



January 14, 2022

TO: Planning Commission

FROM: Scott F. Meyer, Principal Planner
Planning Office

RE: **Update Memo for Planning Commission**
Rezoning #REZ2021-00003, John Marshall Commons Tech Park
Special Use Permit #SUP2021-00004, John Marshall Commons Tech Park
Deferred from November 3, 2021 to January 26, 2022
Gainesville Magisterial District

PC Meeting Date: January 26, 2022

At the November 3, 2021 public hearing, the Planning Commission reviewed the above-referenced proposals and received public testimony. The Planning Commission closed the public hearing for Rezoning #REZ2021-00003, John Marshall Commons Tech Park, and left the public hearing open for Special Use Permit #SUP2021-00004, John Marshall Commons Tech Park. Both applications were deferred to the second Planning Commission meeting in January of 2022, which is January 26, 2022.

On December 30, 2021, the Applicant submitted a follow-up letter in response to the Planning Commission, along with a response matrix, updated Proffer Statement (redline and clean versions), and revised Generalized Development and Special Use Permit Plan as a response to comments and recommendations made by the Planning Commission at the public hearing.

Notable revisions to the Plan include the following:

- Revision to Limits of Clearing and Grading to preserve more mature trees.
- Addition of retaining wall to facilitate preservation of mature trees in the 50-foot buffer adjacent to PACE West School.

In a revised Proffer Statement, dated January 13, 2022, the following updates were made:

- Various proffer compliance and clarifying/format edits.
- Enhancements and clarifying edits made to the plan references.
- Upgrades to proposed buffering and landscape plantings, and limits of clearing and grading.
- Provision to not construct the data center facility if power infrastructure/transmission lines originate from the west.
- Commitment to incorporate sustainability concepts into the site design.
- Commitment to increased design quality, while agreeing to 4 of 5 design standards for data center facilities.

Applicant Follow-Up/Staff Response to 11/3/21 Planning Commission Public Hearing Recommendations

The specific Planning Commission recommendations/comments as noted at the November 3, 2021 public hearing are provided below, followed by a summary Applicant follow-up statement and staff response:

- *To allow time for the County's Data Center Overlay Study to be completed and review recommendations.*
 - Applicant Follow-up: The Overlay Study initiated by the Board of Supervisors in May of 2021 is ongoing with no specific date for completion. The Study was divided into four tasks. *Task 1: Background Research* is not complete.
 - Staff Response: Study is still ongoing at this time.

- *Acting now is premature, while the study is ongoing with factfinding and focus groups currently providing input.*
 - Applicant Follow-up: *Task 2: Public Outreach and Engagement* is ongoing with no specific date for completion. Stakeholder meetings were held, and survey results were compiled and are posted on the County website.
 - Staff Response: Staff concurs with the above follow-up statement from the Applicant.

- *To allow time for citizens and Planning staff to provide input and recommendations on how the I-66/Route 29 and Haymarket Activity Centers might be developed, which includes this site.*
 - Applicant Follow-up: The subject property is not within the boundaries of the *I-66/US 29 Activity Center* and/or *Haymarket Activity Centers*. Drafts of these activity centers were presented to the Planning Commission on July 21, 2021 and August 4, 2021, respectively. Both were revised by staff on December 14, 2021. The John Marshall Commons Technology Park proposal and the adjacent approved data center uses (Village Place Technology Center and I-66/Rt. 29 Technology Park) are noted in the Activity Center reports.
 - Staff Response: Staff concurs with the above follow-up statement from the Applicant.

- *Applicant shall finalize with staff all outstanding proffer items and updates prior to consideration at the second Planning Commission meeting in January of 2022.*
 - Applicant Follow-up: The staff recommendation is for the requested rezoning and special use permit are approval as previously proffered. However, additional proffered conditions are included with this submittal.
 - Staff Response: In the most recent submission, the Applicant has addressed the majority of the overall scope of the outstanding issues and items. In the adjacent previously approved data center sites (Village Place Technology Center and I-66/Rt. 29 Technology Park), there were commitments to a “Sustainability” component, enhanced design/building standards for the data center facilities, and a contingency to not develop if transmission power lines originate/align from points west of the site. These other components have also been incorporated into this proposal by the Applicant.

A more comprehensive update on the status of the staff report weaknesses is included in the section below.

