

MOTION:

**August 3, 2010
Regular Meeting
Ord. No. 10-**

SECOND:

**RE: REZONING #PLN2006-00781, AVENDALE -
BRENTSVILLE MAGISTERIAL DISTRICT**

ACTION:

WHEREAS, this is a request to rezone +/-125.3 acres from A-1, Agricultural, to PMR, Planned Mixed Residential, for a maximum of 295 single-family detached dwelling units with waivers and modifications. The proposed gross density is 2.35 du/ac, and the net density is approximately 2.36 du/ac. The site is located on the south side of Vint Hill Road, approximately 970 feet west of its intersection with Route 28. The REZ site is identified on County maps as GPINS 7494-91-9208, 7595-09-5417, -01-6924, -10-4098, -11-8416, -20-0056, -20-9299, -21-7200, -21-8909, -30-0049, -30-3598, -30-5094, -30-5779, and -31-1303, and is designated AE, Agricultural Estate; and

WHEREAS, staff has reviewed the subject application and recommends approval, as stated in the staff report; and

WHEREAS, the Planning Commission held a public hearing on this item on November 4, 2009, and recommends denial, as stated in Res. #09-117; and

WHEREAS, a public hearing, duly advertised in a local newspaper for a period of two weeks, was held on January 12, 2010, and interested citizens were heard; and

WHEREAS, the Board of County Supervisors closed the public hearing and deferred the case indefinitely; and

WHEREAS, there have been no substantive changes to the case subsequently; and

WHEREAS, revised proffers dated July 23, 2010 were submitted which satisfy the infrastructure objectives set forth in Resolution 10-102 for the Linton Hall Road area; and

WHEREAS, general welfare and good zoning practice are served by the approval of the application;

NOW, THEREFORE, BE IT ORDAINED, that the Prince William Board of County Supervisors does hereby approve Rezoning #PLN2006-00781, Avendale, subject to the proffers dated July 23, 2010; and

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BE IT FURTHER ORDAINED that the Board of County Supervisors' approval and adoption of any proffers does not relieve the applicant and/or subsequent owners from compliance with provisions of any applicable ordinances, regulations, or adopted standards.

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

For information:

Planning Director

Michael D. Lubeley
Walsh, Colucci, Lubeley, Emrich and Walsh P.C.
4310 Prince William Parkway, Suite #300
Prince William, VA 21192

ATTEST: _____
Clerk to the Board



Melissa S. Peacor
County Executive

COUNTY OF PRINCE WILLIAM
OFFICE OF EXECUTIVE MANAGEMENT
1 County Complex Court, Prince William, Virginia 22192-9201
(703) 792-6600 Metro 631-1703 FAX: (703) 792-7484

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July 28, 2010

TO: Board of County Supervisors

FROM: *FOR* Stephen K. Griffin, AICP
Director of Planning *SKG*

THRU: Melissa S. Peacor
County Executive

RE: REZ #PLN2006-00781, Avendale
Brentsville Magisterial District

Subsequent to the Board of County Supervisors' public hearing on January 12, 2010, during which time the above case was heard and the hearing closed, the applicant has modified proffers #6 and #17, to clarify the continued access from parcel (GPIN 7595-00-6386), which is surrounded by the subject rezoning, to Vint Hill Road. The applicant has also revised proffers #14 and #26 to more specifically identify the conveyance of 77 acres for school and park purposes within 60 days after the final rezoning and has revised proffer #28 which indicates that no building permits shall be requested until such time as Patriot High School, T. Clay Wood Elementary School and Linton Hall Road Elementary School have been constructed. The applicant has further added proffer #34 which describes steps to be taken to ensure that the Federal Immigration Reform and Control Act of 1986 is followed. Attached are the revised proffers dated July 23, 2010, which contain the changes.

The County Attorney has communicated to us that, her view, the primary effect of three of the four changes is to serve as Applicant's specific acknowledgement of certain provisions of federal law (prohibiting the hiring of illegal immigrant workers), state law (the common law pertaining to the priority of already-existing easements and restrictions of record guaranteeing access to GPIN 7595-00-6386) and Board policy (the Linton Hall Road Schools Policy, Res. #10-02), those three changes need not be viewed as substantial. Further, since the remaining change accelerates Applicant's obligation to convey proffered property to a point earlier than that originally proffered by Applicant

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during the public hearing, that change likewise need not be viewed as substantial. While the decision of whether a change to proffers in a rezoning case after the public hearing has been opened is entirely within the discretion of the Board, staff does not view these changes as substantial, and recommends that the Board make a finding that they are not.

Staff continues to recommend approval of this case and believes that the objectives set out in the Resolution (#10-102), which establishes criteria for residential development in the Linton Hall Road area, are met.

PROFFER STATEMENT

RE: REZ #PLN2006-00781, Avendale
Applicant/Record Owner: Brookfield Vint Hill L.L.C.
Property: GPINs Part of 7594-09-5417; 7495-91-9208; 7595-11-8416; 7595-10-4098;
7595-20-0056; 7595-30-0049; 7595-01-6924; 7595-30-5779; 7595-30-5094;
7595-21-7200; 7595-20-9299; 7595-31-1303; 7595-30-3598; 7595-21-8909
Brentsville Magisterial District
125.3 Acres A-1 to Planned Mixed Residential District (PMR)

Date: ~~January 8,~~ July 23, 2010

The undersigned hereby proffers that the use and development of the Property shall be in strict conformance with the following conditions and shall supersede all other proffers made prior hereto. The headings of the proffers 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 provision of the proffers. Any improvements proffered herein below shall be provided at the time of development of the portion of the site served by the improvement, unless otherwise specified. The terms "Applicant" and "Developer" shall include all future owners and successors in interest.

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

1. "Master Zoning Plan – Avendale", prepared by Dewberry & Davis LLC and dated April 1, 2006, last revised November 19, 2009 ("MZP").
2. "Off-site Right-of-Way Exhibit - Avendale", prepared by Dewberry & Davis, LLC and dated August 9, 2006, last revised March 4, 2009, (Off-Site Realigned Vint Hill Road Improvement Plan").
3. "Modified Housing Types", dated September 2009 (6 sheets) ("Modified Housing Types Exhibit")
 - SFD Unit Typical
 - Carriage House Typical – front access
 - Carriage House Typical – rear access
 - Village Series House Typical – rear access
 - Village Series House Typical – front access A
 - Village Series House Typical – front access B
4. "Entrance Feature Elevation", prepared by The Land Planning & Design Group, Inc. and dated September 2009 ("Entrance Feature Exhibit").

5. "Public Use Exhibit – Avendale", prepared by Dewberry & Davis, LLC and dated July 30, 2008 ("Public Use Site Exhibit").
6. "Open Space and Trails Exhibit", prepared by The Land Planning & Design Group, Inc. and dated September 2009, last revised November 23, 2009 ("Open Space and Trails Exhibit").
7. "Streetscape/Utility Strip Elevation and Plan", prepared by The Land Planning & Design Group, Inc. and dated July 2009 (2 sheets) ("Streetscape Exhibit").
8. "Playground Area Entrance Exhibit", prepared by The Land Planning & Design Group, Inc. and dated August 2009 ("Playground Area Entrance Exhibit").

TRANSPORTATION

1. Realigned Vint Hill Road
 - a. Design/Engineering Plans
 - (1) The Applicant shall make a monetary contribution to the Prince William Board of County Supervisors in the amount of \$340,000 to be used for the engineering/design of the improvements for Realigned Vint Hill Road as a four lane divided roadway in accordance with the specifications of the MA-2, Category VII, road standard set forth in the Prince William County Design and Construction Standards Manual ("DCSM"), and the engineering/design of the associated intersection improvements at Realigned Vint Hill Road and Route 28. Said contribution shall be paid 30 days after Final Rezoning of the Property by the Board of County Supervisors as requested by the Applicant. "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 Prince William Board of County Supervisors' 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 Board of Supervisors which has not been appealed, or if appealed, the day following which the decision has not been affirmed on appeal.
 - (2) In the event the Applicant chooses to move forward with the construction of the Realigned Vint Hill Road improvements as set forth in Proffer #1.c(2) below, the County shall make the engineering plans and related

documents (plats, archeological, wetland geotechnical reports, etc.) available to the Applicant, at no cost, for such construction purposes.

b. Right of Way Dedication

- (1) In lieu of a monetary contribution in accordance with the applicable level of service standard for transportation improvements, the Applicant shall reserve and dedicate, at no cost to Prince William County or the Virginia Department of Transportation (VDOT), right of way across the Property up to a maximum of one hundred sixteen feet (116') in width, plus additional right of way as necessary for turn lanes, in the location as generally shown on the MZP. Said dedication shall be made at the time of and in connection with the first final subdivision plan (record plat) for the Property or earlier at the request of the County. In the event said dedication is requested prior to the processing of the site/subdivision plan, the Applicant shall not be responsible for the preparation or processing of plans, plats, deeds and related documents necessary for said dedication.
- (2) In lieu of a monetary contribution in accordance with the applicable level of service standard for transportation improvements, the Applicant shall be responsible for the acquisition, or cost thereof, of off-site right of way, including any easements required for utilities, utility relocation, stormwater management and the like as required for the construction of Realigned Vint Hill Road as a four lane divided roadway from existing Vint Hill Road north of the Property to Route 28, as said right of way is generally shown on the Off-Site Realigned Vint Hill Road Improvement Plan.

c. Construction of Realigned Vint Hill Road – If the County has not given the Applicant notice of its intent to construct Realigned Vint Hill Road, or commenced construction of said road, by the time the first final subdivision plan is filed, the Applicant shall provide the County with written notification of its intent to move forward with development of the Property and the County shall decide within six months whether it will assume responsibility for the construction of the road.

- (1) In the event the County provides the Applicant with written notice of its intent to move forward with the construction of Realigned Vint Hill Road, or has commenced construction of said road, the following shall apply:
 - (a) Applicant shall make a monetary contribution to the Prince William Board of County Supervisors in the amount of

\$5,452,704.00 to be used for the construction of Realigned Vint Hill Road or, if realigned Vint Hill Road is already constructed and funded by others, said funds shall be used for projects that are identified in the CIP, 6 year road plan or for other capital improvements projects. The Board of County Supervisors may budget and appropriate these contributions or portions thereof to other specific capital improvement projects only in the event construction of Realigned Vint Hill Road is complete and the project is financially closed. If construction of Realigned Vint Hill Road has commenced or the County has executed a contract for the construction of said improvements, said contribution shall be paid at the time a building permit is issued for the first residential unit on the Property. If construction of Realigned Vint Hill Road has not commenced or the County has not executed a contract for the construction of said improvements, said contribution shall be paid as follows:

- (i) One third (1/3) at the time a building permit is issued for the first residential unit on the Property.
 - (ii) One third (1/3) six months after the first payment.
 - (iii) One third (1/3) six months after the second payment.
- (b) Prior to the County attempting to acquire any off-site right of way deemed as the Applicant's responsibility pursuant to Proffer #1.b(2) above, the Applicant shall be given six (6) months written notice by the County that the project is moving forward and the Applicant shall have full use of the engineering plans and related documents (plats, archeological, wetland and geotechnical reports, etc.) and the option to negotiate the acquisition of the required right of way and pay for same. In the event the Applicant chooses not to pursue negotiation of the required off-site right of way acquisition or is not able to obtain said right of way, the Applicant shall be responsible for reimbursing the County for all costs associated with the condemnation as set forth in Proffer #1.b(2)(d)(vii) below, said reimbursement to be paid at the time the contribution set forth in Proffer #1.c(1)(a) above is paid.
- (c) In connection with the construction of the said road improvements, the County shall have the right to enter upon the Property for purposes of constructing stormwater management pond(s) in the

area(s) as shown on the MZP. The County shall coordinate the design of any such stormwater management pond(s) with the Applicant to ensure that such design and construction provides capacity to accommodate future drainage for the ultimate development of the Property as approved by the County. The Applicant shall be responsible for the pro rata cost of construction of any such pond(s) to accommodate the on-site development, which cost shall be reimbursed by the Applicant within ninety (90) days of receipt of written notice from the County that said pond has been constructed in accordance with the approved public improvement plan.

- (d) The Applicant shall have the right to develop the Property utilizing existing Vint Hill Road, with the improvements as set forth in Proffer #2 below, as the sole access to the Property without limitation, until such time that Realigned Vint Hill Road is constructed by the County as set forth in Proffer #1.c above and open to the public.
- (2) In the event the Applicant chooses to move forward with the construction of Realigned Vint Hill prior to the construction of said improvements by the County, the following shall apply:
- (a) In lieu of a monetary contribution in accordance with the applicable level of service standard for transportation improvements and the monetary contribution set forth in Proffer #1.c(1)(a) above, the Applicant shall utilize the approved road plan referenced in Proffer #1.a above and construct a ½ section of Realigned Vint Hill Road from existing Vint Hill Road to Route 28, including a Class II bike trail on the northeast side of Realigned Vint Hill Road, within the right of way to be dedicated pursuant to Proffer #1.b above. Said road improvements shall be constructed as a part of the first phase of development of the Property and shall be in service prior to the issuance of a building permit for the first residential unit constructed on the Property, excluding units used exclusively for model home purposes. For purposes of this proffer, "in service" shall be interpreted to mean that said road improvements are open for public use but not necessarily accepted into the State system for maintenance.
 - (b) Signalization. In connection with the improvements referenced in Proffer #1.c(2)(a) above and at the request of the County and/or

VDOT, the Applicant shall conduct a traffic signal warrant study for the intersection of Realigned Vint Hill Road and Route 28 and shall submit said study to the County and VDOT for review and approval. In the event the warrant study concludes that a traffic signal is warranted at said intersection, and if so requested by the County and VDOT, the Applicant shall be responsible for the provision and installation of said signal, including pedestrian activated crossing and pre-emption capability, at no cost to the County or VDOT. In the event that other funds have been proffered or paid by others, except the County or VDOT, for the said traffic signal prior to the construction of the signal by the Applicant, said funds shall be used and credited toward the cost of the traffic signal. Upon installation of the signal, the Applicant's obligation shall be satisfied in full and the Applicant shall have no further responsibility to provide signalization at the said intersection. In the event a signal is constructed by others prior to the development of the Property, the Applicant shall be responsible for providing modifications to said signal to accommodate the Realigned Vint Hill Road leg of the intersection. In the event said signal is not warranted during development of the Property (prior to the issuance of the last building permit as shown on the approved final subdivision plans), the Applicant shall have no further obligation with reference to said signalization.

