

**MOTION:**

**January 8, 2013  
Regular Meeting  
Ord. No. 13-**

**SECOND:**

**RE: REZONING #PLN2003-00431, MOORE PROPERTY – OCCOQUAN  
MAGISTERIAL DISTRICT**

**ACTION:**

**WHEREAS**, this is a request to rezone +/- 50 acres from A-1, Agricultural, to SR-1, Semi-Rural Residential. The site is located at the south side of River Forest Drive, approximately 4,000 feet southwest of its intersection with Davis Ford Road (Route 663), and is identified as GPIN #7994-81-7733, 7994-81-8102, 7994-82-7717, 7994-91-0497, and 7994-91-0766. The site is zoned A-1, Agricultural, and designated Semi-Rural Residential and Environmental Resource in the Comprehensive Plan; and

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

**WHEREAS**, the Planning Commission, at its public hearing on April 7, 2004, recommended approval, as stated in Planning Commission Res. No. 04-022; and

**WHEREAS**, a Board of County Supervisors' public hearing, duly advertised in a local newspaper for a period of two weeks, was held on May 4, 2004, and interested citizens were heard; and

**WHEREAS**, the Board of County Supervisors' closed the public hearing on May 4, 2004 and deferred action to date uncertain to allow the applicant time to work with the adjacent community and work out their issues; and

**WHEREAS**, the applicant has finally resolved the issues with the adjacent community and provided a copy of an agreement between the applicant and Riverview Estates Homeowners' Association, Inc., dated February 16, 2012; and

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

**NOW, THEREFORE, BE IT ORDAINED** that the Prince William Board of County Supervisors does hereby approve REZ #PLN2003-00431, Moore Property, subject to the proffers dated December 20, 2012;

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

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Page Two**

**Votes:**

**Ayes:**

**Nays:**

**Absent from Vote:**

**Absent from Meeting:**

**For Information:**

Planning Director

Jay duVon

Walsh, Colucci, Lubeley, Emrich & Walsh, PC

4310 Prince William Parkway, Suite 300

Prince William, VA 22192

**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

BOARD OF COUNTY SUPERVISORS  
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December 21, 2012

**TO:** Board of County Supervisors

**FROM:** Christopher M. Price *AMM*  
Director of Planning

**THRU:** Melissa S. Peacor  
County Executive

**RE:** REZ #PLN2003-00431, Moore Property  
**Occoquan Magisterial District**

**Background**

This case was originally accepted by the Planning Office on June 24, 2003. It was heard by the Planning Commission at their April 7, 2004 public hearing. The Planning Commission recommended approval of the application as stated in their Resolution No. 04-022. The case moved forward to the May 4, 2004 Board of County Supervisors (BOCS) public hearing. At the meeting the BOCS closed the public hearing, but deferred action on the item to date uncertain to allow the applicant time to work out some access issues/concerns from the adjacent community (Riverview Estates Homeowners' Association). In 2004, the site was located in the Coles Magisterial District. With the redistricting that recently occurred, the site is now located in the Occoquan Magisterial District.

Since the May 4, 2004 BOCS meeting, the applicant has been diligently working with Riverview Estates on the access issues/concerns. They executed an agreement with Riverview Estates dated February 16, 2012, which outlines the maximum number of units and lays out the details for this project to gain access through Riverview Estates (see attached Agreement).

**Current Situation**

With the agreement finalized with Riverview Estates, the applicant is now requesting the item be placed on the BOCS January 8, 2013 agenda for action only. There have only been minor modifications to the application between what was presented to the BOCS on May 4, 2004 and what is proffered currently in order to address the concerns of the adjacent HOA. The changes to the proffers/GDP include the following:

1. Based on negotiations with Riverview Estates HOA, the Applicant removed GPIN 7994-82-7236 from the application. In addition, the property was conveyed to GSB Land II, LLC on October 26, 2004 and subsequently subdivided into five parcels on April 13, 2006, hence the change to the GPINs from the original application.
2. Updated ownership, GPIN number, Magisterial District designation and acreage in proffers.
3. Pursuant to the Agreement, added Proffer two (2) regarding interparcel access. (The proffer language mirrors the language provided in the Agreement)
4. Pursuant to the Agreement, Proffer four (4) was modified to limit the number of single-family lots to 18.
5. Pursuant to negotiations with Riverview Estates HOA, the proffered GDP, identifies that the site will be developed as a "semi-rural cluster" with a private road, therefore, Proffer 10 no longer applies to the development and has been deleted.
6. Pursuant to the negotiations with Riverview Estates HOA, Proffer 18 regarding "Entrance Landscaping" is no longer applicable and has been deleted.
7. Removed the "SWM Pond" and added notes 9 and 10 to provide clarification regarding stormwater management for the property.

Staff feels that the changes are minor in nature and meet the intent of the BOCS May 4, 2004 deferral request that the applicant address the concerns of the adjacent HOA. The Planning Office continues to recommend approval of the application. Staff would also like to note, however, that the applicant has not adjusted the monetary contributions to the amounts reflected in the County's current 2006 Policy Guide for Monetary Contributions.

**Staff:** Deborah L. Bruckman, AICP, X6854

**Attachments**

Proposed proffers dated December 20, 2012

Proposed GDP dated April 16, 2012

Agreement between the applicant and Riverview Estates Homeowners Association

BOCS Resolution No. 04-545 to Defer

Original staff report prepared for the May 4, 2004 BOCS public hearing

## PROFFER STATEMENT

RE: REZ PLN#2003-00431, Moore Property  
Applicant: Classic Concepts Builders Inc.  
Record Owners: ~~Morgan Thomas Moore and Amy L. Granville Smith~~ GSB Land II, LLC  
Property: G.P.I.N.: 7994-81-7733, 7994-81-8102, 7994-82-7717, 7994-91-0497, and 7994-81-9539 and 7994-82-7236- 7994-91-0766 (the "Property") or "Moore Property")  
~~Coles~~ Occoquan Magisterial District  
A-1, Agricultural, to ~~SRR-1-SR-1~~ (52.0-50.4 acres)

Dated: December ~~30~~20, ~~2003~~ 2012

~~Revised: February 24, 2004~~  
~~Revised: March 4, 2004~~  
~~Revised: April 30, 2004~~  
~~Revised: May 4, 2004~~

The undersigned hereby proffers that the use and development of the subject Property shall be in strict conformance with the following conditions ~~and shall supersede all other proffers made prior hereto~~. In the event the above-referenced rezoning is not granted as applied for by the Applicant, these proffers shall be withdrawn and are null and void. 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.

For purposes of reference in this Proffer Statement, the Generalized Development Plan ("GDP") shall be that plan prepared by Branca Development, LLC, and entitled "Generalized Development Plan, Moore Property" and dated May 30, 2003 ~~and certified March 4~~ revised April 16, 2004 2012.

### **TRANSPORTATION**

1. Prior to, and as a condition of issuance of a building permit for each unit, the Applicant shall make a monetary contribution to the Prince William Board of County Supervisors in the amount of \$5,264.00 to be used for transportation improvements in the County.
2. There shall be no interparcel connection to any property that is adjacent to the Moore Property for so long as access to the Moore Property is obtained through Riverview Estates and River Forest Drive, as depicted on the GDP. In the event that such interparcel connection is constructed to provide alternative access to the Moore Property, then concurrently with the opening of such connection to vehicular traffic, the connection

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~~Revised: April 30, 2004~~  
~~Revised May 4, 2004~~

between the Moore Property and Riverview Estates shall be closed and all access easement rights benefitting the Moore Property on any lot in Riverview Estates shall be vacated.

3. ~~2.~~ Traffic Mitigation Measures

A. The Applicant shall pay up to \$10,000~~0~~, as determined by the Prince William County Department of Transportation, for traffic mitigation measures within the Riverview Estates subdivision to be escrowed at the time of final subdivision plan approval. The traffic mitigation measures include some or all of the following:

- i. Multi-way stop signs at up to two intersections along River Forest Drive;
- ii. Increased fines for speeding signs;
- iii. Pavement striping and markings;
- iv. Signage for upcoming intersection and/or road curvature; and
- v. Sight distance improvements in the area of the existing curve, by trimming and/or removing trees within the existing right-of-way, to the extent not performed by the Virginia Department of Transportation ("VDOT") as a function of normal required maintenance.

B. Said improvements are subject to:

- i. Approval by Prince William County and VDOT;
- ii. Any action required by the Riverview Estates Homeowners Association to obtain the required petitions for multi-way stop signs or "increased fines for speeding" signs; and
- iii. All approvals being obtained prior to the later of three years following ~~zoning~~ rezoning approval or final release of the performance bond on this project, at which time the obligation to provide the traffic mitigation measures shall expire and any remaining escrowed funds will be refunded.

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In addition, portions of the Applicant's escrow account will be refunded to the Applicant as improvements are completed and approved by Prince William County and VDOT.

### USE AND DEVELOPMENT

- ~~4.~~ 4. Development of the Property shall be in substantial accordance with the Generalized Development Plan, however, the lot and open space layout and road alignment may be revised in accordance with final engineering considerations.
- ~~5.~~ 5. Residential development on the Property shall not exceed a maximum of ~~nineteen~~ (18) lots for the development of single family detached dwelling units, which includes ~~the replacement of two the existing dwellings with two new dwellings~~ dwelling on Lot 12 with a new dwelling.

### PARKS AND RECREATION

- ~~6.~~ 6. Prior to, and as a condition of issuance of a building permit for each unit, the Applicant shall make a monetary contribution to the Prince William Board of County Supervisors in the amount of \$2,756.00 to be used for parks and recreation services in the County.

### ENVIRONMENTAL

- ~~7.~~ 7. Prior to and as a condition of issuance of a site development permit, the Applicant shall make a monetary contribution to the Prince William Board of County Supervisors in the amount of \$75.00 per acre for water quality monitoring, stream restoration and/or drainage improvements.
- ~~8.~~ 8. The Applicant shall provide a proffered conservation area overlaying the intermittent streams, which traverse the Property, as generally shown on the Generalized Development Plan. The conservation area shall have a MINIMUM width of thirty feet (30') around stormwater management facilities, if facilities are provided overlaying the intermittent streams, and a MINIMUM width of one hundred feet (100') overlaying the intermittent streams in areas where stormwater management facilities are not provided. A minimum of 15 acres shall be placed within conservation areas. The Applicant shall show the proffered conservation areas on the subdivision plat.

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~~Revised May 4, 2004~~

9. ~~8.~~The proffered conservation areas shall be enforced by restrictions placed within the deed of subdivision and enforced by restrictions placed within covenants, conditions and restrictions recorded against all of the lots in the subdivision. Any proposed conditional clearing and/or improvements within the proffered conservation areas shall be reviewed and approved by the ~~Department of Public Works~~ ("Public Works Prince William County (the "County") on the final subdivision and/or on individual lot grading plan(s). No clearing or improvements shall be made within the proffered conservation area with the exception of the following circumstances and conditions:
- A. The removal of noxious vegetation, such as poison ivy, poison oak, etc., as well as dead, dying, or hazardous trees or dead, dying shrubbery and the trimming or pruning of trees as necessary to provide sight lines and vistas.
  - B. The installation and maintenance of roads, water, sanitary sewer and other utility crossings; fences; storm sewer outfalls; and stormwater management measures and/or facilities necessary to serve the Property or adjoining properties (If said stormwater facilities are required by the ~~Department of Public Works~~ County at the time of final subdivision plan review.), and provided the routing of said improvements is aligned to minimize land disturbance, and impacts to existing vegetation.
  - C. The installation and maintenance of wells, water service lines between the well and the residence and on-site sanitary sewer lines from the septic tank to the drainfield when site conditions do not permit the installation of these improvements outside of the proffered conservation area and provided the routing of said improvements is aligned to minimize land disturbance, and impacts to existing vegetation, the existing contours are not changed and any area disturbed is permanently stabilized within seventy-two (72) hours of initial disturbance, and shall be shown on the final lot grading plan(s).
10. ~~9.~~The Applicant shall show the location of super silt fencing or equivalent erosion and sediment control measures, as determined by ~~Public Works~~ the County, on the final subdivision plan and /or final lot grading plan(s) review for all land disturbance activities conducted within one hundred (100') feet of a proffered conservation area or the Resource Protection Area.