- *Provide greater clarification with a detailed explanation of electrical power needs and where it would come from in serving the site.*
 - Applicant Follow-up: The power needed to supply the subject proposal is available. Power availability data was provided with the Village Place Technology Center, the I-66/Rt. 29 Technology Park, and this application for John Marshall Commons Technology Center. The Planning Commission held a work session with Dominion Power (Energy) on December 15, 2021. The Dominion Power presentation and discussion with the Commission lasted approximately one hour and fifteen minutes. There is adequate utility service for the proposed use.
 - Staff Response: The above response from the Applicant is not sufficient, and does not adequately address the Planning Commission concerns, as discussed at the public hearing. The need for additional information and clarification of the electrical power needs and infrastructure origin/alignment of potential scenarios were major concerns expressed by the Planning Commission and members of the public who spoke at the public hearing. The overarching and general nature of the Applicant’s response and reference to the Dominion Energy presentation does not sufficiently address the issues raised by the Planning Commission and public.

Update to 11/3/21 Planning Commission Staff Report Analysis

As noted above, the Planning Commission directed the Applicant to address all outstanding proffer items and updates prior to future consideration. The following is a current status of the major weaknesses in each corresponding section, as noted in the November 3, 2021 staff report and with changes made by the Applicant noted, as applicable.

- Long Range Land Use
 - Issues with CEC Consistency: In response to the previously mentioned weaknesses of consistency with CEC and scale of proposed development relative to adjoining land uses, the Applicant has now committed to provide enhanced architectural design commitments and building enhancements for the data center facility. Enhancements to the buffering/planting areas between the PACE West School and the subject site are proposed. As such, this weakness has become less of a concern.

- Community Design
 - Scale of Data Center Buildings: To address the increased building mass and mitigate any potential visual impacts, the Applicant focused on revising architectural finishes to improve the appearance of the massing. Enhanced design components are now being proposed, and are conditioned with the SUP and included within the proffers. The Applicant is required to incorporate 4 of the 5 prescribed architectural elements for the data center facility. These design upgrades along with enhanced planting areas all contribute to mitigating the impacts of overall scale and massing of the buildings. As such, this weakness has become less of a concern.

 - Buffering Along School & Fire Station: Over the course of the review, staff has requested that there be increased and transitional buffering between the subject property as it abuts the adjoining school facility and fire station uses. With this latest submission, a 50-foot buffer is being provided along the common property line with the PACE West School and the existing fire station property. A 30-foot-wide buffer is now being provided along the unimproved right-of-way known as Gainesville Drive. This has increased from the previously proposed 15 feet. In general, the buffering shall contain a combination of natural topography and preservation of existing vegetation having sufficient density, depth, and height, supplemented with new plantings as deemed necessary by the County during the final site plan review and approval process. As such, this weakness has become less of a concern.

 - Needed Clarification on Perimeter Landscape Buffers/Strips: On the latest submission, these clarifications have been provided in the proffers and shown on the GDP/SUP Plan. As such, this is no longer a weakness.

- Environment
 - Removal of All Specimen Trees: To address this weakness, staff has added a SUP condition that sustainability aspects for site development will be incorporated into the overall facility design and site development. The Applicant has also added these components into the latest version of the proffers. These commitments will serve to offset the loss of existing environmental resources, such as specimen trees. As such, this weakness has become less of a concern.

Timing Contingencies

The Planning Commission has until February 1, 2022, which is 90 days from the first public hearing date, to take action on the rezoning proposal. At the November 3, 2021 meeting, the Planning Commission opened the public hearing, received community feedback, and then closed the hearing for the rezoning proposal, but left the public hearing open for the special use permit. The Planning Commission deferred both proposals to the second Planning Commission meeting in January of 2022, which is January 26, 2022.

Therefore, the Commission must take action at the January 26th meeting, unless extended by the Applicant. It is important to note that if the Planning Commission defers action again and the Applicant does not agree to such deferral, then the Planning Commission will be deemed to have recommended approval of the rezoning under County Code Section 32-700.42(2) and Virginia Code Section 15.2-2285(B). The rezoning application will then proceed to the Board of County Supervisors for a public hearing and the Board's consideration.

Although the Planning Commission has not closed the special use permit public hearing, which begins the 90-day period, staff recommends that the Planning Commission act on the special use permit at its January 26, 2022 meeting.