- (c) In the event the Applicant is not able to acquire off-site right of way required in order to provide the improvements identified in Proffer #1.c(2)(a) or #1.c(2)(b) above, including any easements required for utilities, utility relocation, stormwater management and the like associated with said road improvements, the Applicant shall request the County to acquire the right of way and easements by means of its condemnation powers at Applicant's expense. Applicant's request shall be in writing and shall comply in all respects with the County's Eminent Domain Policy. Said request shall be made to the appropriate County agency and shall be accompanied by the following:
 - (i) The names of the record owners, the property addresses, tax map parcel numbers and GPIN numbers for each landowner from whom such right of way and/or easements are sought.
 - (ii) Plats, plans and profiles showing the necessary right of way

and/or easements to be acquired and showing the details of the proposed transportation improvements to be located on each such property.

- (iii) An independent appraisal of the value of the right of way and easements to be acquired, and any and all damages to the residue of the involved property, said appraisal to be performed by an appraiser licensed in Virginia and approved by the County.
- (iv) A 60 year title search of each involved property.
- (v) Documentation demonstrating to the County's satisfaction Applicant's good faith, best efforts to acquire the right of way and/or easements, at a cost of at least the appraised value of the involved property interests.
- (vi) A letter of credit acceptable to the County, cash or equivalent (from a financial institution acceptable to the County) in an amount equal to the appraised value of the property to be acquired, and all damages to the residue, together with an amount representing the County's estimate of its cost of condemnation proceedings, in a form permitting the County to draw upon the same as necessary to effectuate the purposes hereof.
- (vii) An Agreement signed by Applicant's representative and approved by the County Attorney whereby Applicant agrees to pay all costs of the condemnation, including expert witness fees, court costs, exhibit costs, court reporter fees, attorney fees for the Office of the County Attorney, and all other costs associated with the litigation, including appeals. The Agreement shall specifically provide that in the event the property owner is awarded in the condemnation suit more than the appraised value estimated by Applicant's appraiser, Applicant shall pay to the County the amount of the award in excess of the amount represented by the letter of credit or cash deposit within 15 days of the award.

2. Existing Vint Hill Road

- a. The Applicant shall dedicate, at no cost to Prince William County or VDOT, right of way across the frontage of the Property up to a maximum of thirty feet (30') in width from the existing centerline plus additional right of way as required for turn lanes at the easternmost entrance to the Property. Said dedication shall be made at the time of and in connection with the final subdivision plan for that portion of the Property located adjacent to existing Vint Hill Road.
 - b. The location of the easternmost entrance to the Property on existing Vint Hill Road shall be located substantially as shown on the MZP, subject to approval by the County and VDOT. In the event the entrance location is not approved as shown on the MZP, the Applicant shall have the right to relocate the said entrance in accordance with County and VDOT requirements, in which case the "Tree Save Area" will be modified accordingly to reflect any disturbance that may be necessary in connection with the construction of turn lanes at the said entrance.
 - c. Within existing right of way or right of way to be dedicated pursuant to Proffer #2.a above, the Applicant shall construct turn lanes into the easternmost entrance to the Property on existing Vint Hill Road as required by Prince William County or VDOT.
 - d. Subject to County and VDOT approval, the Applicant shall provide a painted crosswalk in Vint Hill Road to provide a pedestrian connection from the Property to the commercial shopping center property located across Vint Hill Road to the north and, subject to County and VDOT approval, shall install signs within the existing right of way warning vehicular traffic in both directions of the approaching pedestrian crosswalk.
3. Prior to the completion of the development of the Property and at the request of the County and VDOT, the Applicant shall conduct a traffic signal warrant study at the entrance to the Property on Realigned Vint Hill Road and shall submit said study to the County and VDOT for review and approval. In the event the warrant study concludes that a traffic signal is warranted at said entrance, and if so requested by the County and VDOT, the Applicant shall be responsible for the provision and installation of said signal, including pedestrian activated crossing and pre-emption capability, at no cost to the County or VDOT. Upon installation of the signal, the Applicant's obligation shall be satisfied in full and the Applicant shall have no further responsibility to provide signalization at the said intersection. In the event said signal is not warranted during development of the Property (prior to the issuance of the last building permit as shown on the approved final subdivision plans), the Applicant shall have no further obligation with reference to said signalization. In addition to the above referenced obligation for signalization, if approved by the County and VDOT, the Applicant shall install signs

within the existing right of way on Realigned Vint Hill Road warning vehicular traffic in both directions of the approaching subdivision entrance.

4. Prior to the approval of the preliminary plan, the Applicant shall contact a representative of the applicable public transit company to determine whether the transit company has plans to provide intra- or inter-County bus service along Realigned Vint Hill Road and, if so, whether a bus stop will be located along the frontage of the Property. If bus service is to be provided and a bus stop is identified, a note shall be included on the preliminary plan stating that the appropriate location shall be identified on the applicable final subdivision plan. The Applicant shall be responsible for the construction of a bus shelter conforming to the applicable standards for the use of the patrons of the bus system. In the event there are no plans to provide intra- or inter-County bus service along Realigned Vint Hill Road, the Applicant shall provide the County with verification of its contact with public transit company and the transit company's response.
5. Interparcel Connections
 - a. If requested by the County at the time a final subdivision plan is submitted for that portion of the Property that surrounds the off-site parcel identified with GPIN 7595-00-6386, the Applicant shall provide for two (2) interparcel connections from the internal street network to the common property boundaries with the said adjoining parcel (GPIN 7595-00-6386) in the locations as generally shown on the MZP. The exact locations of said interparcel connections shall be determined by the Applicant in consultation with the Department of Transportation.
 - b. If requested by the County at the time a final subdivision plan is submitted for the southeastern portion of the Property adjoining properties fronting on Route 28, the Applicant shall reserve land for easements or right of way dedications to provide for interparcel connections from the internal street network to two (2) locations along the southeastern boundary of the Property in the locations as generally shown on the MZP. The exact locations of said interparcel connections shall be determined by the Applicant in consultation with the Department of Transportation. The Applicant's obligation to grant easements or dedicate right of way for said interparcel connections is subject to the adjoining properties developing in a compatible residential use.

USES AND SITE DEVELOPMENT

6. Development of the Property will be in substantial conformance with the PMR Master Zoning Plan, subject to the rights of the existing ingress/egress easement providing access to the off-site parcel identified with GPIN 7595-00-6386. Minor modifications, including the exact location of roads, may be approved at the time of final subdivision

plan. Should review and comment by the Army Corp of Engineers (COE), Department of Environmental Quality (DEQ) or any other County or State agency require more substantial modifications, such changes shall be coordinated with the Planning Director, or his designee.

7. The maximum number of residential units constructed on the Property shall be 295 and all residential units shall be single family detached units. There shall be at least three (3) different housing types constructed on the Property including any of the single family detached options specified in Section 306.12.6 of the Zoning Ordinance, any of the modified housing types with associated development standards as set forth on the Modified Housing Types Exhibit and/or any other modified housing type as may be approved by the Zoning Administrator, except that there shall be no townhouses or duplexes, as defined in Section 306.12.6 of the Zoning Ordinance, constructed on the Property. The Applicant shall have the right to use any combination of housing types to provide the mix as set forth herein provided that each housing type constructed on the Property shall at a minimum represent no less than fourteen percent (14%) and no more than sixty-two percent (62%) of the total number of units constructed on the Property.

COMMUNITY DESIGN

8. A homeowners association shall be established for the proposed development to own, operate and maintain open space, trails and sidewalks not otherwise maintained by VDOT, and recreational facilities. The homeowners association shall be responsible for the ownership and maintenance of all common areas, commonly owned recreational facilities, and, if appropriate, storm water management/BMP facilities installed by the Applicant if not otherwise maintained by the County in accordance with adopted policies.
9. The Applicant shall provide pedestrian trails within the open space/tree save areas, as generally shown on the Open Space and Trails Exhibit, to provide pedestrian connections throughout the Property. The pedestrian trails may vary in width, but shall be a minimum of five feet (5') in width. All pedestrian trails shall be shown on the applicable final subdivision plan for the portion of the Property to be developed or the entire trail system may be shown on a separate trail plan. Said trails shall consist of materials appropriate to serve their function and the character of the area as determined by the Applicant (i.e., asphalt, wood chip, stone dust or poly-pave), may cross the wetland stream as pedestrian bridges, and shall be constructed at the time the portion of the Property on which the trail is located is developed. The final locations of the trails to be constructed in the open space/tree save areas shall be determined at the time each subdivision plan for the respective areas is approved, however, there shall be a minimum of 5,000 linear feet of such trails within the open space/tree save areas located as generally depicted on the Open Space and Trails Exhibit. Sidewalks shall be provided along the public streets within the development in accordance with the DCSM.

10. A streetscape shall be implemented along the internal roads on the Property. The streetscape plan shall utilize a six foot (6') wide green strip between the CSE (Common Shared Easement) and the right of way on public streets as an area to plant street trees. The trees shall be planted at a rate of one (1) tree per fifty (50) linear feet as generally shown on the Streetscape Plan. This measurement to determine the quantity of street trees is based on the linear distance of the curb excluding the radius of the intersection which is the distance from the point of curvature (PC) to the point of tangency (PT). The final quantity of trees and the spacing may be altered due to utility conflicts and safety issues such as safe lines of sight.

11. The Applicant shall provide an open space area along the Realigned Vint Hill Road frontage of the Property. Said open space area shall be a minimum of ninety feet (90') in width, except where the existing outparcel that is not subject to this rezoning (GPIN 7595-00-6386) encroaches into the 90' area. Said open space area shall be shown on each final subdivision plan for that portion that includes frontage on Realigned Vint Hill Road, and said area shall be provided in accordance with the parameters set forth below:
 - a. The open space area shall be established as common area to be owned and maintained by the homeowners association and no individual lots shall be platted within said area.

 - b. A minimum seventy foot (70') wide buffer area, within the ninety foot (90') wide open space, shall be preserved in its natural vegetated state or shall be modified as described by Buffer Areas A, B, and C, as said buffer areas are identified on the Open Space and Trails Exhibit, in accordance with the following:
 - (1) Buffer Area "A" - The Applicant shall supplement the existing vegetation in this area as necessary to achieve a Type C planting standard as set forth in the DCSM. Perpendicular utility crossings and the dam embankment of a stormwater management pond shall be permitted within said buffer area and may not be planted.

 - (2) Buffer Area "B" - The Applicant shall preserve a 70' wide buffer area of existing vegetation in this area. Perpendicular utility crossings and a pedestrian path crossing shall be permitted within said buffer area.

 - (3) Buffer Area "C" - The Applicant shall preserve a 70' wide buffer area of existing vegetation in this area. The Applicant shall at its expense provide a retaining wall if necessary, of approximately 200' in length, along the edge of the 70' wide buffer area and running parallel to Realigned Vint Hill Road in order to preserve the existing trees within this 70' wide buffer

area. The Applicant shall coordinate with the County in connection with the design and engineering of Realigned Vint Hill Road in order to incorporate the wall into the design. Upon completion of the design/engineering plan for Realigned Vint Hill Road, the Applicant shall coordinate with the County for the construction of said wall in conjunction with the construction of Realigned Vint Hill Road. Perpendicular utility crossings shall be permitted within said buffer area.

- c. The twenty feet (20') located outside the seventy foot (70') buffer area will be retained as open space but which may be disturbed for purposes of locating utilities therein.
12. The Applicant shall have the right to locate a project identification sign at each entrance to the Property in the locations as generally shown on the MZP, subject to approved sign permits. The exact location of each sign shall be determined at the time of final subdivision plan for that portion of the Property that includes each entrance. The Realigned Vint Hill Road entrance shall have the primary entrance sign and the existing Vint Hill Road entrance shall have, at the option of the Applicant, a secondary entrance sign. The quality of the entry feature, composition of the landscaping and the design of the sign shall be substantially as shown on the Entrance Feature Exhibit. Modifications shall be permitted at the time of final subdivision plan provided the quality is maintained.

PARKS AND RECREATION

13. The Applicant shall provide a playground area for the residential units located on the Property, said area to be located in the open space area adjacent to Grove "B", as said area is shown on the Open Space and Trails Exhibit. The playground area shall at a minimum consist of one play equipment structure with multiple activities, four swings, two benches, one trash receptacle, and a half basketball or game court, all connected with a network of trails that tie into the pedestrian sidewalk system. The Applicant shall make a reasonable effort to save existing trees within the playground area, with the goal being to construct the playground area under an existing tree canopy. The Applicant reserves the right, but not the obligation, to provide additional recreational amenities within the said community open space area as determined by the Applicant, said additional amenities may be placed in the open space areas, in substance, as said open space areas are shown on the Open Space and Trails Exhibit. The final design for these recreation areas may encroach into the Tree Save Area, but the overall Tree Save Area will not be less than 20% of the net site acreage. The entrance into the playground area shall be designed substantially as shown on the Playground Area Entrance Exhibit.
14. In lieu of a monetary contribution in accordance with the applicable level of service standard for ~~Parks~~sparks and recreation purposes, the Applicant shall dedicate, and convey

in fee simple, to the Prince William Board of County Supervisors, at no cost to the County, the approximately 77 acres of land as generally shown on the Public Use Site Exhibit (also being identified as the balance of GPIN 7594-09-5417), said property to be used for parks and recreation purposes for open space, passive recreation and/or active recreation purposes less that portion to be used for public school purposes, as set forth in Proffer #~~2526~~ below, as determined by the County. The Applicant shall tender a Special Warranty deed for the conveyance of said property to the County ~~prior to or in conjunction with the approval of the first final subdivision plan for lots on the Property~~sixty (60) days after Final Rezoning of the Property by the Board of County Supervisors. "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 Prince William Board of County Supervisors' 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 Board of Supervisors which has not been appealed, or if appealed, the day following which the decision has been affirmed on appeal. Notwithstanding the conveyance, the Applicant and County shall continue to be obligated to dedicate right of way and create easements necessary to accommodate the alignment of Vint Hill Road based on the final approved plan for Realigned Vint Hill Road.

