



PO BOX 1206
MADISON, VIRGINIA 22727-1206

TELEPHONE (540) 948-7599
FAX (540) 348-3939

October 24, 2017

Heinz D. or Heidrun E. Wieland
c/o Winfried G. Wieland
1422 Lampeter Road
Lancaster, PA 17602

Dear Mr. Wieland:

On October 4, 2017, the Madison County Board of Supervisors approved your Conditional Rezoning application to Conditional Business, B-1 with proffers attached dated August 22, 2017 in the proffer statement (Case No. Z-10-17-19). Attached please find a copy of your approved Conditional Rezoning application along with your concept plan with a revision date of August 22, 2017.

Before selling any of the lots, you will need a subdivision plat with Health and Highway Department approval and that plat has to be approved by the Madison County Planning Commission and Board of Supervisors.

Also, before starting any construction, you will need a site plan and a soil and erosion plan approved by the Madison County Planning Commission and Board of Supervisors.

If this office can be of any further assistance to you, please feel free to contact us.

Sincerely,

Betty C. Grayson
Zoning Administrator

Enclosures

cc William L. Gentry
Jefferson Land & Realty

FOR OFFICE USE ONLY:Zone: **Conditional, B-1**Tax Map No: **48-131**By who? **Heinz D. Wieland**Fee Amount: **\$2,000.00**Date Paid: **August 22, 2017****Winfried G. Wieland, M.D. P/A**

Receipt #:

Check #: **560****1422 Old Lampeter Rd., Lancaster PA 17602****MADISON COUNTY
APPLICATION FOR REZONING**Date: **August 22, 2017**

The undersigned contract owner/applicant of the described property hereby requests for Rezoning of the following tract/parcel of land.

Contract Owners:

Name: _____

Address: _____

Phone No.: _____

E-Mail: _____

Owner of Property:

Name: _____

Heinz D. or Heidrun E. Wieland, c/o Winfried G. Wieland, M.D.

Address: _____

1422 Lampeter Rd., Lancaster PA 17602

Phone No.: _____

(717)464-9430 (office), (717)464-1462 (cell)

E-Mail: _____

wieland6@comcast.netTAX MAP: **48-131** PRESENT ZONING: **Conditional Business, B-1**# OF ACRES TO BE COVERED FOR REZONING: **34.675 acres**LOCATION/ADDRESS OF PROPERTY FOR REZONING: **Off Route 29 Southbound Lane and Private Madison Plaza Drive**PROPOSED REZONING: **34.675 acres**PROPOSAL/REQUEST: **Request to amend existing proffered rezoning application approved on August 10, 2004.****New proffers dated August 22, 2017 along with a new Concept Development Plan dated August 22, 2017.**

I hereby certify that I have the authority to make the foregoing application and that the information contained in the application is true and correct.


Applicant or Authorized Agent

Date

8/22/17

Print Name

William L. Gentry**540-948-5050**
Daytime phone number of SignatoryHave all the necessary statements, plats, plans and other pertinent information been submitted? ☐ Yes ☐ No**Reviewed by Planning Commissioner:**Date: **October 4, 2017**

Conditions, if any: On October 4, 2017, the Planning Commission recommended to the Board of Supervisors to approve the Conditional Rezoning to Conditional Business, B-1 with the proffers attached dated August 22, 2017 in the proffer statement (Case No. Z-10-17-19).

Action Taken by Board of Supervisors:Date: **October 4, 2017**

Conditions, if any: Approved Conditional Rezoning to Conditional Business, B-1 as recommended by the Planning Commission with the proffers attached dated August 22, 2017 in the proffer statement (Case No. Z-10-17-19).

APPROVED: ☒ **DENIED:** ☐ **Betty C. Grayson, Zoning Administrator**Date: **October 5, 2017**

PROFFER STATEMENT
REVISED
CASE NO. Z-10-17-19
HEINZ D. or HEIDRUN E. WIELAND
August 22, 2017



The undersigned owners of property bearing Tax Parcel ID Number 48-131 and being a portion of the property described in Deed Book 186, Page 471, containing 34.675 +- acres zoned Conditional B-1, hereinafter referred to as the "Property", and subject of a rezoning application, Case No. _____. The applicant does hereby proffer that the use and development of the subject property shall be in conformance with the following conditions. In the event that the above-referenced conditional rezoning proffer changes are not granted as applied for the Applicant as a final rezoning, these proffers shall be withdrawn and shall become null and void.