Proffer Analysis

In the latest submission, the vast majority of the outstanding proffer issues have been resolved. Components from the adjacent previously approved data center sites (Village Place Technology Center and I-66/Rt. 29 Technology Park) were also incorporated into the Proffer Statement, now dated January 13, 2022, for consistency.

Staff Conclusions & Recommendation

The Applicant's latest submission only partially addresses the recommendations and suggestions as provided at the November 3, 2021 Planning Commission public hearing, particularly with the questions regarding power needs and availability. However, generally speaking, the proffers and conditions have been updated to better align with the other surrounding data center sites.

The outstanding weaknesses of consistency with CEC and scale of proposed development relative to adjoining land uses can be addressed through enhanced architectural design commitments and building design enhancements for the data center facility. As such, staff has added an SUP condition to incorporate at least four (4) design standards (instead of the minimal 2, as per the Zoning Ordinance), a concept which the Planning Commission has endorsed with recent data center applications. Also, in order to address outstanding environmental weaknesses, staff has added a SUP condition that sustainability aspects will be incorporated into the overall facility design and site development. These commitments will serve to offset the loss of existing environmental resources, including specimen trees. As such, the proposed SUP conditions have been revised and dated January 13, 2022. In addition, the Applicant has also updated the proffers to include both commitments and be more consistent with the SUP conditions.

However, staff recommends the Applicant provide more details in regard to the electrical power needs/supply, as requested by the Planning Commission. Absent of this, the ongoing issues and questions regarding whether this use will necessitate additional transmission infrastructure and substations will persist and remain unresolved.

As previously stated, staff can support the updated proffers, dated January 13, 2022. On balance, staff recommends approval of Rezoning #REZ2021-00003, John Marshall Commons Tech Park, subject to the proffers dated January 13, 2022, and Special Use Permit #SUP2021-00004, John Marshall Commons Tech Park, subject to the conditions dated January 13, 2022.

Attachments (as provided, following this memo)

- Draft 1/26/22 Planning Commission Resolution – Rezoning
- Updated Proffer Statement (dated January 13, 2022)
- Draft 1/26/22 Planning Commission Resolution – Special Use Permit
- Updated SUP Conditions (dated January 13, 2022)
- Applicant Response/Final Submission & Update Package (dated December 30, 2021)
- Previous Planning Commission Resolutions (dated November 3, 2021)
- Planning Commission Staff Report (for reference, dated November 3, 2021)



PLANNING COMMISSION RESOLUTION

MOTION:

January 26, 2022

SECOND:

Regular Meeting

RES. No. 22-xxx

RE:

**REZONING #REZ2021-00003, JOHN MARSHALL COMMONS TECH PARK
GAINESVILLE MAGISTERIAL DISTRICT**

ACTION:

WHEREAS, this is a request to rezone ±22.72 acres from B-1, General Business, and M-2, Light Industrial, to O(M), Office Mid-Rise, for the purpose of developing a data center campus. There is a concurrent special use permit request to allow for data center uses outside of the Data Center Opportunity Zone Overlay District; and

WHEREAS, the subject ±22.72-acre property is located to the south of Interstate 66, at the northwestern intersection of Catharpin Road and John Marshall Highway (Route 55), and is identified on County maps as GPINs 7397-36-8980, 7397-46-4050, 7397-46-4281, and 7397-47-7731; and

WHEREAS, the site is designated CEC, Community Employment Center, in the Comprehensive Plan, and is located within the I-66 / Route 29 Sector Plan special planning area; and

WHEREAS, the site is zoned B-1, General Business, and M-2, Light Industrial, and is partially located within the Airport Safety Overlay District; and

WHEREAS, on November 3, 2021, the Prince William County Planning Commission closed the public hearing and deferred Rezoning #REZ2021-00003, John Marshall Commons Tech Park, to the second Planning Commission meeting in January of 2022, and with five recommendations to be addressed by the Applicant; and

WHEREAS, the Applicant submitted revisions/updates to further address recommended actions made by the Planning Commission, and those revisions were presented on January 26, 2022 for further consideration by the Planning Commission; and

WHEREAS, the Prince William County Planning Commission finds that public necessity, convenience, general welfare, and good zoning practice are served by recommending approval of this request;

NOW, THEREFORE, BE IT RESOLVED that the Prince William County Planning Commission recommends approval of Rezoning #REZ2021-00003, John Marshall Commons Tech Park, subject to the proffers dated January 13, 2022.