15. The Applicant shall make a monetary contribution to the Prince William Board of County Supervisors in the amount of \$100,000 to be used for park and recreation purposes. Said contribution shall be paid as follows: (1) \$50,000 shall be paid ten (10) days after Final Rezoning of the Property by the Board of County Supervisors as requested by the Applicant. "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 Prince William Board of County Supervisors' 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 Board of Supervisors which has not been appealed, or if appealed, the day following which the decision has been affirmed on appeal; and (2) \$50,000 shall be paid eleven (11) months after Final Rezoning of the Property by the Board of County Supervisors as requested by the Applicant.

ENVIRONMENTAL

16. The Applicant shall make a monetary contribution to the Prince William Board of County Supervisors in the amount of \$75.00 per acre to conduct water quality monitoring, stream restoration projects and/or drainage improvements. Said contribution shall be paid prior to and as a condition of the approval of each final subdivision plan and shall be based on the acreage reflected on each such approved plan.
17. That area substantially identified as Tree Save Area on the Open Space and Trails Exhibit as being located within the area restricted by the limits of clearing, subject to minor

modifications as needed to accommodate final engineering, the rights of the existing ingress/egress easement providing access to the off-site parcel identified with GPIN 7595-00-6386 and/or as provided for in Proffer #9 above and Proffer #18 below, shall be preserved in its existing natural state. Clearing, grading and other land disturbing activity shall be limited in said area to that required for the installation, maintenance and replacement of utility crossings, storm drainage crossings and pedestrian trails, all as otherwise permitted by applicable local, state and federal regulations. In addition, the property owner shall have the right to prune and remove objectionable vegetation, such as poison ivy, poison oak, etc. as well as damaged and/or diseased vegetation. Said tree save areas shall be delineated during development of the Property with the installation of barricades in accordance with Detail No. 810.13 in the DCSM.

18. Prior to the first submission of each final subdivision plan, the Applicant shall contact the County Arborist and offer to walk the Property after the limits of clearing around the Tree Save Areas, as said areas are identified on the Open Space and Trails Exhibit, have been flagged in order to determine if there are existing trees, which are not targeted to be preserved but which might be able to be preserved with a reasonable adjustment of the limits of clearing and Tree Save Area demarcation on the Open Space and Trails Plan. In the event the Applicant and County Arborist mutually agree, adjustments can be made to the limits of Tree Save Area on the Open Space and Trails Exhibit, otherwise, the Tree Save Area shall be as originally shown on the Open Space and Trails Exhibit.
19. The Applicant shall submit a tree preservation plan with the first submission of each final subdivision plan for the Property. The tree preservation plan shall be prepared by a certified arborist or certified landscape architect and shall be submitted to the Prince William County Watershed Management Division for review. The tree preservation plan shall identify and locate all trees having a caliper of 18" DBH (diameter of trees at breast height) or greater that are located within twenty feet (20') of the limits of clearing line in the Tree Save Area (i.e., the area to remain undisturbed) to determine the impacts of development in this area and to indicate those trees that may require pre-treatment or removal prior to the start of construction. Pre-treatment may include crown pruning and/or root pruning, clearing operation measures, erosion controls and mulching. The condition analysis of the located trees shall use the eighth edition of The Guide for Plant Appraisal. The parameters set forth in this proffer shall be in lieu of any requirements set forth in the DCSM, Landscape Plant Selection Guides, Tree Preservation Plan Requirements.
20. The applicant shall preserve two specific oak grove areas within the Property, as identified on the Open Space and Trails Exhibit as Grove "A" and Grove "B", as a part of the Tree Save Area.

21. The Applicant shall provide a minimum of twenty percent (20%) of the net acreage of the Property in undisturbed tree save area as generally shown on the Open Space and Trails Exhibit. At the time each final subdivision plan is submitted, the Applicant will provide a running tabulation of the open space and the tree save area acreages. At no time shall the remaining required open space and tree save area acreages exceed the remaining acreage of the Property which has not yet been included on a submitted subdivision plan.

LIBRARIES

22. The Applicant shall make a monetary contribution to the Prince William Board of County Supervisors in the amount of \$610.00 per residential unit constructed on the property to be used for library purposes. Said contribution shall be paid prior to and as a condition of the issuance of a building permit for each said unit constructed on the Property.

FIRE & RESCUE

23. The Applicant shall make a monetary contribution to the Prince William Board of County Supervisors in the amount of \$753.00 per residential unit constructed on the Property to be used for fire and rescue purposes. Said contribution shall be paid prior to and as a condition of the issuance of a building permit for each said residential unit constructed on the Property.

24. In those instances where the residential units are constructed where the building separation is less than twenty feet (20'), all exterior walls that are closer than 20' to the exterior wall of another unit shall have exterior wall construction that is fire resistant utilizing 2" x 4" studs – 16" O.C. with ½" gypsum board on the inside of the stud and a ½" fire retardant exterior sheathing on the outside of the stud or non-combustible exterior cladding on each of the opposing walls.

25. In those instances where the residential units are constructed where the building separation is less than sixteen feet (16'), said units shall have a NFPA 13-D sprinkler system in the homes. Non-combustible projections such as brick chimneys are permitted within the sixteen foot separation and would not require the homes to provide sprinkler systems.

SCHOOLS

26. In lieu of a monetary contribution in accordance with the applicable level of service standard for school purposes, the Applicant shall dedicate, and convey in fee simple, to the Prince William Board of County Supervisors, at no cost to the County, approximately 77 acres of land as generally shown on the Public Use Site Exhibit (also being identified

as the balance of GPIN 7594-09-5417), said property to be used for school purposes for an elementary and/or middle school site less that portion to be used for parks and recreation purposes as determined by the County, as set forth in Proffer #14 above. The Applicant shall tender a Special Warranty deed for the conveyance of said property to the County ~~prior to or in conjunction with the approval of the first final subdivision plan for lots on the Property~~sixty (60) days after Final Rezoning of the Property by the Board of County Supervisors. "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 Prince William Board of County Supervisors' 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 Board of Supervisors which has not been appealed, or if appealed, the day following which the decision has been affirmed on appeal. Notwithstanding the conveyance, the Applicant and County shall continue to be obligated to dedicate right of way and create easements necessary to accommodate the alignment of Vint Hill Road based on the final approved plan for Realigned Vint Hill Road.

27. In connection with the development of the Property, the Applicant shall extend public water and sanitary sewer to a point along the Realigned Vint Hill Road boundary of the Property in order to facilitate a connection of said utilities to the property to be dedicated to the County pursuant to Proffer #26 above. In the event the Applicant constructs Realigned Vint Hill Road pursuant to Proffer #1.c(2) above, the Applicant shall provide a sleeve(s) to accommodate a water and sanitary sewer pipe from the Property across Realigned Vint Hill Road in order to provide a water and sanitary sewer connection to the school site. In the event the County constructs realigned Vint Hill Road pursuant to Proffer #1.c(1) above, the Applicant shall cooperate with the County and School Board to identify the location of the water and sanitary sewer connection on the Property for purposes of the County or School Board providing a sleeve(s) to accommodate the water and sanitary sewer pipes from the Property across Realigned Vint Hill Road as a part of said road construction by the County.
28. No building permits shall be requested for the construction of residential units on the Property until such time that Patriot High School, T. Clay Wood Elementary School and Linton Hall Road Elementary School are constructed.

AFFORDABLE HOUSING

- 28:29. The Applicant shall make a monetary contribution to the Prince William Board of County Supervisors in the amount of \$250.00 per residential unit for the Housing Preservation and Development Fund. Said contribution shall be paid prior to and as a condition of the issuance of a building permit for each dwelling unit constructed on the Property.

WATER AND SEWER

- ~~29.~~30. The Property shall be served by public sanitary sewer and water and the Applicant shall be responsible for the costs and construction of those on and off-site improvements required in order to provide such service for the demand generated by the development on the Property.

CULTURAL

- ~~30.~~31. The Applicant shall retain a qualified professional archeologist to perform a metal detection survey of a portion of the Property in accordance with the parameters set forth in the Proposed Scope of Work for a Metal Detector provided by Dutton + Associates, LLC, dated October 14, 2009, incorporated herein by reference. Prior to the issuance of the building permit release letter for any portion of the Property located in the area subject to the metal detector survey, the Applicant shall submit the final report on the findings of the metal detector survey to the County for that portion of the Property and shall curate with the County all artifacts, field records, laboratory records, photographic records, and other records recovered and produced as a result of the metal detector survey for that portion of the Property. All artifacts and records submitted for curation shall meet current professional standards and *The Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation*. A curation fee identical to VDHR's curation fee will be paid by the Applicant at the time of delivery to the County. Ownership of all records submitted for curation shall be transferred to the County with a letter of gift.

MISCELLANEOUS

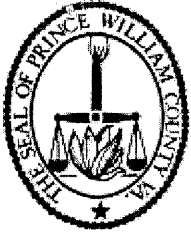
- ~~31.~~32. Acceptance and approval of this rezoning application by the Board of County Supervisors authorizes the location and provision of those public uses and facilities specifically referenced on the Master Zoning Plan, in this proffer statement, and the extension and construction of water and sewer lines and facilities and roads necessary to serve this property pursuant to the Virginia Code Section 15.2-2232 and the Prince William County Code Section 32-201.13.1. The exact locations of said facilities shall be determined based on final engineering and as approved by Prince William County.
- ~~32.~~33. In the event the monetary contributions set forth in the Proffer Statement are paid to the Prince William County Board of County Supervisors ("Board") within eighteen (18) months of the approval of this rezoning, as applied for by the Applicant, said contributions shall be in the amounts as stated herein. Any monetary contributions set forth in this Proffer Statement which are paid to the Board after eighteen (18) months following the approval of this rezoning shall be adjusted in accordance with the Urban

Consumer Price Index ("CPI-U") published by the United States Department of Labor, such that at the time contributions are paid they shall be adjusted by the percentage change in the CPI-U from that date eighteen (18) months after the approval of this rezoning to the most recently available CPI-U to the date the contributions are paid, subject to a cap of 6 percent (6%) per year, noncompounded.

34. In connection with the development of this Property, the Applicant shall take the following steps to ensure that the provisions of the Federal Immigration Reform and Control Act of 1986, which prohibit employment of illegal aliens, are not violated: (i) the Applicant shall include a provision in all of its contracts and agreements pertaining to any work to be performed in connection with development of the Property requiring that all contractors employ only persons who are eligible US Workers as defined under the US immigration laws; and (ii) the Applicant shall provide the County with a copy of said contract provision prior to the approval of the first final subdivision plan.

WAIVERS/MODIFICATIONS

- ~~33.~~35. Modification of the Section 306.20.(2) of the Zoning Ordinance to modify the method of calculating the required open space. The thirty percent (30%) open space requirement shall be calculated based on the net area of the Property after dedication of the right of way for Realigned Vint Hill Road (approximately 114 acres). The resulting open space requirement shall be provided on the Property and shall include open space planting strips located within the dedicated right of way of the internal streets.
- ~~34.~~36. Waiver of Section 306.21 in the Zoning Ordinance to eliminate the requirement for at least one area of non-residential secondary uses within the area designated for residential uses on the MZP.
- ~~35.~~37. Pursuant to Section 700.25 of the Zoning Ordinance, modified housing types and associated performance standards are approved for the residential units to be constructed on the Property. Said housing types and associated performance standards are set forth in the Modified Housing Types Exhibit.
- ~~36.~~38. Pursuant to Section 306.12.3 of the Zoning Ordinance, allow 5' side yards for all housing types constructed on the Property, subject to the provisions set forth in Proffers #24 and #25, as applicable.
- ~~37.~~39. Modification/waiver of Section 800, Landscaping Plant Selection Guides, of the DCSM to define the parameters and scope of the Tree Preservation Plan Requirements solely as set forth in Proffer #19 above.



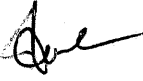
Susan L. Roltsch
Acting County Executive

COUNTY OF PRINCE WILLIAM
OFFICE OF EXECUTIVE MANAGEMENT
1 County Complex Court, Prince William, Virginia 22192-9201
(703) 792-6600 Metro 631-1703 FAX: (703) 792-7484

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January 6, 2009

TO: Board of County Supervisors

FROM: Stephen K. Griffin 
Director of Planning

THRU: Susan L. Roltsch
Acting County Executive

RE: REZ #PLN2006-00781 Avendale
Brentsville Magisterial District

I. Background is as follows:

- A. Request - This is a request to rezone +/-125.3 acres from A-1, Agricultural, to PMR, Planned Mixed Residential, for a maximum of 295 single-family detached dwelling units with waivers and modifications. The proposed gross density is 2.35 du/ac, and the net density is approximately 2.36 du/ac. This application is associated with CPA #PLN2006-00438, which if approved, would re-plan the subject rezoning site and several other parcels from AE, Agricultural or Estate, to SRL, Suburban Residential Low. Without such action, the planning office could not support this rezoning request. The following staff report is predicated on the approval of the companion CPA.
- B. Location - The rezoning site is located on the south side of Vint Hill Road, approximately 970 feet west of its intersection with Route 28 (see maps in Attachment A). The site is identified on County maps as GPINS 7494-91-9208, 7595-09-5417, -01-6924, -10-4098, -11-8416, -20-0056, -20-9299, -21-7200, -21-8909, -30-0049, -30-3598, -30-5094, -30-5779, and -31-1303.
- C. Comprehensive Plan - The site is designated SRL, Suburban Residential Low with the adoption of CPA #PLN2006-00438. Currently, the site is planned AE, Agricultural.
- D. Zoning/Acreage - The ±125.3-acre site is zoned A-1, Agricultural, in its entirety.
- E. Surrounding Land Uses - The subject site is surrounded by single-family detached dwellings, vacant land and a shopping center to the north across existing Vint Hill Road, to the southeast is vacant land and single-family detached dwellings and to the southwest across the future alignment of Vint Hill Road is vacant land and single-family detached dwellings.

