



# COUNTY OF PRINCE WILLIAM

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PLANNING  
OFFICE

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Director of Planning

January 30, 2002

## Staff Report

Rezoning #PLN2001-00157, New Bristow Village  
(Brentsville Magisterial District)

**Planning Commission Public Hearing: February 6, 2002**  
**Staff Recommendation: Approval**

**I. Background** is as follows:

- A. Request – This is a request to rezone 341 acres from A-1, Agricultural, to PMR, Planned Mixed Residential. The applicant proposes to develop a maximum of 520 mixed dwellings, a maximum of 175,000 square feet of office and commercial space, and dedicate 127 acres as a Heritage Park to the Civil War Preservation Trust. The New Bristow Village project is proposed as a nineteenth century village community with entrances on both Nokesville and Bristow Roads.

The applicant has also requested waivers and modifications for several Zoning Ordinance requirements and Design and Construction Standard Manual standards.

- B. Location – The subject site is comprised of parcels generally bounded by Nokesville Road on the northwest, Bristow Road on the northeast, and the Norfolk Southern Railroad tracks on the southeast. The site is identified on County maps as GPIN's 7594-67-0446, 7594-37-4018, 7594-48-6006, 7594-59-3420, 7594-50-9014, and 7594-78-2737.
- C. Comprehensive Plan - The subject site is designated as follows in the 1998 Long-Range Land Use Plan:
- |           |  |
|-----------|--|
| 58 acres  | CEC, Community Employment Center                                 |
| 128 acres | SRR, Semi-Rural Residential (1 dwelling per 1 to 5 acres)        |
| 155 acres | <u>SRL, Suburban Residential Low (1 to 4 dwellings per acre)</u> |
| 341 acres | Gross Acreage  |

Of the total site area, 32.2 acres are also designated ER, Environmental Resource Overlay in the 1998 Comprehensive Plan. Of these, 9.2 acres of the SRL area are within the RPA (Resource Protection Area). The net acreage for the site is 331.8 acres.

This property is specifically addressed in the Cultural Resources Element of the 1998 Comprehensive Plan, being the site of both Civil War encampments and the Battle of Bristoe Station. The Plan calls for encouragement of development that is located, situated, and buffered so as to maintain a high degree of the existing physical and visual integrity of the area. The specific development techniques are to be provided as a part of the rezoning process within the Bristoe Station Historic Area, and include:

- Clustering to allow the overall density contemplated but to preserve more significant or appropriate areas, to create points of interest, and to provide markers or interpretive exhibits.
- A development plan that outlines the concept for development within the CEC, SRL and SRR which includes a street and site layout, specific information on the number, types of units, and uses. The plan shall attempt to recreate a nineteenth century village in terms of design and scale.
- An architectural concept plan which provides a general concept for dwelling and structure design, including architectural style, details of roof lines, architectural orientation, materials, and texture.
- Use of landscaping and buffers to create a setting compatible with the historic/cultural significance of the site.

D. Zoning/Acreage – The site is zoned A-1, Agricultural and comprises a total of approximately 341 acres.

E. Community Character – The surrounding area is predominately of a rural character consisting of the village of Bristow at the southeast corner of the property, some single-family residences, agricultural land, and a small commercial use near the intersection of Bristow and Nokesville Roads.

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

A. Office of Planning Recommendation – The Office of Planning recommends approval of Rezoning #PLN2001-00157, New Bristow Village, subject to the proffers dated January 30, 2002.

Waivers – The Office of Planning makes the following recommendations for the respective requested waivers and modifications:

1. Approve waiver of Section 250.31 of the Zoning Ordinance and Section 802.11 of the DCSM for the buffer requirement between housing types.
2. Approve waiver of Section 280.14 of the Zoning Ordinance pursuant to Section 802 of the DCSM for the buffer width requirements and planting standards along Nokesville and Bristow Roads.

3. Approve waiver of Section 280.14 of the Zoning Ordinance and Section 802 of the DCSM for the perimeter buffer requirements for PMR developments.
4. Approve modification of the applicable street standard requirements of the DCSM and permit private streets internal to the development.
5. Approve modification of Section 600 of the DCSM requirement for providing onsite-parking spaces, exclusive of the spaces provided in the garage.
6. Approve modification of the housing unit types in the PMR District authorized by the Zoning Ordinance to permit the additional housing types, and the use of the development standards with reference to lot area, coverage, height and yards and setbacks as set forth in the proffered Design Guidelines.

B. Public hearing – A public hearing before the Planning Commission has been scheduled for February 6, 2002.

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

A. Comprehensive Plan

1. Long-Range Land Use - Is the proposed rezoning consistent with those uses intended in the Community Employment Center (CEC), Suburban Residential Low (SRL), Semi-Rural Residential, and Environmental Resource (ER) classifications?
2. Cultural Resources – How does the proposed rezoning address the recommendations of Cultural Resources Element as they specifically pertain to this property?
3. Level of Service - How does the proposal address the Policy Guide for Monetary Contributions (effective 6/1/99)?

B. Community Input - Have any issues been raised by members of the community?

C. Waivers – Are the requested waivers appropriate and necessary to the accomplishment of the desired thematic design of this development?

D. Legal Uses of Property - What uses are allowed on the property? How are legal issues resulting from Planning Commission action addressed?

E. Timing - When must the Planning Commission take final action on this application?

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

A. Approve Rezoning #PLN2001-00157, New Bristow Village, subject to the proffers dated January 30, 2002.

1. Comprehensive Plan

- (a) Long-Range Land Use Map – The proposal would be consistent with the range of development densities intended by the Comprehensive Plan. Residential density would not exceed 1.99 dwellings per acre. The FAR within the non-residential portion would be 0.20.
- (b) Cultural Resources – The applicant proposes a variety of lot sizes and housing types consistent with the village concept outlined in the Plan. Approximately 37% of the site, encompassing the most significant cultural resources, would be permanently preserved as a “heritage park” that would be open to the public.
- (c) Level of Service – Level of Service impacts for the development would be partially mitigated by the applicant’s proffered monetary contributions, which are consistent with the County’s Policy Guide for Monetary Contributions in effect through December 31, 2000.

2. Community Input – Issues have been raised by members of the community in the following areas, and approval would address these issues as enumerated below:

- (a) Transportation impacts – The applicant has proffered monetary contributions for transportation improvements, dedication of right-of-way along Bristow, Nokesville, and Chapel Springs Roads to accommodate planned widening and improvement, frontage improvements to provide safe access, and pro-rata contributions for signalization.
- (b) Preservation of historic and cultural resources – Grave sites and cemeteries would be preserved and protected. The area comprising the core site of the Battle of Bristoe Station would be preserved and used as a Heritage Park, open to the public.
- (c) Density of Development – Density of development in the residential portions of the site will be 1.9 dwellings per acre. The floor area ratio within the non-residential portion of the site would be 0.20. Including the Heritage Park area, approximately 51% of this property would be kept as open space.

- (d) Environmental Impact – Wooded areas in the 127-acre Heritage Park area would be retained. Wetland areas would be preserved and enhanced. Stormwater best management practices would be implemented.
    - (e) Buffers – The periphery of the developed area would be buffered from abutting land uses, including the areas adjacent to Nokesville and Bristow Roads.
  - 3. Legal Uses of the Property - The proposed 341-acre site would be rezoned PMR with up to 520 mixed dwellings and 175,000 square feet commercial and office space would be allowed. 127 acres of the property would be preserved as a dedicated Heritage Park. Legal issues resulting from Planning Commission action are appropriately addressed by the County Attorney's office.
  - 4. Timing – The Planning Commission has 90 days from February 6, 2002, the first public hearing date, to take action on this proposal. Approval of the rezoning would meet the 90-day requirement.
- B. Deny Rezoning #PLN2001-00157, New Bristow Village.
- 1. Comprehensive Plan
    - (a) Long-Range Land Use Map - 10-acre lot development would not implement the CEC, SRL and SRR land use designations of the area.
    - (b) Lot Size – The minimum lot size would be 10-acres if subdivided under A-1 zoning.
    - (c) Level of Service – Denial would not impose significant impacts on the existing levels of service in the area requiring mitigation.
  - 2. Community Input – Issues have been raised by members of the community in the following areas. Denial would address these issues as enumerated below:
    - (a) Transportation impacts – Denial of this request would result in no significant additional impacts on the existing transportation network related to this property. However, proffered funds, right-of-way, and improvements would not be available to address the existing conditions.

- (b) Preservation of historic and cultural resources – Grave sites and cemeteries would only be preserved and protected as provided by existing state and local codes. The area comprising the core site of the Battle of Bristoe Station would be available for development by right as 10-acre lots. Significant cultural resources would remain in private ownership, and access by the public would likely be limited.
  - (c) Density of Development - The 341-acre area would be limited to one dwelling per 10-acres as required by the existing A-1 zoning.
  - (d) Environmental Impact – The 341-acre area could be timbered and/or farmed.
  - (e) Buffers - Farming or 10-acre lot development would not require any buffers for adjoining uses.
- 3. Legal Uses of the Property - The subject 341-acre area could be used for agriculture and/or 10-acre residential lots. Legal issues resulting from Planning Commission action are appropriately addressed by the County Attorney's office.
  - 4. Timing – The Planning Commission has 90 days from February 6, 2002, the first public hearing date, to take action on this proposal. Denial would meet the 90-day requirement.

V. **Recommendation** is that the Planning Commission accept Alternative A and recommend approval to the Board of County Supervisors.

