



# City of Charles Town

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## RESOLUTION

### **Resolution to Repeal and Replace the Conditions of Annexation for the Fritts Property**

**WHEREAS**, in 2008, J. Russell Fritts, Inc. presented a petition to annex property into the City of Charles Town (City) that was subsequently referred to the Finance Committee (Committee) and the Planning Commission (Commission) for review, analysis, and recommendation; and

**WHEREAS**, the Committee and Commission recommended, and the Charles Town City Council (Council) approved via Resolution 2008-06 on March 17, 2008, the annexation of such land into the City with several conditions including a zoning designation of Neighborhood Residential; and

**WHEREAS**, the petitioners agreed that any conditions of annexation imposed by Council at that time would bind the owners of the property, their successors, and assigns; and

**WHEREAS**, nearly fourteen years after that initial agreement was made, the subject property remains undeveloped and the current family owners, working with a new developer, have requested that Council consider amendments to the original agreement that reflect the City's current growth plans and existing economic conditions; and

**WHEREAS**, Council appointed a negotiating team (Negotiating Team) on August 16, 2021, including representatives from the City's current Finance Committee, Planning Commission, and Council, to work with the current owners to determine if amendments should be recommended to the full Council for further consideration; and

**WHEREAS**, after several productive discussions with the current property owners and prospective developer of the Fritts Property that was annexed with conditions into the City pursuant to Resolution 2008-006 (Resolution), the Negotiating Team recommends repealing the conditions of annexation imposed by the Resolution and replacing with new terms and conditions.

**NOW, THEREFORE BE IT RESOLVED** Council agrees to the following new terms and conditions with respect to the development of the Fritts Property:

1. the development shall be subject to the City's current Neighborhood Residential zoning standards, except that the portion of land planned for commercial use shall be satisfied if at least five acres of land are set aside for neighborhood commercial uses; and
2. on land set aside for neighborhood commercial uses, mixed-use construction including first floor commercial and upper level residential uses shall be permitted and considered, subject to all other limitations, including height, in a Neighborhood Residential zoning district; and

3. notwithstanding any residential units contained in a mixed-use commercial structure, the total number of residential units proposed for the site may not exceed 325 units; and
4. the final concept plan approved by the Planning Commission must include a road connection to the Langlet property located to the southeast of the Fritts property; and
5. each new unit of residential development on the site, except for those contained in a mixed-use structure, shall be subject to a voluntary financial proffer of \$2,448 per unit that may be used by the City to fund any of its future capital needs; and
6. the financial proffer is subject to adjustment by the City every five years, starting from the Planning Commission's approval of the final preliminary plat drawings for the initial phase. The City will provide the owner/developer with a written 60-day advanced notice of the financial proffer increase with supporting documentation to justify the fee increase. Council will consider force majeure before increasing the fee; and
7. the owner/developer will pay \$50,000 to the City after the Planning Commission has conceptually approved the development's preliminary plat, which will be used to fund a feasibility study aimed at improving pedestrian connectivity for residents of the City's 4<sup>th</sup> Ward to the Downtown; and
8. parkland proposed for dedication to the City will include vehicular access and parking improvements for visitors to this City park; and
9. in addition to other parkland dedication required by the City's ordinances, the owner/developer agrees to include a neighborhood park of at least 0.5 acres near the center of the development that will include adequate playground equipment for its residents; and

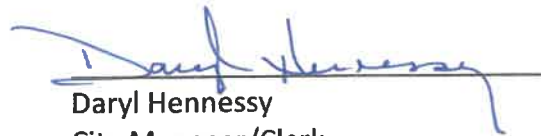
**NOW, THEREFORE BE IT FURTHER RESOLVED**, the Planning Commission shall review the owner/developers' preliminary plan for development dated January 6, 2022 for consistency with the Neighborhood Zoning district standards and other conditions outlined in this resolution, make adjustments with the owner/developer as agreed, and perform all other routine duties as outlined in the City's Subdivision and Land Development Ordinance related to this project; and

**NOW, THEREFORE BE IT FURTHER RESOLVED**, Council and the property owner agree that the terms and conditions contained in this resolution shall bind the current owner, their successor, and assigns.

Adopted the 7<sup>th</sup> day of February 2022.



Robert M. Trainor  
Mayor



Daryl Hennessy  
City Manager/Clerk