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~~Revised May 4, 2004~~

- ~~10. As a result of the specific topographic features associated with this site, the average lot size for all lots abutting the Resource Protection Area shall be four (4) acres. These lots are currently depicted as Lots 8, 15, and 16 on the GDP. The lot layout and numbers may change however, based on final engineering considerations as noted in Proffer 3.~~
11. The Applicant shall limit clearing and grading on each lot during construction to no more than one (1) acre of disturbance as a result of site development for the drainfield and the construction of the home on each lot. The limits of final clearing and grading shall be shown on the final lot grading plan(s). Said clearing limitation shall not include the clearing for the construction of roads, driveways, utilities (including drainfield force main lines) from the house to the drainfield, or stormwater management facilities (if required) or any areas of the lot devoid of trees prior to submission of the rezoning application in June, 2003, as shown on the GDP.
12. Prior to submission of the final subdivision plan, the Applicant shall submit a detailed geotechnical report that outlines measures to minimize the potential for soil erosion during development. The detailed geotechnical study will include site-specific recommendations for the management and stabilization of site soils during development with the goal of minimizing the potential for soil erosion and to protect, contain and quickly stabilize all disturbed areas.

#### COMMUNITY DESIGN

13. Where practical and feasible, the Applicant shall site homes on the final lot grading plan(s) to complement the existing topography. This design may include the siting of the house to provide for walkout basements, side load or detached garages, and/or possible swimming pool locations if desired by the prospective homeowner. Driveways will generally follow the existing contours of the land where practical, without a need for the construction of retaining walls or other such structures.
14. Mass clearing and grading of the Property shall not be permitted. The Applicant shall limit the clearing of trees during site development activities on the Property, to the areas necessary for the construction of roads and other infrastructure improvements; utility lines; site drainage improvements; stormwater management controls and facilities; and only for the construction of building pads for houses when controlled fill is necessary. The limits of final clearing and grading shall be shown on the final subdivision plan and/or final lot grading plan(s).

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~~Revised May 4, 2004~~

15. The Applicant shall satisfy the tree canopy coverage requirements for the subdivision as a whole, as outlined in the Design and Construction Standards Manual ("DCSM"), by saving existing trees on the property. In the event the Applicant is unable to satisfy the tree canopy coverage requirements as a whole, additional trees shall be planted on the property to meet the requirements of the DCSM.
16. The Applicant shall limit the clearing of existing trees along the perimeter of the Property during construction to the areas, as determined by the Applicant, to be necessary for the construction of roads, houses, driveways, drainfields, wells, utilities or stormwater management facilities. The limits of final clearing and grading shall be shown on the final subdivision plan and/or final lot grading plan(s).
17. The Applicant shall provide a minimum distance of 40 feet between the rear façade of the main house constructed on each lot, as shown on the final lot grading plan(s), and any proffered conservation areas located within the rear yard of the lot, for the purpose of providing homeowners with adequate usable rear yard areas. This area may or may not be fully cleared. However, decks, sunrooms, stairways, and any accessory structures, including, but not limited to, detached garages, pools, fences, sheds and play equipment, may be constructed within this 40 foot area, provided such accessory building and structures meet the Zoning Ordinance requirements. This proffer shall not be construed to prevent a homeowner from construction of an addition or other improvements within the 40 feet between the rear facade of the original house and the conservation area. Drainfields and wells shall also be permitted within this area.
- ~~18. Entrance Landscaping.~~
  - ~~A. In lieu of a subdivision entrance sign, the Applicant shall provide landscaping in general accordance with the landscaped entrance plan shown in Exhibit A attached. This exhibit is intended to reflect the Applicant's commitment to combine revegetation of disturbed areas and include shrubs, ornamental flowering trees, native deciduous trees and evergreens. The area subject to landscaping is identified as GPIN 7994-82-7236 on the GDP.~~
  - ~~B. The obligation to maintain the entrance landscaping shall be the responsibility of the lot owners on which the landscaping is located and/or all the lot owners in the subdivision, and said obligation to maintain the landscaping shall be contained within the deed of subdivision in the form of covenants, conditions and~~

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~~restrictions recorded against all of the lots in the subdivision. Further, the landscaping area shall be placed in landscape easements recorded against the property on which the landscaping is located.~~

### **LIBRARIES**

- ~~18.~~ 19. Prior to and as a condition of issuance of a building permit for each unit, the Applicant shall make a monetary contribution to the Prince William Board of County Supervisors in the amount of \$375.00 to be used for library services and facilities in the County.

### **FIRE & RESCUE**

- ~~19.~~ 20. Prior to and as a condition of issuance of a building permit for each unit, the Applicant shall make a monetary contribution to the Prince William Board of County Supervisors in the amount of \$578.00 to be used for fire and rescue services in the County.
- ~~20.~~ 21. Each new home purchaser shall be offered the option of installing a fire suppression and/or home sprinkler system at the time of the construction of their home.

### **SCHOOLS**

- ~~21.~~ 22. Prior to and as a condition of issuance of a building permit for each unit, the Applicant shall make a monetary contribution to the Prince William Board of County Supervisors in the amount of \$8,287.00 to be used for school purposes in the County.

### **AFFORDABLE HOUSING**

- ~~22.~~ 23. Prior to and as a condition of issuance of a building permit for each unit, the Applicant shall make a monetary contribution to the County's Housing Development Fund equal to \$250.00 per residential unit.

### **EXISTING RESIDENCES**

- ~~23.~~ 24. Building permits issued for the replacement of the existing residences ~~to be constructed on Lots 1 and residence on Lot 12~~ will not require payment of the monetary contributions referenced in the foregoing proffers.
- ~~24.~~ 25. Upon demolition of the existing homes, debris will be removed and disposed of in accordance with all County, State and Federal statutes.

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Revised May 4, 2004

**MATERIALLY RELEVANT**

25. ~~26.~~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 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 the Proffer Statement which are paid to the Board after 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 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% per year, non-compounded.

(Signature on Following Page)

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Revised May 4, 2004

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**EXHIBIT A**

**SIGNATURE PAGE**

~~MORGAN T. MOORE LIVING TRUST~~

GSB LAND II, LLC  
a Virginia limited liability company

By: Branca Properties, LLC  
A Virginia limited liability company, its Manager

By: \_\_\_\_\_  
~~Morgan T. Moore, Trustee~~

\_\_\_\_\_  
~~Amy L. Granville-Smith~~

Name: Mark A. Branca  
Title: Managing Member



## AGREEMENT

This Agreement is entered into this as of this 16<sup>TH</sup> day of FEBRUARY, 2012, by and between **Riverview Estates Homeowners' Association, Inc.**, a Virginia non-stock corporation ("REHA") and **GSB Land II, LLC**, a Virginia limited liability company ("GSB").

WHEREAS, REHA is the homeowners' association created pursuant to certain restrictive covenants recorded in the land records of Prince William County with responsibility for the management of certain commonly owned properties in the Riverview Estates subdivision, and

WHEREAS, GSB is the owner of certain property adjacent to Riverview Estates comprised of parcels bearing Prince William County GPINS 7994-82-7717, 7994-91-0497, 7994-91-0766, 7994-81-7733 and 7994-81-8102 (the "Moore Property"); and

WHEREAS, GSB intends to develop the Moore Property with not more than 18 single-family detached dwellings in the event that the Moore Property is rezoned by the Board of County Supervisors of Prince William County pursuant to a pending rezoning application identified as REZ #PLN2003-00431, "the Rezoning," and

WHEREAS, disputes have heretofore arisen between REHA, the owners of Lots 12, 13 and 14, Section 1, Riverview Estates and GSB with respect to the proposed improvement of a private road which provides access from River Forest Drive to Lots 11, 12, 13 and 14, Section 1, Riverview Estates and to the Moore Property (the "Private Road"), and

WHEREAS, REHA and Mark Branca, as the owner of Lot 13, Section 1, Riverview Estates and as a representative of the owners of Lots 12 and 14, Section 1, Riverview Estates

view Estates and of GSB, have conducted extensive discussions with respect to the improvement of the Private Road, and

WHEREAS, the parties have reached agreement as to the circumstances and conditions under which the owners of Lots 12, 13 and 14, Section 1, Riverview Estates and/or GSB may improve the Private Road, to provide improved access to their respective properties,

NOW, THEREFORE, for good and sufficient consideration, the receipt and sufficiency of which are hereby conclusively agreed, the parties agree as follows:

1. GSB shall construct not more than 18 single-family dwellings on the Moore Property.

2. GSB shall make no interparcel connection to any other property that is adjacent to the Moore Property for so long as access to the Moore Property is obtained by means of the aforesaid Private Road and River Forest Drive. In the event that such interparcel connection is constructed to provide alternative access to the Moore Property, then concurrently with the opening of such connection to vehicular traffic, the connection between the Moore Property and the Private Road shall be closed and all access easement rights of the Moore Property over the lots in Riverview Estates for the Private Road shall be vacated.

The parties agree that the provisions of this section shall apply to the Moore Property and any lots created by the Rezoning.

3. GSB shall take those steps necessary to close its existing access to the Moore Property by means of Crooked Creek Drive. Such closure shall be effected prior to completion of the improvements to the Private Road as shown on Exhibit A, and shall

continue thereafter for so long as access to the Moore Property is obtained by means of the aforesaid Private Road and River Forest Drive.

4. GSB shall remove Lot 14, Section 1 of Riverview Estates from Rezoning REZ #PLN2003-00431.

5. The improvements to the Private Road contemplated by this Agreement shall be constructed in accordance with the plans attached hereto and incorporated herein by reference as Exhibit A (the "Private Road Improvement Plans"), subject to the approval of such Private Road Improvement Plans by REHA, the Virginia Department of Transportation and Prince William County prior to the commencement of construction.

The parties agree that REHA shall have no responsibility to maintain the Private Road. Responsibility for landscaping, maintenance, signs and buffers shall be the responsibility of the Moore Property Homeowners Association.

The parties agree that GSB will construct the improvements to the Private Road as shown on Exhibit A prior to the issuance of an occupancy permit for the fifth dwelling unit on the Moore Property.

6. The performance by GSB of its obligations under this Agreement shall be conditioned upon approval of the Private Road Improvement Plans by REHA, the Virginia Department of Transportation and Prince William County and upon final, non-appealable approval of the Rezoning by the Board of County Supervisors.

GSB will provide REHA with any modifications to the Private Road Improvement Plans, the proffers on the Rezoning, any General Development Plan, and traffic studies, if obtained, to assure that all documents are in compliance with this Agreement.

The proposed private street will be constructed in accordance with development plans approved by Prince William County.

7. Within thirty (30) days of satisfaction of all of the conditions set forth in Paragraph 6 above, GSB shall execute and record in the land records of Prince William County a declaration of restrictive covenants in the form attached hereto as Exhibit B.

8. This Agreement and all of the terms, conditions, and obligations hereunder shall inure to the benefit or obligation, as the case may be, and shall be binding upon the parties and their respective personal representatives, heirs, successors and assigns.

GSB will agree to disclose the terms of this Agreement to any of its assignees if the Agreement or a memorandum thereof has not been recorded. This disclosure shall relate to any such assignee, such as purchasers of the Moore Property or any lot that is created by the Rezoning. This disclosure requirement shall expire after this Agreement is made a matter of public record.


9. This Agreement and all questions of construction of the provisions hereof and of the rights and liabilities of the parties hereunder shall be construed and determined in accordance with the applicable laws of the Commonwealth of Virginia, without regard to its conflicts of laws principles.

10. This Agreement may be executed simultaneously in several counterparts, each of which shall be deemed an original and all of which together shall constitute but one and the same instrument.

