LAND DISTURBANCE OF ANY KIND. SEE SHEET T101 FOR MORE INFORMATION.

PROPERTY LINES SHOWN HEREON ARE COMPILED FROM A BOUNDARY PLAT BY DICE ENGINEERING, PLC, DATED 08/02/2018 RECORDED AS DEED BOOK 1492, PAGE 344.

RACEY ENGINEERING, PLLC MAY PROVIDE BENCHMARKS FOR THE CONSTRUCTION OF THE IMPROVEMENTS SHOWN ON THESE PLANS. ALL OTHER EXISTING ELEVATIONS ARE FOR REFERENCE TO EXISTING CONDITIONS ONLY. DO NOT USE SPOT ELEVATIONS, FINISH FLOOR ELEVATIONS, ELEVATIONS ON MANHOLES, ELEVATIONS ON SURVEY NAILS, SURVEY HUBS, CONTROL POINTS (HORIZONTAL POINTS PROVIDED) OR ANY OTHER POINTS FOR CONSTRUCTION OTHER THAN THE PROVIDED BENCHMARKS. FAILURE TO UTILIZE AND VERIFY THE PROVIDED BENCHMARKS COULD RESULT IN DAMAGES AND ADDITIONAL COST THAT ARE THE CONTRACTOR'S RESPONSIBILITY.

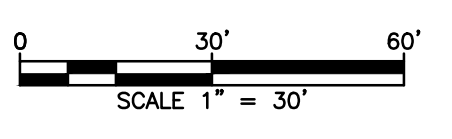
**DEMOLITION NOTES:**

- PRIOR TO STARTING ANY DEMOLITION CONTRACTOR SHALL ENSURE THAT COPIES OF ALL APPLICABLE PERMITS AND APPROVALS ARE MAINTAINED ON SITE AND AVAILABLE FOR REVIEW. CONTRACTOR ALSO SHALL HAVE COMPLETED THE PRE-CONSTRUCTION CONFERENCE.
- CONTRACTOR SHALL INSTALL THE REQUIRED SOIL EROSION AND SEDIMENT CONTROL AND/OR TREE PROTECTION MEASURES PRIOR TO SITE DISTURBANCE.
- CONTRACTOR SHALL LOCATE (VERTICALLY AND HORIZONTALLY) ALL UTILITIES AND SERVICES, INCLUDING, BUT NOT LIMITED TO GAS, WATER, ELECTRIC, SANITARY AND STORM SEWER, TELEPHONE, CABLE, FIBER OPTIC CABLE, ETC. WITHIN THE LIMITS OF DISTURBANCE. THE CONTRACTOR SHALL USE AND COMPLY WITH THE REQUIREMENTS OF THE APPLICABLE UTILITY NOTIFICATION SYSTEM TO LOCATE ALL THE UNDERGROUND UTILITIES.
- CONTRACTOR SHALL CONTACT THE APPLICABLE UTILITY SERVICE PROVIDER AND SHALL BE RESPONSIBLE FOR ALL COORDINATION REGARDING UTILITY DEMOLITION REQUIRED FOR THE PROJECT. THE CONTRACTOR SHALL PROVIDE THE OWNER WRITTEN NOTIFICATION THAT THE EXISTING UTILITIES AND SERVICES HAVE BEEN TERMINATED AND ABANDONED IN ACCORDANCE WITH JURISDICTION AND UTILITY COMPANY REQUIREMENTS.
- CONTRACTOR SHALL COORDINATE WITH UTILITY COMPANIES & ADJACENT LANDOWNERS/BUSINESSES REGARDING WORKING "OFF-PEAK" HOURS OR ON WEEKENDS WHICH MAY BE REQUIRED TO MINIMIZE THE IMPACT ON THE ADJACENT PROPERTY OWNERS/TENANTS.
- CONTRACTOR SHALL PROCEED WITH THE DEMOLITION IN A SYSTEMATIC AND SAFE MANNER, FOLLOWING ALL OSHA REQUIREMENTS, TO ENSURE THE SAFETY OF THE PUBLIC AND ALL PARTIES INVOLVED.
- THE CONTRACTOR SHALL PROVIDE ALL THE "MEANS AND METHODS" NECESSARY TO PREVENT MOVEMENT, SETTLEMENT, OR COLLAPSE OF EXISTING STRUCTURES, AND ANY OTHER IMPROVEMENTS THAT ARE REMAINING ON OR OFF SITE. THE DEMOLITION CONTRACTOR IS RESPONSIBLE FOR ALL REPAIRS OF DAMAGE TO ALL ITEMS THAT ARE TO REMAIN AS A RESULT OF THEIR ACTIVITIES.
- IN THE ABSENCE OF SPECIFICATIONS, THE CONTRACTOR SHALL PERFORM EARTH MOVEMENT ACTIVITIES, DEMOLITION AND REMOVAL OF ALL FOUNDATION WALLS, FOOTINGS, AND OTHER MATERIALS WITHIN THE LIMITS OF DISTURBANCE WITH DIRECTION BY OWNER'S STRUCTURAL OR GEOTECHNICAL ENGINEER.
- CONTRACTOR SHALL CONDUCT DEMOLITION ACTIVITIES IN SUCH A MANNER TO ENSURE MINIMUM INTERFERENCE WITH ROADS, STREETS, SIDEWALKS, WALKWAYS, AND OTHER ADJACENT FACILITIES. STREET CLOSURE PERMITS MUST BE RECEIVED FROM THE APPROPRIATE GOVERNMENTAL AUTHORITY.
- USE DUST CONTROL MEASURES TO LIMIT AIRBORNE DUST DURING DEMOLITION IN ACCORDANCE WITH FEDERAL, STATE, AND/OR LOCAL STANDARDS. AFTER THE DEMOLITION IS COMPLETE, ADJACENT STRUCTURES AND IMPROVEMENTS SHALL BE CLEANED OF ALL DUST AND DEBRIS CAUSED BY THE DEMOLITION OPERATIONS. THE CONTRACTOR IS RESPONSIBLE FOR RETURNING ALL ADJACENT AREAS TO THEIR "PRE-DEMOLITION" CONDITION.
- CONTRACTOR IS RESPONSIBLE TO SAFEGUARD SITE AS NECESSARY TO PERFORM THE DEMOLITION IN SUCH A MANNER AS TO PREVENT THE ENTRY OF UNAUTHORIZED PERSONS AT ANY TIME.
- THIS DEMOLITION PLAN IS INTENDED TO IDENTIFY THOSE EXISTING ITEMS/CONDITIONS WHICH ARE TO BE REMOVED. IT IS NOT INTENDED TO PROVIDE DIRECTION OTHER THAN THAT ALL METHODS AND MEANS ARE TO BE IN ACCORDANCE WITH STATE, FEDERAL, LOCAL, AND JURISDICTIONAL REQUIREMENTS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL OSHA AND OTHER SAFETY PRECAUTIONS NECESSARY TO PROVIDE A SAFE WORK SITE.
- DEBRIS SHALL NOT BE BURIED ON THE SUBJECT SITE. ALL DEMOLITION WASTES AND DEBRIS (SOLID WASTE) SHALL BE DISPOSED OF IN ACCORDANCE WITH ALL LOCAL, STATE, AND FEDERAL LAWS AND APPLICABLE CODES.

**X TO BE REMOVED**

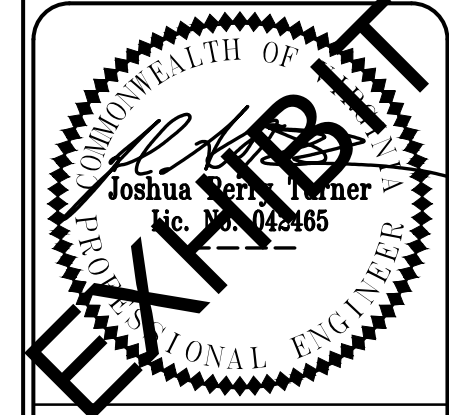
**CURVE TABLE**

CURVE #	LENGTH	RADIUS	DELTA	CHORD DIRECTION	CHORD LENGTH
C1	43.92'	375'	6°42'39"	N9°52'32"E	43.90'
C2	208.96'	535'	22°22'44"	N24°25'14"E	207.64'