ATTACHMENT: Proffer Statement, dated January 13, 2022

Votes:

Ayes:

Nays:

Abstain from Vote:

Absent from Vote:

Absent from Meeting:

MOTION CARRIED

Attest:

Robbyn L. Smith
Clerk to the Planning Commission

PROFFER STATEMENT
John Marshall Commons Technology Park
January 13, 2022

Rezoning: #REZ2021-00003
Owner/Applicant: CTP-II, LLC
G.P.I.Ns.: 7397-46-4281, 7397-46-4050, 7397-36-8980, 7397-47-7731
Acreage: ±22.72
Magisterial District: Gainesville
Current Zoning: B-1, General Business and M-2, Light Industrial
Proposed Zoning: O(M), Office Mid-Rise

The undersigned hereby proffers that the use and development of the subject Property shall be in substantial conformance with the following conditions. In the event the above-referenced rezoning is not granted as applied for by the Applicant and if the Special Use Permit processed concurrently with this rezoning that is required to allow the proffered principal use is not granted as applied for, these proffer conditions shall be withdrawn and are null and void, and the Property shall be developed in accordance with the proffered conditions approved in REZ#87-51. The headings of the proffered conditions set forth below have been prepared for convenience of 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 adjacent to the improvement, unless otherwise specified. The terms “Applicant” and “Developer” shall include all future owners and successors in interest. The term “Property” shall mean the property that is the subject of the rezoning proposed herein.

For purposes of reference in this Proffer Statement, the Generalized Development and Special Use Permit Plan refer to the plan prepared by JCL Consulting, LLC, entitled “Generalized Development Plan and Special Use Permit Plan, John Marshall Commons Technology Park” dated December 20, 2021 and contains the following plan sheets:

Sheet 1	Cover Sheet
Sheet 2	Generalized Development and Special Use Permit Plan
Sheet 3	Landscape Plan
Sheet 4	Details
Sheet 5	Road Improvements Plan

1. USES AND DEVELOPMENT

- A. Generalized Development and Special Use Permit Plan (GDP/SUP). The Property, consisting of approximately 22.72 acres, shall be developed in substantial conformance with the GDP/SUP with respect to the location and design of right-of-way entrance locations, road improvements, limits of clearing and grading, and buffers indicated on the GDP/SUP Plan.
- B. The Property shall be subject to those uses and development standards applicable to the O(M), Office Mid-Rise, zoning district pursuant to Zoning Ordinance Section 32-402.30 et seq, subject to the following:
- a. The Property shall be used as a Data Center and uses secondary and ancillary to a Data Center.
 - b. The development of the subject Property shall be in substantial conformance with the GDP/SUP with respect to the location and design of right-of-way entrance locations, road improvements, limits of clearing and grading, landscaping strips, additional planting areas, and buffers indicated on the GDP/SUP Plan.
 - c. The minimum principal building setback from John Marshall Highway and Interstate Route 66 (I-66) shall be 135 feet. The minimum principal building setback from Catharpin Road shall be 75 feet. The minimum principal building setback from the adjacent public school property shall be 110 feet. Buildings, fences and structures necessary for security measures, and other ancillary structures supportive of the operations of the data center, shall be located in accordance with the requirements of the zoning ordinance or as proffered herein.
 - d. The maximum building height shall be 70 feet.
 - e. The maximum data center Floor Area Ratio shall be 0.50.
 - f. The maximum site coverage shall be 60%.
 - g. Right-of-way Entrance. The entrance along Catharpin Road shall be the primary entrance to the Property upon completion of development.