(Signatures Appear on Following Page)

WITNESS the following signatures and seals:

**Riverview Estates Homeowners'  
Association, Inc.,**  
a Virginia non-stock corporation

By:   
President ERIC HOWARD

**GSB Land II, LLC,**  
a Virginia limited liability company

By: Branca Properties, LLC, a Virginia  
limited liability company, its Manager

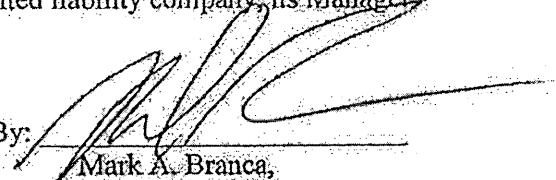
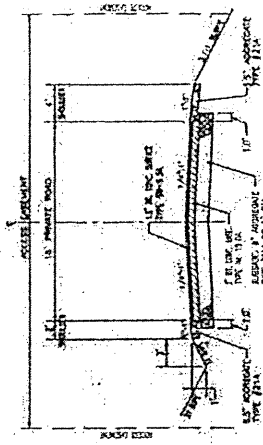
By:   
Mark A. Branca,  
Managing Member

Exhibit A

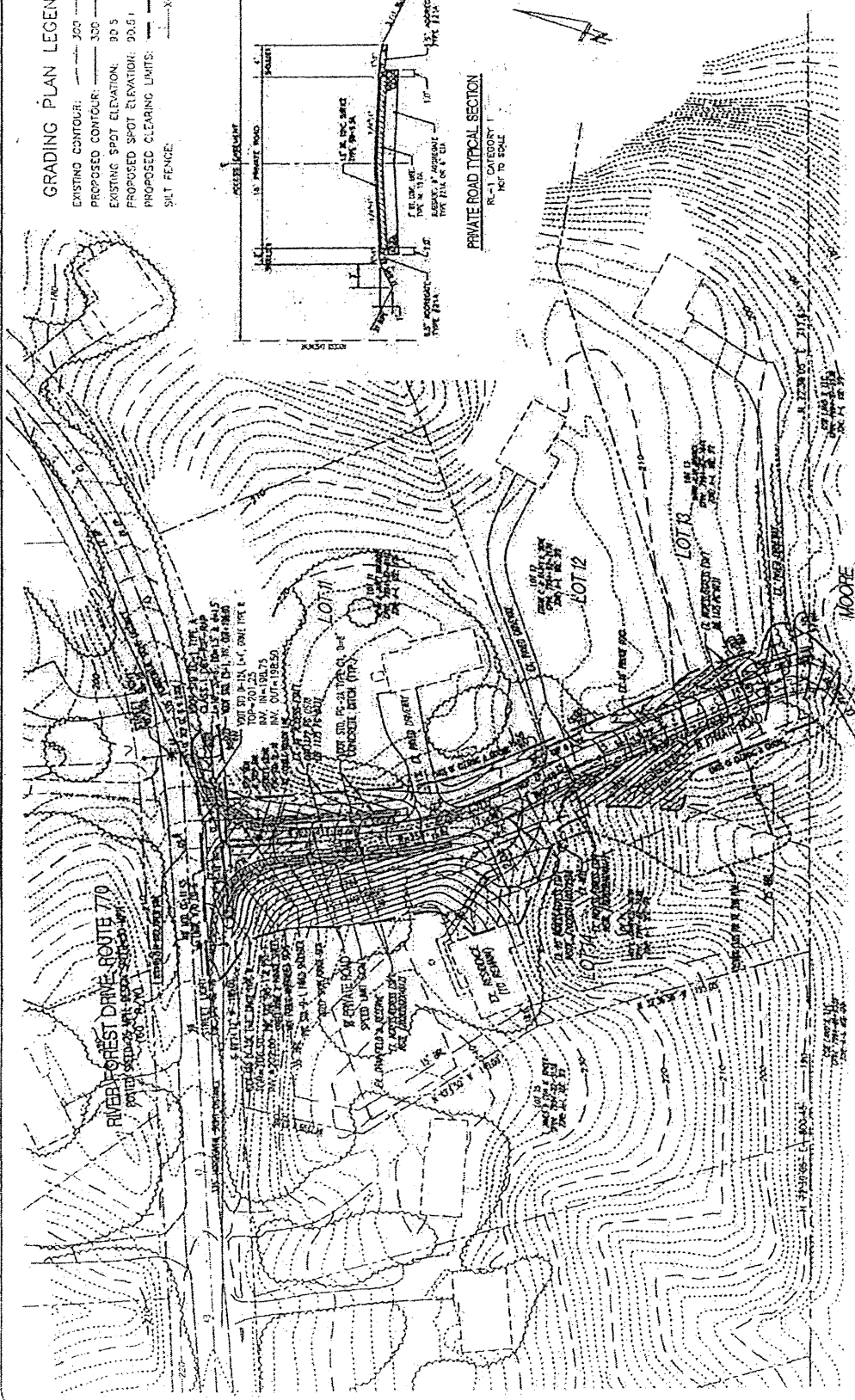
Private Road Improvement Plan

**GRADING PLAN LEGEND**

- EXISTING CONTOUR: ——— 300
- PROPOSED CONTOUR: - - - - 300
- EXISTING SPOT ELEVATION: 30 5
- PROPOSED SPOT ELEVATION: 20.5 1
- PROPOSED CLEARING LIMITS: ———
- SILT FENCE: ———



**PRIVATE ROAD TYPICAL SECTION**  
R-1 CATEGORY 1  
NOT TO SCALE



JOB NUMBER: 2011-01  
SHEET 1 OF 1

**2011 PRIVATE ROAD IMPROVEMENT PLAN  
FOR LOTS 11, 12, 13 and 14 OF  
RIVERVIEW ESTATES SECTION 1  
OCCOQUAN MAGISTERIAL DISTRICT  
PRINCE WILLIAM COUNTY, VIRGINIA**

DESIGNED BY:	DATE:
DRAWN BY:	DATE:
CHECKED BY:	DATE:
SCALE:	P. 35

**BRANCA DEVELOPMENT, LLC**  
Development and Engineering Services  
11672 Sandal Wood Lane, Manassas, Virginia 20112  
Phone: (703)927-7783



FIELD BOOKS
MARK CORNER

REVISIONS	DATE
AS PER THE 14 PAGE SET FOR THE 14 LOTS	3/27/11

Exhibit B

Form of Declaration of Restrictive Covenants

PREPARED BY:  
Walsh, Colucci, Lubeley,  
Emrich & Walsh, P.C.  
4310 Prince William Parkway, Suite 300  
Prince William, VA 22192

GPIN: 7994-82-7717  
7994-91-0497  
7994-91-0766  
7994-81-7733  
7994-81-8102

DECLARATION OF RESTRICTIVE COVENANTS

THIS DECLARATION OF RESTRICTIVE COVENANTS ("Declaration") is made this \_\_\_\_ day of \_\_\_\_\_, 2012, by GSB LAND II, LLC, a Virginia limited liability company ("Owner").

WHEREAS, Owner is the owner of the property identified with Prince William County Geographic Parcel Identification Numbers 7994-82-7717, 7994-91-0497, 7994-91-0766, 7994-81-7733 and 7994-81-8102, said property also being identified as Lot 1, Lot 2, Lot 3, Lot 4 and Lot 5, Classic Estates at Riverview, as duly platted and subdivided by deed and plat recorded in the Prince William County, Virginia land records as Instrument No. 200604130058171 and Instrument No. 200604130058172, respectively (said property being referred to hereinafter as the "Restricted Property"), and

WHEREAS, vehicular access to the Restricted Property is anticipated to be provided by means of a private road connection to River Forest Drive, within the Riverview Estates subdivision, and

WHEREAS, Owner has agreed to impose certain restrictions on the Restricted Property for the benefit of the Riverview Estates Homeowners' Association, Inc., a Virginia non-stock corporation, as set forth herein,

NOW, THEREFORE, THIS DECLARATION WITNESSETH: Owner does hereby declare, covenant and agree, for itself and its successors in title to the Restricted Property, that the Restricted Property shall be hereafter be held, leased, transferred, and sold subject to the following covenants and restrictions which shall run with the land and be binding on all owners of the Restricted Property or any part thereof.

1. **Density Restriction.** Not more than 18 single-family dwellings shall be constructed on the Restricted Property.

2. **Interparcel Connections.** Owner and its successors and assigns shall make no interparcel connection to any property that is adjacent to the Restricted Property, other than Lots 12-14, Section 1, Riverview Estates, for so long as access to the Restricted Property is obtained by means of a private road over said Lots 12-14, Section 1, Riverview Estates, to River Forest Drive. In the event that Owner or its successors and assigns constructs any such other interparcel connection, the result of which is that access to the Restricted Property is provided other than via River Forest Drive, then concurrently with the opening of such other interparcel connection to vehicular traffic, the connection between the Restricted Property and River Forest Drive shall be closed and all easement rights in favor of the Restricted Property for access over Lots 12-14, Section 1, Riverview Estates, shall be deemed to be vacated and terminated.

3. **Binding Effect.** The restrictive covenants imposed upon the Restricted Property as set forth in this Declaration shall run with the Restricted Property, shall be binding upon all present and future owners of any and all portions of the Restricted Property and their heirs, representatives, successors or assigns, as the case may be, and shall inure to the benefit of the foregoing, to all present and future owners of all or any part of the Restricted Property, and to the Riverview Estates Homeowners Association, Inc., and its assigns.

4. **Enforcement.** The violation of any of the restrictions set forth in this Declaration shall give the owner of any portion of the Restricted Property and/or the Board of Directors of the Riverview Estates Homeowners' Association, Inc. the right to seek to enforce compliance with such restrictions by Owner and its successors and assigns, by appropriate legal proceedings, either at law or in equity.

5. **Amendment; Termination.** The restrictions set forth in this Declaration may not be amended or terminated except by a recorded instrument executed by the owners of all of the Restricted Property and by the Riverview Estates Homeowners' Association, Inc.

WITNESS the following signatures the day and year first above written.

GSB LAND II, LLC  
a Virginia limited liability company

By: Branca Properties, LLC, a Virginia  
limited liability company, its Manager

By: \_\_\_\_\_  
Mark A. Branca,  
Managing Member

COMMONWEALTH OF VIRGINIA  
COUNTY/COUNTY OF \_\_\_\_\_, to wit:

I, the undersigned, a Notary Public in and for the City/County and State aforesaid, do hereby certify that Mark A. Branca, whose name as Managing Member of Branca Properties, LLC, Manager of GSB Land II, LLC, a Virginia limited liability company, is signed to the foregoing Declaration, has personally acknowledged the same before me in my aforesaid jurisdiction.

GIVEN under my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_  
Registration Number: \_\_\_\_\_

**MOTION: NOHE**

May 4, 2004  
Regular Meeting  
Res. No. 04-545

**SECOND: CADDIGAN**

**RE: DEFER ACTION ON REZONING #PLN2003-00431, MOORE  
PROPERTY COLES MAGISTERIAL DISTRICT**

**ACTION: APPROVED**

**WHEREAS**, this is a request to rezone +/-52 acres from A-1, Agricultural, to SRR-1, Semi-Rural Residential. The site is located at the south side of River Forest Drive, approximately 4,000 feet southwest of its intersection with Davis Ford Rd. (Route 663), and is identified as GPIN #7994-81-9539 and 7994-82-7236. The site is zoned A-1, Agricultural, and is designated Semi-Rural Residential (SRR) and Environmental Resource (ER) in the Comprehensive Plan; 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 April 7, 2004, and recommends approval, as stated in Res. #04-022; and

**WHEREAS**, a public hearing, duly advertised in a local newspaper for a period of two weeks was held on May 4, 2004, and interested citizens were heard; and

**WHEREAS**, the Prince William Board of County Supervisors has conducted a public hearing on May 4, 2004 and the public hearing has been closed;

**NOW, THEREFORE, BE IT RESOLVED** that the Prince William Board of County Supervisors does hereby defer the action, to a date uncertain until such time as a meeting can be held between the Applicant and the Riverview Estates Home Owner's Association, on Rezoning #PLN2003-00431, Moore Property.

**Votes:**

**Ayes:** Caddigan, Connaughton, Covington, Jenkins, Nohe, Stewart, Stirrup

**Nays:** None

**Absent from Vote:** None

**Absent from Meeting:** Barg

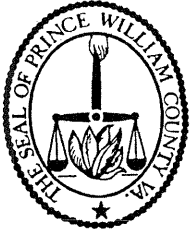
**For Information:**

Planning Director

Mr. Jay du Von  
13663 Office Place, Suite 201  
Woodbridge, VA. 22192

**CERTIFIED COPY**

  
Clerk to the Board



Craig S. Gerhart  
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

### BOARD OF COUNTY SUPERVISORS

Sean T. Connaughton, Chairman  
Maureen S. Caddigan, Vice Chairman  
Hilda M. Barg  
W.S. "Wally" Covington, III  
John D. Jenkins  
Martin E. Nohe  
Corey A. Stewart  
John T. Stirrup

April 8, 2004

**TO:** Board of County Supervisors

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

**THRU:** Craig S. Gerhart  
County Executive

**RE:** Rezoning #PLN2003-00431, Moore Property  
**Coles Magisterial District**

**I. Background is as follows:**

- A. Request - This is a request to rezone the subject property from A-1, Agricultural, to SRR-1, Semi-Rural Residential, to develop a maximum of 19 detached single-family dwelling units (including two replacement units). The average net density would be 2.51 acres per dwelling, and the overall gross density, as proposed, would be 2.71 acres per dwelling.
- B. Location - The site is located at the south side of River Forest Drive, approximately 4,000 feet southwest of its intersection with Davis Ford Road (Route 663). The subject property consists of two parcels with a total of approximately 52 acres, identified on County maps as GPINs #7994-81-9539 and 7994-82-7236 (collectively, the "property").
- C. Comprehensive Plan - The property is designated SRR, Semi-Rural Residential, and ER, Environmental Resource, in the Comprehensive Plan.
- D. Zoning/Acreage - The property is zoned A-1, Agricultural, and consists of approximately 52 acres.
- E. Surrounding Land Use - The surrounding properties are zoned A-1 and SRR-1 and are used for detached single-family dwelling units, except two properties to the south that are vacant. Lots vary in size between 1 and 9.36 acres.