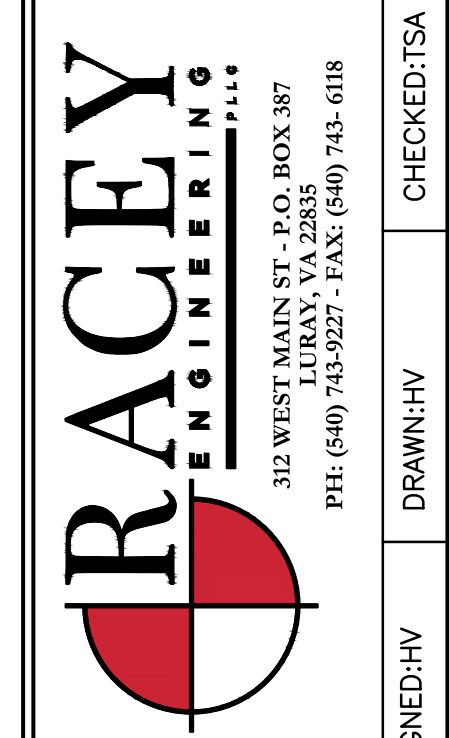


Date	05/24/23
App'r'd	JPT
By	HV
Submittal / Revision	
No.	308 PLANS

**NOT APPROVED FOR CONSTRUCTION**



**PRELIMINARY REVIEW SET**



STRASBURG TOWNHOUSES  
EXISTING FEATURES  
LANDMARK ATLANTIC HOLDINGS, LLC  
SHENANDOAH COUNTY

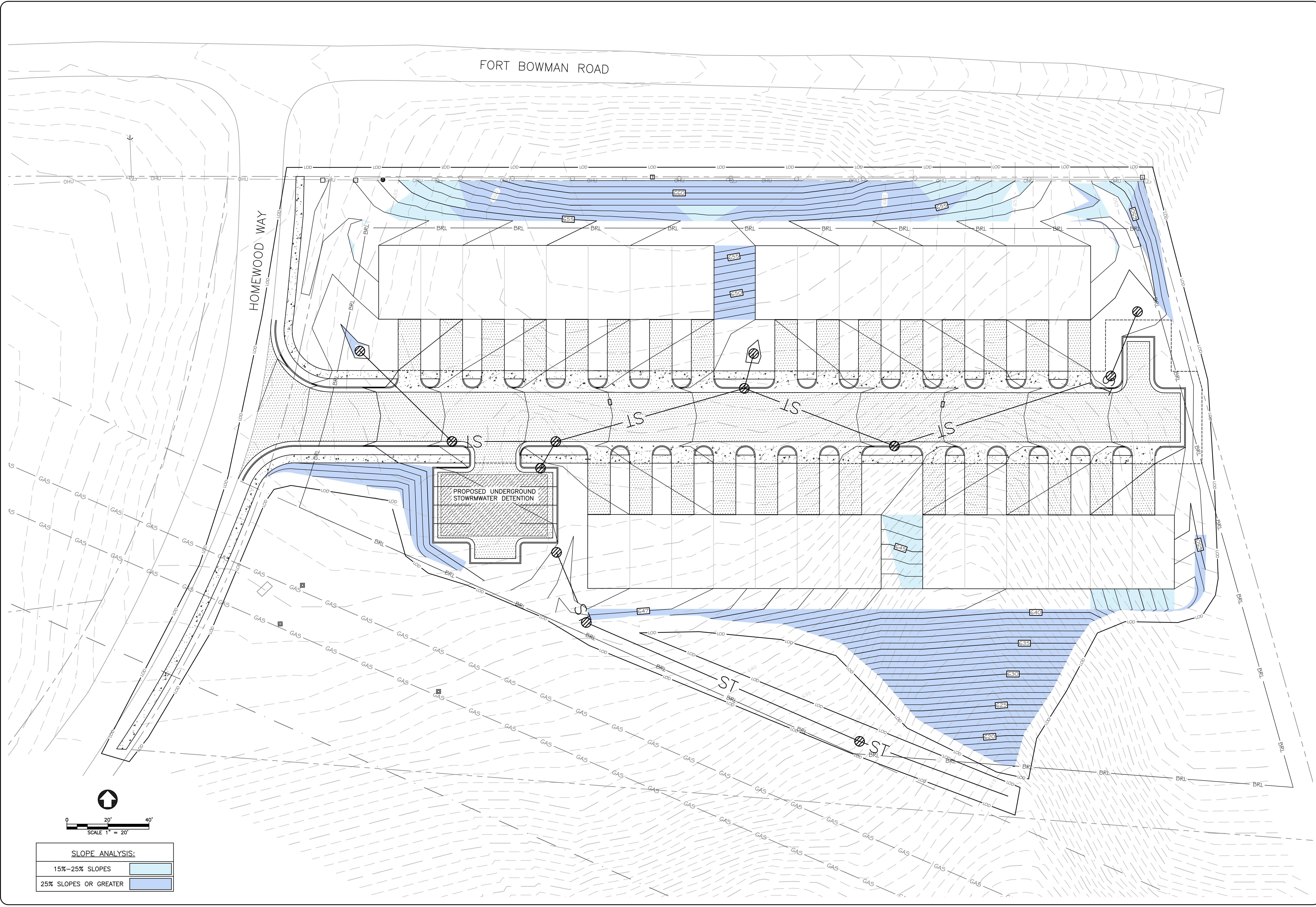
RACEY PROJECT NUMBER: 9620  
DESIGNED:HV  
DRAWN:HV  
CHECKED:ISA  
PUBLISH DATE: 5/24/2023

C100





P:\2023\9620 - LandmarkAtlantic - Strasburg Townhouse Planning - Civil\A. DESIGN\4. DWG\CIVIL\COMPOSITE



**SLOPE ANALYSIS:**

15%-25% SLOPES	
25% SLOPES OR GREATER	

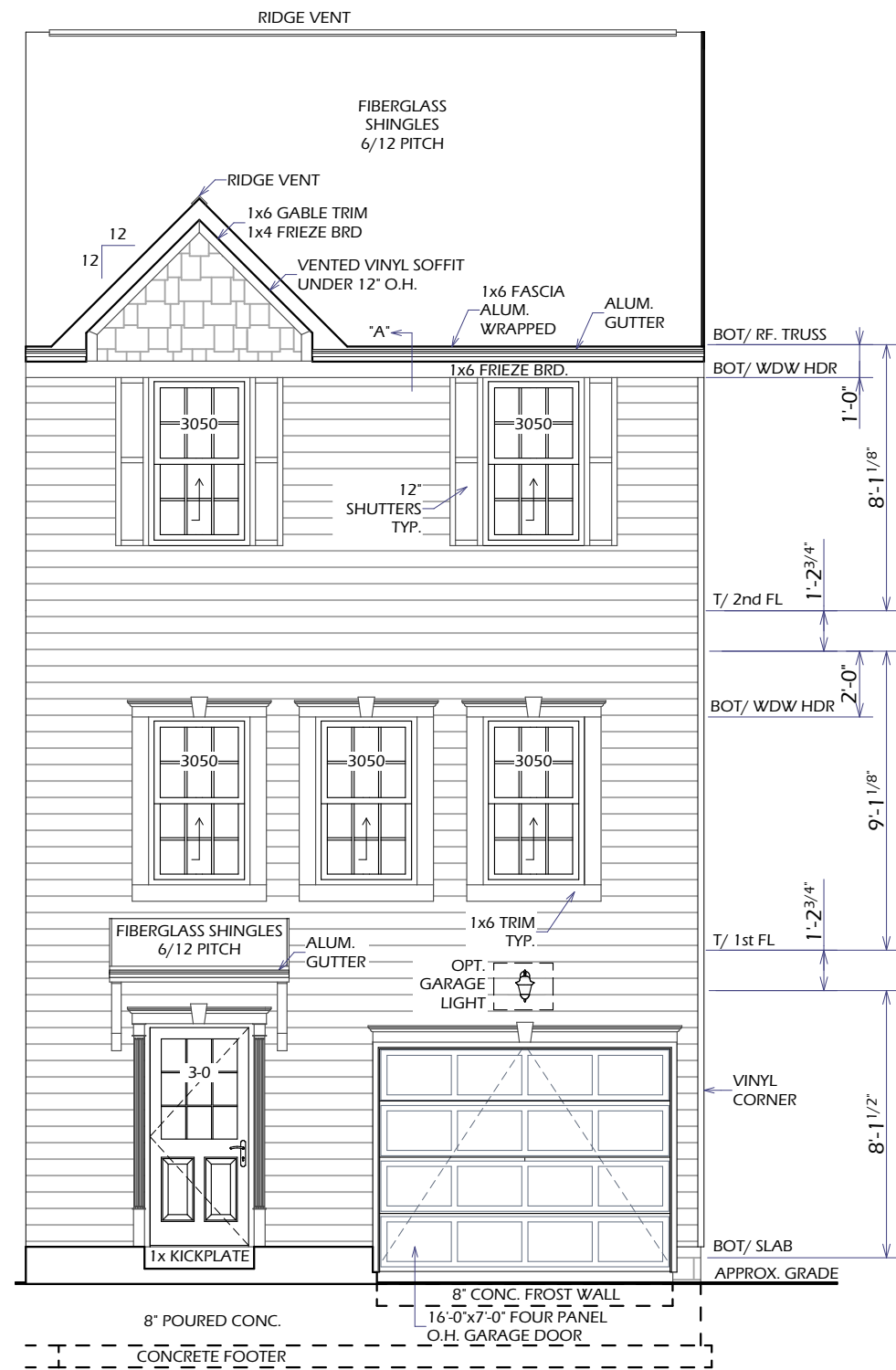
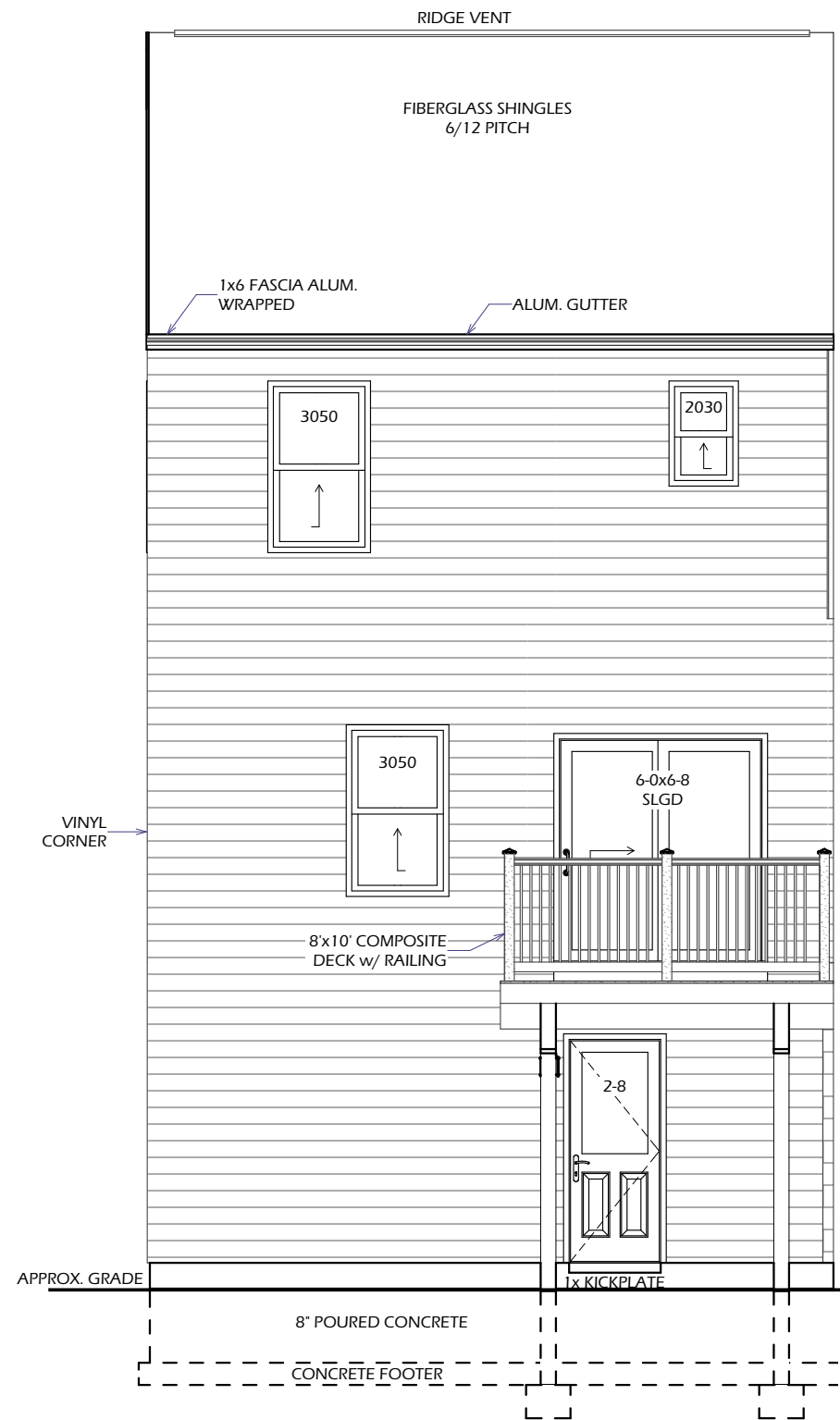
	<p><b>EXHIBIT</b></p>	<p>PRELIMINARY REVIEW SET</p>		<p>DESIGNED:HV DRAWN:HV CHECKED:TSA</p>	<p>DATE: 05/24/23</p>
<p>STRASBURG TOWNHOUSES</p>	<p>PRELIMINARY SITE PLAN</p>	<p>LANDMARK ATLANTIC HOLDINGS, LLC</p>	<p>312 WEST MAIN ST. - P.O. BOX 387 LURAY, VA 22835 PH: (640) 743-9227 - FAX: (640) 743-6118</p>	<p>PUBLISH DATE: 5/24/2023</p>	<p>DATE: 05/24/23</p>
<p>RACEY PROJECT NUMBER: 9620</p>	<p>NOT APPROVED FOR CONSTRUCTION</p>	<p>NO. 30% PLANS</p>	<p>BY: HV</p>	<p>APPR'D: JPT</p>	<p>DATE: 05/24/23</p>
<p>C300</p>					