2. COMMUNITY DESIGN

- A. Building Finishes. The building design shall be in substantial conformance with the Building Elevations titled, “John Marshall Commons Technology Park” prepared by Penney Design Group and dated June 25, 2020. The Applicant shall submit the architectural elevations to the Planning Director for review and approval for consistency with the architecture proposed herein a minimum of two weeks prior to the request for issuance of the building permits for such buildings. Variations from the elevations proposed herein shall be permitted, provided the integrity of the overall quality of the design is not compromised and subject to a finding by the Planning Director that the variation will provide an equal or improved design.
1. Principal building façades facing or visible from John Marshall Highway and Catharpin Road shall incorporate consistent design, materials, and details and shall avoid the use of undifferentiated surfaces by including at least four of the following design elements:
- change in building height;
 - building step-backs or recesses;
 - fenestration;
 - change in building material, pattern, texture, color; or
 - use of accent materials.
- B. Screening of mechanical equipment. Ground level and roof top mechanical equipment shall be screened from John Marshall Highway and adjacent properties. Mechanical equipment not screened (blocked) from view as a result of its location relative to the principal building, other structures, and/or existing vegetation or landscape buffering, shall be screened by a visually solid fence, screen wall or panel, parapet wall, or other visually solid screen that shall be constructed of materials compatible with those used in the exterior construction of the principal building. Notwithstanding the requirements of this section, mechanical equipment located in a manner found to have no adverse impact on adjacent roads and adjacent properties, as determined by the Planning Director, shall not be required to be screened.

C. Buffers and Landscaping.

1. John Marshall Highway. A 30-foot landscaping strip shall be provided along the abutting right-of-way as shown on the GDP/SUP Plan adjacent to John Marshall Highway. The plant requirements within and adjacent to the landscaping strip shall be equal to the planting requirement for a Type B buffer area as required in Table 8-2 of the Design and Construction Standards Manual (DCSM). The final design shall be determined during the review and approval of the final site plan.
2. Catharpin Road. A 30-foot landscaping strip shall be provided along the abutting right-of-way as shown on the GDP/SUP Plan adjacent to Catharpin Road, containing a combination of natural topography and preservation of existing vegetation having sufficient density, depth, and height, supplemented with new plantings if deemed necessary by the County during the final site plan review and approval process. The plant requirements within and adjacent to the landscaping strip shall be equal to the planting requirement for a Type B buffer area as required in Table 8-2 of the DCSM. The final design shall be determined during the review and approval of the final site plan.
3. Additional Planting Areas. Areas labeled as Additional Planting on the GDP/SUP Plan are intended to complement and expand the planting required in the Landscaping Strip and Buffers shown on the GDP/SUP Plan and shall provide additional trees for screening. The area between the landscaping required by the DCSM for the Storm Water Management pond and the Landscaping Strip, and Buffer, shall be landscaped in a manner that complements and expands the planting required in the Landscaping Strip and Buffers shown on the GDP/SUP Plan and shall provide additional trees for screening. The final design shall be determined during the review and approval of the final site plan.
4. Interstate Highway. A 50-foot buffer shall be provided along the abutting right-of-way as shown on the GDP/SUP Plan adjacent to I-66, containing a combination of natural topography and preservation of existing vegetation having sufficient density, depth, and height, supplemented with new plantings if deemed necessary by the County Planning Director during the final site plan review process, to provide separation and screening equivalent to Buffer Type C as established by the DCSM. The final design shall be determined during the review and approval of the final site plan.

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5. Adjacent to School and Fire Station. A 50-foot buffer shall be provided along the common property line with the PACE West School and between the existing fire station property and the use herein adjacent to the western common property line that measures approximately 300 feet as shown on the GDP/SUP Plan. A 30-foot wide buffer shall be provided along the unimproved right-of-way known as Gainesville Drive as shown on the GDP/SUP Plan. This buffer shall contain a combination of natural topography and preservation of existing vegetation having sufficient density, depth, and height, supplemented with new plantings if deemed necessary by the County during the final site plan review and approval process, to provide separation and screening equivalent to Buffer Type A as established by the DCSM. The final design shall be determined during the review and approval of the final site plan.
 6. Native Species. All plantings located within landscape areas and buffers shall consist of drought tolerant species appropriate for the climate and location proposed, and shall predominately consist of native species in accordance with the DCSM. Where possible, existing vegetation in landscape areas and buffers (when it is native and good quality) shall be preserved and incorporated into the design and supplemented by additional plantings, as may be required to meet minimum requirements of the DCSM. Where existing vegetation is undisturbed within required or proffered landscape areas and landscape buffers, said existing vegetation shall be credited against the plant unit and/or tree canopy requirements as may be identified in the DCSM.
- D. Fencing. Security fencing of the style and type recommended in Zoning Ordinance Section 32-509.02. 4. (D), or an equivalent style and type, shall be provided where such fencing would be visible from public or private street frontages. Chain-link fencing, with or without slatted inserts, and /or barbed wire or other similar visible deterrence devices shall not be permitted where visible from public or private streets. The Planning Director may allow for alternative compliance with this requirement, provided the Applicant demonstrates that the fencing visibility is reduced, through the use of landscaping and other methods to reduce visibility.
- E. Service Areas.
1. Refuse Storage Area. Refuse collection areas, loading and service areas shall be oriented away from John Marshall Hwy and Catharpin Road unless substantially screened from view by landscaping and/or a screening wall or fence. The orientation of refuse collection, areas and loading and service areas, and the method of screening, shall be reflected on the final site plan.