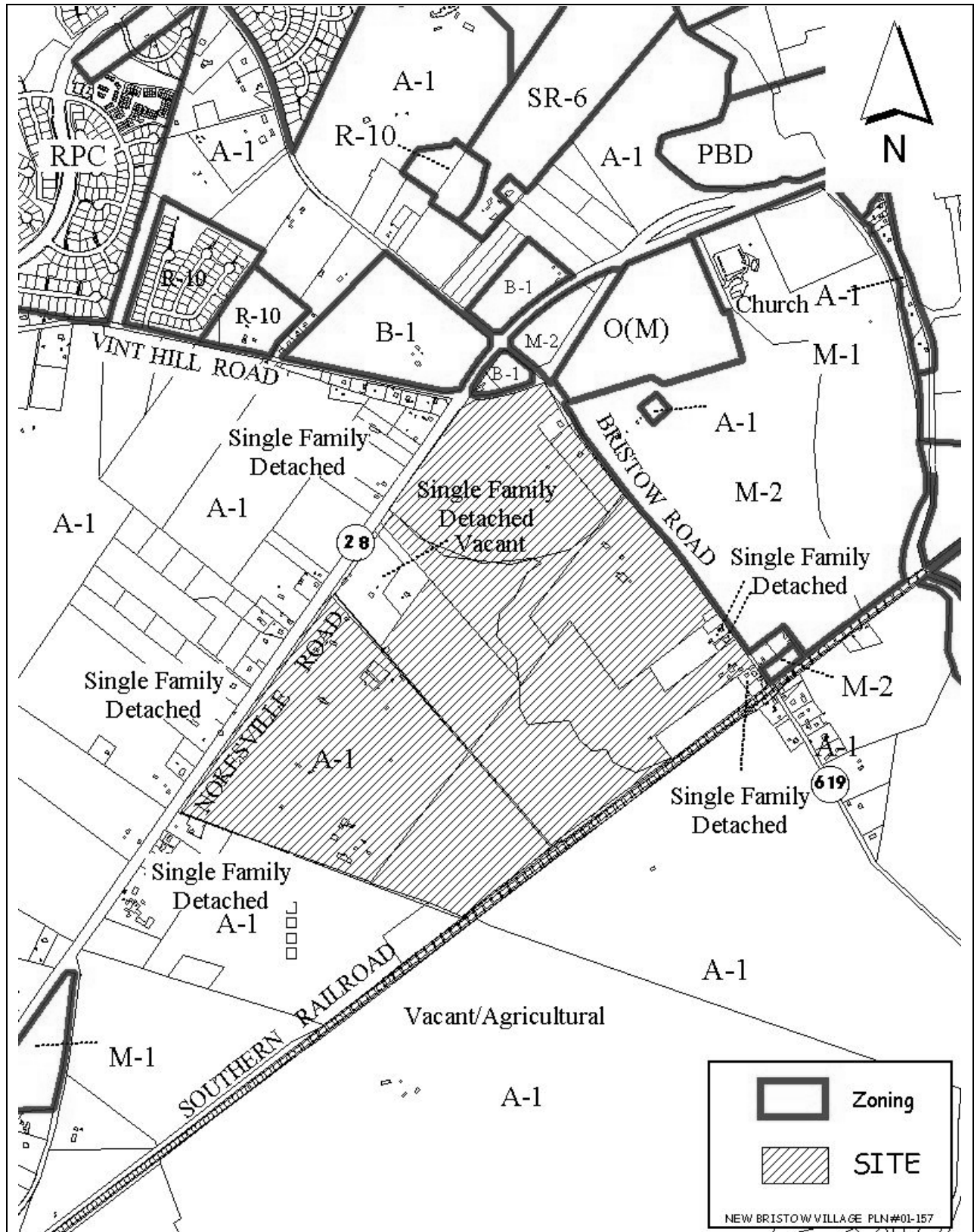
**Staff:** David B. Grover X6908

**Attachments**

- A. Area Maps
- B. Staff Analysis
- C. Proposed Proffers (include Design Guidelines)

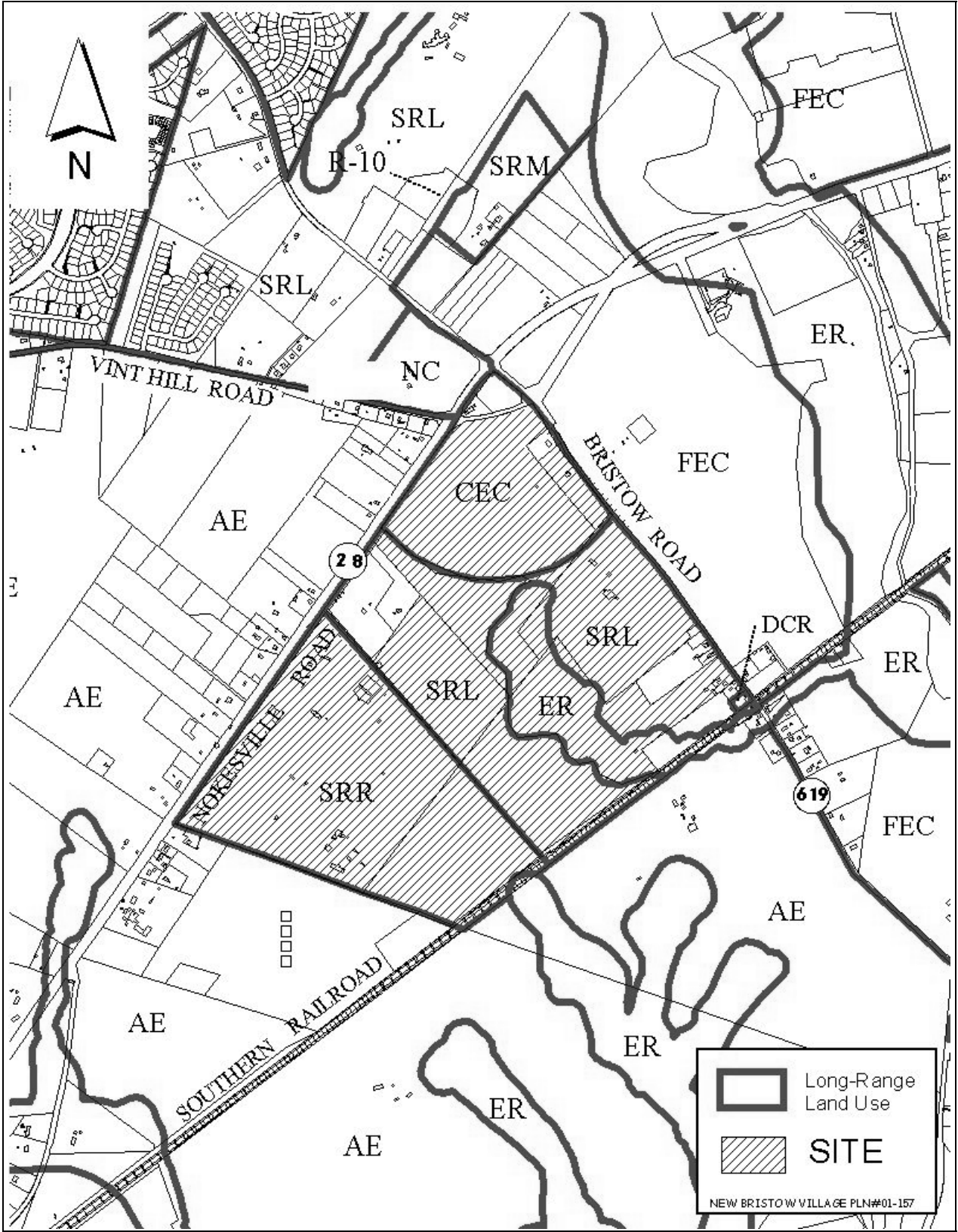


**Attachment A - Maps  
EXISTING LAND USE AND ZONING MAP**





Attachment A - Maps  
LONG-RANGE LAND USE MAP



**I. Summary of Comprehensive Plan Consistency**

**Staff Recommendation: Approval.**

The following is a summary of staff’s analysis of the rezoning application. This analysis is based on the relevant 1998 Comprehensive Plan Action Strategies, Goals, and Policies. A complete analysis is provided in Part II of this report.

<u>Element</u>	<u>Consistency</u>	<u>Reasons</u>
Long-Range Land Use	Yes	The proposal is consistent with the development densities, intensities and uses intended by the Long-Range Land Use Element of the Comprehensive Plan.
Community Design	Yes	The applicant has proffered Design Guidelines for architectural styles, internal street design, landscaping, streetscape, along the internal roads, and provision of pedestrian access within the development.
Cultural Resources	Yes	The applicant has conducted a phase I archeological study of the site. Impacts will be largely mitigated by the preservation and use of approximately 40% of the site as a heritage Park, and the design of the area to be developed. The applicant has addressed the specific recommendations for this property in the Cultural Resources Element for re-creation of a nineteenth century village in terms of design and scale.
Environment	Yes	Tree save areas are proposed in the buffer areas and RPA areas. The applicant will also provide an appropriate monetary contribution for the County to monitor water quality in the watershed.
Fire & Rescue	Yes	The proposal meets the fire and rescue needs generated by the additional residential development.
Housing	Yes	The applicant has proffered a monetary contribution to the Housing Preservation and Development Trust Fund.
Libraries	Yes	This proposal meets the library needs generated by the additional residential development.
Parks & Open Space	Yes	The proposal exceeds the parks needs generated by the overall development.
Potable Water	Yes	The applicant will construct the necessary water facilities to serve the area.

**Attachment B - Staff Analysis**

<u>Element</u>	<u>Consistency</u>	<u>Reasons</u>
Schools	Yes	This proposal meets the school needs generated by the additional residential development.
Sewer	Yes	The applicant will construct the necessary sewer facilities needed to serve the area.
Transportation	Yes	This applicant's proposal generally meets the transportation needs generated by the additional development. However, the adjoining section of Nokesville Road is currently operating below an acceptable level of service and VDOT plans for improving Nokesville Road are not scheduled in the current Six-Year Plan.

**II. Comprehensive Plan Consistency Analysis**

The subject site, lying within three different land use classifications as well as an environmental overlay over a portion of the property, is surrounded on three sides by the Rural Crescent. This site is also within the only area that is specifically addressed in the Cultural Resources Element of the Plan. When the 1998 Comprehensive Plan was prepared and adopted, there was little precise information available as to where Civil War Era burials, cemeteries and battlefield sites might be located within the Bristoe Station Historical Area. With this application, considerable effort has been made to identify specific locations of these resources and structure the development so as to avoid the most sensitive areas.

A strict application of the requirements of the underlying land use classifications could easily preclude the achievement of the desired thematic design and ultimate preservation of the important historic character of the site. To achieve the desired preservation and design elements, flexibility has been allowed which encouraged the clustering of development on the less sensitive portions of the property and creation of the nineteenth century village concept called for in the Plan. The resulting development plan includes 127 acres dedicated to the Civil War Preservation Trust for use as publicly accessible Heritage Park, 520 dwelling units of mixed types at a net density yield of 1.99 units per acre, and a village center with up to 175,000 square feet of commercial/office floor area. Guidelines have been developed and are being proffered which will govern the architectural styles, street design, landscaping, and housing types allowed in the development.

The following table summarizes the density proposed for the residential area within the development:

Residential Area* (Acres)	Area of RPA (acres)	Maximum Number of Dwellings Allowed per Comp Plan	Maximum Number of Dwellings Proposed	Overall Density Proposed* (dwellings per net acre)
<b>321</b>	<b>9.2</b>	<b>634</b>	<b>520</b>	<b>1.99</b>

\* Includes area to be dedicated as Heritage Park

\*\* Density calculated on SRL and SRR area only

The following table summarizes the intensity breakdown for the non-residential area within the development:

Non-Residential Area (acres)	Area of RPA (acres)	Proposed Gross Floor Area (square feet)	FAR within the Non-Residential area
<b>20</b>	<b>0</b>	<b>175,000</b>	<b>.20</b>

The following table summarizes the characteristics of the adjacent area:

<b>Direction</b>	<b>Land Use</b>	<b>Long Range Future Land Use Plan Map Designation</b>	<b>Zoning</b>
Northeast	Vacant, church and commercial	GC	O(M) and M-2
Northwest	Vacant, agricultural, commercial and residential	AE	B-1 and A-1
Southwest	Vacant and farms	AE	A-1
Southeast	Vacant, village and farms	FEC and AE	A-1 and M-2

**Long-Range Land Use Plan Analysis**

The 341-acre site is designated Community Employment Center (CEC), Semi-Rural Residential (SRR), Suburban Residential Low (SRL) and Environmental Resource (ER) in the 1998 Comprehensive Plan. Actual development in the SRR and SRL designations should occur in a manner consistent with the ability of supportive utilities, facilities, transportation, and service components to accommodate the impacts of the development.