**Rezoning REZ23-0001 - Cedar Creek Townhomes  
STAFF REPORT**

Planning & Zoning Administration  
174 E. King Street, P.O. Box 351  
Strasburg, VA 22657  
(540) 465-9197 ext. 127

**Attachment C – Exterior Elevations**



DRAWN BY: SADIE PARADISE

REVISIONS:

DATE: 3/16/2022

MARONDA  
Homes

TITLE:

ST. PAUL  
FRONT ELEVATION  
"A" ELEVATION  
VINYL FRONT FINISH  
1 CAR FRONT ENTRY GARAGE

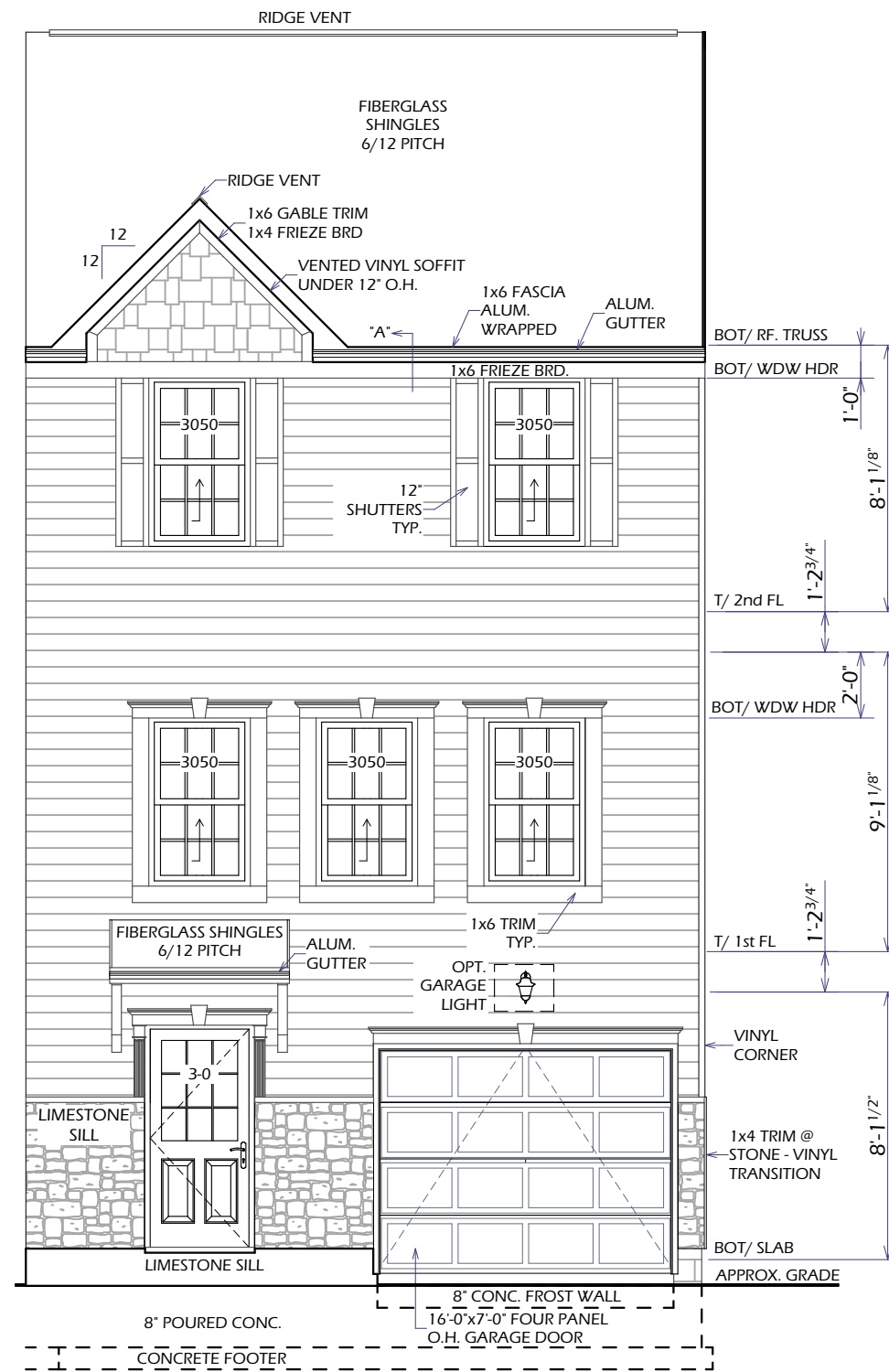
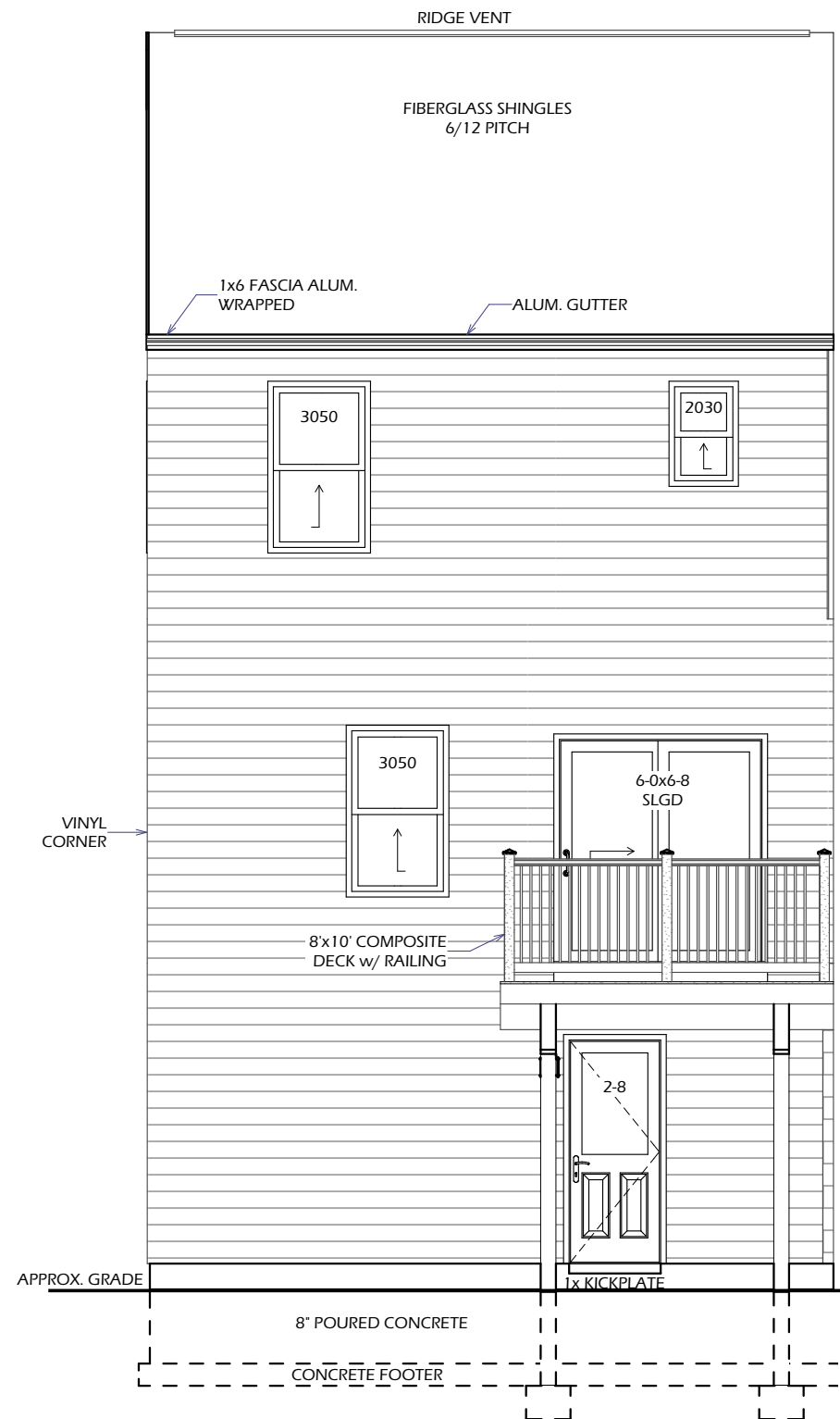
SHT:

SOURCE DWG: J:\Townhomes\St. Paul\St. Paul.pln

SCALE: 3/16" = 1'-0"

DWG:

1



DRAWN BY: SADIE PARADISE

REVISIONS:

DATE: 3/16/2022

MARONDA  
Homes

TITLE:

ST. PAUL  
FRONT ELEVATION  
"A" ELEVATION

SHT:

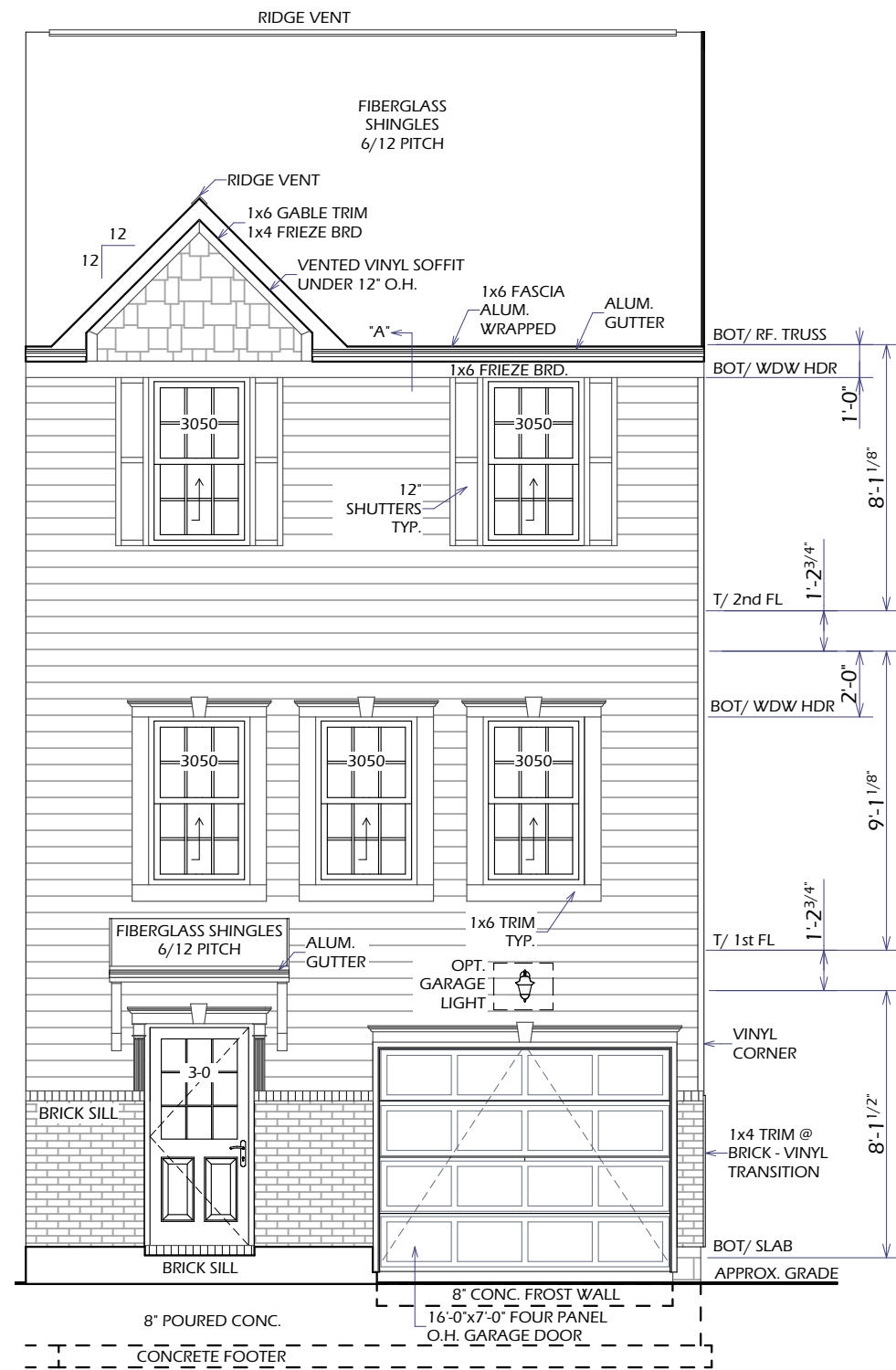
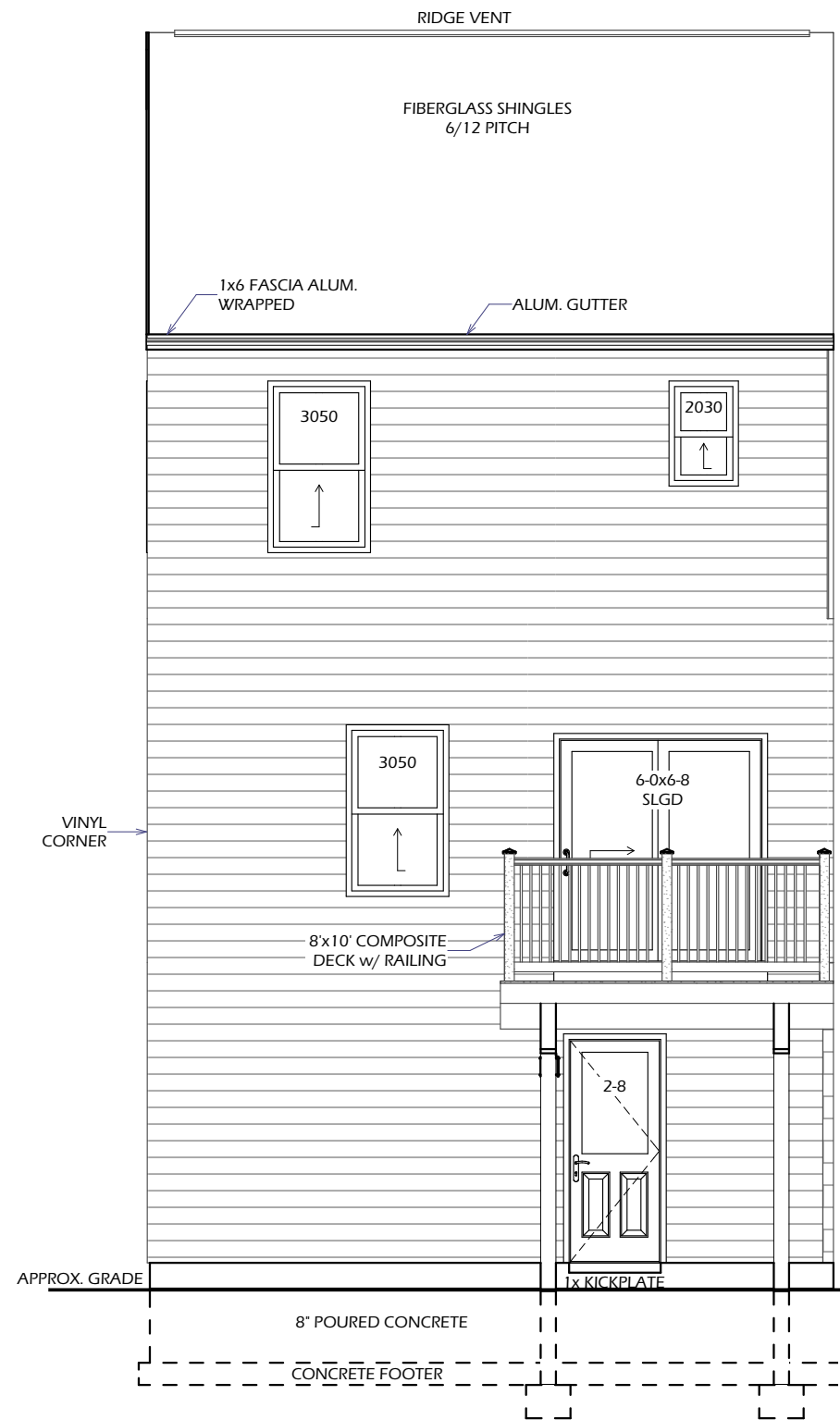
SOURCE DWG: J:\Townhomes\St. Paul\St. Paul.pln

SCALE: 3/16" = 1'-0"

DWG:

STONE WATERTABLE FRONT FINISH  
1 CAR FRONT ENTRY GARAGE

1



DRAWN BY: SADIE PARADISE

REVISIONS:

DATE: 3/16/2022

MARONDA  
Homes

TITLE:

ST. PAUL  
FRONT ELEVATION  
"A" ELEVATION  
BRICK WATERTABLE FRONT FINISH  
1 CAR FRONT ENTRY GARAGE

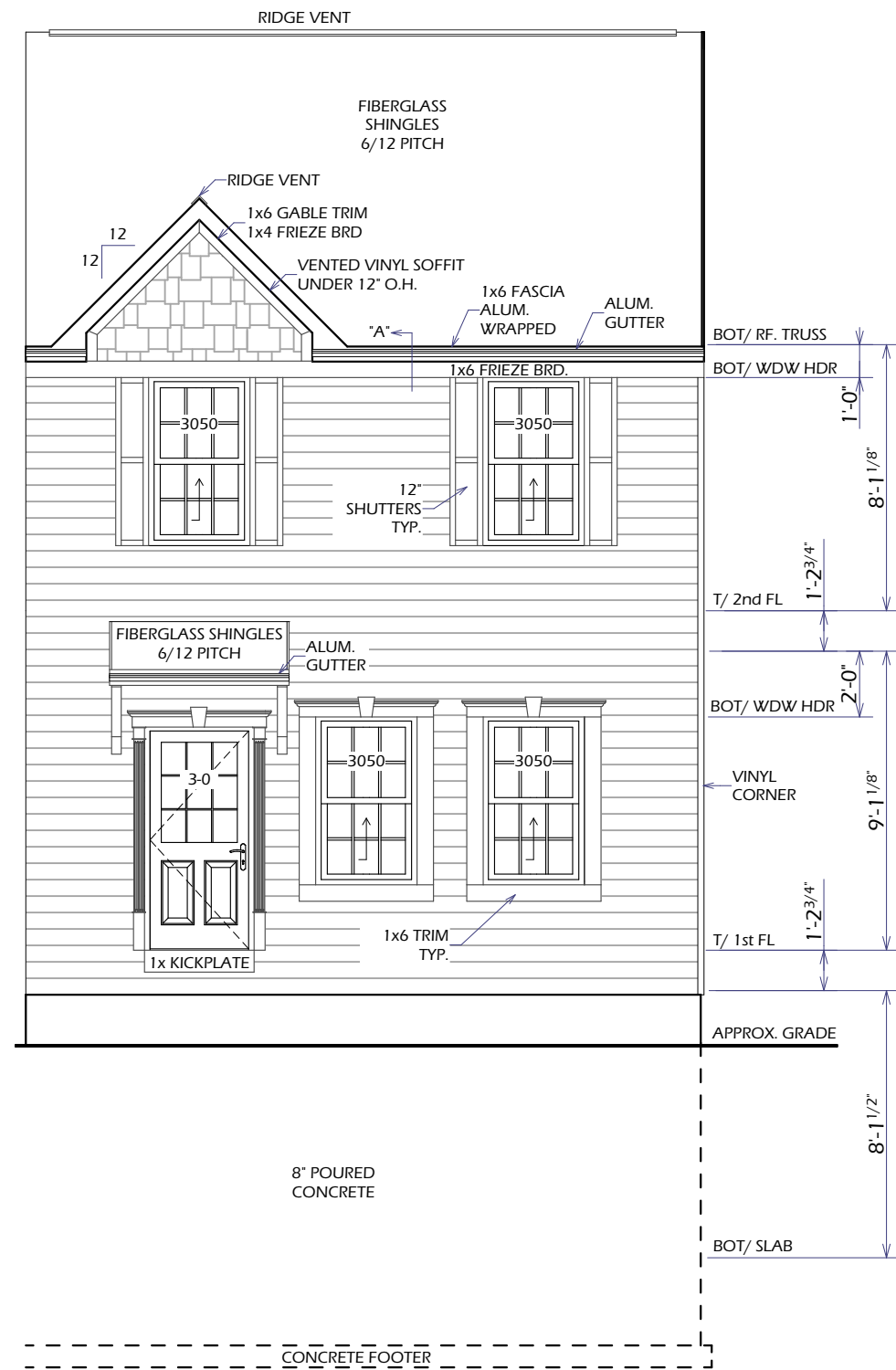
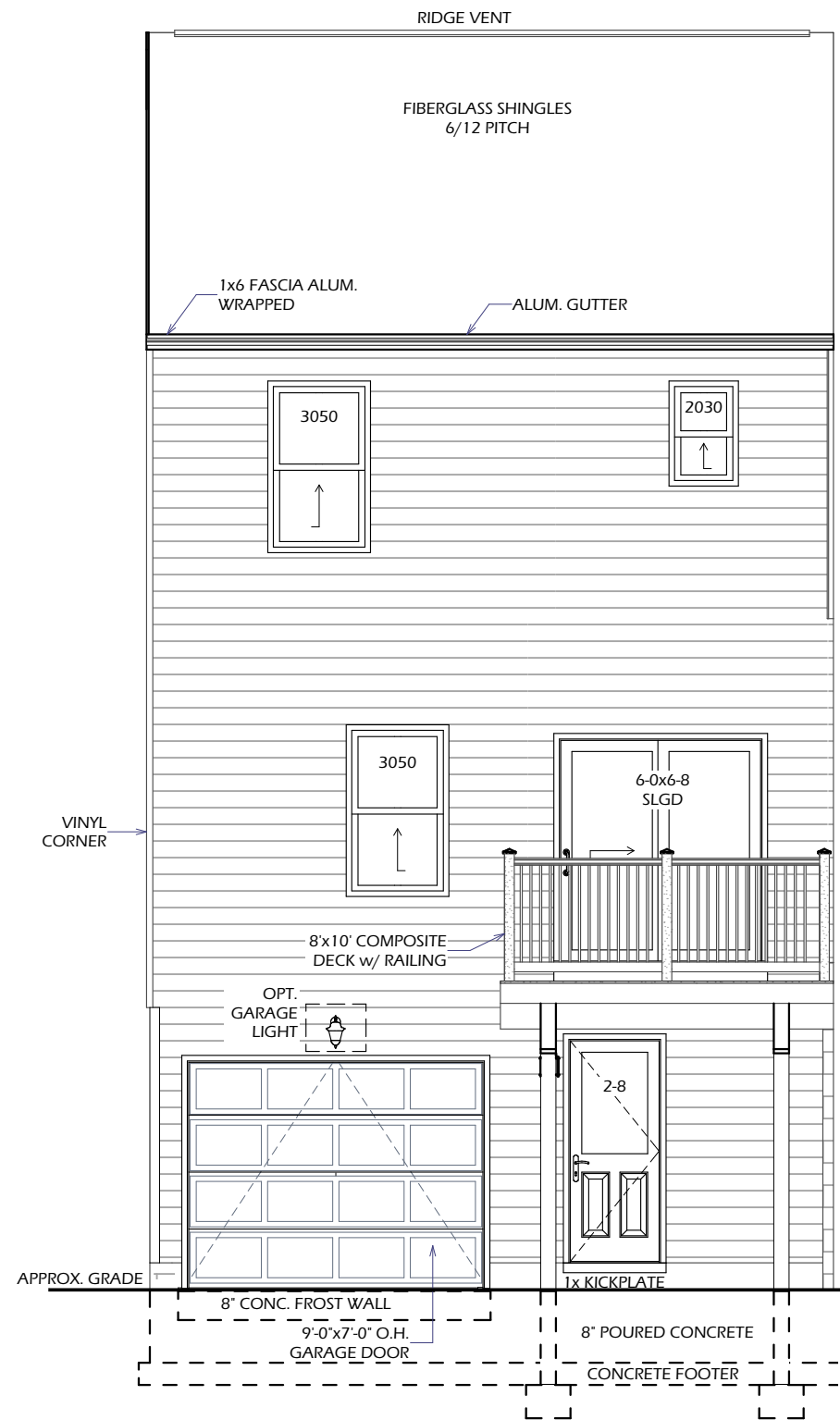
SHT:

SOURCE DWG: J:\Townhomes\St. Paul\St. Paul.pln

SCALE: 3/16" = 1'-0"

DWG:

1



DRAWN BY: SADIE PARADISE

REVISIONS:

DATE: 3/16/2022

MARONDA  
Homes

TITLE:

ST. PAUL  
FRONT ELEVATION  
"A" ELEVATION  
VINYL FRONT FINISH  
1 CAR REAR ENTRY GARAGE

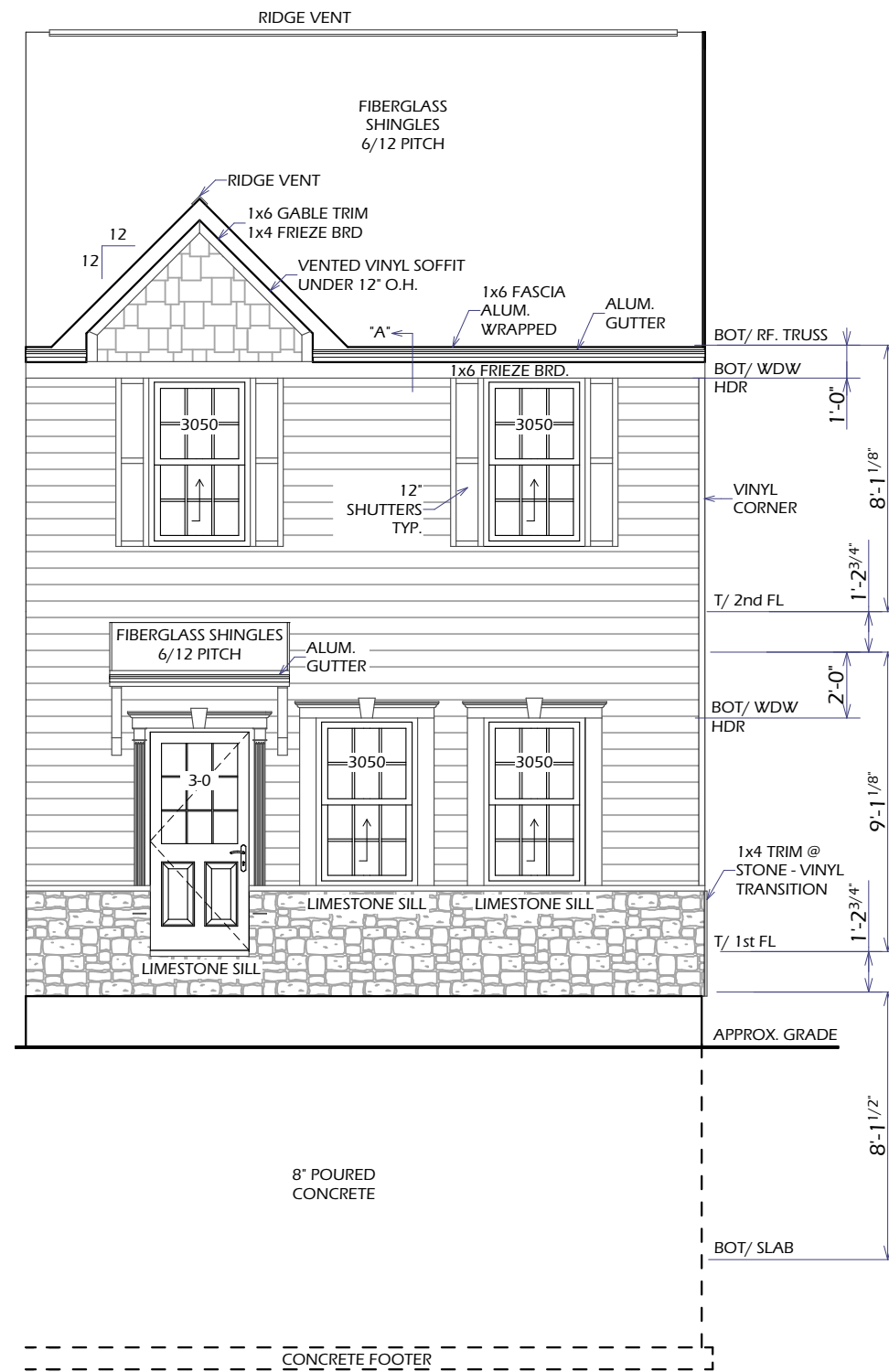
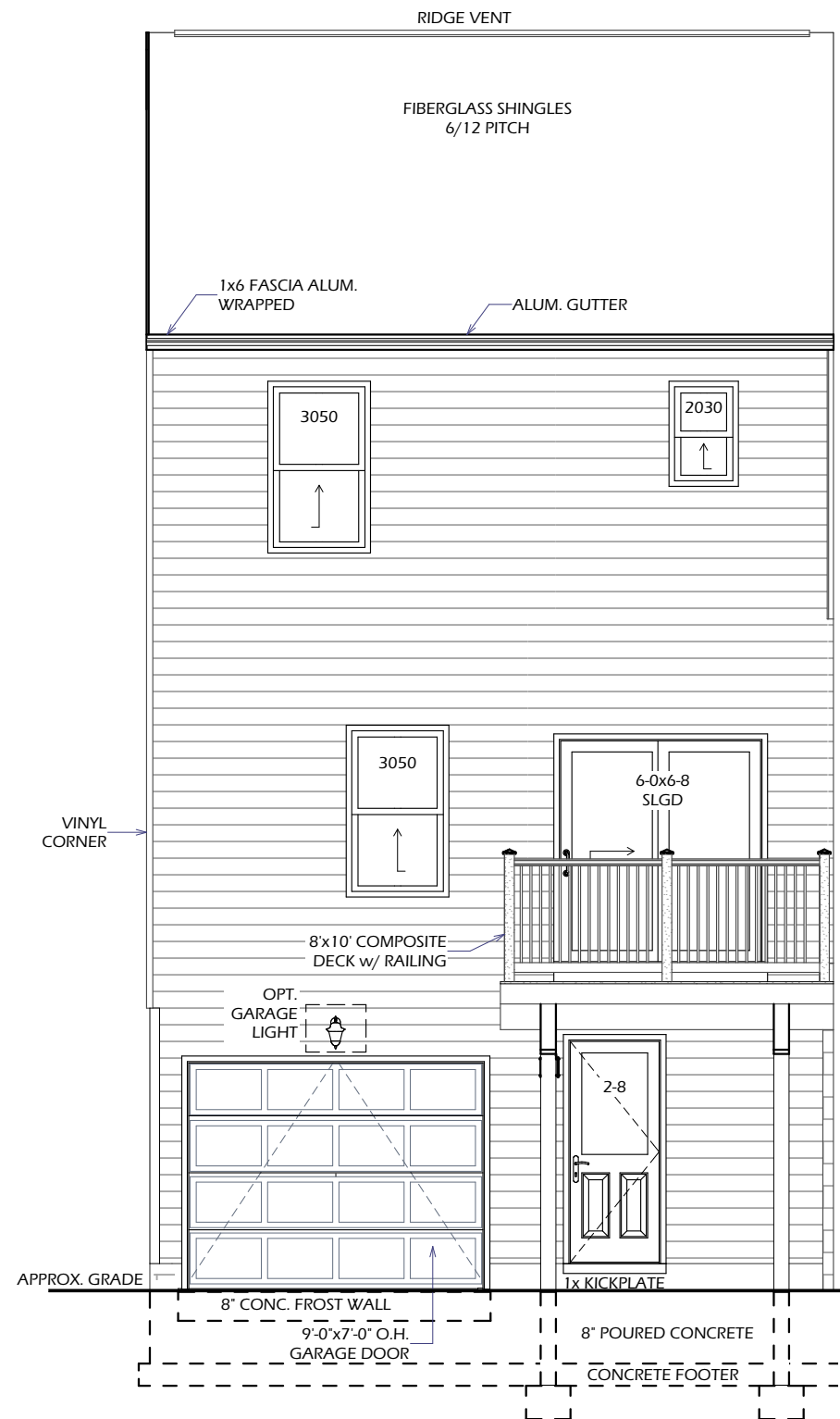
SHT:

SOURCE DWG: J:\Townhomes\St. Paul\St. Paul.pln

SCALE: 3/16" = 1'-0"

DWG:

1



DRAWN BY: SADIE PARADISE

REVISIONS:

DATE: 3/16/2022

MARONDA  
Homes

TITLE:

ST. PAUL  
FRONT ELEVATION  
"A" ELEVATION

SHT:

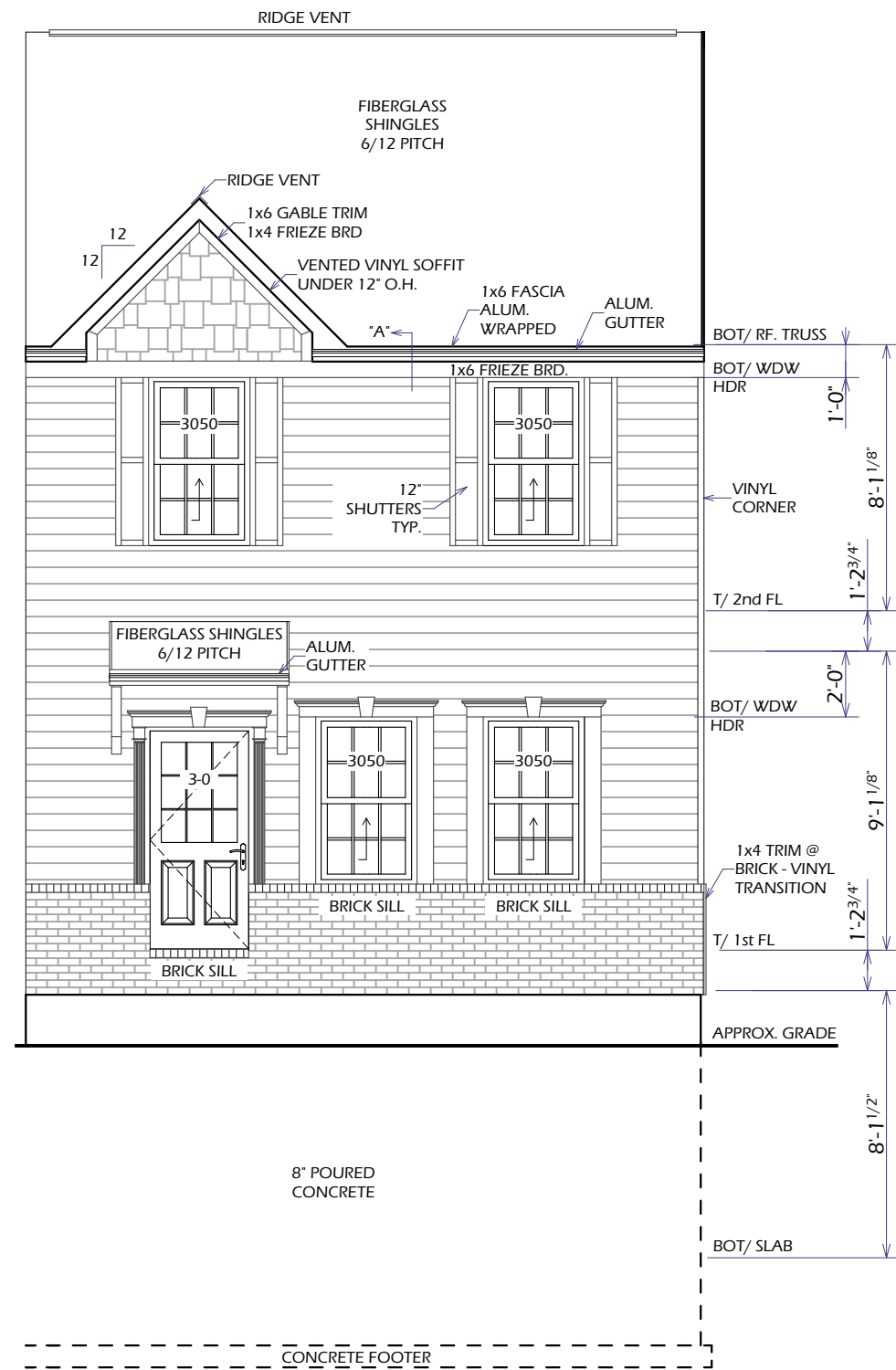
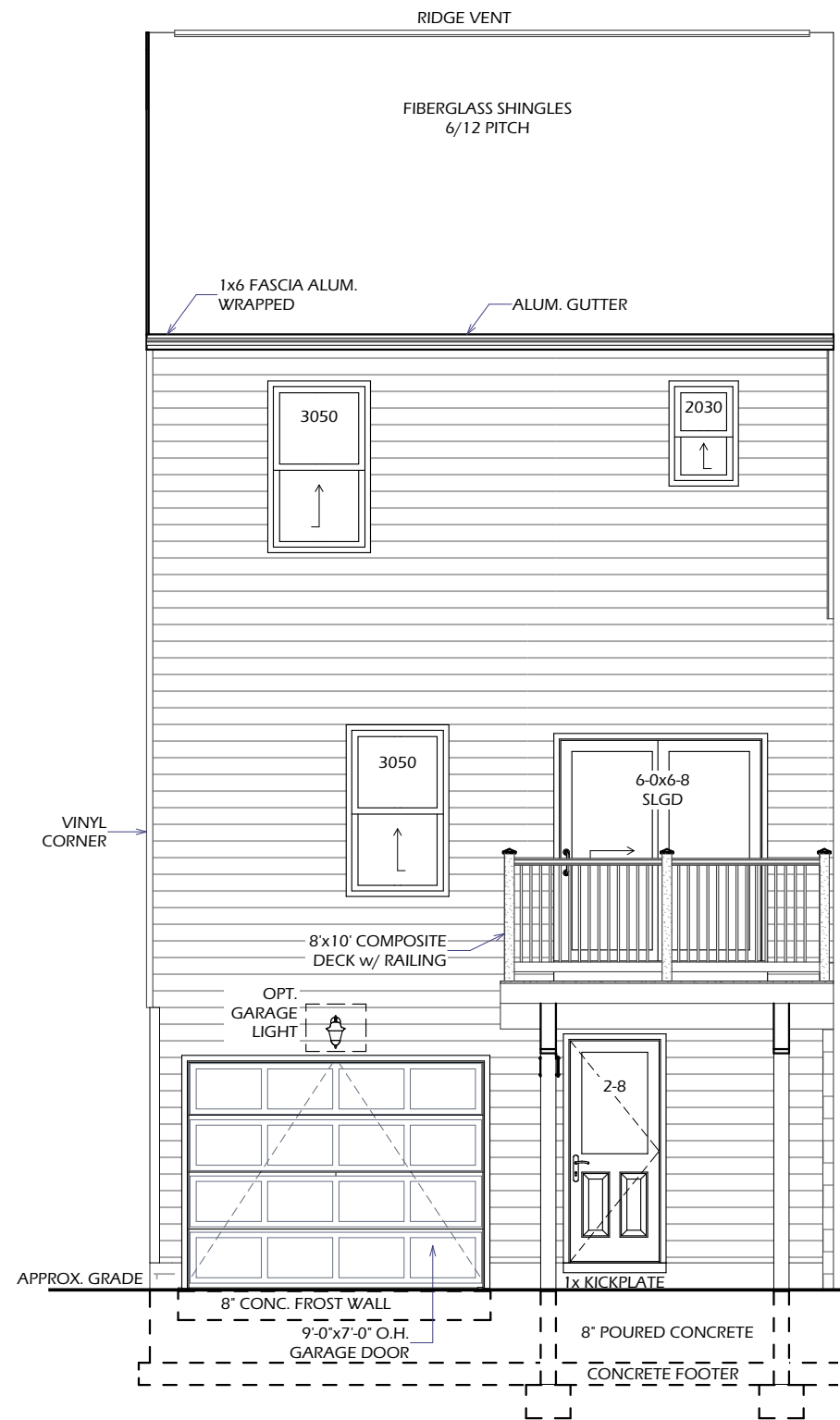
SOURCE DWG: J:\Townhomes\St. Paul\St. Paul.pln

SCALE: 3/16" = 1'-0"

DWG:

STONE WATERTABLE FRONT FINISH  
1 CAR REAR ENTRY GARAGE

1



DRAWN BY: SADIE PARADISE

REVISIONS:

DATE: 3/16/2022

MARONDA  
Homes

TITLE:

ST. PAUL  
FRONT ELEVATION  
"A" ELEVATION  
BRICK WATERTABLE FRONT FINISH  
1 CAR REAR ENTRY GARAGE

SHT:

1

SOURCE DWG: J:\Townhomes\St. Paul\St. Paul.pln

SCALE: 3/16" = 1'-0"