**II. Current Situation** is as follows:

- A. Planning Commission Recommendation - The Planning Commission recommends approval of Rezoning #PLN2003-00431, Moore Property, subject to the proffers dated March 4, 2004, found in Attachment C. Planning staff concurs. See Attachment B for the staff analysis.
- B. Public Hearing - A public hearing has been advertised for May 4, 2004 before the Board of County Supervisors.

**III. Issues** in order of importance are as follows:

- A. Comprehensive Plan
  - 1. Long-Range Land Use - Is the proposed land use consistent with the long-range land use classifications for this site?
  - 2. Level of Service - How does the proposal address the Policy Guide for Monetary Contributions effective January 1, 2002?
- B. Community Input - Have members of the community raised any issues?
- C. Legal Uses of the Property - What uses are allowed on the property? How are legal issues resulting from Board action addressed?
- D. 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 Rezoning #PLN2003-00431, Moore Property, subject to the proffers dated March 4, 2004, found in Attachment C.
  - 1. Comprehensive Plan:
    - a) Long-Range Land Use Map - The site is designated as SRR, Semi-Rural Residential, and ER, Environmental Resource, in the Comprehensive Plan. The allowable density for a property designated SRR and ER is calculated based on the area outside ER. The non-floodplain/RPA portion of the property is used to calculate the density based on the lower end of the density range. The area of the floodplain/RPA portion of the property is added to the number of units based on the maximum density permitted by the existing zoning. The recommended average net density in the SRR is 2.5 acres per dwelling unit and 10 acres per dwelling unit in the ER designation of the property.

Approximately 47.7 acres of the property are classified SRR and approximately 4.3 acres are designated 100-year floodplain, which is verified as RPA (PASA #03-00332). There are two existing dwelling units on the property that will be replaced with new units. The applicant proposes a maximum of 19 detached single-family dwelling units (including two replacement units), which is consistent with the average net density of 2.50 acres per dwelling for the SRR classification. The average net density would be 2.51 acres per dwelling, and the overall gross density, as proposed, would be 2.7 acres per dwelling. The average lot size for all lots proposed adjacent to the RPA shall be four acres.

- b) Level of Service - The proposed rezoning will have service delivery impacts for water quality monitoring, fire and rescue, libraries, parks and open space, schools, transportation services, and housing. The proffers will mitigate these impacts through monetary contributions, as follows:

Fire and Rescue	\$9,826.00
Libraries	\$6,375.00
Parks and Open Space	\$46,852.00
Schools	\$140,879.00
Housing	\$4,250.00
Water Quality Monitoring	\$3,900.00
Transportation	\$89,488.00
TOTAL	\$301,570.00

These amounts are consistent with the Policy Guide for Monetary Contributions effective January 1, 2002. However, the applicant's monetary contributions are for 17 lots, since the property includes two existing dwellings that will be replaced with two new ones.

2. Community Input - Notification of the application has been transmitted to adjacent property owners within 200 feet of the proposed use. As of the date of this report, the following concerns have been expressed to the Planning Office:
- a) Environment - Possibility of erosion of steep slopes on some of the properties in the Riverview Estates subdivision during any land disturbance activities and impact of the development on Crooked Creek.
- b) Water Supply - Impact of the proposed development on the water table that supports the wells of the adjoining properties.

- c) Natural Habitat - Impact of the proposed development on displacement of wildlife, such as deer and other animals.
- d) Transportation - Traffic increases and the creation of an access point on River Forest Drive could compromise the safety of drivers, bikers and pedestrians traveling on this road.
- e) Perimeter Tree Save Area - Concerns were raised to save existing trees along the rear portion of the lots abutting the Spring Lake Estates.
- f) Effect of the Development on the Covenants & Restrictions in River View Estates - Concerns were raised as to whether consolidation and re-subdivision of the existing lot, identified as GPIN #7994-82-7236 in River View Estates Section 1, could affect the covenants and restrictions in River View Estates. The County Attorney's Office has addressed this issue in a separate memo.

The attached proffers address most of the above mentioned concerns.

- 3. Legal Uses of the Property - The property would be available for uses allowed in the SRR-1 zoning district with a maximum of 19 detached single-family dwellings. Legal issues resulting from Board action are appropriately addressed by the County Attorney's Office.
- 4. Timing - The Board of County Supervisors has until June 13, 2004 to fulfill the Zoning Ordinance requirement that the case receive final action within one year of receipt by the County. Approval of this application would meet the one-year requirement.

B. Deny Rezoning #PLN2003-00431, Moore Property.

- 1. Comprehensive Plan:
  - a) Long-Range Land Use - The zoning of the property will remain as A-1, which is not consistent with the SRR and ER designation in the Comprehensive Plan. The existing residences could remain on the property. The property could be used for uses permitted in the A-1, Agricultural, zoning district.
  - b) Level of Service - No impact.
- 2. Community Input - There would be no community concerns if the case is denied.

3. Legal Uses of the Property - The properties would remain zoned A-1. Both parcels would remain developed with a detached single-family dwelling unit or would be used for other uses permitted in the A-1 district. The larger parcel could be used or developed for a maximum of five single-family dwellings or other uses permitted in the A-1 district. Legal issues resulting from Board action are appropriately addressed by the County Attorney's Office.
  
4. Timing - The Board of County Supervisors has until June 13, 2004 to fulfill the Zoning Ordinance requirement that the case receive final action within one year of receipt by the County. Denial of this application would meet the one-year requirement.

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

Staff: Sid Rahnavard X6856

Attachment:

- A. Area Maps
- B. Staff Analysis
- C. Proposed Proffers
- D. Planning Commission Resolution

**MOTION:**

**May 4, 2004  
Regular Meeting  
Ord. No. 04-**

**SECOND:**

**RE: REZONING #PLN2003-00431, MOORE PROPERTY  
COLES MAGISTERIAL DISTRICT**

**ACTION:**

**WHEREAS**, this is a request to rezone +/-52 acres from A-1, Agricultural, to SRR-1, Semi-Rural Residential. The site is located at the south side of River Forest Drive, approximately 4,000 feet southwest of its intersection with Davis Ford Rd. (Route 663), and is identified as GPIN #7994-81-9539 and 7994-82-7236. The site is zoned A-1, Agricultural, and is designated Semi-Rural Residential (SRR) and Environmental Resource (ER) in the Comprehensive Plan; 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 April 7, 2004, and recommends approval, as stated in Res. #04-022; and

**WHEREAS**, a public hearing, duly advertised in a local newspaper for a period of two weeks was held on May 4, 2004, 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 #PLN2003-00431, Moore Property, subject to the proffers dated March 4, 2004; and

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

**Votes:**

**Ayes:**

**Nays:**

**Absent from Vote:**

**Absent from Meeting:**

**For information:**

Planning Director

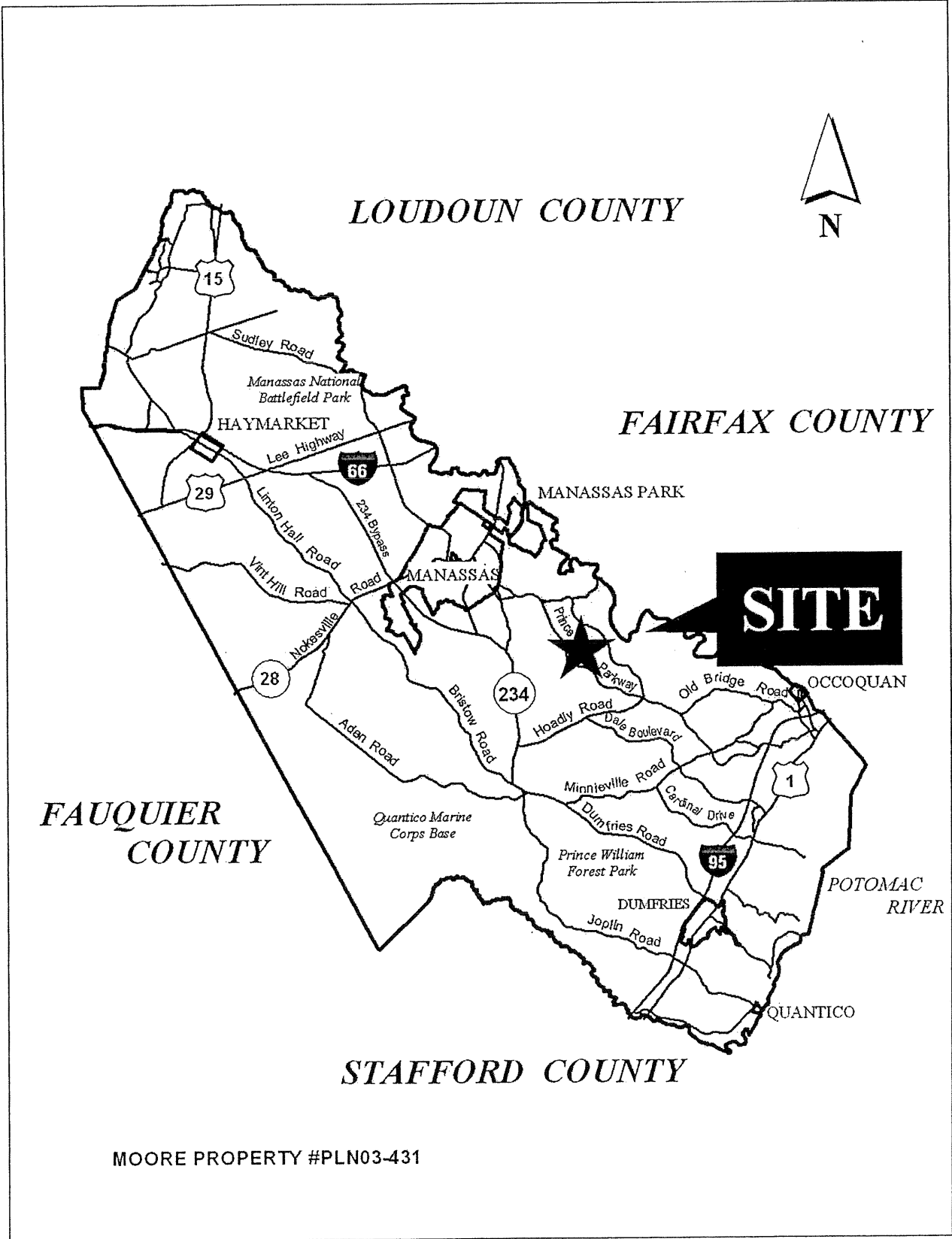
Mr. Jay du Von  
13663 Office Place, Suite 201  
Woodbridge, Va. 22192

**CERTIFIED COPY**

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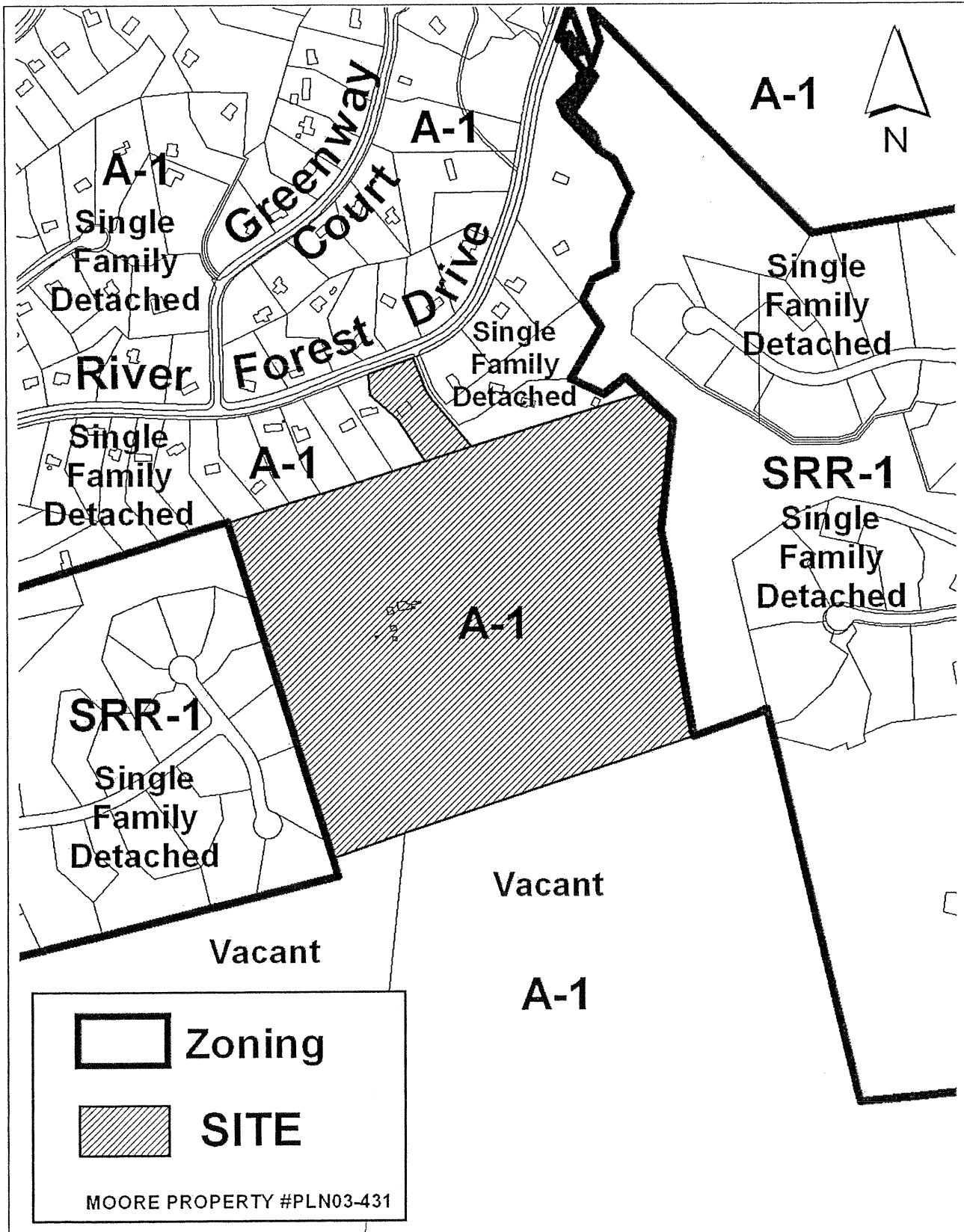
**Clerk to the Board**