The long-range land use designations of the property allow for the following general uses:

<b>Long-Range Map Designation</b>	<b>Land Uses Intended</b>
Community Employment Center	Low- to mid-rise offices, research and development, lodging and mixed-use projects planned and developed in a comprehensive, coordinated manner. Retail and retail service and/or residential uses shall be considered secondary uses comprising not more than 25% of the CEC area. The permitted FAR is 0.20 to 0.50 and the residential density range is to be 6-12 units per acre. Development shall occur according to a phasing plan.
Semi-Rural Residential	Single-family detached dwellings at a density range of 1 to 5-acre lots with an average of 2.5-acre lots.
Suburban Residential Low	Single-family detached dwellings with densities ranging from 1 to 4 dwellings per acre.
Environmental Resource	Areas of 100-year floodplain, Chesapeake Bay Resource Protection Areas and other environmentally sensitive areas that are not developable.

Section 15.2-2283 of the Code of Virginia states that Zoning Ordinances shall be designed to give reasonable consideration to the purpose of creating a convenient, attractive, and harmonious community, protect against overcrowding of land and undue population density in relation to community facilities existing or available, and provide for the preservation of forestal lands and other lands of significance for the protection of the natural environment.

The subject site is designated as follows in the 1998 Long-Range Land Use Plan:

58 acres	CEC, Community Employment Center
128 acres	SRR, Semi-Rural Residential (1 dwelling per 1 to 5 acres)
<u>155 acres</u>	<u>SRL, Suburban Residential Low (1 to 4 dwellings per acre)</u>
341 acres	Gross Acreage

Of the total site area, 32.2 acres are also designated ER, Environmental Resource Overlay in the 1998 Comprehensive Plan. Of these, 9.2 acres of the SRL are within the RPA (Resource Protection Area). The net acreage for the site is 331.8 acres.

### **Proposal's Strengths**

- Consistency – The applicant’s proposal is generally consistent with the intent of the CEC, SRL and SRR classifications. Staff has encouraged a transfer of density from the sensitive historic areas to allow a clustering of development on the site into the traditional village scheme described in the Cultural Resources Plan. Although not strictly in conformance with the 75%-25% mix called for in the Plan for the CEC, staff believes this proposal represents a unique case. Preservation of the Battlefield and gravesites, and creation of the 19<sup>th</sup> century village, in accordance with the Cultural Resources element, outweigh strict application of the CEC classification which could result in between 500,000 and 1.26 million square feet of floor area abutting an important cultural resource.
- Density/Intensity – Residential density yield will be a maximum of 1.99 dwellings per acre within the residential portions of the development. The resulting maximum of 520 units is well below the maximum 721 allowed under the Comprehensive Plan. Up to 175,000 square feet of non-residential floor area are also included in the proposed development, providing a mix of office and retail uses essential to the viability of the village concept. The FAR in the non-residential portion would be 0.20, which is within the recommended FAR for the CEC classification.
- Phasing – The applicant has proffered that the property would be developed as one single unified development, except that the applicant shall construct the main street between the community center and the immediate vicinity of Chapel Springs Road, the village green itself, and 20,000 square feet of non-residential development prior to completion of the 200<sup>th</sup> residential unit.

### **Proposal's Weaknesses**

- None identified.

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

### **Community Design Plan Analysis**

The Community Design Plan recommends that site, architectural, signage, and landscape designs are of a high-quality and are compatible with the overall design character of the proposed development and any adjacent development; to provide a quality visual environment throughout Prince William County for residents, businesses, and visitors. This compatibility is to be addressed in generalized development plans submitted by applicants for rezoning, special use permit and public facilities reviews. Good community design is also an objective for public and private spaces, corridors, roadways, “gateways”, and other built and natural features. The Community Design Plan also addresses appropriate designs for Rural Area and Development Area sites.

#### **Proposal’s Strengths**

- Design Performance Standards - The applicant has provided comprehensive Design Guidelines which will govern architectural styles for residential and non-residential structures, street standards, landscaping, housing types, buffers, and other elements essential to creating the nineteenth century village. (See Design Guidelines)

#### **Proposal’s Weaknesses**

- None identified.

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

### **Cultural Resources Plan Analysis**

The term “cultural resources” refers to the important architectural and/or archeological features which may be on a site, either from the period of recorded history (historic period) or prior to that time (prehistoric period). The Cultural Resources Plan recommends that properties containing cultural resources or highly suspected of containing such resources be studied by professional architectural historians and/or professional archeologists. These professionals conduct Phase I, Phase II, and Phase III levels of research/investigation, depending on the significance of the architectural or archeological features, and provide recommendations on how important resources should be managed.

Phase I studies are generally required at submission of a rezoning application for significant prehistoric/historic sites and cemeteries and for sites within historic resource management overlays. Phase II and III studies may also be required. Records research is required of all applicants for rezoning review.

## Attachment B - Staff Analysis

This property is specifically addressed in the Cultural Resources Element of the 1998 Comprehensive Plan, being the site of both Civil War encampments and the Battle of Bristoe Station. This engagement on October 14, 1863, involved over 100,000 men and resulted in 1,900 casualties. The Plan calls for encouragement of development that is located, situated, and buffered so as to maintain a high degree of the existing physical and visual integrity of the area. The specific development techniques are to be provided as a part of the rezoning process within the Bristoe Station Historic Area, and include:

- Clustering to allow the overall density contemplated but to preserve more significant or appropriate areas, to create points of interest, and to provide markers or interpretive exhibits.
- A development plan that outlines the concept for development within the CEC, SRL and SRR which includes a street and site layout, specific information on the number, types of units, and uses. The plan shall attempt to recreate a nineteenth century village in terms of design and scale.
- An architectural concept plan which provides a general concept for dwelling and structure design, including architectural style, details of roof lines, architectural orientation, materials, and texture.
- Use of landscaping and buffers to create a setting compatible with the historic/cultural significance of the site.

The applicant has conducted a Phase I Archaeological Study which identifies those areas of the property which contain graves, cemeteries and critical cultural resources and provides recommendations for their preservation. Additionally, the Sons of Confederate Veterans provided a report of a thermal imaging study they conducted of a portion of the site to augment the archaeological work. Based on this information, the applicant has configured the development plan and committed to preservation of all identified and probable resources through dedication of 37% of the total site area to the Civil War Preservation Trust (CWPT). The CWPT is a 501(c) 3 nonprofit organization recognized as the preeminent Civil War preservation entity, being responsible for saving over 13,000 acres of battlefield lands in The area to be dedicated to the CWPT, which includes areas identified as containing or are likely to contain graves and other resources, shall be for use as a heritage park open to the public. The proffers also include provisions for the use of ground penetrating radar around the periphery of the preservation area and an on-site professional archeologist during site preparation to provide additional assurances that any additional resources will be identified and protected to the extent possible.



## **Proposal's Strengths**

- Phase I Archeological Survey - The applicant has conducted a Phase I Archaeological Study for the project area, identifying sensitive areas containing gravesites, significant battlefield areas and other resources. The applicant has also incorporated the information provided by a thermal imaging study of a portion of the site, including areas identified by that study within the area to be included in the Heritage Park.
- Additional Protective Measures – The applicant has proffered to retain a professional archaeologist to be on-site during all land disturbance activities, and to use ground penetrating radar along the periphery of the preservation area to help ensure that critical resources are identified and preserved.
- Clustering – The applicant has committed to a site development design that includes clustering of development and preservation of the more areas containing significant cultural resources. The applicant has committed to preservation of cultural resources on the site through dedication of 127 acres encompassing the most sensitive resources to the Civil War Preservation Trust.
- Village Concept – The applicant has committed to a development plan that attempts to recreate a nineteenth century village in terms of scale and design.
- Architectural Concept Plan – The applicant has proffered Design Guidelines to govern the actual implementation of the development plan. These guidelines include standards for architectural styles for both residential and non-residential structures, street sections, details of rooflines, architectural orientation, materials and texture, and use of landscaping and buffers to create a setting compatible with the historic/cultural significance of the 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**

The Environment Plan recommends preservation of steep slopes, woodlands, important natural habitats, wetlands, and existing vegetation adjacent to streams. Many of these valuable resources are identified as “environmental resource” areas on the Long Range Land Use Plan Map and are removed from consideration for development or density credit. This Plan encourages tree-save measures, replacing trees lost to development, and maintaining and improving air quality. The

guidelines of the Environment Plan are intended to supplement those reflected in the County's Chesapeake Bay regulations. In addition, the Environment Plan seeks open space preservation, minimization of storm water runoff and impermeable site features, landscape preservation, and other important environmental protections.

The 341-acre site is a combination of croplands, old-field successional vegetation and mature hardwood forest. The site's topography generally slopes gently, and the site is located in Subwatershed #274 which drains into Broad Run. The property contains wetland areas, Chesapeake Bay Resource Protection Areas, and woodlands.

### **Proposal's Strengths**

- Water Quality Monitoring - The applicant has proffered the monetary contribution of \$75 per acre recommended by Public Works, Watershed Management for water quality monitoring in the watershed.
- Tree Save Areas – Tree save areas are provided in the perimeter buffer areas and within the Heritage Park area.

### **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**

The Fire and Rescue Plan establishes level of service (LOS) standards for fire and rescue services Countywide. This LOS is based on travel (response) time and workload capacity. The Fire and Rescue Plan encourages maintaining an acceptable LOS for emergency response vehicles. This Plan also recommends that proposed developments offset impacts on fire and rescue work loads by providing one or more of the following: fire suppression systems (sprinklers); land for future fire stations; road connections to improve emergency vehicle travel time and/or monetary contributions for the construction and/or maintenance of existing fire stations.

The proposed development is closest to Company #5 Nokesville. This station is currently operating at capacity. Additional fire stations are planned for the area, but are not funded.

The portion of the site to be developed is within the 4 1/2-minute emergency vehicle travel time desired for this area of the County; the portion of the property to be dedicated as a Heritage Park is outside the desired response time. New development outside the travel time standard should

## **Attachment B - Staff Analysis**

mitigate the erosion of the station capacity through a monetary contribution for Countywide fire and rescue services and other improvements that improve fire and rescue level of service.