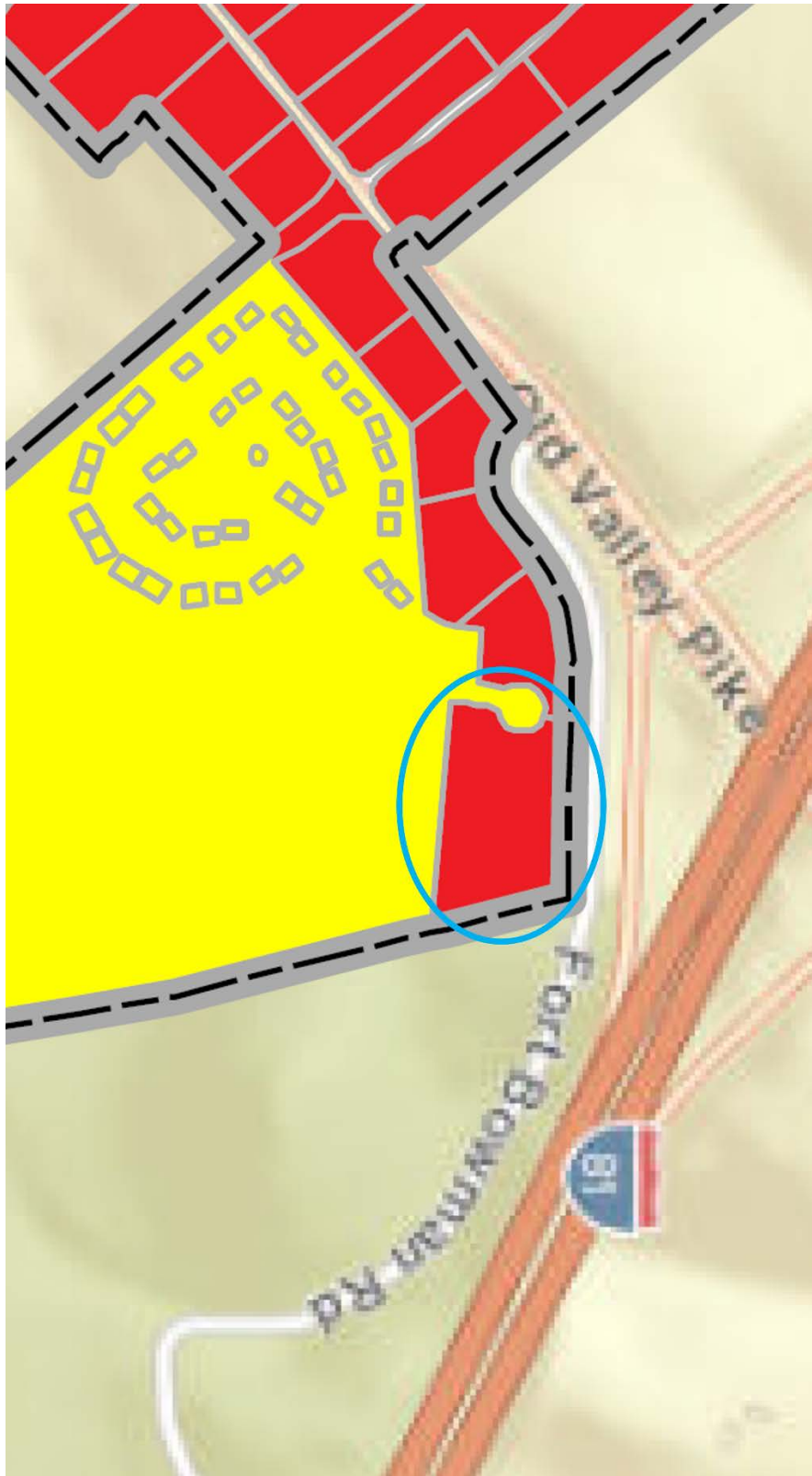
DWG:



**Attachment D – GIS aerial image**



Attachment E - Zoning map



TAXATION — REVIEW OF LOCAL TAXES — CORRECTION OF ASSESSMENTS, REMEDIES AND REFUNDS. TAXPAYER RESPONSIBLE FOR PAYMENT OF DELINQUENT TAX BILL BASED UPON ASSESSMENT FOUND ERRONEOUS SUBSEQUENT TO EXPIRATION OF THREE-YEAR STATUTE OF LIMITATIONS FOR CORRECTION THEREOF.

DATE: October 16, 1986

SDATE: 861016

REQUESTOR: The Honorable Mary F. Altemus, Treasurer for Gloucester County

CITE: 86-87 319

You ask my opinion on whether the three-year statute of limitations for correction of erroneous tax assessments set forth in § 58.1-3980 of the Code of Virginia prohibits the correction of errors discovered after the expiration of that period. You note that real estate taxes are subject to a twenty-year collection period and that tangible personal property taxes are subject to a five-year collection period.<sup>1</sup> You inquire, therefore, whether you must collect a bill for delinquent taxes from a taxpayer where it now appears that the delinquent tax bill is based upon an erroneous assessment for which the mistake made by the county was not discovered prior to the end of the three-year period.

*I. Applicable Statute*

Section 58.1-3980 provides as follows:

Any person, firm or corporation assessed by a commissioner of the revenue or other official performing the duties imposed on commissioners of the revenue under this title with local taxes on tangible personal property, machinery and tools, or merchants' capital, or a local license tax, aggrieved by any such assessment, may, *within three years from the last day of the tax year* for which such assessment is made, apply to the commissioner of the revenue [Page 320] or such other official who made the assessment for a correction thereof.

Sections 58.1-3980 through 58.1-3983 shall also apply to erroneous assessments of real estate if the error sought to be corrected in any case was made by the commissioner of the revenue or such other official to whom the application is made. [Emphasis added.]

*II. Statutes of Limitations Intended  
to Avoid Unreasonable Delay*

Statutes of limitations are dictated by a policy which denies a remedy to one who has unreasonably delayed the assertion of his rights. It is presumed that a party will exercise due diligence to discover the wrong of which he is aggrieved and assert his remedy accordingly. *See Housing Authority v. Laburnum Corp.*, 195 Va. 827, 80 S.E.2d 574 (1954). Moreover, the running of the statute is not prevented or postponed until such party discovers the relevant facts or learns of his rights, even though he may not discover his injury until it is too late to take

advantage of the appropriate remedy. *See Page v. Shenandoah Life Ins. Co.*, 185 Va. 919, 40 S.E.2d 922 (1947).

With regard to tax assessments, therefore, it is incumbent upon a taxpayer to discover errors in his tax bills within the allotted three-year period. Even where the erroneous assessment has already been collected, the locality “is protected by [the three-year statute of limitations] and can retain all amounts erroneously assessed . . . to the disadvantage of the taxpayer.” *American Tobacco Co. v. Richmond*, 125 Va. 29, 34, 99 S.E. 777, 779 (1919).

### III. *Statutory Time Limitation Is Condition Precedent to Statutory Remedy*

The Supreme Court of Virginia held in *Leesburg v. Loudoun Nat. B'k*, 141 Va. 244, 126 S.E. 196 (1925), that where both a right and a remedy are accorded by the same statute,

the limitation of time thereby prescribed is so incorporated in the remedy given as to make it an integral part of it, and hence makes it a condition precedent to the maintenance of the proceeding. It is a special limitation prescribed by the same statute which creates the right.

*Id.* at 247, 126 S.E. at 197, citing *Commonwealth v. Deford*, 137 Va. 542, 551, 120 S.E. 281, 284 (1923). Under the common law a taxpayer had no right to apply for a correction of an assessment against him. *See* 1984-1985 Report of the Attorney General at 316, 84-85 Va. AG 316. His remedy is purely statutory and it is incumbent upon the taxpayer seeking statutory relief to proceed strictly according to the statute. *See Washington County v. Sullins College*, 211 Va. 591, 179 S.E.2d 630 (1971). Thus, making application to the appropriate local official within the three-year period set forth in § 58.1-3980 is a condition precedent to the maintenance of the proceeding provided therein for correction of an erroneous assessment. The local jurisdiction must follow this statutory procedure because, in the absence of such a statute, the general rule is that taxes voluntarily paid cannot be recovered back by the taxpayer. *See Commonwealth v. Ferries Co.*, 120 Va. 827, 92 S.E. 804 (1917).

### IV. *Conclusion: Taxpayer Has No Remedy at Law for Correction of Erroneous Assessments Discovered After Expiration of Statute of Limitations*

The time limitation prescribed in § 58.1-3980 is integral to the remedy for correction of an erroneous assessment set forth therein and must be adhered to by an aggrieved taxpayer. He is, therefore, responsible for the payment of a delinquent tax bill, even though it is based upon taxes erroneously assessed where neither he nor the assessing locality discovers the error within the three-year period of the statute of limitations. [Page 321] The assessment may not be corrected after the expiration of the three-year period. While I am cognizant that this result may appear harsh,<sup>2</sup> I can find no arguable result under the governing statute other than that the taxpayer in this situation has no remedy at law and must therefore pay the full amount of the delinquent tax, penalty and interest.

#### FOOTNOTES

<sup>1</sup> *See* § 58.1-3940.

<sup>2</sup> In analogous circumstances, the Supreme Court of Virginia has suggested that “[i]n the forum of conscience, such a claim does not appeal to the natural sense of justice.” *American Tobacco Co.*, 125 Va. at 33, 99 S.E. at 779.



**Request for Additional Tax Refund**

**Meeting Date: July 31, 2023**

---

To: Mayor Boies and Town Council of Strasburg  
From: Waverly Coggsdale, Town Manager  
Date: July 28, 2023  
Re: Request by individual for additional refund of erroneously paid taxes due to incorrect assessment.

---

**DESCRIPTION:** In last June 2023, staff was contacted by Mr. Joe Filerman (79 Bowman Mill Road) regarding an erroneous assessment of personal property for numerous years. Mr. Filerman’s home is situated in the county, just outside the town, he in addition owns a lot that is adjacent to his home that is in the town limits (at the end of the cul-de-sac on Seldon Drive).

The Town of Strasburg, in accordance with the Code of Virginia, has issued a refund for the past three years. The error in the assessments in the Shenandoah County Commissioner of Revenue’s records dates back to 2018, as documented in an email dated July 12, 2023, from the Commissioner of Revenue stating that the vehicles were coded in the County assessment records as being within the town limits.

The Town issued a refund for 2020, 2021, & 2022 in the amount of \$882.30 for the personal property taxes paid by Mr. Filerman and in addition abated the 2023 taxes from payment. However, Mr. Filerman has requested that he should be reimbursed for all the years of the erroneous assessments rather than just the past three years. The Town Attorney has opined that he agrees with the refund of the previous three years and “does not see any legal requirement imposing a duty to refund amounts paid past the three (3) year statute of limitations period”. In addition, the town attorney “actively discourages council from taking a sentimental approach to the issue as it will just set a precedent that isn’t in the Town’s financial best interests”.

**COUNCIL CONSIDERATIONS**

- Per discussion.

***Attachments:***

- *Code of Virginia Sections 58.1 – 3981 & 3990*
- *Emails (Filerman – Town Finance Director) (Commissioner of Revenue – Town Attorney) with Attorney General Opinions*

Code of Virginia

Title 58.1. Taxation

Subtitle III. Local Taxes

Chapter 39. Enforcement, Collection, Refunds, Remedies and Review of Local Taxes

Article 5. Correction of Assessments, Remedies and Refunds

## § 58.1-3981. Correction by commissioner or other official performing his duties

A. If the commissioner of the revenue, or other official performing the duties imposed on commissioners of the revenue under this title, is satisfied that he has erroneously assessed such applicant with any such tax, he shall correct such assessment. If the assessment exceeds the proper amount, he shall exonerate the applicant from the payment of so much as is erroneously charged if not paid into the treasury of the county or city. If the assessment has been paid, the governing body of the county or city shall, upon the certificate of the commissioner with the consent of the town, city or county attorney, or if none, the attorney for the Commonwealth, that such assessment was erroneous, direct the treasurer of the county, city or town to refund the excess to the taxpayer, with interest if authorized pursuant to § 58.1-3918 or in the ordinance authorized by § 58.1-3916, or as otherwise authorized in that section. However, the governing body of the county, city or town may authorize the treasurer to approve and issue any refund up to \$10,000 as a result of an erroneous assessment.