Attachment A - Maps  
VICINITY MAP

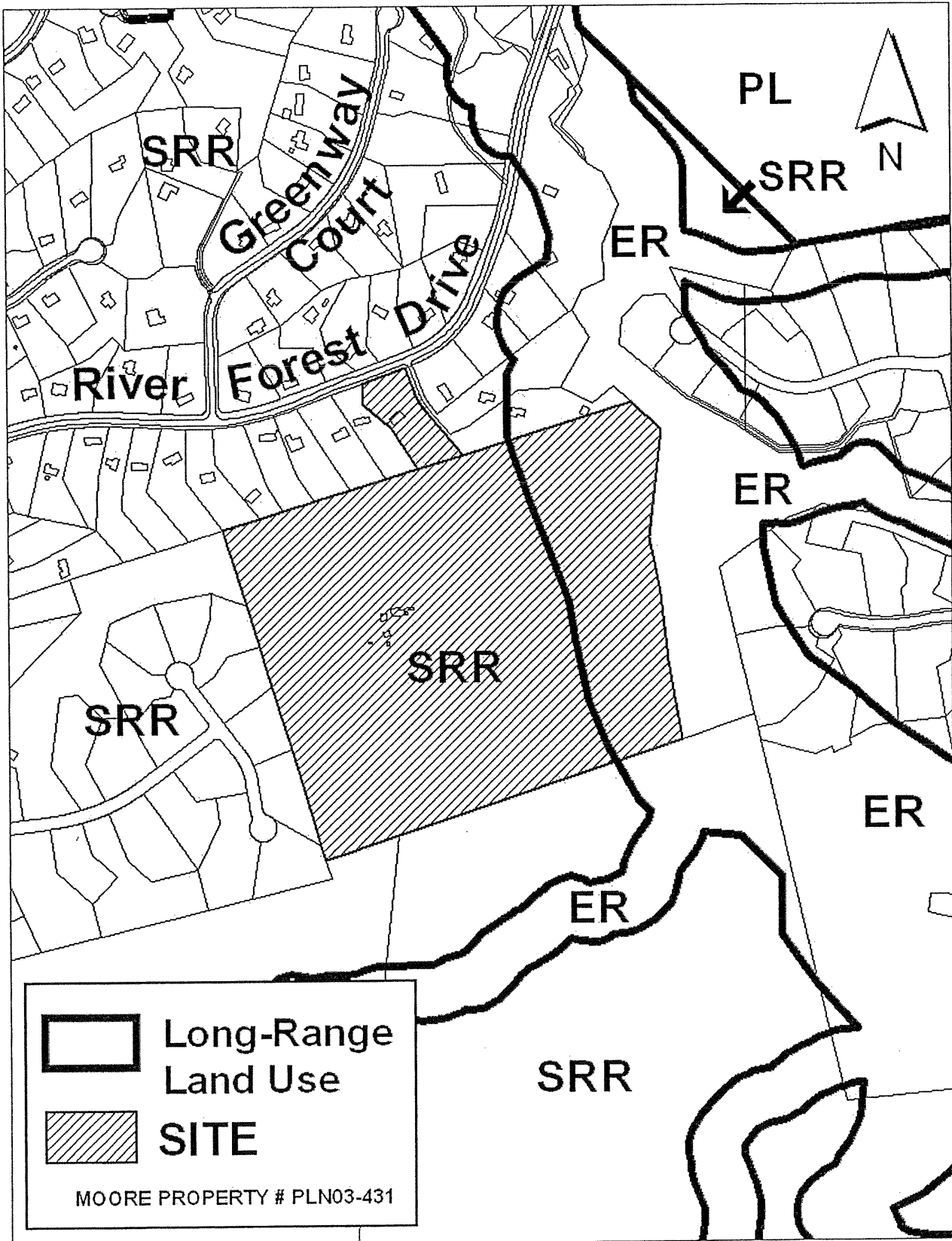


MOORE PROPERTY #PLN03-431

Attachment A - Maps  
EXISTING LAND USE AND ZONING MAP



Attachment A - Maps  
LONG-RANGE LAND USE MAP



## Part I. Summary of Comprehensive Plan Consistency

### Staff Recommendation: Approval

The following is a summary of staff's analysis of the applicant/owner's request. 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 site is designated as SRR, Semi-Rural Residential, and ER, Environmental Resource, in the Comprehensive Plan. The allowable density for a property designated SRR and ER is calculated based on the area outside ER. The non-floodplain/RPA portion of the property is used to calculate the density based on the lower end of the density range. The area of the floodplain/RPA portion of the property is added to the number of units based on the maximum density permitted by the existing zoning. The recommended average net density in the SRR is 2.5 acres per dwelling unit and 10 acres per dwelling unit in the ER designation of the property. Approximately 47.7 acres of the property are classified SRR and approximately 4.3 acres are designated 100-year floodplain, which is verified as RPA (PASA #03-00332). There are two existing dwelling units on the property that will be replaced with new units. The applicant proposes a maximum of 19 detached single-family dwelling units (including two replacement units), which is consistent with the average net density of 2.50 acres per dwelling for the SRR classification. The average net density would be 2.51 acres per dwelling, and the overall gross density, as proposed, would be 2.7 acres per dwelling. The average lot size for all lots proposed adjacent to the RPA shall be four acres.
Community Design	Yes	The site is designed to fit into the natural landforms. The applicant has proffered to not mass clear and grade the property and save existing vegetation to meet the tree canopy cover requirements for the subdivision as a whole. A subdivision entrance feature with landscaping is proffered on both sides of the entrance road; however, it is proposed on Lot 1 and 17, rather than on a separate open space parcel to be owned and maintained by a homeowners' association.

## Attachment B - Staff Analysis

Cultural Resources	Yes	The site is not designated as a High Sensitive Historic or Prehistoric Area or as a Cultural Resource site.
Environment	Yes	The applicant has proffered an undisturbed conservation area of environmentally sensitive and woodland areas to promote and preserve water quality and steep slopes. Super silt fencing or equivalent erosion and sediment control devices are also proffered for all land disturbance activities conducted within 100 feet of conservation areas or the RPA. The applicant has proffered average lot sizes of four acres for all lots abutting the RPA. Soil erosion during the development shall be minimized and the disturbed areas shall be stabilized in accordance with the recommendations from the proffered geotechnical reports. A monetary contribution of \$75.00 per acre is proffered for water quality monitoring. Clearing and grading on each lot during construction shall not exceed one acre.
Fire and Rescue	Yes	The first unit travel time from the Buckhall VFD #16 to the proposed site is about 4.5 minutes response time, which is at the borderline between the inside and outside travel time LOS standard for fire and rescue facilities. The applicant has proffered to offer each new home purchaser the option of installing a fire suppression and/or home sprinkler system. A monetary contribution of \$578.00 per new unit (excluding the replacement dwelling units to be constructed on Lots 1 and 12) is proposed. This proffer is consistent with the County's Policy Guide for Monetary Contributions.
Housing	Yes	A monetary contribution of \$250.00 per new unit (excluding the replacement dwelling units to be constructed on Lots 1 and 12) to the Housing Preservation and Development Fund is proposed. This proffer is consistent with the guidelines established by The Department of Housing and Community Development.
Library	Yes	A monetary contribution of \$375.00 per new unit (excluding the replacement dwelling units to be constructed on Lots 1 and 12) is proposed. This proffer is consistent with the County's Policy Guide for Monetary Contributions.

## Attachment B - Staff Analysis

Parks and Open Space	Yes	A monetary contribution of \$2,756.00 per new unit (excluding the replacement dwelling units to be constructed on Lots 1 and 12) is proposed. This proffer is consistent with the County's Policy Guide for Monetary Contributions.
Potable Water	No	The site is located within the Development Area. The applicant has not agreed to extend public water service to the development because the nearest public water is in excess of 4,000 feet from the Occoquan Forest subdivision.
Schools	Yes	A monetary contribution of \$8,287.00 per new unit (excluding the replacement dwelling units to be constructed on Lots 1 and 12) is proposed. This proffer is consistent with the County's Policy Guide for Monetary Contributions.
Sewer	Yes	The site is located within the Development Area, and the use of a private sewer system is allowed in the SRR classification. Public sewer is not available to the site. The nearest public sewer is in excess of 4,000 feet from the Occoquan Forest subdivision; therefore, the applicant has not proffered to extend the public sewer to the site.
Transportation	Yes	The applicant has proffered to install multi-way stop signs at up to two intersections along River Forest Drive as a traffic calming device. The applicant has proffered a monetary contribution of \$5,264.00 per new dwelling unit (excluding the replacement dwelling units to be constructed on Lots 1 and 12), which is consistent with the County's Policy Guide for Monetary Contributions. The proffered monetary contribution will be payable on a per-unit basis at the building permit stage, not as a lump sum at the site plan stage.

<b>Part II. Comprehensive Plan Consistency Analysis</b>
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The following table summarizes the area characteristics (see maps in Attachment A):

Direction	Land Use	Long Range Future Land Use Map Designation	Zoning
North	River Forest Drive and detached single-family dwelling units	SRR/ER	A-1/SRR-1
South	Vacant	SRR & ER	A-1
West	Detached single-family dwelling units	SRR	SRR-1
East	Crooked Creek	ER	SRR-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 its residents and employers need. 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. The following table summarizes the uses and densities intended within the SRR and ER designations:

## Attachment B - Staff Analysis

Long-Range Land Use Plan Classification	Land Uses Intended
SRR, Semi-Rural Residential	<p>The purpose of the Semi-Rural Residential classification is to provide for areas where a wide range of larger-lot residential development can occur as a transition between the largest-lot residential development in the Rural Area and the more dense residential development found in the Development Area. Residential development in the SRR areas shall occur as single-family dwellings at a density of one dwelling per 1-5 gross acres. Where more than two dwellings are constructed as part of a residential project in the SRR classification, the average density within that project should be 1 dwelling unit per 2.5 acres on a project by project basis. Cluster housing and the use of the planned unit development concept may occur, so long as the resulting residential density is no greater than that possible under conventional development standards, and provided that such clustering furthers valuable environmental objectives such as stated in the Environment Plan, and is consistent with fire and rescue service objectives. The lower end of the density range for the SRR classification shall be permitted by right. Higher densities shall be achieved through negotiation at the rezoning stage, not to exceed average densities established in this category.</p>
ER, Environmental Resource	<p>This classification is explained and defined in detail within the Environment Plan. Therein are located goals, policies, action strategies, and other plan components designed to protect the sensitive nature of the identified resources. Environmental Resources include all 100-year floodplains as determined by the Federal Emergency Management Act (FEMA) Flood Hazard Use Maps or natural 100-year floodplains, as defined in the Design and Construction Standards Manual, and resource protection areas (RPAs) as defined by the Chesapeake Bay Preservation Act. In addition, areas with 25 percent or greater slopes; areas with 15 percent or greater slopes in conjunction with soils that have severe limitations; soils with a predominance of marine clays; public water supply sources; and critically erodible shorelines and stream banks are considered environmental resources. The development of habitable structures is not allowed within the ER designation. The allowable dwelling unit density for a property shall be calculated based on the area outside the floodplain and the Chesapeake Bay RPAs. The allowable dwelling unit density areas of the property encumbered by 100-year floodplain and Chesapeake Bay RPAs shall be based upon the maximum density permitted by the existing zoning of the property at the time of adoption of the Comprehensive Plan.</p>

## Attachment B - Staff Analysis

The site is designated as SRR, Semi-Rural Residential, and ER, Environmental Resource, in the Comprehensive Plan. The allowable density for a property designated SRR and ER is calculated based on the area outside ER. The non-floodplain/RPA portion of the property is used to calculate the density based on the lower end of the density range. The area of the floodplain/RPA portion of the property is added to the number of units based on the maximum density permitted by the existing zoning. The recommended average net density in the SRR is 2.5 acres per dwelling unit and 10 acres per dwelling unit in the ER designation of the property. Approximately 47.7 acres of the property are classified SRR and approximately 4.3 acres are designated 100-year floodplain, which is verified as RPA (PASA #03-00332). There are two existing dwelling units on the property that will be replaced with new units. The applicant proposes a maximum of 19 detached single-family dwelling units (including two replacement units), which is consistent with the average net density of 2.50 acres per dwelling for the SRR classification. The average net density would be 2.51 acres per dwelling, and the overall gross density, as proposed, would be 2.7 acres per dwelling. The average lot size for all lots proposed adjacent to the RPA shall be four acres.