Fire and Rescue officials have estimated that the additional dwellings will generate additional fire and rescue emergency responses per year. Capital cost to meet 66% of level of service for fire and rescue is \$400 per dwelling.

### **Proposal's Strengths**

- Level of Service – The applicant has proffered \$400 per detached dwelling, \$360 per attached dwelling, and \$0.23 per square foot of non-residential floor area to meet the needs for fire and rescue that are generated by this development. These amounts are consistent with the Monetary Contribution Guidelines in place at the time this application was accepted.
- Fire Mitigation and Suppression – The applicant has proffered that in the event any housing units should be within ten (10) feet of one another, either fire rated walls will be constructed or sprinkler systems installed to comply with the intent of NFPA 80A.

### **Proposal's Weaknesses**

- None identified.

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

## **Housing Plan Analysis**

The Housing Plan recognizes the need for clean, safe, attractive neighborhoods and the need for a variety of housing types to meet the needs of all County residents, particularly housing to attract new economic development. This Plan encourages the support of the housing trust fund by applicants for rezoning.

### **Proposal's Strengths**

- Housing Trust Fund - The applicant has proffered a monetary contribution of \$2,500.00 times five percent of the total number of dwellings for the County's Housing Trust Fund. This amount is consistent with the Monetary Contribution Guidelines in place at the time this application was accepted.

### **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**

The Library Plan establishes level of service (LOS) standards for library service Countywide, based on per capita library space and reference volumes. The Library Plan recommends that proposed developments offset impacts on library services by providing land for future libraries and/or monetary contributions for construction of libraries.

The proposed development is within the service area of the Nokesville Min-Library. Capital cost to meet 66% of level of service for libraries is \$200 per dwelling for the additional dwellings (maximum of \$46,400).

### **Proposal's Strengths**

- **Level of Service** - The applicant has proffered a monetary contribution of \$200 per detached dwelling and \$185 per attached dwelling to meet the needs for libraries that are generated by this development. These amounts are consistent with the Monetary Contribution Guidelines in place at the time this application was accepted.

### **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**

The Parks and Open Space Plan establishes level of service (LOS) standards for parks and recreation facilities Countywide, based on per capita acreage by park type, distance to parks and facilities and other factors. The Parks and Open Space Plan recommends that proposed developments offset impacts on park services by providing one or more of the following: on-site recreation facilities, land for parks and/or monetary contributions for off-site recreation facilities.

## Attachment B - Staff Analysis

The proposed residential development is near the following parks and recreational facilities:

Park Type	Park Name
Regional	Ben Lomond Regional Park/Splashdown Water Park
Community	Valley View Park (undeveloped)
Neighborhood	None
Special Use	Prince William Golf Course
Greenway	Broad Run and Rocky Branch Linear Trails

### **Proposal's Strengths**

- Level of Service Standards - The applicant has proffered monetary contributions of \$580 per detached dwelling and \$540 per attached dwelling. These amounts are consistent with the Monetary Contribution Guidelines in place at the time this application was accepted.
- On-Site Amenities – The applicant has proffered to provide four “tot lots” in accordance with Park Authority standards, located throughout the development.
- Heritage Park - The applicant has proffered to dedicate 127 acres to the Civil War Preservation Trust to be used for a publicly available Heritage Park. Although this land will not be dedicated to the Park Authority, it will provide passive recreational space to the residents of this development and Prince William County.

### **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**

The Potable Water Plan recommends that all development in Prince William County be connected to public water service and that developers incur all financial responsibilities for making such connections.

Public water is available to the site.

**Proposal’s Strengths**

- Connection to Public Water - The applicant will be required to connect the site to public water service.

**Proposal’s Weaknesses**

- None identified.

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

**Schools Plan Analysis**

The Schools Plan establishes level of service (LOS) standards for schools Countywide, based on available or projected program capacities. The Schools Plan recommends that proposed developments offset impacts on County schools by providing land for future schools and/or monetary contributions for construction of schools.

The 520 proposed additional dwelling units (370 detached and 150 attached units) would be expected to generate 297. These students would attend Nokesville Elementary School, “Braemar” Middle School (opening 9/2002) and Brentsville High School. Both the Nokesville Elementary School and Brentsville High School are currently operating under program capacity.

Capital costs to meet the level of service for schools for this application is estimated at \$5,190 per detached dwelling and \$3,615 per attached dwelling. These costs are consistent with the Policy Guide for Monetary Contributions in place at the time this application was accepted.

**Proposal’s Strengths**

- Level of Service - The applicant has proffered a monetary contribution of \$5,190 per detached dwelling and \$3,615 per attached dwelling to meet the needs for schools that are generated by this development. These amounts are consistent with the Monetary Contribution Guidelines in place at the time this application was accepted.

**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**

The Sewer Plan states that all development in the Development Area (except the Semi-Rural Residential [SRR] areas) is to be connected to public sewer service. SRR areas may either be connected to public sewer service or use individual, on-site sewerage systems. Developers shall incur all financial responsibilities for making such connections.

The site is located in the Development Area and will be served by public sewer service.

#### **Proposal's Strengths**

- Connection to Public Sewer - The applicant will be required to connect the site to public sewer service.

#### **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**

The Transportation Plan establishes level of service (LOS) standards for roads Countywide, based on volume-to-capacity ratios (LOS-A to LOS-F). The Transportation Plan recommends that proposed developments offset impacts on transportation systems by one or more of the following measures: maintain an acceptable capacity of the County's road network to manage projected traffic (LOS-D or better) through providing needed right(s)-of-way or construction of roadways and/or provide monetary contributions for off-site transportation improvements.

Access to the site is proposed from one point on Bristow Road, four points along Nokesville Road and one point along Chapel Springs Road. These access points are identified on the Master Zoning Plan and the Illustrative Plan, both of which are proffered.

A Traffic Impact Analysis (TIA) was conducted for the 341-acre development.

The following table summarizes the portions of the Transportation Plan applicable to the proposed development:

<b>Transportation Corridor</b>	<b>Thoroughfare Plan</b>	<b>Transit Corridor Plan</b>	<b>Non-Motorized Plan &amp; Trails and Greenways Master Plan</b>
Nokesville Road	Principal Arterial with 148 feet of right-of-way	Yes	Class I bicycle trail along the south side
Chapel Springs Road	N/A	No	N/A
Bristow Road	Minor Arterial with 118 feet of right-of-way	Yes	Class I bicycle trail along the south side

Capital costs to meet the 66% of level of service standards for transportation are \$3,440 per detached dwelling and \$3,110 per attached dwelling. These amounts are consistent with the Monetary Contribution Guidelines in place at the time this application was accepted.

**Proposal’s Strengths**

- Level of Service - The applicant has proffered a monetary contribution of \$3,440 per attached dwelling and \$3,110 per attached dwelling to meet the needs for transportation that are generated by this development.
- Interparcel Connection – The applicant has proffered interparcel connections to the adjoining properties.
- Dedication of Right-of-Way – The applicant has proffered dedication of right-of-way along both Nokesville and Bristow roads to accommodate planned improvements of those roads.
- Coordination of Improvements – The applicant has coordinated their entrances and frontage improvements with road improvements and realignments planned by VDOT.
- Improvements – The applicant has proffered frontage improvements at the five proposed entrances consistent with VDOT and DCSM requirements, to include right and left turn lanes, traffic signalization and construction of additional travel lanes. The applicant has also proffered realignment of Chapel Springs Road at Nokesville Road.

**Proposal’s Weaknesses**

- Level of Service – The existing level of service at the intersection of Bristow and Nokesville Roads and along the section of Nokesville Road from that intersection to the southern end of the property is below the acceptable level of service established in the 1998 Comprehensive Plan. However, improvements included in VDOT’s previously adopted Six-Year Plan provides for improvements to bring the level of service to an acceptable level.



- Timing of Improvements – The applicant needs to clarify the timing of their development in relation to the improvements to Nokesville Road planned by VDOT. In the event that VDOT does not proceed with the planned widening and re-construction of Nokesville Road, or that project is delayed, the applicant should commit to either delay their project or implement the VDOT planned improvements themselves in order to maintain the level of service at acceptable levels.

**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 which 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. The materially relevant issues in this case are as follows:

- Waivers – As a part of the proffered rezoning, the applicant has requested the following waivers from the requirements of the Zoning Ordinance and the Design and Construction Standards Manual (DCSM):
  1. Section 250.31 of the Zoning Ordinance and Section 802.11 of the DCSM to waive the buffer requirement between housing types. The applicant has provided for an alternative buffer in the proffered Design Guidelines. (Recommendation: Approval)
  2. Section 280.14 of the Zoning Ordinance pursuant to Section 802 of the DCSM to waive the buffer width requirements and planting standards along Nokesville and Bristow Roads. The applicant has provided for an alternative buffer along the roadways in the proffered Design Guidelines. (Recommendation: Approval)
  3. Section 280.14 of the Zoning Ordinance and Section 802 of the DCSM to waive the perimeter buffer requirements for PMR developments. The applicant has provided an alternative PMR perimeter buffer in the proffered Design Guidelines and locations on the proffered Master Zoning Plan and Illustrative Plan. (Recommendation: Approval)
  4. Modification of the applicable street standard requirements of the DCSM to permit private streets internal to the development. The applicant has provided alternative street standards and locations in the proffered Design Guidelines and Illustrative Plan. (Recommendation: Approval)

## Attachment B - Staff Analysis

5. Modification of Section 600 of the DCSM requirement for providing two onsite-parking spaces exclusive of the spaces provided in the garage. The applicant has provided an alternative that allows partial credit for garage parking with proffered assurances that garages cannot be converted for other uses. (Recommendation: Approval)
  6. Modification of the housing unit types in the PMR District authorized by the Zoning Ordinance to permit the additional housing types, and the use of the development standards with reference to lot area, coverage, height and yards and setbacks as set forth in the proffered Design Guidelines. (Recommendation: Approval)
- Safety and Security Measures - The Police Department has recommended safety and security measures that should be incorporated into the design of the site (see their memorandum in the case file). The proposed development will have an impact on police services, which has not been addressed by the applicant.
  - Minimum Design Criteria - The following minimum design criteria were noted by staff and other agencies that have reviewed the proposal. 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, however, are more appropriately addressed during the site plan review:
    - Water Line/Cross Connection Back Flow - The Service Authority has commented that when public water serves this site, an approved cross-connection back flow preventative device will need to be installed on the service line.

### Agency Comments

The following agencies have reviewed the proposal and their comments have been summarized in relevant Comprehensive Plan chapter elements of this report. Individual comments are filed in the Planning Office.