"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 Madison County Board of Supervisors' decision granting the revised proffers on this conditional B-1 zoned property may be contested in the appropriate court or, if contested, the day following the entry of the final court order affirming the decision of the Board of Supervisors which has not been appealed, or, if appealed, the day following which the decision has been affirmed on appeal.

The headings of the proffers set forth below have been prepared for convenience and reference only and shall not control or affect the meaning or be taken as an interpretation of any provision of the proffers.

Any improvements proffered herein shall be made at the time of the development of that portion of the site including or adjacent to the improvement, unless otherwise specified.

The term "Applicant" as referenced herein shall include within its meaning all future owners or successors in interest to the Property.

Reference is made in this Proffer Statement to a Concept Plan by Hinchey & Baines P.E. dated August ___, 2017, attached hereto as Exhibit A and made a part hereof.

I. CONCEPT PLAN

1. A Concept Plan dated August 22, 2017, attached hereto as Exhibit A, has been developed by Hinchey & Baines P.E. and is submitted to reflect the approximate location of the transportation improvements and the approximate design and uses contemplated in the development of the Property. The development of the Property shall generally conform to the Concept Plan submitted and as defined by the proffers submitted herein.

II. RESTRICTIVE COVENANT

2. A fifty-foot (50') restrictive covenant will be created as a buffer for the adjoining property zoned residential and/or agricultural until such time as the zoning of the adjoining property to commercial or industrial zoning. At that time the easement may be vacated by the owner. As many of the existing trees as reasonably feasible shall be retained in the buffer area. If grading or utility construction is necessary, the Applicant will replant trees to restore the buffered area adjoining the residentially and/or agriculturally zoned land.

III. UTILITIES

3. Water shall be obtained from the Rapidan Service Authority. The Rapidan Service Authority by letter dated _____, from Dudley Pattie, General Manager, (attached as Exhibit B) has affirmed that water is available but is on a first come first served basis. The Applicant agrees to construct the water line extension to serve the project in compliance with Rapidan Authority and Virginia Department of Health requirements and subject to their approval.

4. The Applicant recognizes that the capacity of the sewer system operated by the Rapidan Service Authority is limited as set forth in the letter from Dudley Pattie, General Manager or RSA, dated _____, and attached as Exhibit B. Any future connection to the system will have to meet the requirements of RSA. As of the date of this application there is no available capacity in the RSA sewer system to support the subject property.

IV. TRANSPORTATION

5. The traffic impact of the project has been described in public sessions with the Planning Commission and in meetings with the Virginia Department of Transportation, and Applicant offers the following proffers in mitigation to respond to the concerns:

a. The Applicant will use Madison Plaza Drive for the northern access to the property. There is a traffic light at the intersection of U.S. 29 southbound and Madison Plaza Drive.

b. The Applicant agrees to provide a Collector Road to service the project with access for each of the parcels to be onto the Collector Road constructed by the applicant to Virginia Department of Transportation standards and to be included as a part of the State system.

c. The Collector Road shall provide for an area dedicated for the extension of the Collector Road to serve the adjoining Estes property which is shown on Tax Map Parcel No. 48-12D being the property of Katherine L. Estes and others.

d. The Applicant recognizes the subject to the requirements of the Virginia Department of Transportation, signalization at the crossover on Route 29 on the south end of the Property may be necessary, and the Applicant agrees to install signalization at the crossover and intersection of the Applicant's Collector Road at such time as the Virginia Department of Transportation deems it necessary for public safety. Any signalization shall be coordinated with the traffic signal presently in place at the crossover at the Madison County High School and Madison Plaza on Route 29, and may be required by VDOT to have computerized coordination. Further, the Applicant agrees that should the Virginia Department of Transportation determine that it is beneficial to relocate the crossover to the north in order to ensure sight distance for Route 29, the Applicant will pay for the relocation of the crossover to the northern entrance of what is now known as the Mountain View Chevrolet property.

e. The Applicant agrees that should the lengthening of turning lanes on Route 29 be required and acceleration and deceleration lanes be required that it will construct those lanes in conformance with Virginia Department of Transportation standards at Applicant's cost.