II. Current Situation is as follows:

- A. Planning Commission Recommendation – Planning Commission recommends denial of REZ #PLN2006-00781, Avendale. The reasons for this recommendation are based on the following items as identified in the Planning Commission resolution;
1. Page C-3 Proffer 1.C. (1) (a) – wording must be changed to dedicate proffered funding to realigned Vint Hill Road. Proffered funding cannot be used for other projects in the County. Any funding remaining after construction of realigned Vint Hill Road may be used elsewhere;
 2. Page C-4 Proffer 1.C. (1) (c) – wording must be changed to prohibit the use of existing Vint Hill Road for any purpose other than construction of the project;
 3. Page C-7 Proffer 2.C – add wording to clarify that this proffer pertains to old Vint Hill Road and that warning signs for a pedestrian crosswalk will be placed on both sides of the roadway;
 4. Page C-7 Proffer 3 – add wording that requires caution signs to be placed on both sides of realigned Vint Hill Road, warning that you are approaching a subdivision entrance;
 5. Page C-8 Proffer 7 – add wording that prohibits the building of town houses or duplexes, as defined in Section 306.12.6 of the Zoning Ordinance;
 6. Page C-14 Proffers 34 & 35 – Delete in their entirety;
 7. Page 3 of the Staff Report – dated 10/23/09, Section IV. A.1.(b) – disagree with the monetary scoring used to meet LOS standards for Parks and Open Space and Schools. It is our belief that valuing the land being donated at \$78,116 per acre (P&OS) and \$71,101 per acre (Schools) is far in excess of land values in the Rural Crescent where this property is located. It also appears to the Planning Commission that there are some unresolved school issues that need to be addressed prior to this application going to the BOCS.

The applicant has subsequently revised the Master Zoning Plan dated November 19, 2009, and the Trails and Open Space Plan dated November 23, 2009, moving the vehicular access on existing Vint Hill Road to the east. This is proposed to address concerns that residents of the Ashley Ridge development have raised concerning cut-through traffic. The applicant has also revised the proffers dated December 22, 2009, to refer to the revised plans and make several of the revisions requested by the Planning Commission referenced in Items #1, #3-5.

- B. Staff Recommendation - Staff considered the Planning Commission request to change the Level of Service credit for schools and parks in the staff report (Item #7), but in light of the proposed mitigation, 77 acres of land, and the indication from Prince William County Schools administration and Prince William Parks and Recreation that this amount of land will meet the needs of the site based on student generation from the subject site and the Plan guidelines for County park land, staff believes the intent of the LOS mitigation is met. Additionally, as requested by the Planning Commission, the Prince William County Schools administration is scheduled to meet with the School Board on January 6, 2010, to further discuss the proposed mitigation. Staff continues to recommend approval, subject to the revised proffers dated December 22, 2009. See Attachment B for the staff analysis and Attachment C for the proposed proffers.
- C. Board of County Supervisors' Public Hearing - A public hearing before Board of County Supervisors has been advertised for January 12, 2009.

III. Issues in order of importance are as follows:

- A. Comprehensive Plan
1. Long-Range Land Use - Is the REZ consistent with those uses intended by the SRL, Suburban Residential Low, designation?
 2. Level of Service (LOS) - How does the proposal address the Policy Guide for Monetary Contributions?
- B. Community Input - Have members of the community raised any issues?
- C. Other Jurisdictional Comments - Have other jurisdictions raised any issues?
- D. Legal Uses of the Property - What uses are allowed on the property? How are legal issues resulting from Board of County Supervisors' action addressed?
- E. Timing - When must the Board of County Supervisors take action on this application?

IV. Alternatives beginning with the staff recommendation are as follows:

- A. Approve REZ #PLN2006-00781, Avendale, subject to the proffers dated December 22, 2009, with modifications and waivers.

1. Comprehensive Plan

- a) Long-Range Land Use - The site is classified SRL, Suburban Residential Low, if the associated CPA is approved. This proposal is for 295 single-family detached dwelling units at a gross density of 2.35 du/ac and a net density of 2.36 du/ac, which is within the recommended density range of 1-4 dwelling units per acre.
- b) Level of Service (LOS) - The LOS impacts related to this request would be mitigated by the proffered monetary contributions as follows:

LOS per unit (2004 & 2006)	Recommended (2004)	Proffered	Recommended (2006)
Environment (\$75/gross acre x 125.3 acres)	\$9,397.50	\$9,397.50	\$9,397.50
Fire and Rescue (\$753x 295) & (\$749 x 295)	\$222,135.00	\$222,135.00	\$220,995.00
Housing (\$250 x 295) & (\$1,000 x 295)	\$73,750.00	\$73,750.00 ¹	\$295,000.00
Libraries (\$551 x 295) & (\$610 x 295)	\$162,545.00	\$179,950.00	\$179,950.00
Parks and Open Space (\$3,972 x 295)	\$1,171,740.00	\$1,171,740.00 ²	\$1,171,740.00
Schools (\$8,939 x 295) & (\$14,462 X 295)	\$2,637,005.00	\$4,266,290.00 ³	\$4,266,290.00
Transportation (\$8,770x 295) & (\$17,926 x 295)	\$2,587,150.00	\$6,954,704.00 ⁴	\$5,288,170.00
TOTAL	\$6,863,722.50	\$12,877,966.50	\$11,431,542.50

¹The recommended monetary contribution for Housing, which is not part of the policy guidelines, is less (\$250 vs. \$1,000 per unit) than recommended by the Office of Housing and Community Development.

²Based on +/-15 acres being dedicated for park purposes as determined by the PWC Park Authority. The land may not independently appraise or otherwise be valued as shown; however, staff believes the intent of the LOS mitigation is met.

³Based on +/-60 acres being dedicated for schools as determined by PWC Public Schools. The land may not independently appraise or otherwise be valued as shown; however, staff believes the intent of the LOS mitigation is met.

⁴Generally based on the actual prorated purchase price of land and/or tax assessment, specifically for a half section of on-site right-of-way, off-site right-of-way, cost of road design and construction and traffic signal modification identified at the intersection of Route 28 and the new alignment of New Vint Hall Road.

2. Community Input - The application has been transmitted to adjacent property owners within 200 feet. As of the date of this report, the Planning Office has received several contacts from citizens with concerns about additional traffic and school enrollments. There were 18 citizens who spoke at the Planning Commission hearing on November 4, 2009. The majority of the speakers who raised concerns about the proposal, specifically focused on increased traffic and school enrollments.
 3. Other Jurisdictional Comments – The subject site is outside the required notification area of adjacent jurisdictions.
 4. Legal Uses of the Property - Those uses allowed in the PMR zoning district would be permitted, subject to the approved proffers. Legal issues resulting from the Board of County Supervisors action are appropriately addressed by the County Attorney's office.
 5. Timing - The Board of County Supervisors' generally has one year from the date of acceptance, May 11, 2007, to take action on a rezoning request; however, the applicant requested more time to resolve outstanding issues involving the planned transportation network and the transportation improvements proposed as part of this rezoning request.
- B. Deny REZ #PLN2006-00781, Avendale.
1. Comprehensive Plan
 - a) Long-Range Land Use - The property would remain part of the SRL designation, if the associated CPA is approved, and the A-1 zoning district.
 - b) Level of Service - Denial would not have an impact on the existing level of service. It should be noted that denial could slow down the realignment of Vint Hill Road and jeopardize the dedication of a 77-acre school and park site.
 2. Community Input - The application has been transmitted to adjacent property owners within 200 feet. As of the date of this report, the Planning Office has received several contacts from citizens with concerns about additional traffic and school enrollments. There were 18 citizens who spoke at the Planning Commission hearing on November 4, 2009. The majority of the speakers who raised concerns about the proposal, specifically focused on increased traffic and school enrollments.
 3. Other Jurisdictional Comments – The subject site is outside the required notification area of adjacent jurisdictions.

4. Legal Uses of the Property - The site could be developed with uses permitted in the A-1 zoning district. Legal issues resulting from the Board of County Supervisors' action are appropriately addressed by the County Attorney's Office.
5. Timing - The Board of County Supervisors' generally has one year from the date of acceptance, May 11, 2007, to take action on a rezoning request; however, the applicant requested more time to resolve outstanding issues involving the planned transportation network and the transportation improvements proposed as part of this rezoning request.

V. Recommendation is that the Board of County Supervisors accept Alternative A and adopt the attached Ordinance.

Staff: Fran Burnszynski, AICP, X6962

Attachments

- A. Area Maps
- B. Staff Analysis
- C. Proffers
- D. MZP, Open Space and Trails Exhibit and Other Exhibits
- E. Planning Commission Resolution

MOTION:

**January 12, 2010
Regular Meeting
Ord. No. 09-**

SECOND:

**RE: REZONING #PLN2006-00781, AVENDALE
BRENTSVILLE MAGISTERIAL DISTRICT**

ACTION:

WHEREAS, this is a request to rezone +/-125.3 acres from A-1, Agricultural, to PMR, Planned Mixed Residential, for a maximum of 295 single-family detached dwelling units with waivers and modifications. The proposed gross density is 2.35 du/ac, and the net density is approximately 2.36 du/ac. The site is located on the south side of Vint Hill Road, approximately 970 feet west of its intersection with Route 28. The REZ site is identified on County maps as GPINS 7494-91-9208, **7595**-09-5417, -01-6924, -10-4098, -11-8416, -20-0056, -20-9299, -21-7200, -21-8909, -30-0049, -30-3598, -30-5094, -30-5779, and -31-1303, and is designated AE, Agricultural Estate; and

WHEREAS, staff has reviewed the subject application and recommends approval, as stated in the staff report; and

WHEREAS, the Planning Commission held a public hearing on this item on November 4, 2009, and recommends denial, as stated in Res. #09-117; and

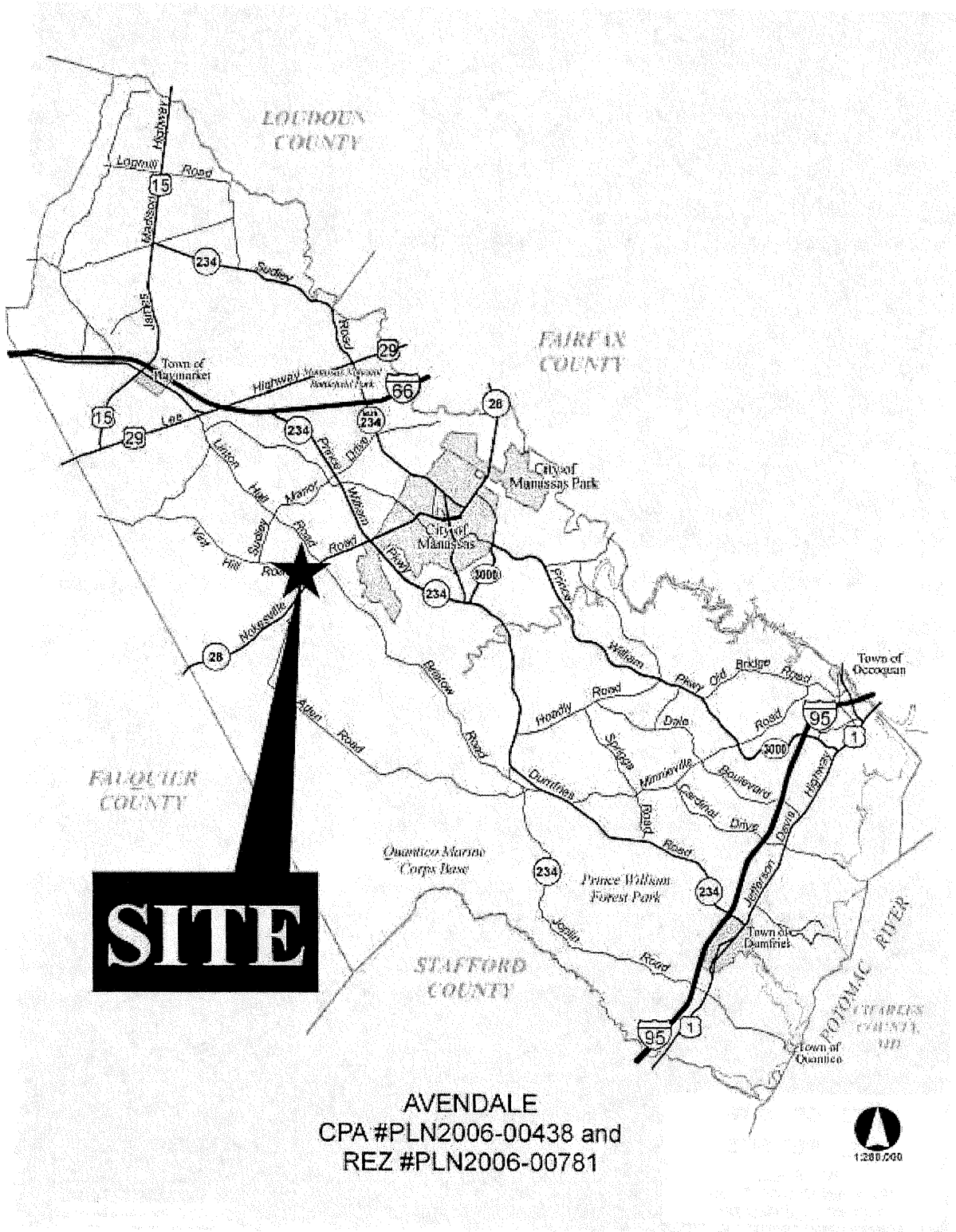
WHEREAS, a public hearing, duly advertised in a local newspaper for a period of two weeks, was held on January 12, 2009, and interested citizens were heard; and

WHEREAS, general welfare and good zoning practice are served by the approval of the application;

NOW, THEREFORE, BE IT ORDAINED, that the Prince William Board of County Supervisors does hereby approve Rezoning #PLN2006-00781, Avendale, subject to the proffers dated December 22, 2009; and