Public Works, Transportation  
Public Works, Watershed Management  
Public Works, Arborist  
Schools  
Park Authority  
Service Authority  
Library Services  
Office of Housing and Community Development  
Fire and Rescue  
Police  
Historical Commission

**PROFFER STATEMENT**

REZONING: #2001-0157; A-1 to PMR

PROPERTY: 341 acres; Geographic Parcel Identification Numbers (G.P.I.N.)  
7594-67-0446; 7594-37-4018; 7594-48-6006; 7594-59-3420; 7594-  
68-3079; 7594-78-2737; 9595-50-9014; Brentsville Magisterial  
District, Prince William County, Virginia ("the Property")

RECORD OWNERS: Milton C. & Lillian M. Rollins,  
Empire Enterprises Inc.,  
Albert M. & Claire V. Rollins, Trustees

APPLICANT: Centex Homes, a Nevada General Partnership (Contract Purchaser)

PROJECT NAME: New ~~Bristoe~~ Bristow Village

ORIGINAL DATE  
OF PROFFERS: October 5, 2001

REVISION DATA: December 28, 2001  
January 8, 2002  
January 30, 2002

The undersigned hereby proffers that the use and development of the subject property ("Property"), as described above, shall be in strict conformance with the following conditions, which shall supersede all other proffers that may have been made prior hereto. In the event the above referenced rezoning is not granted as applied for by the applicant ("Applicant"), these proffers shall be deemed withdrawn and shall be null and void. Further, these proffers are contingent upon final rezoning of the Property with "final rezoning" defined as that rezoning which is in effect on the day following the last day upon which the Prince William County Board of County Supervisors (the "Board") decision granting the rezoning may be contested in the appropriate court or, if contested, the day following entry of a final court order affirming the decision of the Board which has not been appealed, or, if appealed, the day following which the decision has been affirmed on appeal. If this application is denied by the Board, but in the event an appeal is for any reason thereafter remanded to the Board for reconsideration by a court of competent jurisdiction, then these proffers shall be deemed withdrawn unless the Applicant shall affirmatively readopt all or any portion hereof, in a writing specifically for that purpose. 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. The improvements proffered herein shall be provided at the time of development of that portion of the Property adjacent to or including the improvement or other proffered

## Attachment C- Proposed Proffers

requirement, unless otherwise specified herein. The term “Applicant” as referenced herein shall include within its meaning all future owners and successors in interest. When used in these proffers, the “Master Zoning Plan ” shall refer to the plan entitled “Master Zoning Plan, New Bristow Village” dated December 28, 2001 (the "MZP"), as revised through January 24, 2002, and the Illustrative Development Plan shall refer to the Plan so named dated November 30, 2001, and revised through January 23, 2002.

### 1. LAND USE:

- 1.1. Residential development on the Property shall not exceed a maximum of 520 dwelling units among which there shall be a maximum of 370 single family detached units, and 150 single family attached units, in the locations generally depicted on the MZP and Illustrative Plan.
- 1.2. Commercial/office development shall not exceed a maximum of 175,000 square feet, and shall be constructed in the locations generally depicted on the MZP and the Illustrative Plan. Uses permitted within the commercial area shall be those uses permitted within the B-1 District, except that the following uses shall not be conducted on the site:
  - Pawn or Thrift Shop
  - Commercial Kennel
  - Crematory
  - Heliport
  - Helistop
  - Marina
  - Mobile Home or Office Sales
  - Motorcycle Sales
  - Motor Vehicle Impound Yard
  - Motor Vehicle Sales, Rental or Lease (limited)
  - Motor Vehicle Sales, Rental or Lease (recreational)
  - Motor Vehicle Towing

## Attachment C- Proposed Proffers

- Racetrack (equestrian or motorized vehicles)
  - Shooting Range (indoor)
  - Self Storage Center
  - Shopping Center D
  - Stadium or Arena
  - Taxi or Limousine Operations Service Facility
  - Travel Trailers and Camp Park
  - Truck stop with Related Facilities
  - Drive Through Facilities or convenience stores located on a freestanding pad site; provided that drive-through banking facilities will be permitted upon issuance of required permits.
- 1.3. The layout of lots and the development of commercial areas shall be substantially in accordance with the Illustrative Plan, but shall be subject to reasonable adjustments at final engineering and subdivision.
- 1.4. Commercial structures built along the principal street and facing onto the village green in the commercial area shall consist of two or three story structures. Single story structures may be constructed on pad sites adjacent to Chapel Springs Road.
- 1.5. The Applicant shall construct (a) a community/recreation center including swimming pool as depicted on the Illustrative Plan, and office/non-residential uses, in the areas identified on the MZP for such uses, and (b) the main street, as shown on the MZP, between the community/recreation center to the full intersection immediately adjacent to Chapel Springs Road, including construction of said intersection, and the internal road from State Route 28 including the commercial entrance, to its intersection with the aforesaid main street, prior to the completion of the 200<sup>th</sup> residential dwelling unit on the Property, all as shown conceptually on the Illustrative Plan and MZP.
2. CONDITIONS PRECEDENT TO THE ISSUANCE OF PERMITS AND PLAN APPROVALS:
- 2.1. The Property shall be developed as one single and unified development in accordance with these Proffers, and no development of the Property may occur if a developer/owner does not own the land to be dedicated hereunder for Heritage/Open

## Attachment C- Proposed Proffers

Space, except as expressly provided herein.

- 2.2. No conveyance of the Heritage/Open Space Park Area to the Civil War Preservation Trust may be made unless Albert M. and Claire V. Rollins, Trustees, and Milton C. and Lillian M. Rollins have been paid the fair market value of Prince William County GPIN Numbers 7594-67-0446, 7594-78-2737, 7594-59-3420, and 7594-68-3079, but not less than the price offered by Centex Homes to Albert and Claire Rollins and Milton C. and Lillian M. Rollins in those certain Real Estate Sales Contracts with an effective date of November 2, 2000, and October 20, 2000, respectively, at the time that any request for conveyance of any portion of their property to the Civil War Preservation Trust is made.
- 2.3. No building, grading or site development permits shall be approved for development of any portion of the Subject Property without the express written consent of the owners of interests in the Subject Property, which consent may be withheld for any reason, if there is more than one such owner at the time application is made therefor, and any of those owners is one of the Record Owners identified in paragraph 2.2, above, or a successor, heir, or assign thereof who or which acquired its interest by operation of law or conveyance for non-monetary consideration, as distinguished from a purchaser for fair market value, nor shall it include any of the aforesaid Record Owners after closing on a contract to purchase their properties (“Purchaser for Value”). For the purposes of this proffer, “owner” shall not include any lien holder or the possessor of any security interest in the Property. A Purchaser for Value shall not have any of the rights provided by this paragraph.
- 2.4. No rezoning or amendment to these proffers may be applied for by the Applicant or any owner of the Subject Property or the successors or assigns of any owner of an interest in the Subject Property, if there is more than one such owner at the time application is made therefor, and any of those owners is one of the Record Owners identified above, or a successor, heir, or assign thereof, without the express written consent of the owners of all the properties subject hereto. For the purposes of this proffer, “owner” shall not include any lien holder or the possessor of any security interest in the Property or a Purchaser for Value as defined above.
- 2.5. The Applicant shall provide the Director of Planning with written certification that the requirements of the foregoing paragraphs have been satisfied, not less than sixty days following the approval of the first final plan for the residential development of the Property.
- 2.6. Provided that the certification required by paragraph 2.5 has been submitted, conveyance of the area as shown on the Illustrative Development Plan as a Heritage/Open Space Park as provided in paragraph 11.2 hereof shall be made in fee

## Attachment C- Proposed Proffers

simple absolute to the Civil War Preservation Trust within ninety days following the approval of the first final plan for residential development. In the event that such conveyance has not been so effected, the Board shall suspend or revoke permits issued, or withhold the issuance of other and further permits and approvals, for development of the Property, until such time as the conveyance shall have been made.

### 3. ARCHITECTURE AND LANDSCAPING:

- 3.1. The Property shall be developed in substantial conformance with the Design Guidelines for New Bristow Village, set forth as Attachment A hereto and incorporated herein by reference. All development on the Property shall comply with the aforesaid Guidelines, the terms of any waivers that are approved as part of this rezoning, and the applicable standards and requirements set forth in the Prince William County Design and Construction Standards Manual (DCSM), or as may be approved by the Department of Planning and the Department of Public Works.
- 3.2. The Applicant shall create an Architectural Review Board for the entire project which shall have the responsibility of assuring compliance with the Design Guidelines, in addition to provisions for the review and approval of development that may be set forth within the Design Guidelines for New Bristow Village.
- 3.3. Development of the Heritage Park shall be generally as shown on the Illustrative Development Plan, and shall be subject to the review and approval of the aforesaid Architectural Review Board, except that minor adjustments to the trail system, interpretive center, parking lot, shelters or related features may be permitted with approval of the Planning Director.
- 3.4. In the event that side yards in the housing unit types as described in the Design Guidelines are reduced below 10 feet in width, then each lot so reduced shall comply with the intent of the NFPA 80A standards, by using either a fire rated wall or sprinkler system, where appropriate.
- 3.5. Garages constructed for residential uses within the development shall remain for parking of vehicles only, and may not be converted into living space. The Applicant shall record a prohibition against garage conversions in the covenants and restrictions for each residential lot.

### 4. FIRE & RESCUE:

- 4.1. The Applicant shall contribute to the Board the sum of \$400.00 per residential single family dwelling unit, and \$360.00 per residential single family attached dwelling unit, for fire and rescue purposes, payable upon the issuance of an occupancy permit for each such unit.

## Attachment C- Proposed Proffers

- 4.2. The Applicant shall also contribute to the Board the sum of \$0.23 per square foot of commercial development, for fire and rescue purposes, payable upon the issuance of a building permit for each development.
5. SCHOOLS:
  - 5.1. The Applicant shall contribute to the Board the sum of \$5,190.00 per residential single family dwelling unit, and \$3,615.00 per residential single family attached dwelling unit, for school purposes, payable upon the issuance of an occupancy permit for each such unit.
6. PARKS & OPEN SPACE:
  - 6.1. The Applicant shall contribute to the Board the sum of \$580.00 per residential single family detached unit, and \$540.00 per residential single family attached dwelling unit, for recreational purposes, payable upon the issuance of an occupancy permit for each such unit.
  - 6.2. The Applicant shall provide a total of four tot lots throughout the site, to be located as follows: one within the community center, one within the Village Green, one within homeowners open space within the Village Residential Area, and one within the residential area on the south side of the wet pond, all as identified on the Illustrative Plan.
  - 6.3. The Applicant may build tennis courts, basketball courts, swimming pools, and/or similar recreational facilities on the Property as such facilities are depicted on the Illustrative Plan.
7. LIBRARIES:
  - 7.1. The Applicant shall contribute to the Board the sum of \$200.00 per residential single family detached unit, and \$185.00 per residential single family attached unit, for library purposes, payable upon the issuance of an occupancy permit for each such unit.
8. CREATION OF HOMEOWNERS' ASSOCIATIONS:
  - 8.1. One or more homeowners' or property owners' association(s) (hereinafter "HOA") shall be created and shall be responsible for the maintenance and repair of all common areas, including any conservation areas which may be established in accordance herewith not dedicated to the County or others, for each area subject to their jurisdiction, together with such other responsibilities, duties, and powers as are customary for such associations or as may be required for such HOA herein.