f. The Applicant agrees to dedicate the roads to the State system for maintenance purposes and they shall be subject to Virginia Department of Transportation's approval.

g. The locations of the roadways depicted on the Concept Plan are approximate. The ultimate location of such roadways shall be determined by final engineering and shall be subject to the approval of the Virginia Department of Transportation.

h. No individual lots developed under the Concept Plan shall have direct access to Route 29.

i. No additional crossover or entrances except as set forth herein or as required by the Virginia Department of Transportation based on the final engineering shall be provided to the Property.

j. Should the Applicant no longer be the owner of the Property, the cost for constructing these transportation improvements shall be borne by the owner whose use of the Property triggers sufficient traffic as determined by the Virginia Department of Transportation as necessary to construct the proffered improvements.

k. With each subdivision submission or site plan application, the Applicant shall submit a capacity analysis showing that the intersections and the Route 29 corridor, adjacent to the Property, and the internal road network, shall perform at Level of Service C. In performing this analysis, normal use shall be considered and Level of Service C shall not apply to special events of high school athletic events held at the Madison County School Complex in computing the Level of Service.

l. Applicant shall have the right to develop the Property from both the the North and South access points shown on the Concept Development Plan on the applicants own development schedule.

V. ENVIRONMENTAL

6. In connection with the submission of the subdivision plan or site plan, the Applicant will utilize best management practices, implement low impact development principals, and will cooperate with and obtain the approval of the Soil and Water Conservation District Office of the subdivision and site plans.

7. In areas with any sensitive environmental conditions, such as steeply wooded ravines, non-structural storm water techniques such as the use of grassed swales, vegetated buffers, level spreaders, etc., will be used where practical.

8. Exterior lighting used in the rezoned area will be downward focused (shielded and/or recessed) lighting to minimize the negative impact that the reflection can have on adjoining property.

VI. PERMITTED USES

9. Under Article 8, Business, General B-1, uses that are the permitted by right. The Applicant waives the following use:

8-1-22 Public service corporation transmission lines, etc., except as necessary to serve the property with utility service

WITNESS the following signatures and seals:

Heinz D. Wieland Winfried G. Wieland (SEAL) POA
HEINZ D. WIELAND by Winfried G. Wieland
His Attorney-in-Fact

Heidrun E. Wieland Winfried G. Wieland (SEAL) POA
HEIDRUN E. WIELAND by Winfried G. Wieland
Her Attorney-in-Fact

STATE OF PA

COUNTY OF LANCASTER, to-wit:

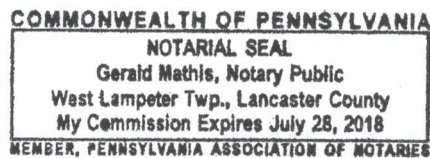
The foregoing instrument was acknowledged before me this 25 day of
AUGUST, 2017, by WINFRIED G. WIELAND, Attorney in Fact for HEINZ D.
WIELAND and HEIDRUN E. WIELAND.

My Commission Expires

JULY 28 2018

[Signature]

Notary Public



Original Proffers August 10, 2004
Amendment

[THE "ORIGINAL PROFFERS" LINE SHOULD BE MARKED WITH AN "X" IF THESE PROFFERS ARE THE FIRST PROFFERS TO BE APPLIED TO THE LAND UNDER ITS PROPOSED ZONING; THE "AMENDMENT" LINE SHOULD BE MARKED WITH AN "X" ONLY IF THESE PROFFERS AMEND EXISTING PROFFERS AND THE ZONING DISTRICT DESIGNATION IS NOT BEING CHANGED]

PROFFER STATEMENT

Madison County Zoning Map Amendment (Rezoning) No. _____
[INSERT Application Number Issued by Zoning Department]

Tax Map and Parcel Number(s): TAX MAP 48, Parcel 13I
[INSERT 14-DIGIT TAX MAP AND PARCEL NUMBER OF EACH PARCEL OR PORTION THEREOF BEING REZONED; IF PORTION OF PARCEL BEING REZONED, NOTE THAT IT IS A PORTION, E.G., "(portion)"]

Owner(s) of Record: Heinz D. or Heidrun E. Wieland
[INSERT NAMES OF ALL OWNERS OF RECORD OF ALL PARCELS, EXACTLY AS THEY APPEAR ON RECORD INSTRUMENTS]

Date of Proffer Signature: _____
[INSERT DATE THE PROFFERS ARE SIGNED]

[INSERT ACREAGE] 34.675 acres to be rezoned from [INSERT CURRENT ZONING DISTRICT] B-1 Conditional to [INSERT PROPOSED ZONING DISTRICT] _____

Heinz D. or Heidrun E. Wieland, is the owner (the "Owner") of Tax Map and Parcel Number 48-13I (the "Property") which is the subject of rezoning application No. _____ for a project known as "South Park" (the "Project").