### Proposal's Strengths

- Land Use and Zoning - The requested SRR-1 zoning designation is intended to implement the SRR classification of the Long-Range Land Use Plan.
- Density Consistency - Approximately 47.7 acres of the site are classified SRR and approximately 4.3 acres are designated 100-year floodplain, which is verified as RPA (PASA #03-00332). The applicant proposes a maximum of 19 detached single-family dwelling units (including two replacement units), which is consistent with the recommended average net density of 2.50 acres per lot for the SRR classification. The average net density is 2.51 acres per dwelling and the overall density is 2.7 gross acres per dwelling.

### Proposal's Weaknesses

- None identified.

On balance, this application, as proffered, 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.

#### Proposal's Strengths

- Fitting the Development within the Natural Landform - The proposed lot layout and road design follow natural contours to a reasonable extent. The applicant has proffered to site the homes on each lot to complement existing topography.
- Clearing and Grading - The applicant has proffered to not mass clear and grade the property.
- Saving Existing Vegetation to Meet Tree Canopy Cover - To save additional trees on the property, the applicant has proffered to meet the tree canopy cover requirements for the subdivision as a whole by saving the existing vegetation.

#### Proposal's Weaknesses

- Subdivision Entrance Feature - The applicant has proposed a professionally landscaped entrance feature on both sides of the entrance road; however, the landscaping entrance feature is proposed on Lot 1 and 17, rather than on a separate open space parcel to be owned and maintained by a homeowners' association.

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

### Cultural Resources Plan Analysis

Residents of and visitors to Prince William County are aware of the important links of the County today with the rich heritage of the past because of the preservation and enhancement of our cultural resources. The Cultural Resources Plan sets out policies and action strategies that further the County's goal of identifying and protecting our historical, archaeological, architectural and cultural resources, including those significant to our minority community, for the benefit of citizens and visitors. The plan includes recommendations relating to the identification of assets, preservation through the use of federal, state, local, and private initiatives, mitigation of negative impacts, and public education/awareness programs.

## Attachment B - Staff Analysis

Land use applications should include appropriate records review for prehistoric and historical resources, as well as Phase I, II, and III level archaeological studies as appropriate.

### Proposal's Strengths

- The site is not designated as a High Sensitive Historic or Prehistoric Area or as a Cultural Resource site.

### 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 that 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.

This site is located in Subwatershed # 416, which drains into the Crooked Creek tributary of the Occoquan River. The entire site is forested, except the areas at the vicinity of the existing houses that have been previously cleared. Approximately 4.3 acres of the site have been field verified as Resource Protection Area (RPA) and 100-year floodplain (PASA #03-00332). Approximately 14 acres of the site (27%) contain slopes between 15% and 25%. Approximately 15 acres (29%) of the site contain slopes greater than 25%, concentrated around Crooked Creek and the intermittent streams that flow into Crooked Creek. All soils mapped on this site are designated as having a severe erodibility characteristic. Significant portions of the steep slopes are around the stream corridors, which will be protected by proffers. Some of the steeply sloping areas are included in the residential lots and will be disturbed; however, soil erosion during the development shall be minimized and the disturbed areas shall be stabilized in accordance with the recommendations from the proffered geotechnical reports.

## Attachment B - Staff Analysis

### Proposal's Strengths

- Water Quality Monitoring - The applicant has proffered \$75.00 per acre for water quality monitoring.
- Limiting of Land Disturbance - The applicant has proffered to limit the clearing on each lot to a maximum of one acre. In addition, clearing of existing woodlands will be minimized.
- Larger Lots Abutting the RPA - To minimize the impact of the development on the RPA, the applicant has proffered the average lot size of four acres for all lots abutting the RPA.
- Protection of Environmental Sensitive Areas - The applicant has proffered undisturbed conservation areas in the environmentally sensitive and woodland areas to promote and preserve water quality and steep slopes. The conservation areas shall be enforced by covenants and restrictions recorded with each lot. To minimize erosion from the site, the applicant has proffered super silt fencing or equivalent erosion and sediment control devices for all land disturbance activities conducted within 100 feet of the conservation area or the RPA, and the disturbed areas shall be stabilized in accordance with the recommendations from the proffered geotechnical report.

### Proposal's Weaknesses

- None identified

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

### Fire and Rescue Plan Analysis

Quality fire and rescue services provide a measure of security and safety that both residents and businesses have come to expect from the County. The Fire and Rescue Plan sets out policies and action strategies that further the County's goal of providing timely response to fire, medical, hazardous material and natural disaster emergencies. The plan includes recommendations relating to equipment and facility needs to meet desired levels of service, and encourages the use of fire and safety features beyond the minimum required by the Virginia Uniform Statewide Building Code.

The Comprehensive Plan contains levels of service (LOS) standards for fire and rescue. The Department of Fire and Rescue has determined these LOS standards from government requirements, professional or industrial standards, citizen surveys, and citizen expectations.

## Attachment B - Staff Analysis

LOS standards for fire and rescue services are measured by the average travel time between a given fire and rescue station(s) and a particular site for which a rezoning is sought, and the station's capacity to serve the site. Application of these LOS standards has determined that Countywide several new stations will be needed by 2020 to provide adequate fire protection, disaster evacuation, and other rescue and emergency services, and to protect against the loss of life or health and other dangers for existing and anticipated future populations.

The travel time standards are summarized in the Comprehensive Plan. The number of fire and rescue incidents a facility is able to serve measures station capacity standards.

The proposed new development is 4.5 minutes from the Buckhall Fire & Rescue station #16, which is at the border line between the inside and outside travel time LOS standard for fire and rescue facilities.

The station capacity is as follows:

Total capacity of this station	3,000
Existing incidents served by this station	847
Incidents proposed by subject rezoning application	3
Net remaining capacity	2,150

The development, as proposed, will generate a need for a capital expenditure of \$9,826.00 (\$578.00 per unit x 17 single-family units, excluding the replacement dwelling units to be constructed on Lots 1 and 12). As a result of applying the established LOS standards for fire and rescue to the subject application, this application meets these LOS standards.

### **Proposal's Strengths**

- Level of Service - A monetary contribution of \$578.00 per new dwelling unit for fire and rescue services has been proffered by the applicant.
- Fire Suppression System Option - The applicant has proffered to offer each new home purchaser the option of installing a fire suppression and/or home sprinkler system.

### **Proposal's Weaknesses**

- Fire & Rescue Response Time - The first unit travel time from the Buckhall VFD #16 to the proposed site is 4.5 minutes, which is at the border line between the inside and outside travel time LOS standard for fire and rescue facilities.

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

## Attachment B - Staff Analysis

### 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.

#### Proposal's Strengths

- Housing Trust Fund - A proffer of \$250.00 per new dwelling unit (excluding the replacement dwelling units to be constructed on Lots 1 and 12) is proposed by the applicant as a contribution to the Housing Preservation and Development Fund. This amount is consistent with the guidelines established by the Office of Housing & Community Development.

#### Proposal's Weaknesses

- None identified.

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

### Library Plan Analysis

Access to a variety of information is a valuable service provided by the County. The Library Plan sets out policies and action strategies that further the County's goal of providing adequate library facilities and information resources to our residents. The plan includes recommendations relating to siting criteria, appropriate levels of service, and land use compatibility.

The library nearest the proposed project is Independent Hill Neighborhood Library, located at George Hellwig Memorial Park, 14418 Bristow Road. Level of service (LOS) standards for library services are measured by the per capita facility, site, and volume standards, applied to the number of new residences to be developed at a particular site for which a rezoning is sought. Application of these LOS standards has determined that, countywide, six new libraries will be needed by the year 2020 to provide adequate public library facilities for current and anticipated future populations. The level of service standards are contained in the Comprehensive Plan. Library officials have estimated that the proposed development will generate a need for additional library space and for new books and periodicals. The development, as proposed, will generate a need for a capital expenditure of \$6,375.00 (\$375.00 per unit x 17 single family units, excluding the replacement dwelling units to be constructed on Lots 1 and 12).

## Attachment B - Staff Analysis

### Proposal's Strengths

- Level of Service - A monetary contribution of \$375.00 per new dwelling unit (excluding the replacement dwelling units to be constructed on Lots 1 and 12) for library services, has been proffered by the applicant. This amount is consistent with the County's Policy Guide for Monetary Contributions.

### Proposal's Weaknesses

- None identified.

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

### Parks and Open Space Plan Analysis

Parks provide needed recreational outlets for County residents and visitors and preserve trees and green space, making the County more attractive to those who live, work and play here. The Parks and Open Space Plan sets out policies and action strategies that further the County's goal of providing a recreation system with sufficient quantity, quality and variety for our citizens, and maintaining the facilities within that system to the degree required for its effectiveness. The plan includes recommendations relating to the size, type and number of parks, trails and greenways, and siting criteria.

The proposed residential development is near the following park facilities:

Park Type	Park Name
Neighborhood	None
Community	PWC Stadium Complex (ballfields)
Regional	Andrew Leitch Park/Waterworks, Chinn Aquatics Fitness Center
Special Use	Lake Ridge Marina & Golf Course, Prince William County Stadium Complex (stadium & BMX track), Prince William Ice Arena (Skate Quest)
Greenway	None

Application of these LOS standards has determined that Countywide 2,280 acres of additional neighborhood, community, regional and special use parks will be needed by the year 2020 to provide an adequate inventory of parks, playgrounds, and recreational facilities for existing and anticipated future populations. The site and characteristic standards for various types of parks are contained in the Comprehensive Plan.

## Attachment B - Staff Analysis

Development of the site as proposed will generate a need for additional 0.83 acres of public park land. The development, as proposed, will generate a need for a capital expenditure of \$46,852 (\$2,756.00 per unit x 17 single-family units, excluding the replacement dwelling units to be constructed on Lots 1 and 12).

Comparing the established LOS standards for parks, open space, and recreation with the proffer statement included with this application, the application adequately addresses the current LOS standards for public parks and recreation. The applicant has proposed to provide a monetary contribution that is in accordance with these standards.

### Proposal's Strengths

- Level of Service - The applicant has proffered a monetary contribution of \$2,756.00 per new dwelling unit (excluding the replacement dwelling units to be constructed on Lots 1 and 12) to meet the parks and recreation needs that will be created by the development, which is consistent with the County's Policy Guide for Monetary Contributions.

### Proposal's Weaknesses

- None identified.

On balance, this application is found to be consistent with the relevant components of the Parks and Open Space 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 site is located within the Development Area, and the use of a private water system is not encouraged in the SRR classification. Public water is not available to the site. The nearest public water is in excess of 4,000 feet from the Occoquan Forest subdivision; therefore, the applicant has not proffered to extend public water to the site.

### Proposal's Strengths

- None identified.

## Attachment B - Staff Analysis

### Proposal's Weaknesses

- Connection to Public Water Service - The applicant has not agreed to connect the development to public water.

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

### Schools Plan Analysis

A high-quality education system serves not only the students and their families, but the entire community by attracting employers who value educational opportunities for their employees. The Schools Plan sets out policies and action strategies that further the County's goal of providing quality public education to our school-aged population. The plan includes recommendations relating to facility size and location, siting criteria, compatible uses, and community use of school facilities.