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2. Electrical Gear. Electrical switch gear, electrical metering equipment, and similar appurtenant uses, if any, shall be screened from adjacent major roads and the adjacent public properties as follows
 - a. Ten-foot-tall opaque fencing facing residentially zoned/planned properties. The Planning Director may allow for alternative compliance with this requirement, provided the Applicant demonstrates that the need for such fencing is reduced due to the height of the equipment being screened, placement of such equipment relative to buildings and adjacent properties and through the use of landscaping and/or other methods to reduce visibility.

- F. Utilities and Required Landscaping. Utilities within landscape areas and landscape buffers shall be limited to the extent and in the manner permitted by the DCSM, and when utility crossings are necessary, the crossing shall be located and aligned perpendicular based on final engineering considerations and subject to County approval during final site plan review.

- G. Signage. All signage shall comply with the standards set forth in the Zoning Ordinance and DCSM. In addition, the following shall apply to signage and advertising on the Property:
 1. Monument Sign. A single freestanding monument style sign shall be permitted along the Catharpin Road frontage of the Property. The maximum freestanding sign height shall be ten (10) feet and the sign shall be set back a minimum of ten (10) feet from the public right-of-way. Landscaping shall be provided at the base of the sign and the sign shall have a stone face. The location of the sign along the public road frontage shall be determined at the time of final site plan approval and sign permit approval in coordination with the final landscaping design.

 2. Sign Permits. Sign permits are required for all signs. Colored, scaled renderings of all signage shall be submitted as part of the sign permit approval process.

- H. Exterior Lighting. All exterior lighting fixtures shall be “energy-saving” and shall include “focused sharp cutoff” designs that direct light downward and into the interior of the Property and away from adjacent roads and/or adjacent properties. Exterior fixtures shall be fully shielded to prevent glare from projecting onto the adjacent residential properties.

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1. Freestanding Parking Lot Lights shall have a maximum height of 20 feet and shall be shown on the final site plans.
 2. Building Mounted Lighting shall be a maximum of 30 feet in height and shall be shown on the final site plans.
- I. Sound Pressure Levels. The Applicant shall not exceed the maximum permissible sound pressure levels as described in the Section 14-4 of the Prince William County Code. Such levels shall be measured at the Property boundary. Security personnel, which will be on-duty continuously, shall be responsible to communicate any sound pressure questions or concerns to the appropriate managerial authority at the data center.
- J. Variations in Design Providing Improved or Equal Quality. Variations from the GDP/SUP Plan, screening, and Landscaping Plan proffered herein whether proposed at the time of initial development of the Property or as a part of a site plan revision may be permitted, provided the integrity of the overall site layout and design is not compromised and subject to a finding by the Planning Director that the variation will provide an equal or improved design.
- K. Power Supply.
1. No data center use building permit may be issued for development on the Property if, in connection with the execution of a power purchase agreement for the provision of electrical power to such proposed data center building, it is determined by the electric provider that service thereto triggers the need for construction of new transmission towers carrying overhead bulk electric transmission lines from west of the Property.
 2. The Applicant shall request that Dominion Energy serve the Property from the existing electrical infrastructure along John Marshall Highway. In the event that additional distribution lines are needed to serve the data center campus, the Applicant shall make commercially reasonable best efforts to compel Dominion Energy to place the additional lines underground. The off-site powerline infrastructure needed for the four buildings shall be provided from an underground crossing of John Marshall Highway, which shall be constructed at the time of the first phase of site development.

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3. All on-site powerlines shall be placed underground, and the powerline infrastructure needed for any buildings on the Property shall be provided with the first phase of site development.