The Owner hereby voluntarily proffers the conditions listed below which shall be applied to the Property if it is rezoned to the Zoning District identified above. These conditions are proffered as a part of the requested rezoning and the Owner acknowledges that the conditions are reasonable and are made voluntarily. *These proffers shall supersede proffers approved in a rezoning application approved by the Madison County BOS dated August 11, 2004*

1. [Insert a description of Proffer #1]
2. [Insert a description of Proffer #2] Attached
3. [Insert a description of Proffer #3]
4. Etc. [Continue as above, until a complete list of proffered conditions is described in detail]

x Heidrun E. Wieland x
Signature(s) of Owner(s)

[IF LAND IS OWNED BY ONE OR MORE INDIVIDUALS or LEGAL ENTITIES, THEN AN EACH OWNER OF RECORD MUST SIGN THE PROFFERS]

OWNER NAME: Heinz D. or Heidrun E. Wieland
[INSERT NAME BY WHICH LAND IS OWNED]

Original Proffers August 10, 2004
Amendment

[THE "ORIGINAL PROFFERS" LINE SHOULD BE MARKED WITH AN "X" IF THESE PROFFERS ARE THE FIRST PROFFERS TO BE APPLIED TO THE LAND UNDER ITS PROPOSED ZONING. THE "AMENDMENT" LINE SHOULD BE MARKED WITH AN "X" ONLY IF THESE PROFFERS AMEND EXISTING PROFFERS AND THE ZONING DISTRICT DESIGNATION IS NOT BEING CHANGED]

PROFFER STATEMENT

Madison County Zoning Map Amendment (Rezoning) No. _____
[INSERT Application Number Issued by Zoning Department]

Tax Map and Parcel Number(s): TAX MAP 48, Parcel 13 I
[INSERT AT LEAST TWO NAME AND PARCEL NUMBER OF EACH PARCEL OR PORTION THEREOF BEING REZONED; IF PORTION OF PARCEL BEING REZONED, NOTE THAT IT IS A PORTION, E.G., "(portion)"]

Owner(s) of Record: Heinz D. or Heidrun E. Wieland
[INSERT NAMES OF ALL OWNERS OF RECORD OF ALL PARCELS, EXACTLY AS THEY APPEAR ON RECORD INSTRUMENTS]

Date of Proffer Signature: _____
[INSERT DATE THE PROFFERS ARE SIGNED]

[INSERT ACREAGE] 34.675 acres to be rezoned from [INSERT CURRENT ZONING DISTRICT] B-1 Conditional to [INSERT PROPOSED ZONING DISTRICT] _____

Heinz D. or Heidrun E. Wieland is the owner (the "Owner") of Tax Map and Parcel Number 48-13 I (the "Property") which is the subject of rezoning application No. _____ for a project known as "South Park" (the "Project").

The Owner hereby voluntarily proffers the conditions listed below which shall be applied to the Property if it is rezoned to the Zoning District identified above. These conditions are proffered as a part of the requested rezoning and the Owner acknowledges that the conditions are reasonable and are made voluntarily. *These proffers shall supersede proffers approved in a rezoning application approved by the Madison County BOS dated August 11, 2004*

1. [Insert a description of Proffer #1]
2. [Insert a description of Proffer #2] MH-L-A
3. [Insert a description of Proffer #3]
4. Etc. [Continue as above, until a complete list of proffered conditions is described in detail]

X Heinz D. Wieland X
Signature of Owner(s)

[IF LAND IS OWNED BY ONE OR MORE INDIVIDUALS or LEGAL ENTITIES, THEN AN EACH OWNER OF RECORD MUST SIGN THE PROFFERS]

OWNER NAME: Heinz D. or Heidrun E. Wieland
[INSERT NAME BY WHICH LAND IS OWNED]