The proposed residential development is near the following schools:

Type	Name
Elementary School	Signal Hill Elementary School
Middle School	Parkside Middle School
High School	Osborn Park High School

School officials have determined that the proposed development will generate 12 new school students, as follows:

Elementary school, Grades K-5	5
Middle school, Grades 6-8	3
High school, Grades 9-12	4

The resultant capital cost expenditure needed to meet LOS for schools is \$140,879.00 (\$8,287.00 per dwelling x 17 dwelling units, excluding the replacement dwelling units to be constructed on Lots 1 and 12).

### Proposal's Strengths

- Level of Service - A monetary contribution of \$8,287.00 per new dwelling unit (excluding the replacement dwelling units to be constructed on Lots 1 and 12) for schools has been proffered by the applicant. This amount is consistent with the County's Policy Guide for Monetary Contributions.

## Attachment B - Staff Analysis

### Proposal's Weaknesses

- None identified.

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

### Sewer Plan Analysis

Appropriate wastewater and sanitary facilities provide needed public health and environmental protections. The Sewer Plan sets out policies and action strategies that further the County's goal of providing an economically and environmentally sound sanitary and stormwater sewer system. The plan includes recommendations relating to system expansion, required connections to public sewer in the Development Area, and the use of either private or public sewer systems in locations classified as Suburban Residential Rural (SRR), as well as the Rural area.

The site is located within the Development Area. The Comprehensive Plan requires all future developments to be connected to public sewer, except in those locations designated SRR, where on-site sewage systems are also permitted. Public sewer is not available to the site. The nearest public sewer is in excess of 4,000 feet from the Occoquan Forest subdivision; therefore, the applicant has not proffered to extend public sewer to the site.

### Proposal's Strength

- None identified.

### Proposal's Weaknesses

- None identified.

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

**Transportation Plan Analysis**

By providing a multi-modal approach to traffic circulation, Prince William County promotes the safe and efficient movement of goods and people throughout the County and surrounding jurisdictions. The Transportation Plan sets out policies and action strategies that further the County's goal of providing a complete, safe and efficient multi-modal circulation system that includes sufficient capacity to meet the demands placed upon it. The plan includes recommendations relating to improving existing service levels, increasing capacity of the existing system, minimizing negative impacts to environmental and cultural resources, supporting targeted industries and major activity centers, exploring innovative funding mechanisms, promoting regional approaches to transportation issues, and promoting transit opportunities. At a minimum, projects should include strategies that result in a level of service (LOS) of "D" or better on all roadways, the dedication of planned rights-of-way, the provision of pedestrian pathways, and access to mass transit and other commuter facilities as appropriate.

River Forest Drive is a major through road for this development. The road is designed to RM-1, Category V standards, with 60 feet of right-of-way, which can handle up to 4000 vehicles per day (VPD). The projected VPD (including 170 VPD as a result of this subdivision) is 2,280, which is below the road capacity. Exact traffic counts on River Forest Drive and other local roads are not available. The development, based on the proposed overall density of 2.7 acres per lot, could have 170 trips per day. A TIA was waived because the trips from the proposed development do not exceed the thresholds established by Prince William County (DCSM, Section 602.01 A).

The proffered monetary contribution will be payable on a per-unit basis at the building permit stage, not as a lump sum at the site plan stage. However, this rezoning request in general does not conflict with the goals and objectives of the Transportation element of the County's Comprehensive Plan.

**Proposal's Strengths**

- Level of Service Monetary Contribution - The applicant has proffered a monetary contribution in the amount of \$5,264.00 per new single family detached unit constructed on the property (excluding the replacement of dwelling units to be constructed on Lots 1 and 12) to be used for transportation services. This amount is consistent with the County's Policy Guide for Monetary Contributions.
- Traffic Calming Device - The applicant has proffered to install multi-way stop signs at up to two intersections along River Forest Drive as a traffic calming device.

**Proposal's Weaknesses**

- None identified.

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

**Materially Relevant Issues**

This section of the report is intended to identify issues raised during the review of the proposal that are not directly related to the policies, goals, or action strategies of the Comprehensive Plan, but which are materially relevant to the County's responsibilities in considering land use issues.

Staff and other agencies that have reviewed the proposal noted the following minimum design criteria. The development proposal will be reviewed for compliance with all minimum standards at the time that the applicant submits detailed site development information prior to the issuance of construction permits. The listing of these issues is provided to ensure that these concerns are a part of the development record. Such issues are more appropriately addressed during the site plan review.

- **Poor Soil Type** - The development in the areas with poor soil types should follow the geotechnical recommendations approved at the time of final site plan.
- **Street Lighting** - The need for street lighting will be addressed at the time of final subdivision plan.
- **Fire & Rescue** - Emergency vehicles must be afforded appropriate access throughout the development to every parcel and structure. Driveways must be wide enough to accommodate access for emergency vehicles and equipment.
- **Interparcel Connection** - A vehicular interparcel connection with the abutting property located to the south of this site (GPIN # 8093-17-6345) is needed to provide access and prevent disturbance of the existing RPA on a portion of the abutting property which is surrounded by the existing RPA. The applicant will address the need for a vehicular interparcel connection at the subdivision plan review in accordance with Section 32-250.72 of the Zoning Ordinance.

## Attachment B - Staff Analysis

### Agency Comments

The following agencies have reviewed the proposal and their comments have been summarized in relevant chapters of the 2003 Comprehensive Plan in this report. Individual comments are in the case file in the Office of Planning:

Planning Office, Case Manager & Urban Designer  
Prince William County Service Authority  
Environmental Health Department  
Public Works, Environmental Services Division  
Public Works, Transportation Division  
VDOT  
Historical Commission  
Park Authority  
Police Department  
Public Library System  
Public Schools

**Attachment C**  
**Proffer Statement dated March 4, 2004**

**PROFFER STATEMENT**

RE: REZ PLN#2003-00431, Moore Property  
Applicant: Classic Concepts Builders Inc.  
Record Owners: Morgan Thomas Moore and Amy L. Granville-Smith  
Property: G.P.I.N.: 7994-81-9539 and 7994-82-7236 (the "Property")  
Coles Magisterial District  
A-1, Agricultural, to SRR-1 (52.0 acres)

Date: March 4, 2004

The undersigned hereby proffers that the use and development of the subject Property shall be in strict conformance with the following conditions and shall supersede all other proffers made prior hereto. In the event the above-referenced rezoning is not granted as applied for by the Applicant, these proffers shall be withdrawn and are null and void. 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.

For purposes of reference in this Proffer Statement, the Generalized Development Plan ("GDP") shall be that plan prepared by Branca Development, LLC, and entitled "Generalized Development Plan, Moore Property" and dated May 30, 2003 and certified March 4, 2004.

**TRANSPORTATION**

1. Prior to, and as a condition of issuance of a building permit for each unit, the Applicant shall make a monetary contribution to the Prince William Board of County Supervisors in the amount of \$5,264.00 to be used for transportation improvements in the County.
2. The Applicant shall pay for and install multi-way stop signs at up to two intersections along River Forest Drive, if the citizens on River Forest Drive are successful in gaining approval from VDOT for said multi-way stop signs prior to the later of three years following zoning approval or final release of the performance bond on this project.

**USE AND DEVELOPMENT**

3. Development of the property shall be in substantial accordance with the Generalized Development Plan, however, the lot layout and road alignment may be revised in accordance with final engineering considerations.
4. Residential development on the Property shall not exceed a maximum of nineteen (19) lots for the development of single family detached dwelling units, which includes the replacement of two existing dwellings with two new dwellings.

**Attachment C**  
**Proffer Statement dated March 4, 2004**

PARKS AND RECREATION

5. Prior to, and as a condition of issuance of a building permit for each unit, the Applicant shall make a monetary contribution to the Prince William Board of County Supervisors in the amount of \$2,756.00 to be used for parks and recreation services in the County.

ENVIRONMENTAL

6. Prior to and as a condition of issuance of a site development permit, the Applicant shall make a monetary contribution to the Prince William Board of County Supervisors in the amount of \$75.00 per acre for water quality monitoring.
7. The Applicant shall provide a proffered conservation area overlaying the intermittent streams, which traverse the Property, as generally shown on the Generalized Development Plan. The conservation area shall have a MINIMUM width of thirty feet (30') around stormwater management facilities, if facilities are provided overlaying the intermittent streams, and a MINIMUM width of one hundred feet (100') overlaying the intermittent streams in areas where stormwater management facilities are not provided. A minimum of 15 acres shall be placed within conservation areas. The Applicant shall show the proffered conservation areas on the subdivision plat.

The proffered conservation areas shall be enforced by restrictions placed within the deed of subdivision and enforced by restrictions placed within covenants, conditions and restrictions recorded against all of the lots in the subdivision. Any proposed conditional clearing and/or improvements within the proffered conservation areas shall be reviewed and approved by the Department of Public Works ("Public Works") on the final subdivision and/or on individual lot grading plan(s). No clearing or improvements shall be made within the proffered conservation area with the exception of the following circumstances and conditions:

- A. The removal of noxious vegetation, such as poison ivy, poison oak, etc., as well as dead, dying, or hazardous trees or dead, dying shrubbery and the trimming or pruning of trees as necessary to provide sight lines and vistas.
- B. The installation and maintenance of roads, water, sanitary sewer and other utility crossings; fences; storm sewer outfalls; and stormwater management facilities necessary to serve the Property or adjoining properties (If said stormwater facilities are required by the Department of Public Works at the time of final subdivision plan review.), and provided the routing of said improvements is aligned to minimize land disturbance, and impacts to existing vegetation.
- C. The installation and maintenance of wells, water service lines between the well and the residence and on-site sanitary sewer lines from the septic tank to the drainfield when site conditions do not permit the installation of these improvements outside of the proffered conservation area and provided the routing of said improvements is aligned to minimize land disturbance, and impacts to existing vegetation, the existing contours are not changed and any area disturbed is permanently stabilized within seventy-two (72) hours of initial disturbance, and shall be shown on the final lot grading plan(s).

**Attachment C**  
**Proffer Statement dated March 4, 2004**

8. The Applicant shall show the location of super silt fencing or equivalent erosion and sediment control measures, as determined by Public Works, on the final subdivision plan and /or final lot grading plan(s) review for all land disturbance activities conducted within one hundred (100') feet of a proffered conservation area or the Resource Protection Area.
9. As a result of the specific topographic features associated with this site, the average lot size for all lots abutting the Resource Protection Area shall be four (4) acres. These lots are currently depicted as Lots 8, 15, and 16 on the GDP. The lot layout and numbers may change however, based on final engineering considerations as noted in Proffer 3.
10. The Applicant shall limit clearing and grading on each lot during construction to no more than one (1) acre of disturbance as a result of site development for the drainfield and the construction of the home on each lot. The limits of final clearing and grading shall be shown on the final lot grading plan(s). Said clearing limitation shall not include the clearing for the construction of roads, driveways, utilities (including drainfield force main lines) from the house to the drainfield, or stormwater management facilities (if required) or any areas of the lot devoid of trees prior to submission of the rezoning application in June, 2003, as shown on the GDP.
11. Prior to submission of the final subdivision plan, the Applicant shall submit a detailed geotechnical report that outlines measures to minimize the potential for soil erosion during development. The detailed geotechnical study will include site-specific recommendations for the management and stabilization of site soils during development with the goal of minimizing the potential for soil erosion and to protect, contain and quickly stabilize all disturbed areas.

**COMMUNITY DESIGN**

12. Where practical and feasible, the Applicant shall site homes on the final lot grading plan(s) to complement the existing topography. This design may include the siting of the house to provide for walkout basements, side load or detached garages, and/or possible swimming pool locations if desired by the prospective homeowner. Driveways will generally follow the existing contours of the land where practical, without a need for the construction of retaining walls or other such structures.
13. Mass clearing and grading of the Property shall not be permitted. The Applicant shall limit the clearing of trees during site development activities on the Property, to the areas necessary for the construction of roads and other infrastructure improvements; utility lines; site drainage improvements; stormwater management controls and facilities; and only for the construction of building pads for houses when controlled fill is necessary. The limits of final clearing and grading shall be shown on the final subdivision plan and/or final lot grading plan(s).