## Attachment C- Proposed Proffers

8.2. In addition to such other duties and responsibilities as may be assigned, an HOA shall have title to and responsibility for (i) all common open space areas not otherwise dedicated to public use, and (ii) common buffer areas located outside of residential lots. It shall also have (iii) responsibility for the perpetual maintenance of any street, perimeter, or road buffers, all of which buffers shall be located within easements to be granted to the HOA if platted within residential or other lots.

### 9. WATER & SEWER:

9.1. Development on the Property shall be connected to public water and sewer. The Applicant shall be responsible for constructing all facilities to connect the Property to public water and sewer.

9.2. The Applicant shall contribute its pro-rata share of the cost for the design and construction of any required off-site pumping station, to be developed in conformance with the design parameters of the Prince William County Service Authority. Such pro-rata share shall be determined on the basis of the percentage of flows to such station anticipated from the development of the Subject Property.

### 10. ENVIRONMENT:

10.1. Stormwater management for the Property shall be designed in accordance with Best Management Practices (BMP). The Applicant shall contribute to the Board the sum of \$75.00 per acre for water quality monitoring purposes, such sum to be paid prior to final site or subdivision plan approval for each phase or section of the Project, for the acreage which is the subject of such plan.

10.2. The Applicant agrees to provide an erosion and sediment control system consisting of a super silt fence of equivalent as required by the Design and Construction Standards Manual or the Soil Erosion and Sedimentation Control Ordinance to protect the Resource Protection Area and other wetlands as shown on the MZP, during any land disturbing activity.

10.3. Existing vegetation shall remain undisturbed, and no clearing or grading shall occur within any areas of the RPA and/or 100-year floodplain, except for the construction of road crossings, trails, sanitary sewer, or other utilities. Maintenance of the existing vegetation shall allow for the removal of dead or dying trees or other noxious vegetation in accordance with accepted horticultural practices.

10.4. Plantings within perimeter buffer areas shall be only of native and indigenous species appropriate to the location and climate of the area, and may include supplemental landscaping, as set forth in the Design Guidelines.

10.5. Existing woodlands and hedgerows located within the Heritage Park, as

## Attachment C- Proposed Proffers

shown on the Illustrative Plan, shall be left undisturbed, except where deemed necessary to provide for utilities or the provision of interpretive trail systems.

- 10.6. The Applicant shall preserve specimen trees where possible, provided that the Applicant shall be permitted to accomplish minimum clearing and grading as necessary to accommodate the construction and maintenance of improvements to lots, streets, utilities, stormwater management, and similar infrastructure as shown on the Illustrative Development Plan, and shall conduct a courtesy review with the County Arborist in order to identify the location of these trees prior to the commencement of any grading activities on the site. Preservation shall not be deemed to include the construction of retaining walls or the loss of lots or buildings to achieve preservation.
- 10.7. To the extent practical and feasible, subject to final engineering design, the Applicant shall incorporate a wetlands bench around all stormwater wet ponds, in accordance with the detail provided in Attachment C to these proffers incorporated herein by reference.
- 10.8. Existing tree cover shown on the Illustrative Plan adjacent to Nokesville Road (Route 28) shall remain undisturbed, except where necessary to provide for utility crossings.
- 10.9. Prior to any land disturbing activities on the site that are adjacent to the limits of clearing and grading for specimen trees, undisturbed open space or undisturbed buffers, the Applicant shall prepare a tree preservation plan subject to the review and approval of the County Arborist, if deemed necessary by the Arborist. The tree preservation plan shall consist of a tree inventory which includes the location, species, size, crown spread and condition rating percentage of all trees 12 inches or greater in diameter, measured 4 ½ feet from the ground, and located within twenty (20) feet of the limits of clearing and grading shown on a plan. The preparation of a tree preservation plan, fencing and pre-construction measures shall comply with the tree preservation section of the Design Guidelines.

### 11. CULTURAL RESOURCES:

- 11.1. In accordance with the recommendations of the Phase I Archeological Investigation for New Bristow Village dated December 2000, the Applicant shall avoid disturbance of any area identified in the Phase I Survey as identified as National Register eligible to the extent that they are located on the Property. However, in the event that land disturbance within these areas is unavoidable, the Applicant shall cause to be performed Phase II and Phase III investigations pursuant to such Guidelines as may be determined appropriate therefor by the Virginia Department of Historic Resources. In the event that a Phase III level study recommends preserving a significant archaeological site(s) in place, the Applicant

## Attachment C- Proposed Proffers

will preserve said site(s) either within undisturbed open space or within a permanent conservation easement in which there shall be no land disturbance other than by County personnel its agents as set forth in these proffers.

- 11.2. The area shown on the Illustrative Development Plan shown as a Heritage/Open Space Park shall be transferred in fee simple and without cost to the Civil War Preservation Trust, for the purpose of preserving the viewshed of the locations where significant civil war activities took place, and to be used as a public historic resources park; provided that the Applicant shall be permitted to retain suitable easements for the purposes of construction of utility lines including sewer and water lines, and any lift station that may be required to provide adequate sewer service to the Property. The design of any such lift station shall be mutually agreeable to the Applicant and to the Trust.
- 11.3. Areas of historic significance which are located outside the Heritage/Open Space Park, as those areas shown on the Illustrative Plan shall be preserved in common open space dedicated to the HOA to be created hereunder. Alternatively such areas may be dedicated to a nationally-recognized organization or trust specializing in the preservation of historical properties.
- 11.4. During grading activities, the Applicant shall provide an archeologist who will inspect areas of high and moderate potential in each section of the property as the topsoil is removed to identify any historically significant structures or graves (“features”) that might be uncovered. A member or designated representative of the Historical Commission shall be offered the opportunity to accompany the archeologist.
- 11.5. Prior to the issuance of grading permits for any portion of the property, the Applicant shall provide a study, conducted by a qualified specialist utilizing ground penetrating radar technology, of an area 50 feet in width measured from the proposed limits of clearing and grading around (a) the known Civil War cemetery on the site, and (b) an area previously identified by the use of remote sensing equipment and a report of which is on file with the Office of Planning, for the purpose of determining whether there are potential gravesites in the said areas. The study required hereby shall not exceed 3000 linear feet. The results of said study shall be provided to the Prince William county Planning Department.
- 11.6. Any graves discovered during the investigation required by paragraphs 11.4 or 11.5 hereof shall be addressed in accordance with Virginia law and County guidelines. Any significant or unusual artifacts found on land not included within the Heritage Park will be collected and offered first to the Homeowners’ Association created pursuant to these proffers for commemorative display. If artifacts are declined by the Homeowners Association, they will be donated to an appropriate

## Attachment C- Proposed Proffers

museum or historic preservation entity, in consultation with the Historical Commission and the Civil War Preservation Trust, with preference given to the Manassas Museum if it chooses to accept such donations. If any historically relevant structures are located, an appropriate marker will be placed at or near the location with the inscription developed in consultation with the Historical Commission.

11.7. Any archeological features discovered will be evaluated in accordance with VDHR guidelines and in the event a National Register eligible site is discovered, the Applicant will work with VDHR to mitigate any adverse effects that may result from the proposed development.

11.8. The Heritage/Open Space Park shall be operated as a public park by the Civil War Preservation Trust or its designee, and shall be subjected to a conservation easement granted to the Virginia Outdoors Foundation, an agency of the Commonwealth of Virginia, in a form mutually acceptable to the Civil War Preservation Trust and the said Foundation. Maintenance of the park shall include mowing and other landscape maintenance on a regular schedule, generally consistent with the schedule to be maintained for the residential sections of New Bristow Village.

### 12. HOUSING:

12.1. The Applicant shall contribute to the County's Housing Trust Fund a sum equal to \$2,500 times five per cent of the total number of units to be constructed on the Property. One half of such contribution shall be made with the approval of that site or subdivision plan which allows for construction of 50% of the total of said units as reflected on the preliminary subdivision plan for the entire project and the other half of said contribution shall be paid with that plan which allows for construction of 80% of the total of said units.

### 13. TRANSPORTATION:

13.1. Interparcel access shall be provided to those parcels owned by others bearing GPINs 7595-50-6251, and 7594-49-1801, and in the areas shown on the Illustrative Plan, with said access to be constructed by others.

13.2. Subject to the further provisions hereof, the Applicant shall contribute to the Board the sum of \$3,440.00 per single family residential unit and \$3,110.00 per single family attached residential unit, constructed for general transportation purposes in the general vicinity of the subject property. Payment of such contribution shall be made upon the issuance of occupancy permits for each such unit.

13.3. The Applicant shall implement the recommendations contained within the

## Attachment C- Proposed Proffers

Transportation Demand Management (TDM) Program for New Bristow Village, prepared by the VETTRA Corporation and dated October 31, 2001, prior to the completion of the commercial portion of the project, in order to reduce vehicular travel for both the residential and commercial components of the development.

### 13.4. Specific Road Improvements:

#### 13.4.1. Nokesville Road/Route 28, Phase 1.

13.4.1.1. Prior to approval of the first subdivision plan for the project, the Applicant shall dedicate, at no cost to Prince William County, right-of-way up to 55 feet in width from the centerline of Route 28 along the frontage of the subject Property, in the general location as shown on the MZP. Said dedication shall be made at the request of Prince William County provided that in the event the dedication is requested prior to the processing of a subdivision plan for the Property, the Applicant shall not be responsible for the preparation or processing of plans, plats, deeds and related documents necessary for said dedication. The Applicant shall additionally reserve right-of-way along Route 28 Nokesville Road as follows:

- Up to 13 feet shall be reserved along the frontage of the property between Chapel Springs Road and realigned Vint Hill Road.
- Up to 20 feet shall be provided along the frontage of the property between realigned Vint Hill Road and the northwest property line.

The applicant may plant landscape buffers within the reservation areas set forth herein, in order to screen the project from Nokesville Road.

13.4.1.2. Prior to the completion of the 300<sup>th</sup> residential unit on the subject property, the Applicant shall dedicate sufficient right-of-way and construct left and right turn lanes for the southernmost site entrance on Route 28 (located south of the intersection of realigned Vint Hill Road), in the location shown on Attachment B. Such dedication and construction shall be subject to review and approval by the Prince William County Department of Public Works ("Public Works") and the Virginia Department of Transportation ("VDOT").