OR

AGENT OF OWNER(S):

By: [INSERT OF PERSON SIGNING ON BEHALF OF ENTITY THAT OWNS THE LAND]

Title: [INSERT TITLE OF PERSON SIGNING ON BEHALF OF ENTITY]

[INSERT NAME OF ENTITY BY WHICH LAND IS OWNED]

[DELETE ALL BRACKETED TEXT WHEN THE PROFFERS ARE PREPARED AND DELETE OR
ADD OWNER SIGNATURE LINES AS APPROPRIATE]



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION

1601 Orange Road
Culpeper Virginia 22701

Charles A. Kilpatrick, P.E.
Commissioner

September 21, 2017

Madison County Zoning
Attn: Betty Grayson
P.O. Box 1206
Madison, Virginia 22727-1206



Re: Wieland Property Rezoning (TM 48-13D)
Rte. 29 Seminole Trail, Madison County, VA

Dear Mrs. Grayson:

The Department of Transportation, Charlottesville Residency Transportation and Land Use Section has reviewed the rezoning for the above-referenced parcel dated August 22, 2017 as prepared by Hinchey and Barnes, PLC and offers the following comments:

1. The intersection as shown with Madison Plaza Drive is acceptable as is, but would likely preclude Madison Plaza Drive from being eligible for acceptance into the state system as it does not appear to meet the corner clearance standard.
2. Any required intersection improvements with the connection to Route 29 will be identified and evaluated upon submission of a site plan. That stated, both right and left turn lanes may be required.

If you have further questions, please contact Anthony Hurlock at (540) 829-7498.

Sincerely,

Adam J. Moore, P.E.
Area Land Use Engineer
VDOT - Charlottesville Residency



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION

1601 Orange Road
Culpeper, Virginia 22701

Stephen C. Brich, P.E.
Commissioner

December 05, 2018

Madison County Zoning
Attn: Betty Grayson
P.O. Box 1206
Madison, Virginia 22727-1206

Re: Wieland Property (TM 48-131)-Site Plan
Rte. 29 Seminole Trail, Madison County, VA.

Dear Mrs. Grayson:

The Department of Transportation, Charlottesville Residency Transportation and Land Use Section has reviewed the rezoning for the above-referenced parcel dated June 06, 2018, revised December 5, 2018, as prepared by Hinchey and Barnes, PLC and find it to be generally acceptable.

A VDOT Land Use Permit will be required prior to any work within the right-of-way. The owner/developer must contact the Charlottesville Residency Transportation and Land Use Section at (434) 422-9399 for information pertaining to this process and also to set up a preconstruction meeting to identify essential inspection requirements for streets to be accepted into the state system. If further information is desired, please contact Willis Bedsaul at 434-422-9866.

Sincerely,

A handwritten signature in blue ink that reads "Adam J. Moore".

Adam J. Moore, P.E.
Area Land Use Engineer
VDOT - Charlottesville Residency

RAPIDAN SERVICE AUTHORITY
11235 SPOTSWOOD TRAIL
PO BOX 148
RUCKERSVILLE, VA 22968
TEL 434-985-7811
FAX 434-985-6075



RAPIDAN SERVICE AUTHORITY
3489 GERMANNA HWY
PO BOX 736
LOCUST GROVE, VA 22508
TEL 540-972-2133
FAX 540-972-7065

Serving the Counties of Greene, Madison and Orange

September 8, 2017

Mrs. Betty Grayson, Zoning Administrator
Madison County
P. O. Box 1206
Madison, Virginia 22727

RE: Wieland Property Rezoning Request

Dear Mrs. Grayson:

Rapidan Service Authority has reviewed the request by Mr. and Mrs. Wieland to change the proffer conditions (dated August 25, 2017) on property tax map #48, parcel #131. The Madison Board of Supervisors approved the original rezoning request on August 11, 2004 along with proffer conditions.

RSA has water capacity to serve this commercial property, but the water is available on a first come first serve basis. The landowner has agreed to construct a water main extension to serve this property and the main shall be protected within a dedicated twenty foot wide utility easement on the property.

RSA has no sewer capacity. Therefore, no extension of sewer is available at this time.

If you have any questions, please contact me.

Sincerely yours,

Timothy L. Clemons
General Manager