3. ENVIRONMENTAL

- A. Water Quality Monitoring. 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, drainage improvements and/or stream restoration projects. Said contribution shall be made prior to and as a condition of final site plan approval with the amount to be based on the final site plan area acreage.
- B. SWM/BMP. Stormwater Management and/or Best Management Practices shall be provided on-site and/or off-site, (pursuant to Section 32-250.73.1 of the Zoning Ordinance), and in accordance with the DCSM, unless modified or waived during final site plan review.
- C. Low Impact Development (LID). The Applicant shall provide a minimum of one (1) Low-Impact Development (LID) Best Management Practice to treat stormwater from the Property. Such LID practice may include, but shall not be limited to, water quality swales, bioretention facilities/rain gardens, sheet flow to vegetated buffers, or any alternative LID practice proposed by the Applicant and deemed to be acceptable to the County Public Works Department, Watershed Management Branch. The location of the LID practice shall be shown on the first final site plan, or construction plans and profiles, whichever is first in time, for the Property.
- D. Existing Vegetation. The Applicant shall develop the Property in substantial conformance with the limits of clearing and grading as shown on the GDP/SUP Plan, final engineering considerations, subject to County review and approval, and to the extent practicable, preservation of existing mature vegetation that is consistent with the locations of landscaped buffers and open spaces shown on the GDP/SUP Plan and on the final site plans. The following exceptions to the limits of clearing and grading shall be allowed:
 1. The installation of plant materials, if needed for landscaping, revegetation or to supplement existing vegetation;

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2. The removal of noxious vegetation, such as poison ivy, poison oak, etc., as well as dead, dying, or hazardous trees;
 3. The installation and/or maintenance of any required or existing utilities and the location of utilities shall be in accordance with the DCSM and subject to County review and approval;
 4. Installation and maintenance of trails, benches or other appurtenances to enhance the enjoyment of open space areas on the Property.
- E. Tree Preservation Plan. The Applicant shall provide a Tree Preservation Plan (TPP) for the minimum setback areas, buffers, and limits of clearing and grading as shown in the GDP/SUP Plan. The TPP shall be done in accordance with Plant Selection Guide, Section III of the DCSM.
- F. Spill Prevention and Containment. The Applicant shall comply with all applicable County, State and Federal regulations regarding spill prevention and control requirements for the proposed uses (e.g., Code of Federal Regulation (CFR) Chapter 40, Part 112 – Oil Pollution Prevention and Response; and Commonwealth of Virginia Regulation 9 VAC 25-91-130, et seq., Pollution Prevention Requirements). During the review of the final site plans, the Applicant shall provide the Fire Marshal’s Office with a copy of the protocols specific to the Property for review and comment and thereafter coordinate with local officials as appropriate.
- G. Wetland Preservation and Mitigation. Areas identified as wetlands outside of the limits of clearing and grading requiring preservation shall be preserved as indicated on the GDP/SUP or such impacts shall be mitigated in accordance with County, State and Federal laws, codes, regulations, ordinances, and requirements.
- H. Additional Sustainability Measures. Any data center building developed on the Property shall include the site/building sustainability measures as listed below. Compliance with this condition shall be demonstrated at the time of final site plan approval:
1. Permeable paving;
 2. Use of recycled aggregate materials;
 3. Aeration of ponds using solar power;
 4. Recycling of construction material waste;
 5. Use of high recycled content construction materials;
 6. LED site and interior lighting; and

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7. Heat reflective roofing materials.

4. FIRE & RESCUE

Prior to the issuance of the occupancy permit issuance for each building the Applicant shall submit a monetary contribution of \$0.61 per square foot of gross floor area of principal building area to the Board of County Supervisors to be used for fire and rescue purposes.

5. CULTURAL RESOURCES

- A. Artifacts. Artifacts collected during the Phase I Archaeological study shall be gifted to the County. Private individuals shall be allowed access to materials donated to the County upon reasonable notice to the appropriate authority within the County and such access may be accompanied by a County staff member.
- B. Historical Marker. The Applicant shall install one (1) Historical Marker on the Property which provides a description of the Property's history. The content and design specifications on the marker shall be prepared in consultation with the County Archaeologist and the Historical Commission prior to final site plan approval. The location of the marker shall be shown on the approved final site plan. The historical marker shall be installed prior to bond release.