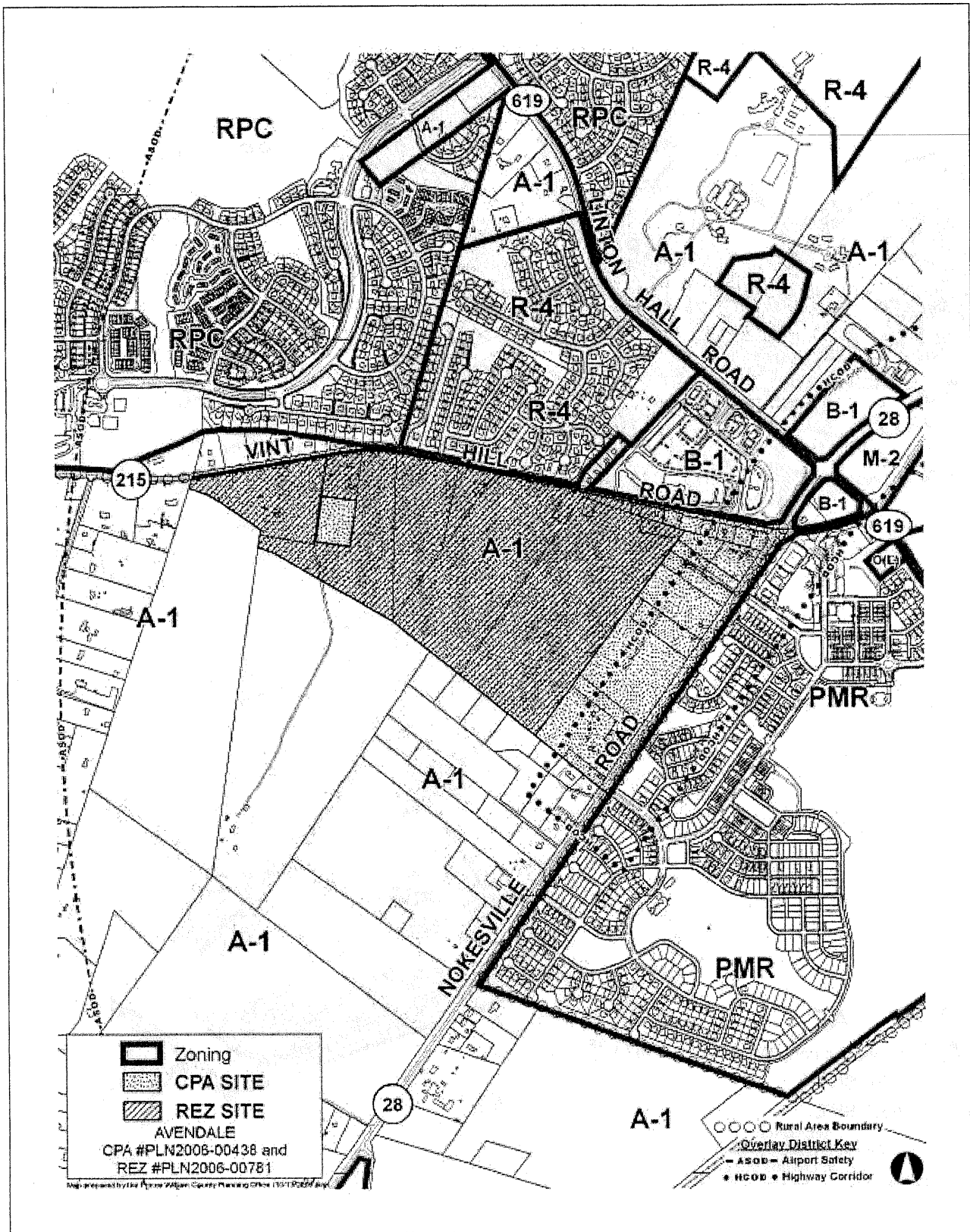
BE IT FURTHER ORDAINED that the Board of County Supervisors' approval and adoption of any proffers does not relieve the applicant and/or subsequent owners from compliance with provisions of any applicable ordinances, regulations, or adopted standards.

Attachment A – Maps
VICINITY MAP



AVENDALE
CPA #PLN2006-00438 and
REZ #PLN2006-00781

**Attachment A – Maps
EXISTING LAND USE AND ZONING MAP**



Part I. Summary of Comprehensive Plan Consistency

Staff Recommendation: Approval

The following is a summary of staff's analysis of this rezoning request to rezone +/-125.3 acres from A-1, Agricultural, to PMR, Planned Mixed-Use Residential, for a maximum of 295 single-family detached dwellings. This analysis is based on the relevant Comprehensive Plan action strategies, goals, and policies. A complete analysis is provided in Part II of this report.

<u>Plan</u>	<u>Consistency</u>	<u>Reasons</u>
Long-Range Land Use	Yes	The proposal is consistent with the SRL, Suburban Residential Low, designation because the proposal incorporates the recommended housing types within the recommended density range.
Community Design	Yes	The applicant has proffered to develop the site in substantial conformance with the MZP and Open Space Exhibit. The site shows areas of tree preservation through the center of the site and along the southwestern and southeastern boundaries of the site. The applicant has proposed an upgraded entrance feature and a park amenity within a tree preservation area as a focal point at the top of the entrance roadway. The applicant is using multiple housing types and ensuring the future integration of the eastern and western portions of the site. However, an overall lot layout has not been provided on the MZP.
Cultural Resources	Yes	The site is in the core area of the Bristoe Battlefield area. As such, a Phase I Archaeological Study was submitted. The County has determined additional metal detection surveying on-site is appropriate. The applicant has proffered to conduct the identified metal detection, and provide curation and submit findings as identified in the scope of work for the metal detection surveying.
Environment	Yes	The site contains an intermittent stream channel and wetlands in central portion of the site, which will be preserved with a 50-foot buffer. A smaller intermittent stream on the west end of the site will be disturbed. The site has limited slopes. The applicant has identified limits of clearing and grading, which protect areas of higher quality tree cover. A water quality contribution has been proffered.

Part II. Comprehensive Plan Consistency Analysis

The following table summarizes the area characteristics (see maps in Attachment A):

Direction	Land Use	Long Range Future Land Use Map Designation	Zoning
North	Across Vint Hill Road - Single-family detached dwellings, vacant land, and a shopping center	SRL, NC and RPC	R-4, B-1 and RPC
Southeast	Single-family detached dwellings and vacant land	AE (currently) SRL (with adoption of companion CPA)	A-1
Southwest	Vacant land and single-family detached dwellings	AE	A-1

Long-Range Land Use Plan Analysis

Through wise land use planning the County ensures that landowners are provided a reasonable use of their land while the County is able to judiciously use its resources to provide the services for residents and employers' needs. The Long Range Land Use Plan sets out policies and action strategies that further the County's goal of providing a land use pattern that encourages fiscally sound development and achieves a high quality living environment. In addition to delineating land use designations on the Long Range Land Use Map, the plan includes recommendations relating to ensuring adequate land for economic development opportunities, providing for a diverse housing market, protecting against the encroachment of incompatible land uses, encouraging infill development within the development area, protecting environmentally sensitive lands, promoting mixed use development where appropriate, encouraging the provision of adequate public facilities for existing and planned development, preserving valuable open space and environmental resources, encouraging higher density development near existing and future transit facilities, and utilizing the sector planning process to provide more detailed recommendations where appropriate.

This site is located within the development area of the County and is classified SRL, Suburban Residential Low. The following table summarizes the uses and densities intended within the SRL designation:

Proposal's Weaknesses

- None identified.

On balance, this application is found to be consistent with the relevant components of the Long-Range Land Use Plan.

Community Design Plan Analysis

An attractive, well-designed County will attract quality development, instill civic pride, improve the visual character of the community and create a strong, positive image of Prince William County. The Community Design Plan sets out policies and action strategies that further the County's goals of providing quality development and a quality living environment for residents, businesses and visitors, and creating livable and attractive communities. The plan includes recommendations relating to building design, site layout, circulation, signage, access to transit, landscaping and streetscaping, community open spaces, natural and cultural amenities, stormwater management, and the preservation of environmental features.

The applicant is requesting a PMR zoning district, which requires a minimum open space of 30%, allows more design flexibility, but also indicates a more highly integrated development with higher quality design elements. The proposal will preserve an intermittent stream channel and its wooded environs though the center of the site as well as substantial tree stands on the southeastern and southwestern property boundaries. The applicant has proposed a higher quality entrance feature on new Vint Hill Road in which the entrance road will culminate into a tree preservation/neighborhood park area, which will be a design focal point. Trails will be located throughout the open space areas linking the eastern and western portions of the development.

There are several waivers and modifications, which have been requested including waiving the secondary non-residential component and modifying several of the housing type layouts. In light of the close proximity of commercial development at Bristow Center and future New Bristow Village, and details and mitigation for the modified housing types, staff supports this waiver and modification.

Proposal's Strengths

- **Substantial Conformance** - The applicant has proffered to develop the site in conformance with the MZP and Open Space and Trail Exhibit.
- **Individual Lot Styles**— The applicant has proffered to specific lot styles in addition to those identified in the PMR section of the Zoning Ordinance to demonstrate a commitment to greater housing diversity.
- **Streetscape** – The applicant has depicted and proffered a layout showing trees planted along the internal roads.

Proposal's Strengths

- Phase I Archaeological Survey – The applicant had a Phase I Archaeological Study conducted on the site, which revealed important information about the site; however, staff does not concur with some of the conclusions, such as no further study of the site is recommended.
- Metal Detection Survey – The applicant has proffered to conduct a metal detection survey on the eastern portion of the site, which is in the core area of the battlefield. As part of the scope of work, the applicant has agreed to share the findings and curate artifacts that are found.

Proposal's Weaknesses

- None identified.

On balance, this application is found to be consistent with the relevant components of the Cultural Resources Plan.

Environment Plan Analysis

Prince William County has a diverse natural environment extending from sea level to mountain crest. Sound environmental protection strategies will allow the natural environment to co-exist with a vibrant, growing economy. The Environment Plan sets out policies and action strategies that further the County's goal of preserving, protecting and enhancing significant environmental resources and features. The plan includes recommendations relating to the incorporation of environmentally sensitive development techniques, improvement of air quality, identification of problematic soil issues, preservation of native vegetation, enhancement of surface and groundwater quality, limitations on impervious surfaces, and the protection of significant viewsheds.

The applicant submitted an environmental constraint analysis and a perennial flow determination. This site contains two streams that have been identified as intermittent; one in the central portion of the site and another smaller feature on the western end of the site. There are wetland areas associated with the central stream. The wetlands cover approximately 1% or 0.6 acres of the site. The site contains less than 1% steep slopes. The site is mostly wooded, and conservation areas are proffered, which will protect tree cover, wetlands and open space in the central portion and adjacent to the southwestern and southeastern property boundaries. The site will be re-vegetated and street trees planted as proffered. A monetary contribution for water quality monitoring, stream restoration and/or drainage improvements has been proffered.

The applicant has proposed to provide stormwater management facilities on the eastern and western ends of the site. These locations appear to be suited for these facilities due to the topography of the site.

The site is located in Subwatershed #268, which drains into an unnamed tributary of Broad Run in the Broad Run watershed.

Attachment B - Staff Analysis

The Fire and Rescue Association is currently reviewing the number of tactical units per station, and the numbers reported here are subject to revision.

Proposal's Strengths

- Monetary Contribution – The applicant has proffered a monetary contribution consistent with the 2004 policy guidelines, which is in excess of the 2006 policy guidelines.
- Response Times – The site is within the recommended 4.0 and 8.0-minute response times for basic life support and fire suppression and advanced life support respectively with the realignment of Vint Hill Road.

Proposal's Weaknesses

- Station Workload - The nearest fire and rescue station to the subject site has tactical units that are slightly over capacity.

On balance, this application is found to be consistent with the relevant components of the Fire and Rescue Plan.

Housing Plan Analysis

Prince William County is committed to clean, safe and attractive neighborhoods for all its residents, and the elimination of neighborhood blight and substandard housing. The Housing Plan sets out policies and action strategies that further the County's goal of identifying locations and criteria for the provision of diverse housing opportunities for all segments of our population and to promote economic development. The plan includes recommendations relating to neighborhood preservation and improvement, affordable housing, special needs housing, and public/private partnerships to address housing needs.

This plan encourages provision of affordable housing units or the support of the housing trust fund by REZ applicants. A monetary contribution of \$73,750 (\$250 per dwelling x 295 units) is proffered by the applicant toward the Housing Preservation and Development Fund.

Proposal's Strengths

- Monetary Contribution – The applicant has proffered to provide \$250 per unit for the Housing Preservation and Development Fund. Since the application was submitted, the Office of Housing and Community Development has requested that the applicant consider providing several affordable units or \$1,000 per unit. The applicant has not addressed this latter request.

Parks, Open Space and Trails Plan Analysis

The quality of life for residents of Prince William County is linked closely to the development and management of a well-maintained system of parks, trails, and open space. Prince William County contains a diversity of park, open space, and trail resources. These parklands, open spaces, and recreational facilities play a key role in shaping both the landscape and the quality of life of Prince William County residents through the conservation of natural and cultural resources, protection of environmental quality, and provision of recreational facilities. The Parks, Open Space and Trails Plan sets out policies and action strategies that further the County's goal of providing park lands and recreational facilities of a quantity, variety, and quality appropriate to meet the needs of the current and future residents of Prince William County. The plan includes recommendations to preserve existing protected open space, maintain high quality open space, expand the amount of protected open space within the County, and to plan and implement a comprehensive countywide network of trails.

The proposed residential development is near the following area parks and trails:

Type	Name
Neighborhood	Braemar Park
Community	Valley View Park Freedom Center
Regional	James S. Long Regional Park Ben Lomond Regional Park/Splashdown Waterpark Prince William Golf Course General's Ridge Golf Course
Linear and Resource-Based	None
Trails	Class II trail proffered along realigned Vint Hill Road, and on-site open space trails

Development of the site, as proposed, will generate a need for an additional 68.57 acres of parks accessible to the general public (70 acres/1,000 population), and this acreage includes 14.3 acres of county park land (15 acres/1,000 population), or the equivalent capital cost expenditures which would be approximately \$1,171,740. The applicant has proffered a land donation of 77 acres which in part or its entirety would be used to provide parkland and open space. The 14.13 acres recommended for park use is equivalent to the recommended monetary contribution under the 2006 policy guidelines.

Development of this site will create +/-34.2-acres of open space of which more than half will be preserved with conservation areas on the commonly owned land throughout the site.

Proposal's Strengths

- Safety and Security Measures - The Police Department has recommended the safety and security measures that should be incorporated into the design of the site. No significant impact to police services is anticipated.
-

Proposal's Weaknesses

- None identified.

On balance, this application is found to be consistent with the relevant components of the Police Plan.

Potable Water Plan Analysis

A safe, dependable drinking water source is a reasonable expectation of County residents and businesses. The Potable Water Plan sets out policies and action strategies that further the County's goal of providing an economically and environmentally sound drinking water system. The plan includes recommendations relating to system expansion, required connections to public water in the development area, and the use of private wells or public water in the rural area.