#### 13.4.2. Nokesville Road/Route 28, Phase 2.

13.4.2.1. The Applicant shall dedicate sufficient right-of-way and construct left and right turn lanes for the site entrance on Route 28 that is to be co-located with the intersection of realigned Vint Hill Road, in the location shown on Attachment B, prior to the completion of the balance of the residential units

## Attachment C- Proposed Proffers

on the subject property. Such dedication and construction shall be subject to review and approval by the Prince William County Department of Public Works and VDOT. In addition, the Applicant shall pay the balance of the cost necessary to provide a four-way, coordination-capable, fully actuated traffic signal at the said intersection, over and above the funds therefore already allocated by VDOT, upon written demand therefor.

13.4.2.2. The Applicant shall dedicate sufficient right-of-way and construct left and right turn lanes for the site entrance into the commercial area, as shown on Attachment B, prior to the commencement of construction of the Village Retail portion of the plan.

13.4.2.3. The Applicant shall pay the cost of a coordination-capable, fully actuated three-approach traffic signal at the intersection of the commercial entrance and Route 28 in the location shown on Attachment B .

13.4.2.4. Subject to the availability of off-site right-of-way necessary for such improvements the Applicant shall construct a second southbound left turn lane at the intersection of Route 28 and Route 619, prior to the completion of the balance of the residential units on the property. Such construction shall be subject to review and approval by the Prince William County Department of Public Works and VDOT. The Applicant shall make a good faith effort to acquire any off-site right-of-way for said improvements that may be required therefor, but in the event the Applicant is not able to acquire the said off-site right-of-way, it shall so advise the Board and VDOT who may initiate condemnation of said right-of-way in accordance with adopted County and State policy and procedures. The Applicant shall pay costs associated with such condemnation action in accordance with those policies. In the event the County or VDOT does not initiate said condemnation to secure the necessary right-of-way, the Applicant shall be responsible only for the construction of improvements within available right-of-way, and shall have no further responsibility with reference to said improvements.

### 13.4.3. Bristow Road Phase 1:

13.4.3.1. The Applicant shall dedicate sufficient right-of-way and construct left and right turn lanes for the site entrance on Bristow Road, in the location shown on the MZP, prior to the completion of the first 300 residential units on the subject property. Such dedication and construction shall be subject to review and approval by Public Works and VDOT.

13.4.4. Bristow Road Phase 2:

13.4.4.1. The Applicant shall construct a raised median on Bristow Road between Chapel Springs Road and the intersection of Bristow Road and Route 28, prior to the construction of the commercial area of the plan. The raised median shall allow turning movements from Bristow Road into Chapel Springs Road.

13.5. Notwithstanding any other proffer herein to the contrary, the proposed stormwater management pond to be located in the commercial area, as conceptually shown on the Illustrative Plan, may be constructed prior to or in conjunction with the construction of the first phase of improvements to State Route 28 to be undertaken by VDOT, and shall be so designed and constructed that the said pond will accommodate drainage occasioned by the aforesaid VDOT improvements in the vicinity of the commercial entrance depicted on the Illustrative Plan. The Applicant shall co-ordinate with the County and VDOT in the development of plans therefor. Such construction shall be contingent upon VDOT's provision of a median break in Route 28 at the entrance to the proposed commercial area for New Bristow Village, permitting left and right turns from the Property, as depicted on the Illustrative Plan.\

14. ESCALATOR CLAUSE:

14.1. In the event that the monetary contributions set forth in the Proffer Statement are paid to the Board within eighteen (18) months of the approval of this rezoning, as applied for, said contributions shall be in the amounts stated herein. Any monetary contributions required hereby which are paid to the Board after eighteen (18) months following approval of this rezoning shall be adjusted in accordance with the Urban Consumer Price Index ("CPI-U") published by the United States Department of Labor, such that at the time contributions are paid they shall be adjusted by the percentage change in the CPI-U from that date eighteen (18) months after approval hereof, to the most recently available CPI-U to the date the contributions are actually paid, subject to a cap of six per cent (6%) per year, non-compounded.

15. WAIVERS AND MODIFICATIONS:

15.1. The following waivers and modifications to the requirements of the Zoning Ordinance or the Prince William County Design and Construction Standards Manual shall be deemed granted and approved as provided by the Zoning Ordinance.

15.1.1. The landscape buffer area required between housing types in a Planned

## Attachment C- Proposed Proffers

Development District pursuant to Section 250.31 of the Zoning Ordinance and Section 802.11 of the Design and Construction Standards Manual shall be constructed as a buffer with a 30 foot width planted in accordance with the requirements for Buffer Type B in the DCSM, for the separation between town homes and the commercial buildings within the CEC planning area that are not already separated by alleys or streets. The modification is requested to be consistent with the village design theme incorporated within the CEC. The landscape buffer requirement between housing types shall be waived between town homes and single family detached homes, where the lots are separated by alleys or streets, as the alley or street already provides adequate separation between the unit types.

- 15.1.2. The buffer width requirements as required by Section 280.14 of the Zoning Ordinance, and the planting standard for the buffer area required along Nokesville Road and Bristow Road, shall be modified and constructed in accordance with the Design Guidelines, in order to achieve a transition to a rural landscape theme.
- 15.1.3. The buffer requirements in the PMR District around the perimeter of the site, required pursuant to Section 280.14 of the Zoning Ordinance and Section 802 of the Design and Construction Standards Manual, shall be modified and those buffers as shall be as shown on the Illustrative Plan and in accordance with the Design Guidelines, in order to accommodate the viewshed into the Heritage Open Space park.
- 15.1.4. The landscape buffer area required between housing types in a planned development district pursuant to Section 250.31 of the Zoning Ordinance and Section 802.11 of the Design and Construction Standards Manual shall be waived as shown on the Illustrative Plan, for the lots identified on the MZP as potential office/nonresidential lots. The non-residential buildings constructed on the lots shall be residential in appearance, in keeping with the architectural themes established within the community. Parking areas shall be screened with a wooden fence and a ten (10) foot wide landscape strip where adjacent to residential property lines.
- 15.1.5. Applicable street standard requirements set forth in the Zoning Ordinance and Design and Construction Standards Manual (DCSM) shall be waived to permit private streets internal to the project, if needed in order to promote a community design replicating a historic village, as recommended by the Comprehensive Plan; provided that said private streets shall be designed and constructed to standards set forth in the Design Guidelines, in those locations depicted on the Illustrative Plan.



15.1.6. Modification of the requirement to provide onsite parking exclusive of the spaces provided in the garage, as required within Section 600 of the Design and Construction Standards Manual (DCSM), for garages with access to alleys, in accordance with the village concept of the proposed community design.

15.1.7. The housing types authorized by the Zoning Ordinance to be constructed in the PMR District shall be specifically modified to permit construction of the housing types, and the use of the development standards with reference to lot area, coverage, height and yards and setbacks, as are set forth in the Design Guidelines, in order to achieve the thematic standards desired for the development of the Property.

16. COMPREHENSIVE SIGN PLAN

16.1. The Applicant shall prepare and submit a comprehensive sign plan for the Property prior to the approval of the first final site plan for the commercial area.

[SIGNATURES APPEAR ON FOLLOWING PAGE]

**Attachment C- Proposed Proffers**

Albert M. Rollins, Trustee  
Claire V. Rollins, Trustee  
Milton C. Rollins  
Lillian M. Rollins  
Empire Enterprises Inc.

\_\_\_\_\_  
ALBERT M. ROLLINS, TRUSTEE

COMMONWEALTH OF VIRGINIA;  
CITY/COUNTY OF \_\_\_\_\_: to-wit

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_,  
2001, by ALBERT M. ROLLINS, TRUSTEE.

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

**My Commission expires:** \_\_\_\_\_

**Attachment C- Proposed Proffers**

\_\_\_\_\_  
CLAIRE V. ROLLINS, TRUSTEE

COMMONWEALTH OF VIRGINIA;  
CITY/COUNTY OF \_\_\_\_\_ : to-wit

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2001,  
by CLAIRE V. ROLLINS, TRUSTEE.

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

**My Commission expires:** \_\_\_\_\_

\_\_\_\_\_  
MILTON C. ROLLINS

COMMONWEALTH OF VIRGINIA;  
CITY/COUNTY OF \_\_\_\_\_ : to-wit

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_,  
2001, by MILTON C. ROLLINS.

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

**My Commission expires:** \_\_\_\_\_

**Attachment C- Proposed Proffers**

\_\_\_\_\_  
LILLIAN M. ROLLINS

COMMONWEALTH OF VIRGINIA;  
CITY/COUNTY OF \_\_\_\_\_: to-wit

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_,  
2001, by LILLIAN M. ROLLINS.

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

**My Commission expires:** \_\_\_\_\_

\_\_\_\_\_  
EMPIRE ENTERPRISES, INC.

BY: Coleman C. Rector

COMMONWEALTH OF VIRGINIA;  
CITY/COUNTY OF \_\_\_\_\_: to-wit

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_,  
2001, by COLEMAN C. RECTOR, president of Empire Enterprises, Inc.