B. If the assessment is less than the proper amount, the commissioner shall assess such applicant with the proper amount. If any assessment is erroneous because of a mere clerical error or calculation, the same may be corrected as herein provided and with or without petition from the taxpayer. If such error or calculation was made in work performed by others in connection with conducting general assessments, such mistake may be corrected by the commissioner of the revenue.

C. If the commissioner of the revenue, or other official performing the duties imposed on commissioners of the revenue under this title, is satisfied that any assessment is erroneous because of a factual error made in work performed by others in connection with conducting general reassessments, he shall correct such assessment as herein provided and with or without petition from the taxpayer.

D. An error in the valuation of property subject to the rollback tax imposed under § 58.1-3237 for those years to which such tax is applicable may be corrected within three years of the assessment of the rollback tax.

E. A copy of any correction made under this section shall be certified by the commissioner or such other official to the treasurer of his county, city, or town.

F. In any action on application for correction under § 58.1-3980, if so requested by the applicant, the commissioner or other such official shall state in writing the facts and law supporting the action on such application and mail a copy of such writing to the applicant at his last known address.

Code 1950, § 58-1142; 1956, c. 598; 1958, c. 585; 1960, c. 547; 1974, c. 362; 1975, c. 257; 1977, c. 99; 1980, c. 657; 1982, c. 332; 1984, c. 675; 1995, c. 108; 1998, c. 529; 1999, cc. 624, 631, 677; 2020, cc. 240, 644; 2022, c. 286.

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.



Code of Virginia

Title 58.1. Taxation

Subtitle III. Local Taxes

Chapter 39. Enforcement, Collection, Refunds, Remedies and Review of Local Taxes

Article 5. Correction of Assessments, Remedies and Refunds

## § 58.1-3990. Refunds of local taxes erroneously paid

The governing body of any city or county may provide by ordinance for the refund of any local taxes or classes of taxes erroneously paid. If such ordinance be passed, and the commissioner of the revenue is satisfied that he has erroneously assessed any applicant with any local taxes, he shall certify to the tax-collecting officer the amount erroneously assessed. If the taxes have not been paid, the applicant shall be exonerated from payment of so much thereof as is erroneous, and if such taxes have been paid, the tax-collecting officer or his successor in office shall refund to the applicant the amount erroneously paid, together with any penalties and interest paid thereon.

When the commissioner of the revenue who made the erroneous assessment has been succeeded by another person, such person shall have the same authority as the commissioner making the original erroneous assessment provided he makes diligent investigation to determine that the original assessment was erroneously made and certifies thereto to the local tax-collecting officer and to his local governing body.

No refund shall be made in any case when application therefor was made more than three years after the last day of the tax year for which such taxes were assessed; that however, if any tax is declared to be unconstitutional by a court of competent jurisdiction, the governing body may grant a refund of such tax hereunder to all taxpayers, for those years to which the court proceeding was applicable.

Code 1950, § 58-1152.1; 1958, c. 71; 1960, c. 547; 1974, c. 362; 1976, c. 690; 1977, c. 99; 1978, c. 789; 1979, c. 517; 1984, c. 675.

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

**From:** [Angela Fletcher](#)  
**To:** [Joseph Filerman](#)  
**Cc:** [Waverly Coggsdale](#)  
**Subject:** RE: Tax Refund  
**Date:** Monday, July 3, 2023 10:44:28 AM  
**Attachments:** [image001.png](#)

---

Joe,

Thank you for your response. I have copied our Town Manager, Waverly Coggsdale and he will advise us on the next steps.

Thanks,  
Angela

--

**Angela Fletcher, MGT**  
Director of Finance  
174 East King Street  
PO BOX 351  
Strasburg, VA 22657  
540.465.9197  
[www.strasburgva.com](http://www.strasburgva.com)



---

**From:** Joseph Filerman <jfilerman@hotmail.com>  
**Sent:** Friday, June 30, 2023 5:38 PM  
**To:** Angela Fletcher <afletcher@strasburgva.com>  
**Subject:** RE: Tax Refund

Angela,

As we discussed on the phone. Since I purchased my home at 79 Bowman Mill Rd I have been billed for personal property tax by both Shenandoah County and The Town of Strasburg. Those bills have always been paid in good faith. I recently had an opportunity to talk to people who own property fitting the description of mine. They had never paid town taxes or received a bill. After some further inquiry the conclusion is that the payments to the town had been incorrectly assessed. We are all in agreement on that.

Then it gets a bit puzzling. I have been informed that only three years of the taxes I have paid are eligible for a refund. This decision has been arrived at based on a state code referring to “ erroneous payment taxes “ ? It’s worth pointing out there is also a code referring to “correction of double assessment “. Again a bit puzzling in as much as, without the assessment no payment would have been made.

When we spoke earlier today the statement was made that in the five years you have you have the Director of Finance that you had not previously been presented with a similar situation to this one. That being the case why would the erroneous payment code take precedence over the correction of double assessment ?

I understand that what you bill the town residents for is based on information provided to you by the county. But it’s the town that has ultimately benefited from the error. Therefore the town should be ultimately responsible to correct it. So for me to solicit the county for the balance outside of the proposed three years seems a bit of an unnecessary round robin. If you need some kind of authorization from the county I encourage you to obtain it.

I hope this is the response you expected and thank you for your time.  
Joe

Sent from [Mail](#) for Windows

---

**From:** [Angela Fletcher](#)  
**Sent:** Friday, June 30, 2023 3:00 PM  
**To:** [jfilerman@hotmail.com](mailto:jfilerman@hotmail.com)  
**Subject:** Tax Refund

Mr. Filerman,

I am providing my email address so that you can submit your tax refund request in writing.

Thanks so much,  
Angela

--

**Angela Fletcher, MGT**  
Director of Finance  
174 East King Street  
PO BOX 351  
Strasburg, VA 22657  
540.465.9197  
[www.strasburgva.com](http://www.strasburgva.com)

**From:** [Kathy Black](#)  
**To:** [Michael Helm](#)  
**Cc:** [Waverly Coggsdale](#); [Angela Fletcher](#); [Emily Ritenour](#)  
**Subject:** Joe Filerman  
**Date:** Wednesday, July 12, 2023 2:12:19 PM  
**Attachments:** [AG Op. TAXATION — REVIEW OF LOCAL TAXES, 86-87 Va. AG 319.pdf](#)  
**Importance:** High

---

Mr. Helm

The above referenced Mr. Filerman is seeking a refund by the Town of Strasburg for years older than current plus three.

As I understand the facts:

1. He resides at 79 Bowman Mill Road Strasburg but has a driveway inside the Town of Strasburg where cars have been parked
2. I'm not sure why but his vehicles were coded in our assessment records as being within the Town limits since 2018
3. Mr. Filerman has been paying Strasburg for taxes since that time excluding 2023 not realizing he didn't in fact live in Town
4. Recently a correction was made in our records to move his vehicles into the County
5. Strasburg issued a refund for the current year and three back
6. He now wants a refund back to 2018

Attached is an AG opinion for you to glance over. As I read over relevant sections of 58.1. I believe he is not entitled to a refund past those three back years. If the Town agrees would you glance at the opinion and 58.1 Article 5 Correction of Assessments, Remedies and Refunds starting at 3980? Please share your thoughts. But I believe the refund was issued correctly and no further adjustment needs to be done.

Thank you for your time and consideration.

Kathy

Kathleen A Black, MCR  
Commissioner of the Revenue  
Shenandoah County  
600 N Main St Ste 104  
Woodstock, VA 22664  
540/459-6170 phone  
540/459-3173 fax

**From:** [Michael Helm](#)  
**To:** [Kathy Black](#)  
**Cc:** [Waverly Coggsdale](#); [Angela Fletcher](#); [Emily Ritenour](#)  
**Subject:** RE: Joe Filerman  
**Date:** Wednesday, July 12, 2023 4:43:28 PM

---

Kathy:

Thank you for reaching out. I have reviewed the relevant materials, along with the relevant statutory provisions. It is my opinion that this was handled correctly by the Town. I do not see any legal requirement imposing a duty to refund amounts paid past the three (3) year statute of limitations period.

Please do not hesitate to let me know if you need anything further.

Michael

Michael Helm, Esq.  
[mhelm@harrisonburglaw.com](mailto:mhelm@harrisonburglaw.com)

---

**From:** Kathy Black <[KBlack@shenandoahcountyva.us](mailto:KBlack@shenandoahcountyva.us)>  
**Sent:** Wednesday, July 12, 2023 2:12 PM  
**To:** Michael Helm <[mhelm@harrisonburglaw.com](mailto:mhelm@harrisonburglaw.com)>  
**Cc:** Waverly Coggsdale <[wcoggsdale@strasburgva.com](mailto:wcoggsdale@strasburgva.com)>; Angela Fletcher <[afletcher@strasburgva.com](mailto:afletcher@strasburgva.com)>; Emily Ritenour <[eritenour@strasburgva.com](mailto:eritenour@strasburgva.com)>  
**Subject:** Joe Filerman  
**Importance:** High

Mr. Helm

The above referenced Mr. Filerman is seeking a refund by the Town of Strasburg for years older than current plus three.

As I understand the facts:

1. He resides at 79 Bowman Mill Road Strasburg but has a driveway inside the Town of Strasburg where cars have been parked
2. I'm not sure why but his vehicles were coded in our assessment records as being within the Town limits since 2018
3. Mr. Filerman has been paying Strasburg for taxes since that time excluding 2023 not realizing he didn't in fact live in Town
4. Recently a correction was made in our records to move his vehicles into the County
5. Strasburg issued a refund for the current year and three back
6. He now wants a refund back to 2018

Attached is an AG opinion for you to glance over. As I read over relevant sections of 58.1. I believe

he is not entitled to a refund past those three back years. If the Town agrees would you glance at the opinion and 58.1 Article 5 Correction of Assessments, Remedies and Refunds starting at 3980? Please share your thoughts. But I believe the refund was issued correctly and no further adjustment needs to be done.

Thank you for your time and consideration.

Kathy

Kathleen A Black, MCR  
Commissioner of the Revenue  
Shenandoah County  
600 N Main St Ste 104  
Woodstock, VA 22664  
540/459-6170 phone  
540/459-3173 fax