The property is not currently within the Service Authority service area; however, if the requested comprehensive plan amendment of the site is approved the site would fall within the Service Authority area. Water service exists to the east in New Bristow Village and in Ashley Ridge to the west. A 12-inch water main shall be constructed through the site to connect the aforementioned developments at no cost to the Service Authority. Extensions of the on-site water distribution system shall be made to the subject properties boundaries to provide access for adjacent properties to the public water system. Additional water main construction may be required in order to provide required fire protection hydrant coverage and fire flows.

Proposal's Strengths

- Water Connection - The applicant is required to comply with Zoning Ordinance Section 32-250.74, which mandates connection of the site to public water service. The draft proffers require the applicant to design and construct all on-site and off-site water utility improvements necessary to develop the subject use.

Proposal's Weaknesses

- None identified.

On balance, this application is found to be consistent with the relevant components of the Potable Water Plan.

Attachment B - Staff Analysis

The proposed residential development is near the following schools:

School	Capacity	Enrollment
Nokesville Elementary School	342 (141.0%)	483
Marsteller Middle School	1,233 (115.5)	1,424
Brentsville High School	1,110 (144.2%)	1,601

Based on figures generated on October 2009

Student generation is 88 for elementary school, 44 for middle school, and 61 for high school for a total of 193 students.

The resultant capital cost expenditure needed to meet current LOS for schools is \$4,266,290 (\$14,462 per detached dwelling x 295 units). The applicant has proffered a land donation of 77 acres which in part or its entirety would be used to provide school LOS in accordance with the 2006 Policy Guidelines.

The opening of Kettle Run Elementary School is scheduled for 2011; the opening of Silver Lake Middle School in 2012 and the 11th high school in 2011. These facilities will provide relief at build-out of the requested development in 3-5 years.

Proposal's Strengths

- Land Donation - The applicant has proffered to donate 77 acres of land for park and school purposes, which Prince William County Public Schools has determined is consistent with the 2006 policy guidelines and sufficient to mitigate the impact of this proposal.
- County-Wide School Capacity – County-wide, the various categories of schools are operating within overall enrollment capacities.
- Water and Sewer Connections – The applicant has proffered to provide public water and sanitary sewer connections to the 77 acre site being donated for school purposes.

Proposal's Weaknesses

- Individual School Capacity – The school capacities for this area are currently over-enrolled. However, new elementary, middle and high schools, which are being built in this area, will provide relief.

On balance, this application is found to be consistent with the relevant components of the Schools Plan.

Attachment B - Staff Analysis

The applicant's proposal for 295 new dwellings will generate approximately 2,950 new trips per day. The 2006 LOS for transportation is \$5,288,171 (\$17,926 per detached dwelling x 295 units). The 2004 LOS for transportation is 2,587,150 (\$8,770 per detached dwelling x 295 units). The applicant is providing excess right-of-way, construction and/or contributions with a value equaling \$6,954,704.

Proposal's Strengths

- Right-of-Way Dedication – The applicant has proffered to provide on-site right-of-way dedication and provide the off-site acquisition cost along the realignment of Vint Hill Road from the western end of the site out to Route 28. The right-of-way will be 116 feet wide plus additional right-of-way for turn lanes.
- Realigned Vint Hill Road - The applicant shall fund or construct a half section of realigned Vint Hill Road and necessary turn lanes from the western end of the site to Route 28.
- Interparcel Connections – The applicant has depicted interparcel connections to surrounding parcels.
- Pedestrian Connections – The applicant has proffered to provide sidewalks throughout the development and stripe a crosswalk to Bristow Center Shopping Center.
- Existing Vint Hill Road - The applicant shall construct turn lanes into the easternmost site entrance from existing Vint Hill Road. If additional right-of-way is needed, the applicant shall dedicate it.
- Class II Trail – The applicant shall fund or construct a 5-foot wide Class II Bike Trail on the north side of realigned Vint Hill Road.
- Signalization – If warrants are met, the applicant shall modify the proposed traffic signal at the future intersection of realigned Vint Hill Road and Route 28.

Proposal's Weaknesses

- Vehicular Access to New Vint Hill Road – Ideally, the location of the vehicular site entrance on new Vint Hill Road would align with the future vehicular access to the public use site on the south side of new Vint Hill Road. This is not feasible due to environmental constraints on the rezoning site.

On balance, this application is found to be consistent with the relevant components of the Transportation Plan.

PROFFER STATEMENT

RE: REZ #PLN2006-00781, Avendale
Applicant/Record Owner: Brookfield Vint Hill L.L.C.
Property: ~~GPINs Part of 7594-09-5417; 7495-91-9208; 7595-11-8416; 7595-10-4098;~~
7595-20-0056; 7595-30-0049; 7595-01-6924; 7595-30-5779; 7595-30-5094; 7595-21-7200;
7595-20-9299; 7595-31-1303; 7595-30-3598; 7595-21-8909
Brentsville Magisterial District
125.3 Acres A-1 to Planned Mixed Residential District (PMR)

Date: December 22, 2009

The undersigned hereby proffers that the use and development of the Property shall be in strict conformance with the following conditions and shall supersede all other proffers made prior hereto. The headings of the proffers 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 provision of the proffers. Any improvements proffered herein below shall be provided at the time of development of the portion of the site served by the improvement, unless otherwise specified. The terms "Applicant" and "Developer" shall include all future owners and successors in interest.

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

1. "Master Zoning Plan – Avendale", prepared by Dewberry & Davis LLC and dated April 1, 2006, last revised November 19, 2009 ("MZP").
2. "Off-site Right-of-Way Exhibit - Avendale", prepared by Dewberry & Davis, LLC and dated August 9, 2006, last revised March 4, 2009, (Off-Site Realigned Vint Hill Road Improvement Plan").
3. "Modified Housing Types", dated September 2009 (6 sheets) ("Modified Housing Types Exhibit")
 - SFD Unit Typical
 - Carriage House Typical – front access
 - Carriage House Typical – rear access
 - Village Series House Typical – rear access
 - Village Series House Typical – front access A
 - Village Series House Typical – front access B
4. "Entrance Feature Elevation", prepared by The Land Planning & Design Group, Inc. and dated September 2009 ("Entrance Feature Exhibit").
5. "Public Use Exhibit – Avendale", prepared by Dewberry & Davis, LLC and dated July 30, 2008 ("Public Use Site Exhibit").

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dated December 22, 2009**

way as necessary for turn lanes, in the location as generally shown on the MZP. Said dedication shall be made at the time of and in connection with the first final subdivision plan (record plat) for the Property or earlier at the request of the County. In the event said dedication is requested prior to the processing of the site/subdivision plan, the Applicant shall not be responsible for the preparation or processing of plans, plats, deeds and related documents necessary for said dedication.

- (2) In lieu of a monetary contribution in accordance with the applicable level of service standard for transportation improvements, the Applicant shall be responsible for the acquisition, or cost thereof, of off-site right of way, including any easements required for utilities, utility relocation, stormwater management and the like as required for the construction of Realigned Vint Hill Road as a four lane divided roadway from existing Vint Hill Road north of the Property to Route 28, as said right of way is generally shown on the Off-Site Realigned Vint Hill Road Improvement Plan.
- c. Construction of Realigned Vint Hill Road – If the County has not given the Applicant notice of its intent to construct Realigned Vint Hill Road, or commenced construction of said road, by the time the first final subdivision plan is filed, the Applicant shall provide the County with written notification of its intent to move forward with development of the Property and the County shall decide within six months whether it will assume responsibility for the construction of the road.
- (1) In the event the County provides the Applicant with written notice of its intent to move forward with the construction of Realigned Vint Hill Road, or has commenced construction of said road, the following shall apply:
 - (a) Applicant shall make a monetary contribution to the Prince William Board of County Supervisors in the amount of \$5,452,704.00 to be used for the construction of Realigned Vint Hill Road or, if realigned Vint Hill Road is already constructed and funded by others, said funds shall be used for projects that are identified in the CIP, 6 year road plan or for other capital improvements projects. The Board of County Supervisors may budget and appropriate these contributions or portions thereof to other specific capital improvement projects only in the event construction of Realigned Vint Hill Road is complete and the project is financially closed. If construction of Realigned Vint Hill Road has commenced or the County has executed a contract for the construction of said improvements, said contribution shall be paid at the time a building permit is issued for the first residential unit on the Property. If construction of Realigned Vint Hill Road has not commenced or the County has not executed a contract for the construction of said improvements, said contribution shall be paid as follows:

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- (a) In lieu of a monetary contribution in accordance with the applicable level of service standard for transportation improvements and the monetary contribution set forth in Proffer #1.c(1)(a) above, the Applicant shall utilize the approved road plan referenced in Proffer #1.a above and construct a ½ section of Realigned Vint Hill Road from existing Vint Hill Road to Route 28, including a Class II bike trail on the northeast side of Realigned Vint Hill Road, within the right of way to be dedicated pursuant to Proffer #1.b above. Said road improvements shall be constructed as a part of the first phase of development of the Property and shall be in service prior to the issuance of a building permit for the first residential unit constructed on the Property, excluding units used exclusively for model home purposes. For purposes of this proffer, "in service" shall be interpreted to mean that said road improvements are open for public use but not necessarily accepted into the State system for maintenance.
- (b) Signalization. In connection with the improvements referenced in Proffer #1.c(2)(a) above and at the request of the County and/or VDOT, the Applicant shall conduct a traffic signal warrant study for the intersection of Realigned Vint Hill Road and Route 28 and shall submit said study to the County and VDOT for review and approval. In the event the warrant study concludes that a traffic signal is warranted at said intersection, and if so requested by the County and VDOT, the Applicant shall be responsible for the provision and installation of said signal, including pedestrian activated crossing and pre-emption capability, at no cost to the County or VDOT. In the event that other funds have been proffered or paid by others, except the County or VDOT, for the said traffic signal prior to the construction of the signal by the Applicant, said funds shall be used and credited toward the cost of the traffic signal. Upon installation of the signal, the Applicant's obligation shall be satisfied in full and the Applicant shall have no further responsibility to provide signalization at the said intersection. In the event a signal is constructed by others prior to the development of the Property, the Applicant shall be responsible for providing modifications to said signal to accommodate the Realigned Vint Hill Road leg of the intersection. In the event said signal is not warranted during development of the Property (prior to the issuance of the last building permit as shown on the approved final subdivision plans), the Applicant shall have no further obligation with reference to said signalization.
- (c) In the event the Applicant is not able to acquire off-site right of way required in order to provide the improvements identified in Proffer #1.c(2)(a) or #1.c(2)(b) above, including any easements required for utilities, utility relocation, stormwater management and the like

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property owner is awarded in the condemnation suit more than the appraised value estimated by Applicant's appraiser, Applicant shall pay to the County the amount of the award in excess of the amount represented by the letter of credit or cash deposit within 15 days of the award.

2. Existing Vint Hill Road
 - a. The Applicant shall dedicate, at no cost to Prince William County or VDOT, right of way across the frontage of the Property up to a maximum of thirty feet (30') in width from the existing centerline plus additional right of way as required for turn lanes at the easternmost entrance to the Property. Said dedication shall be made at the time of and in connection with the final subdivision plan for that portion of the Property located adjacent to existing Vint Hill Road.
 - b. The location of the easternmost entrance to the Property on existing Vint Hill Road shall be located substantially as shown on the MZP, subject to approval by the County and VDOT. In the event the entrance location is not approved as shown on the MZP, the Applicant shall have the right to relocate the said entrance in accordance with County and VDOT requirements, in which case the "Tree Save Area" will be modified accordingly to reflect any disturbance that may be necessary in connection with the construction of turn lanes at the said entrance.
 - c. Within existing right of way or right of way to be dedicated pursuant to Proffer #2.a above, the Applicant shall construct turn lanes into the easternmost entrance to the Property on existing Vint Hill Road as required by Prince William County or VDOT.
 - d. Subject to County and VDOT approval, the Applicant shall provide a painted crosswalk in Vint Hill Road to provide a pedestrian connection from the Property to the commercial shopping center property located across Vint Hill Road to the north and, subject to County and VDOT approval, shall install signs within the existing right of way warning vehicular traffic in both directions of the approaching pedestrian crosswalk.
3. Prior to the completion of the development of the Property and at the request of the County and VDOT, the Applicant shall conduct a traffic signal warrant study at the entrance to the Property on Realigned Vint Hill Road and shall submit said study to the County and VDOT for review and approval. In the event the warrant study concludes that a traffic signal is warranted at said entrance, and if so requested by the County and VDOT, the Applicant shall be responsible for the provision and installation of said signal, including pedestrian activated crossing and pre-emption capability, at no cost to the County or VDOT. Upon installation of the signal, the Applicant's obligation shall be satisfied in full and the Applicant shall have no further responsibility to provide signalization at the said intersection. In the event said signal is not warranted during development of the Property (prior to the issuance of the last building permit as shown on the approved final subdivision plans), the Applicant shall have no further obligation with reference to said signalization. In

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7. The maximum number of residential units constructed on the Property shall be 295 and all residential units shall be single family detached units. There shall be at least three (3) different housing types constructed on the Property including any of the single family detached options specified in Section 306.12.6 of the Zoning Ordinance, any of the modified housing types with associated development standards as set forth on the Modified Housing Types Exhibit and/or any other modified housing type as may be approved by the Zoning Administrator, except that there shall be no townhouses or duplexes, as defined in Section 306.12.6 of the Zoning Ordinance, constructed on the Property. The Applicant shall have the right to use any combination of housing types to provide the mix as set forth herein provided that each housing type constructed on the Property shall at a minimum represent no less than fourteen percent (14%) and no more than sixty-two percent (62%) of the total number of units constructed on the Property.