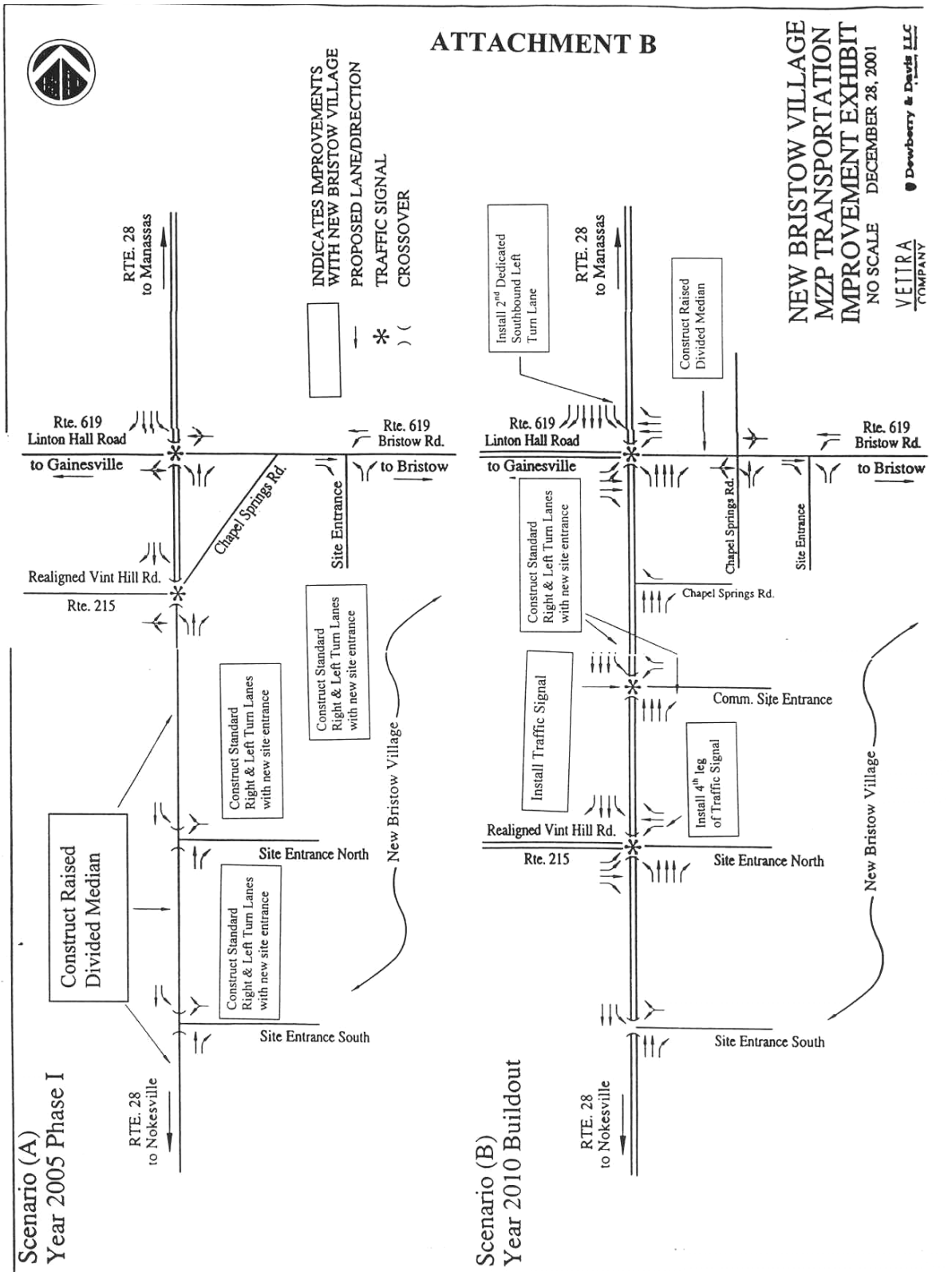
\_\_\_\_\_  
**Notary Public**

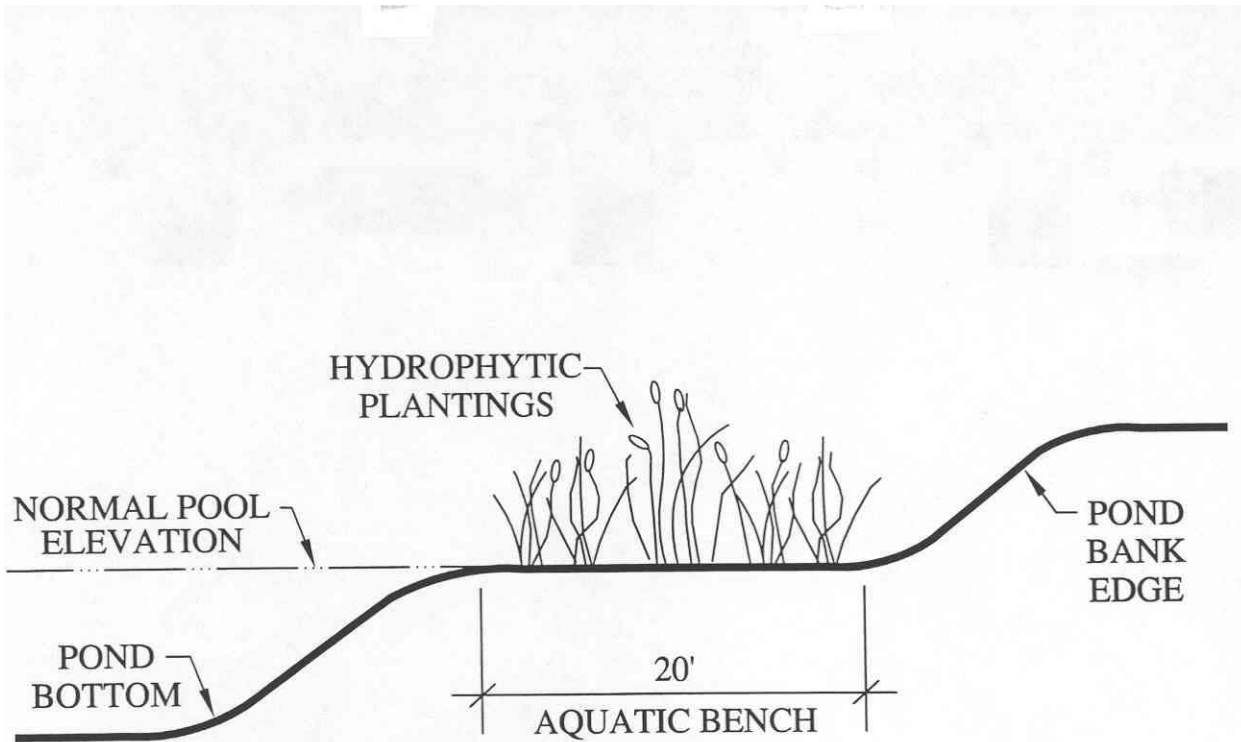
**My Commission expires:** \_\_\_\_\_

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# DESIGN GUIDELINES


## ATTACHMENT A



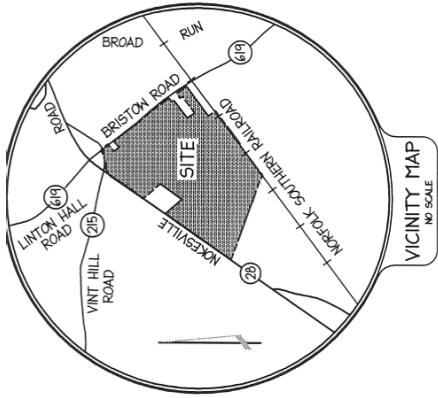


ATTACHMENT (C)  
TYPICAL DETAIL THRU  
STORMWATER MANAGEMENT POND

NO SCALE      JANUARY 23, 2002

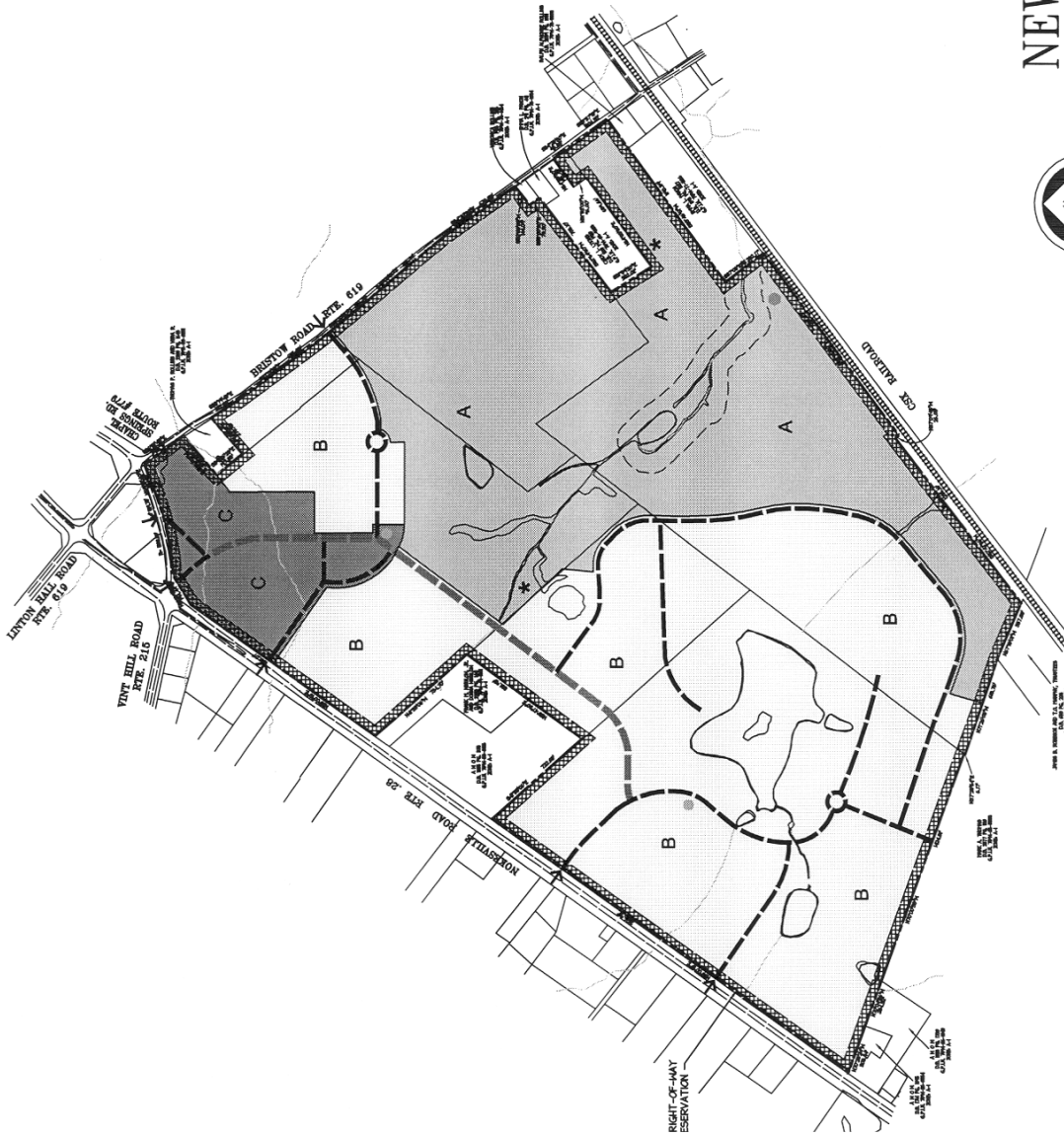
 **Dewberry & Davis LLC**  
A Dewberry Company

Attachment C- Proposed Proffers  
 Master Zoning Plan, revised January 24,2002



**LEGEND**

<b>A</b>	HERITAGE
<b>B</b>	PMR-LOW
<b>C</b>	OC/RC

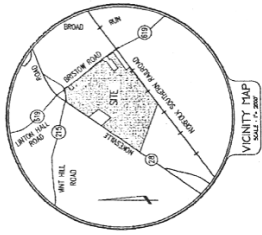


MASTER ZONING PLAN  
**NEW BRISTOW VILLAGE**





# Attachment C- Proposed Proffers Illustrative Development Plan, revised January 23, 2002



**NEW BRISTOW VILLAGE**  
Revised Land Use Program - January 23, 2002

Category	Area (Acres)	Percentage
Office/Commercial	30.00	17%
Residential	145.00	83%
<b>Total</b>	<b>175.00</b>	<b>100%</b>



**BOWMAN  
CONSULTING  
GROUP**

ILLUSTRATIVE  
DEVELOPMENT PLAN

## NEW BRISTOW VILLAGE

DATE: NOVEMBER 30, 2001 SCALE: 1"=200'

*Devereaux & Associates*

**Dewberry & Davis LLC**

Revised January 23, 2002  
SHEET 1 OF 1