**Attachment C**  
**Proffer Statement dated March 4, 2004**

14. The Applicant shall satisfy the tree canopy coverage requirements for the subdivision as a whole, as outlined in the Design and Construction Standards Manual ("DCSM"), by saving existing trees on the property. In the event the Applicant is unable to satisfy the tree canopy coverage requirements, as a whole, additional trees shall be planted on the property to meet the requirements of the DCSM.
15. The Applicant shall limit the clearing of existing trees along the perimeter of the Property during construction to the areas, as determined by the Applicant, to be necessary for the construction of roads, houses, driveways, drainfields, wells, utilities or stormwater management facilities. The limits of final clearing and grading shall be shown on the final subdivision plan and/or final lot grading plan(s).
16. The Applicant shall provide a minimum distance of 40 feet between the rear façade of the main house constructed on each lot, as shown on the final lot grading plan(s), and any proffered conservation areas located within the rear yard of the lot, for the purpose of providing homeowners with adequate usable rear yard areas. This area may or may not be fully cleared. However, decks, sunrooms, stairways, and any accessory structures, including, but not limited to, detached garages, pools, fences, sheds and play equipment, may be constructed within this 40 foot area, provided such accessory building and structures meet the Zoning Ordinance requirements. This proffer shall not be construed to prevent a homeowner from construction of an addition or other improvements within the 40 feet between the rear facade of the original house and the conservation area. Drainfields and wells shall also be permitted within this area.
17. Entrance Landscaping.
  - A. In lieu of a subdivision entrance sign, the Applicant shall provide landscaping in general accordance with the landscaped entrance plan shown in Exhibit A attached. This exhibit is intended to reflect the Applicant's commitment to combine revegetation of disturbed areas and include shrubs, ornamental flowering trees, native deciduous trees and evergreens. The area subject to landscaping is identified as GPIN 7994-82-7236 on the GDP.
  - B. The obligation to maintain the entrance landscaping shall be the responsibility of the lot owners on which the landscaping is located and/or all the lot owners in the subdivision, and said obligation to maintain the landscaping shall be contained within the deed of subdivision in the form of covenants, conditions and restrictions recorded against all of the lots in the subdivision. Further, the landscaping area shall be placed in landscape easements recorded against the property on which the landscaping is located.

**Attachment C**  
**Proffer Statement dated March 4, 2004**

LIBRARIES

18. Prior to and as a condition of issuance of a building permit for each unit, the Applicant shall make a monetary contribution to the Prince William Board of County Supervisors in the amount of \$375.00 to be used for library services and facilities in the County.

FIRE & RESCUE

19. Prior to and as a condition of issuance of a building permit for each unit, the Applicant shall make a monetary contribution to the Prince William Board of County Supervisors in the amount of \$578.00 to be used for fire and rescue services in the County.
20. Each new home purchaser shall be offered the option of installing a fire suppression and/or home sprinkler system at the time of the construction of their home.

SCHOOLS

21. Prior to and as a condition of issuance of a building permit for each unit, the Applicant shall make a monetary contribution to the Prince William Board of County Supervisors in the amount of \$8,287.00 to be used for school purposes in the County.

AFFORDABLE HOUSING

22. Prior to and as a condition of issuance of a building permit for each unit, the Applicant shall make a monetary contribution to the County's Housing Development Fund equal to \$250.00 per residential unit.

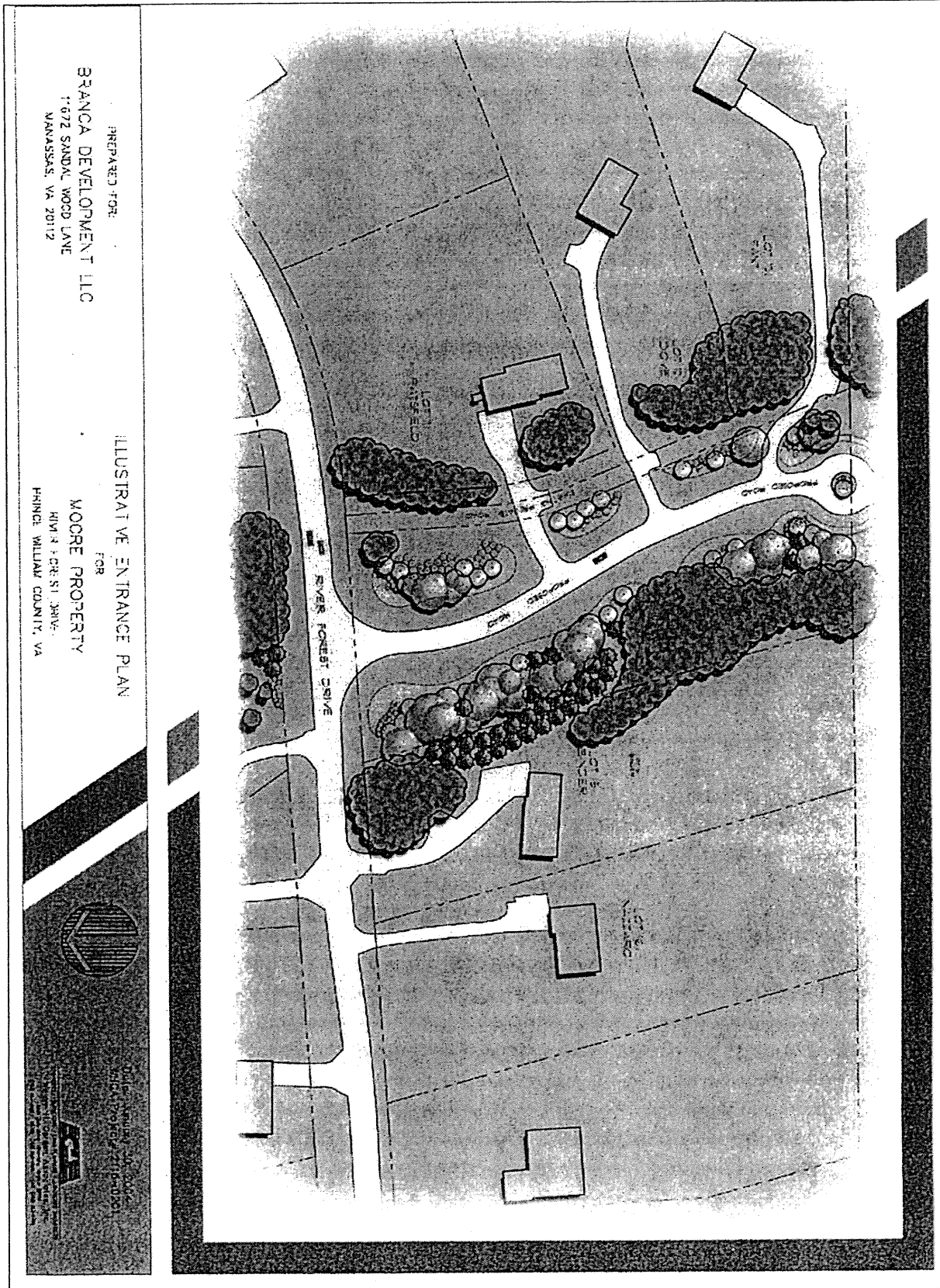
EXISTING RESIDENCES

23. Building permits issued for the replacement of the existing residences to be constructed on Lots 1 and 12 will not require payment of the monetary contributions referenced in the foregoing proffers.
24. Upon demolition of the existing homes, debris will be removed and disposed of in accordance with all County, State and Federal statutes.

MATERIALLY RELEVANT

25. 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 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 the Proffer Statement which are paid to the Board after 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 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% per year, non-compounded.

Attachment C  
Proffer Statement dated March 4, 2004  
Exhibit A



**Attachment C**  
**Proffer Statement dated March 4, 2004**

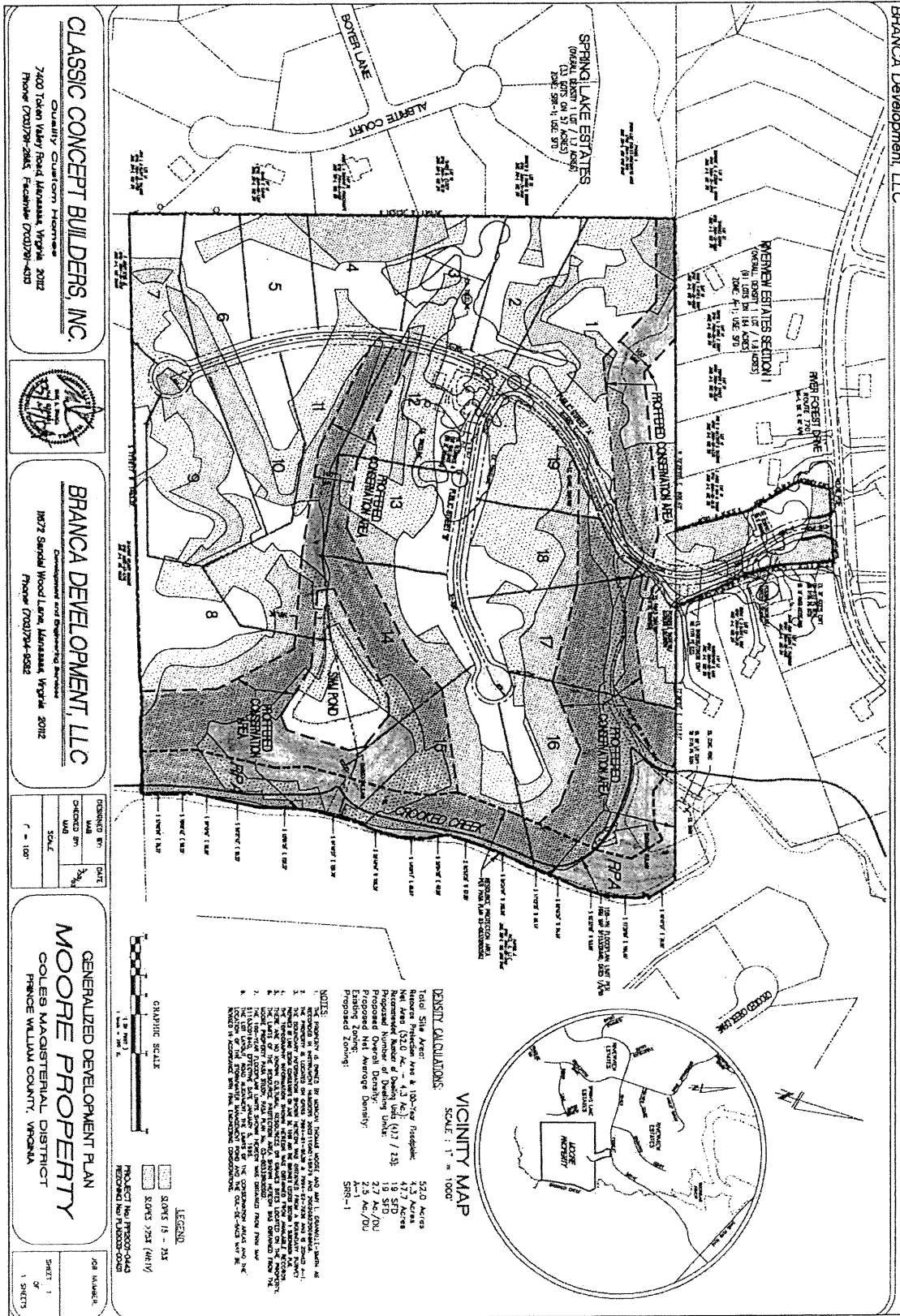
SIGNATURE PAGE

MORGAN T. MOORE LIVING TRUST

By: \_\_\_\_\_  
Morgan T. Moore, Trustee

\_\_\_\_\_  
Amy L. Granville-Smith

**Attachment C**  
**General Development Plan dated May 30, 2003, revised through**  
**March 4, 2004**



PLANNING COMMISSION RESOLUTION

MOTION: GONZALES

April 7, 2004  
Regular Meeting  
Res. No. 04-022

SECOND: BRYANT

RE: REZONING #PLN2003-00431, MOORE PROPERTY  
COLES MAGISTERIAL DISTRICT

ACTION: RECOMMEND APPROVAL

WHEREAS, this is a request to rezone +/-52 acres from A-1, Agricultural to SRR-1, Semi-Rural Residential; and

WHEREAS, the site is located along the south side of River Forest Drive, approximately 4000 feet southwest of its intersection with Davis Ford Road, and is identified on County maps as GPINs 7994-81-9539 and 7994-82-7236; and

WHEREAS, the site is zoned A-1, Agricultural and is designated Semi-Rural Residential (SRR) and Environmental Resource (ER) Low in the Comprehensive Plan; and

WHEREAS, the Prince William County Planning Commission duly ordered, advertised, and held a public hearing on April 7, 2004, at which time public testimony was received and the merits of the above-referenced rezoning were considered; and

WHEREAS, the Prince William County Planning Commission believes that public general welfare as well as good planning practices are served by the approval of this rezoning request;

NOW, THEREFORE, BE IT RESOLVED, that the Prince William County Planning Commission does hereby recommend approval of Rezoning #PLN2003-004631 Moore Property, subject to proffers dated March 4, 2004.

Votes:

Ayes: Gonzales, Hefter, Hendley, Holley, Fry

Nays: Bryant, Hosen

Absent from Vote: None

Absent from Meeting: Burgess

MOTION CARRIED

CERTIFIED COPY

*M. C. Thompson*  
Secretary to the Commission