COMMUNITY DESIGN

8. A homeowners association shall be established for the proposed development to own, operate and maintain open space, trails and sidewalks not otherwise maintained by VDOT, and recreational facilities. The homeowners association shall be responsible for the ownership and maintenance of all common areas, commonly owned recreational facilities, and, if appropriate, storm water management/BMP facilities installed by the Applicant if not otherwise maintained by the County in accordance with adopted policies.
9. The Applicant shall provide pedestrian trails within the open space/tree save areas, as generally shown on the Open Space and Trails Exhibit, to provide pedestrian connections throughout the Property. The pedestrian trails may vary in width, but shall be a minimum of five feet (5') in width. All pedestrian trails shall be shown on the applicable final subdivision plan for the portion of the Property to be developed or the entire trail system may be shown on a separate trail plan. Said trails shall consist of materials appropriate to serve their function and the character of the area as determined by the Applicant (i.e., asphalt, wood chip, stone dust or poly-pave), may cross the wetland stream as pedestrian bridges, and shall be constructed at the time the portion of the Property on which the trail is located is developed. The final locations of the trails to be constructed in the open space/tree save areas shall be determined at the time each subdivision plan for the respective areas is approved, however, there shall be a minimum of 5,000 linear feet of such trails within the open space/tree save areas located as generally depicted on the Open Space and Trails Exhibit. Sidewalks shall be provided along the public streets within the development in accordance with the DCSM.
10. A streetscape shall be implemented along the internal roads on the Property. The streetscape plan shall utilize a six foot (6') wide green strip between the CSE (Common Shared Easement) and the right of way on public streets as an area to plant street trees. The trees shall be planted at a rate of one (1) tree per fifty (50) linear feet as generally shown on the Streetscape Plan. This measurement to determine the quantity of street trees is based on the linear distance of the curb excluding the radius of the intersection which is the distance from

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12. The Applicant shall have the right to locate a project identification sign at each entrance to the Property in the locations as generally shown on the MZP, subject to approved sign permits. The exact location of each sign shall be determined at the time of final subdivision plan for that portion of the Property that includes each entrance. The Realigned Vint Hill Road entrance shall have the primary entrance sign and the existing Vint Hill Road entrance shall have, at the option of the Applicant, a secondary entrance sign. The quality of the entry feature, composition of the landscaping and the design of the sign shall be substantially as shown on the Entrance Feature Exhibit. Modifications shall be permitted at the time of final subdivision plan provided the quality is maintained.

PARKS AND RECREATION

13. The Applicant shall provide a playground area for the residential units located on the Property, said area to be located in the open space area adjacent to Grove "B", as said area is shown on the Open Space and Trails Exhibit. The playground area shall at a minimum consist of one play equipment structure with multiple activities, four swings, two benches, one trash receptacle, and a half basketball or game court, all connected with a network of trails that tie into the pedestrian sidewalk system. The Applicant shall make a reasonable effort to save existing trees within the playground area, with the goal being to construct the playground area under an existing tree canopy. The Applicant reserves the right, but not the obligation, to provide additional recreational amenities within the said community open space area as determined by the Applicant, said additional amenities may be placed in the open space areas, in substance, as said open space areas are shown on the Open Space and Trails Exhibit. The final design for these recreation areas may encroach into the Tree Save Area, but the overall Tree Save Area will not be less than 20% of the net site acreage. The entrance into the playground area shall be designed substantially as shown on the Playground Area Entrance Exhibit.
14. In lieu of a monetary contribution in accordance with the applicable level of service standard for Parks and recreation purposes, the Applicant shall dedicate, and convey in fee simple, to the Prince William Board of County Supervisors, at no cost to the County, the approximately 77 acres of land as generally shown on the Public Use Site Exhibit (also being identified as the balance of GPIN 7594-09-5417), said property to be used for parks and recreation purposes for open space, passive recreation and/or active recreation purposes less that portion to be used for public school purposes, as set forth in Proffer #25 below, as determined by the County. The Applicant shall tender a Special Warranty deed for the conveyance of said property to the County prior to or in conjunction with the approval of the first final subdivision plan for lots on the Property.

ENVIRONMENTAL

15. The Applicant shall make a monetary contribution to the Prince William Board of County Supervisors in the amount of \$75.00 per acre to conduct water quality monitoring, stream restoration projects and/or drainage improvements. Said contribution shall be paid prior to and as a condition of the approval of each final subdivision plan and shall be based on the acreage reflected on each such approved plan.

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remaining required open space and tree save area acreages exceed the remaining acreage of the Property which has not yet been included on a submitted subdivision plan.

LIBRARIES

21. The Applicant shall make a monetary contribution to the Prince William Board of County Supervisors in the amount of \$610.00 per residential unit constructed on the property to be used for library purposes. Said contribution shall be paid prior to and as a condition of the issuance of a building permit for each said unit constructed on the Property.

FIRE & RESCUE

22. The Applicant shall make a monetary contribution to the Prince William Board of County Supervisors in the amount of \$753.00 per residential unit constructed on the Property to be used for fire and rescue purposes. Said contribution shall be paid prior to and as a condition of the issuance of a building permit for each said residential unit constructed on the Property.
23. In those instances where the residential units are constructed where the building separation is less than twenty feet (20'), all exterior walls that are closer than 20' to the exterior wall of another unit shall have exterior wall construction that is fire resistant utilizing 2" x 4" studs – 16" O.C. with ½" gypsum board on the inside of the stud and a ½" fire retardant exterior sheathing on the outside of the stud or non-combustible exterior cladding on each of the opposing walls.
24. In those instances where the residential units are constructed where the building separation is less than sixteen feet (16'), said units shall have a NFPA 13-D sprinkler system in the homes. Non-combustible projections such as brick chimneys are permitted within the sixteen foot separation and would not require the homes to provide sprinkler systems.

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detector survey to the County for that portion of the Property and shall curate with the County all artifacts, field records, laboratory records, photographic records, and other records recovered and produced as a result of the metal detector survey for that portion of the Property. All artifacts and records submitted for curation shall meet current professional standards and *The Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation*. A curation fee identical to VDHR's curation fee will be paid by the Applicant at the time of delivery to the County.

Ownership of all records submitted for curation shall be transferred to the County with a letter of gift.

MISCELLANEOUS

30. Acceptance and approval of this rezoning application by the Board of County Supervisors authorizes the location and provision of those public uses and facilities specifically referenced on the Master Zoning Plan, in this proffer statement, and the extension and construction of water and sewer lines and facilities and roads necessary to serve this property pursuant to the Virginia Code Section 15.2-2232 and the Prince William County Code Section 32-201.13.1. The exact locations of said facilities shall be determined based on final engineering and as approved by Prince William County.
31. In the event the monetary contributions set forth in the Proffer Statement are paid to the Prince William County Board of County Supervisors ("Board") within eighteen (18) months of the approval of this rezoning, as applied for by the Applicant, said contributions shall be in the amounts as stated herein. Any monetary contributions set forth in this Proffer Statement which are paid to the Board after eighteen (18) months following the approval of this rezoning shall be adjusted in accordance with the Urban Consumer Price Index ("CPI-U") published by the United States Department of Labor, such that at the time contributions are paid they shall be adjusted by the percentage change in the CPI-U from that date eighteen (18) months after the approval of this rezoning to the most recently available CPI-U to the date the contributions are paid, subject to a cap of 6 percent (6%) per year, noncompounded.

WAIVERS/MODIFICATIONS

32. Modification of the Section 306.20.(2) of the Zoning Ordinance to modify the method of calculating the required open space. The thirty percent (30%) open space requirement shall be calculated based on the net area of the Property after dedication of the right of way for Realigned Vint Hill Road (approximately 114 acres). The resulting open space requirement shall be provided on the Property and shall include open space planting strips located within the dedicated right of way of the internal streets.
33. Waiver of Section 306.21 in the Zoning Ordinance to eliminate the requirement for at least one area of non-residential secondary uses within the area designated for residential uses on the MZP.

SIGNATURE PAGE
REZ #PLN2006-00781, Avendale

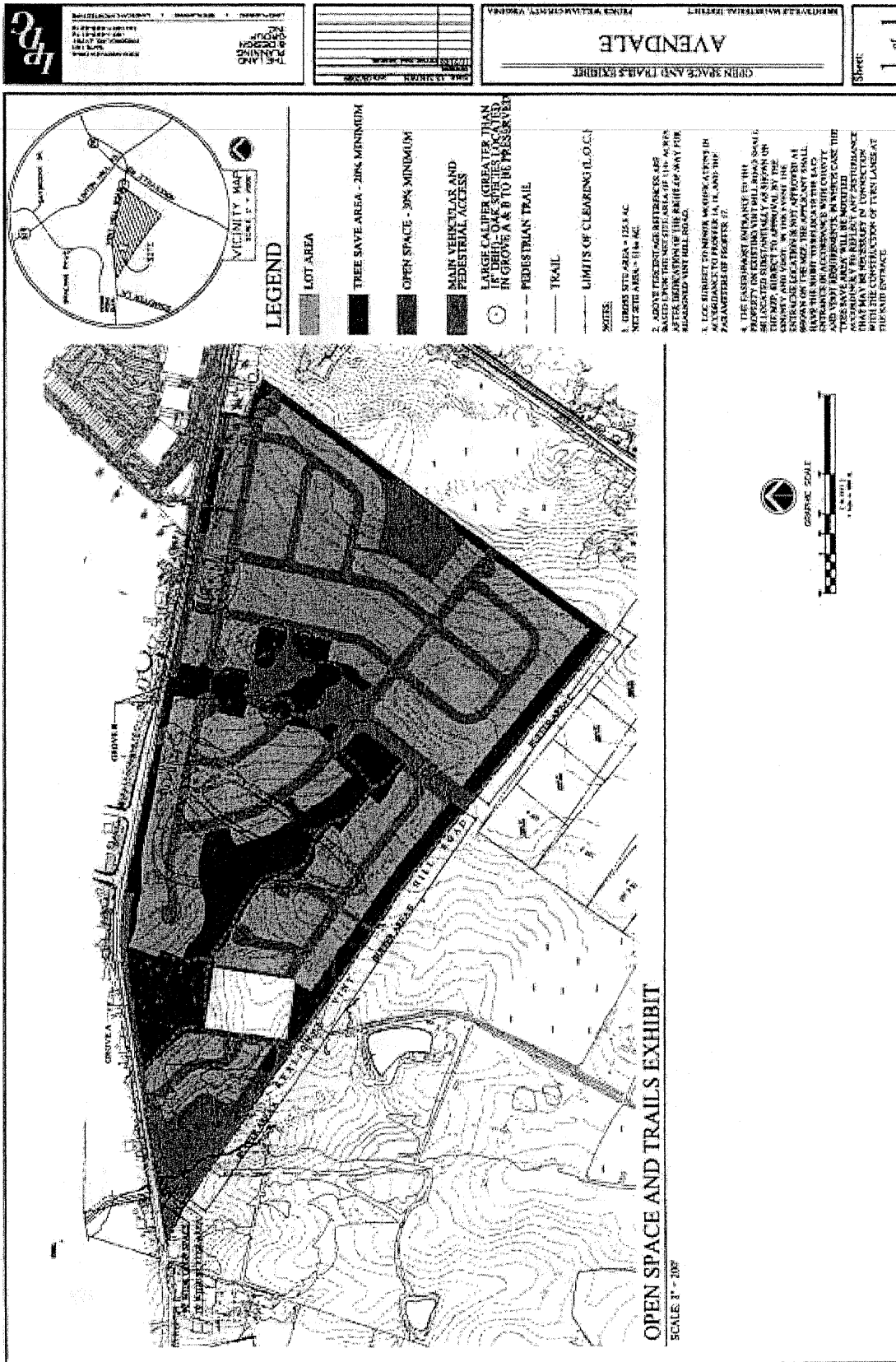
BROOKFIELD VINT HILL, L.L.C.

By: Brookfield Washington, L.L.C., its Manager

By: _____
Richard J. Dengler

Title: Vice President

Attachment D – Open Space and Trails Exhibit
 dated September 2009 and revised through November 23, 2009



Attachment D – Public Use Exhibit
dated July 30, 2008



Attachment D – Modified Housing Types dated September 2009

September 2009

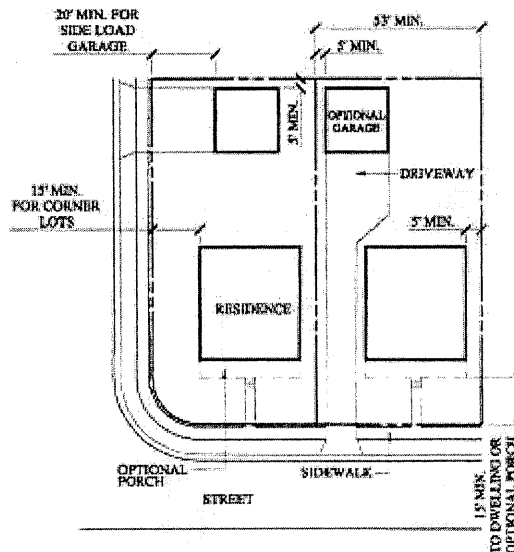
MODIFIED HOUSING TYPES

Carriage House Typical (front access)

Carriage housing units are a unique two story style of home. The homes offer a rear located optional garage with front street access. This design places the garage and associated vehicles to the rear of the lot, which helps to provide a clean streetscape, encouraging a more pedestrian friendly community. They are designed to be oriented in close proximity to the street. The following table specifies the minimum standards for the Non-Alley Carriage House type.

Minimum lot area	5000 sq. ft.
Maximum lot coverage	.60
Maximum building height	35 ft.
Minimum setbacks:	
Front setback to house	15 ft.
Side	5 ft.
Corner lot (side)	15 ft.
Corner lot (side load garage)	20 ft.
Rear lot line to house	20 ft.
Minimum setbacks to garage:	
Side	5 ft.
Corner lot (side)	15 ft.
Corner lot (Side load garage)	20 ft.
Rear	5 ft.
Minimum setbacks for unroofed landings, porches, decks, steps, stoops, patios, chimneys, retaining walls four (4) feet or higher, as determined by the Building Code, and driveways constructed, all of which are greater than eight (8) inches above existing grade in any combination shall be:	
Front	10 ft.
Side	5 ft.
Corner lot (side)	15 ft.
Rear	8 ft.
Minimum lot width	53 ft.

Notes: Rear yard privacy fencing and decking is intended to be placed in the rear yard area
 Minimum building separation measurement excludes architectural features such as, but not limited to, windows, sills, cornices, eaves, gutters, masonry veneer, and bay windows, but excluding floor area supported by cantilevered construction. No setback shall apply to unroofed patios, walkways, sidewalks, areaways, and driveways constructed eight (8) inches or less above existing grade within five (5) feet of said feature of the contour of the land.



Attachment D – Modified Housing Types dated September 2009

September 2009

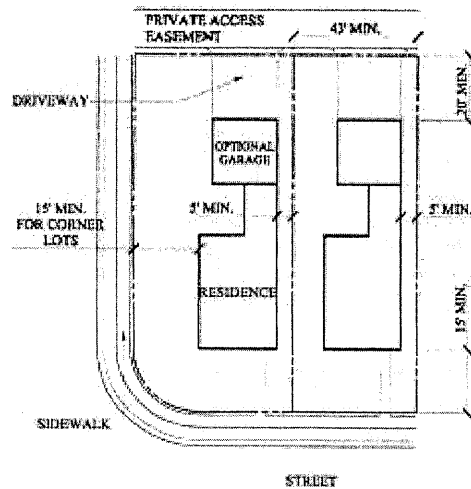
MODIFIED HOUSING TYPES

Village Series House Typical (rear access)

The Village Series housing units are a unique two-story style of home with parking access located to the rear of the home. The home offers a rear private access easement for vehicular access. This design places the parking and associated vehicles to the rear of the lot, which helps to provide a clean streetscape, encouraging a more pedestrian friendly community. They are designed to be oriented in close proximity to the street. The following table specifies the minimum standards for the Village Series House type.

Minimum lot area	5000 sq. ft.
Maximum lot coverage	.60
Maximum building height	35 ft.
Minimum setbacks:	
Front setback to house	15 ft.
Side	5 ft.
Corner lot (side)	15 ft.
Rear lot line to house	20 ft.
Minimum setbacks to garage:	
Front	NA
Side	5 ft.
Corner lot (side)	15 ft.
Corner lot (side load garage)	20 ft.
Rear	20 ft.
Minimum setbacks for unroofed landings, porches, decks, steps, stoops, patios, chimneys, retaining walls four (4) feet or higher, as determined by the Building Code, and driveways constructed, all of which are greater than eight (8) inches above existing grade in any combination shall be:	
Front	10 ft.
Side	5 ft.
Corner lot (side)	15 ft.
Rear	8 ft.
Minimum lot width	43 ft.

Notes: Rear yard privacy fencing and decking is intended to be placed in the rear yard area. Minimum building separation measurement excludes architectural features such as, but not limited to, windows, sills, cornices, eaves, gutters, masonry veneer, and bay windows, but excluding floor area supported by cantilevered construction. No setback shall apply to unroofed patios, walkways, sidewalks, arcways, and driveways constructed eight (8) inches or less above existing grade within five (5) feet of said feature of the contour of the land.



Attachment D – Modified Housing Types dated September 2009

September 2009

MODIFIED HOUSING TYPES

Village Series House Typical (front access B)

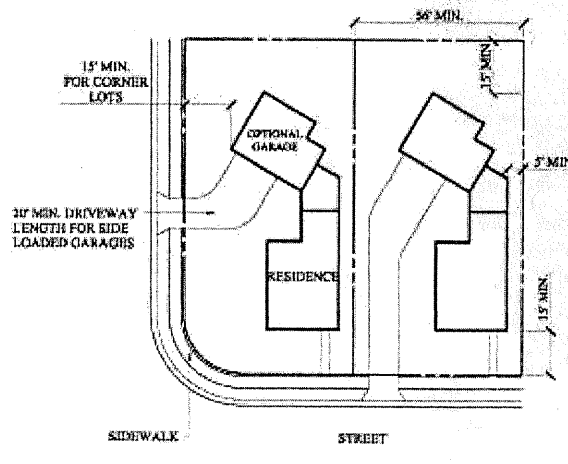
The Village Series housing units are a unique two-story style of home with parking located to the rear of the home. The home offers a front street access with a rear located optional garage. This design places the parking and associated vehicles to the rear of the lot, which helps to provide a clean streetscape, encouraging a more pedestrian friendly community. They are designed to be oriented in close proximity to the street. The following table specifies the minimum standards for the Village Series House type.

Minimum lot area	5000 sq. ft.
Maximum lot coverage	.60
Maximum building height	35 ft.
Minimum setbacks:	
Front setback to house	15 ft.
Side	5 ft.
Corner lot (side)	15 ft.
Rear lot line to house	20 ft.
Minimum setbacks to garage:	
Front	NA
Side	5 ft.
Corner lot (side)	15 ft.
Corner lot (side load garage)	15 ft.
Corner lot minimum driveway length	20 ft.
Rear	15 ft.

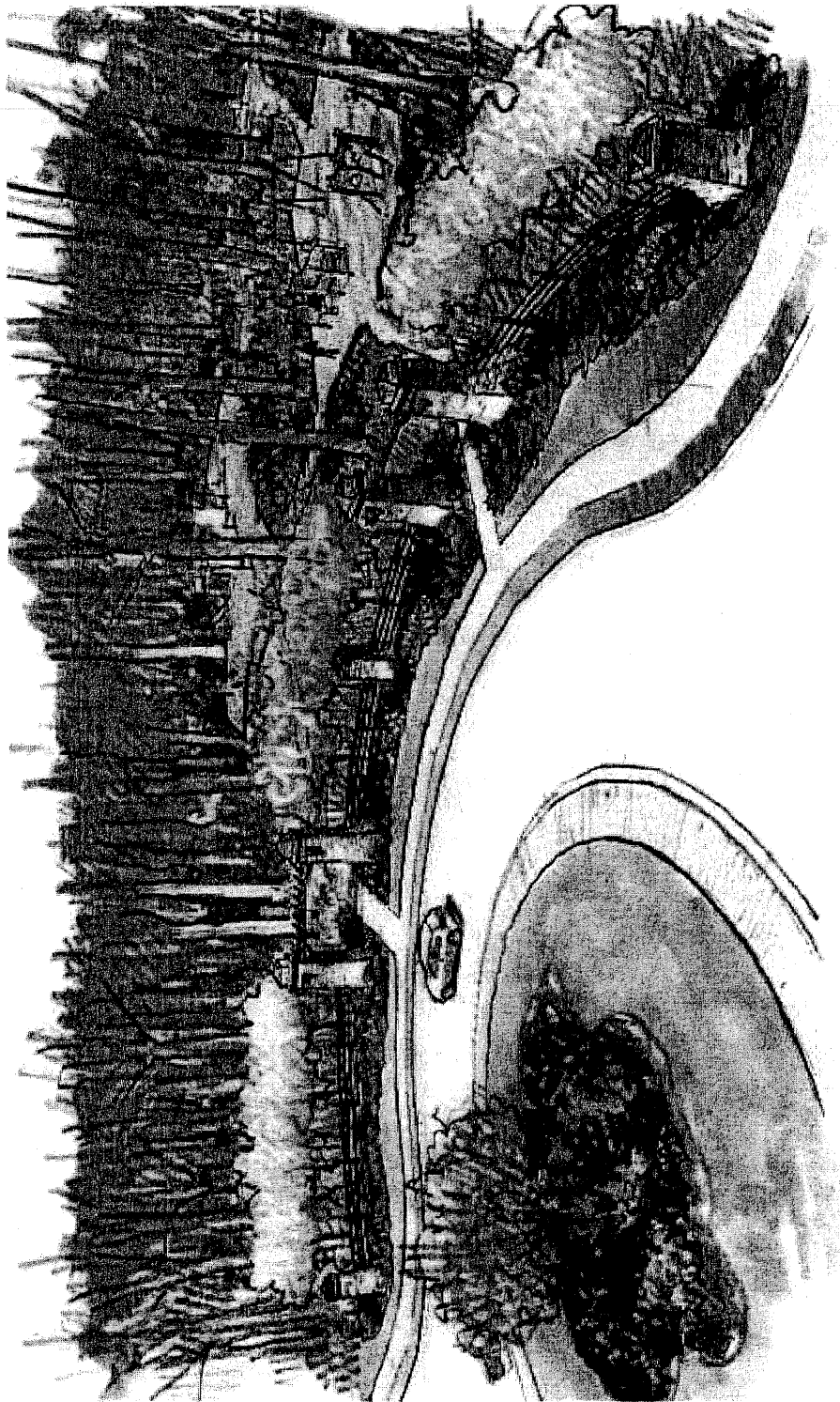
Minimum setbacks for unroofed landings, porches, decks, steps, stoops, patios, chimneys, retaining walls four (4) feet or higher, as determined by the Building Code, and driveways constructed, all of which are greater than eight (8) inches above existing grade in any combination shall be:

Front	10 ft.
Side	5 ft.
Corner lot (side)	15 ft.
Rear	8 ft.
Minimum lot width	56 ft.

Notes: Rear yard privacy fencing and decking is intended to be placed in the rear yard area. Minimum building separation measurement excludes architectural features such as, but not limited to, windows, sills, cornices, eaves, gutters, masonry veneer, and bay windows, but excluding floor area supported by cantilevered construction. No setback shall apply to unroofed patios, walkways, sidewalks, arcaways, and driveways constructed eight (8) inches or less above existing grade within five (5) feet of said feature of the contour of the land.

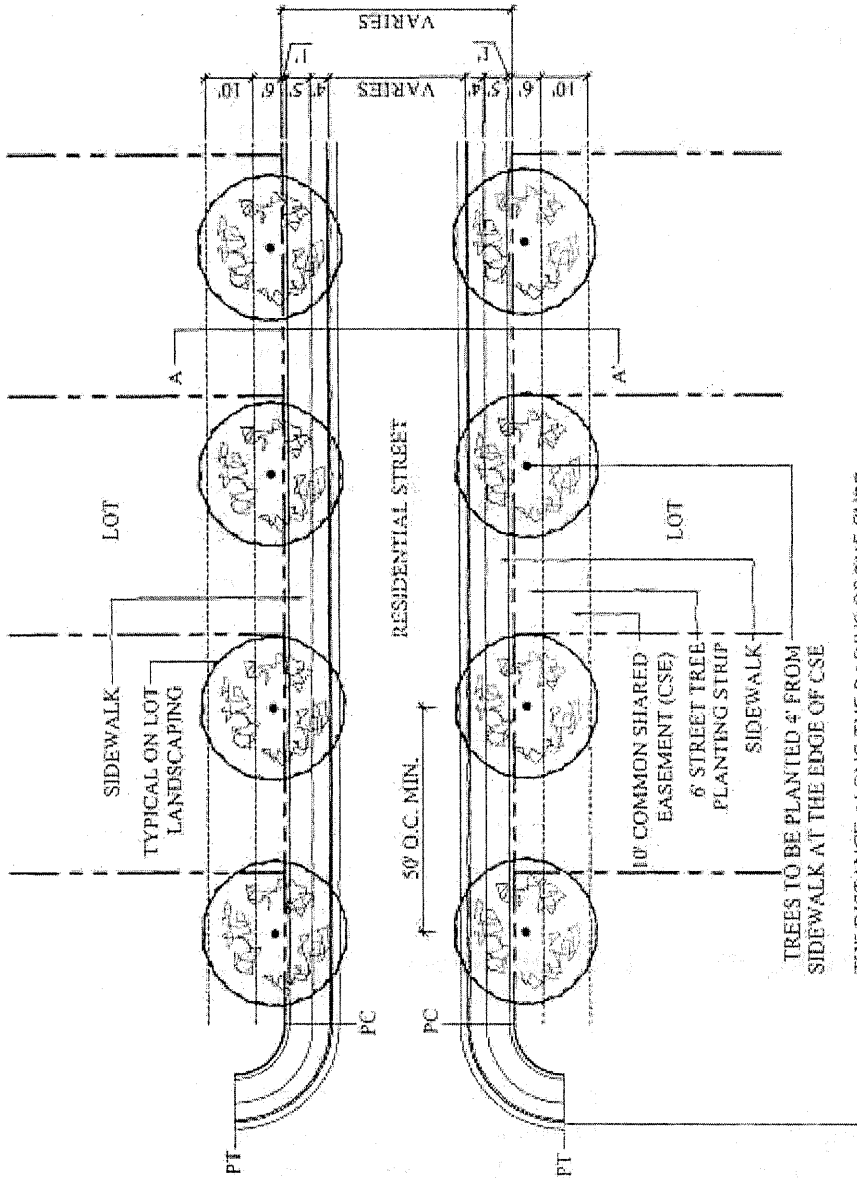


Attachment D – Playground Area Entrance Exhibit
dated August 2009



A V E N D A L E
PLAYGROUND AREA ENTRANCE EXHIBIT
Scale: NTS August 2009
THE LAND PLANNING & DESIGN GROUP, INC.

Attachment D – Streetscape/Utility Strip Plan
dated July 2009



THE DISTANCE ALONG THE RADIUS OF THE CURB BETWEEN THE POINT OF CURVATURE (PC) AND POINT OF TANGENCY (PT) IS NOT COUNTED IN THE OVERALL LINEAR DISTANCE USED IN DETERMINING THE QUANTITY OF STREET TREES @ 50' O.C. SPACING

A V E N D A L E
STREETScape / UTILITY STRIP PLAN
July 2009
Scale: 1" = 30'
THE LAND PLANNING & DESIGN GROUP, INC.

Attachment E
Planning Commission Resolution

- Page C-7 Proffer 2.C – add wording to clarify that this proffer pertains to old Vint Hill Road and that warning signs for a pedestrian crosswalk will be placed on both sides of the roadway.
- Page C-7 Proffer 3 – add wording that requires caution signs to be placed on both sides of realigned Vint Hill Road, warning that you are approaching a subdivision entrance.
- Page C-8 Proffer 7 – add wording that prohibits the building of town houses or duplexes, as defined in Section 306.12.6 of the Zoning Ordinance.
- Page C-14 Proffers 34 & 35 – Delete in their entirety.
- Page 3 of the Staff Report – dated 10/23/09, Section IV. A.1.(b) – disagree with the monetary scoring used to meet LOS standards for Parks and Open Space and Schools. It is our belief that valuing the land being donated at \$78,116 per acre (P&OS) and \$71,101 per acre (Schools) is far in excess of land values in the Rural Crescent where this property is located.
- It appears to the Planning Commission that there are some unresolved school issues that need to be addressed prior to this application going to the BOCS.

Votes:

Ayes: Burgess, Fry, Hendley, Holley, Hosen, Friedman

Nays: Bryant, Gonzales

Absent from Vote: None

Absent from Meeting: None

MOTION CARRIED

CERTIFIED COPY

M. Christine Thompson

Clerk to the Commission