6. TRANSPORTATION

- A. Entrance Improvements. The Applicant shall construct entrance improvements including sidewalks/shared use paths and lane widening across the frontage of the Property as depicted on the GDP/SUP. In the event that changes in the Comprehensive Plan or other circumstances result in a reduction in the road or pedestrian improvements required across the frontage of the Property, the Applicant may construct a lesser adopted design subject to Virginia Department of Transportation and Prince William County Department of Transportation approval. At a minimum, the road improvements across the frontage of the Property shall include the following:
 - 1. The entrance on Catharpin Road shall be the primary entrance to the Property upon completion of development.

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John Marshall Commons Technology Park
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- a. Right Turn Lane. The Applicant shall construct a right turn bay of 100 feet with a 100 foot long taper at the entrance from Catharpin Road. Pavement markings shall meet Virginia Department of Transportation minimum standards.
 - b. Left Turn Lane. The Applicant shall construct a left turn bay of 100 feet with a 100 foot taper at the entrance from Catharpin Road. Pavement markings shall meet Virginia Department of Transportation minimum standards.
2. Entrance 2. The secondary entrance shall be available upon completion of development of the Property pursuant to this rezoning and shall connect to the right-of-way known as Gainesville Drive or to the access driveway to the fire department on the abutting Property. The secondary entrance shall be used primarily for emergency access purposes.
- B. Modifications to Road Improvements. Subject to approval by the Prince William County Department of Transportation and the Virginia Department of Transportation, the Applicant may receive modifications to the road improvement plan and/or to phased completion of required road improvements to address unforeseen or unavoidable delays such as in utility relocation, weather delay, availability of right-of-way, availability of materials, permitting process for public improvements such as traffic signals, changes to design requirements or policies preventing installation or construction of improvements proffered herein, and/or similar factors outside of the Applicant's control, provided that such modification, whether permanent or temporary, provides essentially the same level of service as the design proffered herein.
- C. Bicycle Storage Lockers. A minimum of one (1) bicycle storage locker for each building on the Property shall be provided on the Property and built to the standards published in the Essentials of Bike Parking by the Association of Pedestrian and Bicycle Professionals.
- D. The Applicant shall require that construction traffic shall approach and depart from the Property using routes from I-66 and Route 29 that will not require such traffic to pass through the Town of Haymarket. During any construction on the Property, this traffic bypass plan shall be coordinated with and approved by the Prince William County Department of Transportation and the Virginia Department of Transportation. During any construction on the Property, the traffic bypass plan shall be monitored by a specific point of contact on the Property, who's name and contact information shall be provided to the Prince William County Department of Transportation prior to the start of any construction on the Property.

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E. Right-of-way for Public Road Improvements Catharpin Road.

1. Dedication to Public Right-of-Way. Dedication to sufficient right-of-way has been recorded or shall be provided consistent with the DCSM MC-2 typical cross section within Area 1 identified on the Road Improvement sheet of the GDP and consistent with the MC-1 typical cross section within Area 2 identified on the Road Improvement sheet of the GDP/SUP. In the event that changes in circumstances result in a reduction in the width of the right-of-way necessary along the frontage of the Property, the Applicant may re-incorporate such area back into the Property and adjust the setbacks, buffers and similar design commitments based on the new right-of-way location.
2. Acquisition. In the event additional right-of-way is needed to construct turn lanes improvements, and the Applicant is not able to acquire the right-of-way, easement(s), or other property interest (herein “property interests”) required in order to provide the improvements identified hereinabove, the Applicant shall request the County to acquire the necessary property interests by exercise of its condemnation powers, at the Applicant’s expense. The Applicant’s request shall be in writing and shall comply in all respects with the County’s Eminent Domain Policy in place at the time of the request. The request shall be made to the appropriate County agency and shall be accompanied by the following:
 - a. The names of the record owners, the property addresses, and GPIN numbers for each landowner from whom such property interests are sought.
 - b. Plats, plans and profiles showing the necessary property interest to be acquired and showing the details of the proposed transportation improvements to be located on each property.
 - c. An independent appraisal of the value of the property interests to be acquired, and any and all damages to the residue of the involved property, performed by an appraiser licensed in Virginia and approved by the County.
 - d. A 60-year title search of each involved property.
 - e. Documentation demonstrating to the County’s reasonable satisfaction the Applicant’s good faith, best efforts to acquire the property interests, at a cost not

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less than their appraised value.

- f. A letter of credit acceptable to the County, cash, or equivalent (from a financial institution acceptable to the County) in an amount equal to the appraised value of the property interests to be acquired, and all damages to the residue, together with an amount representing the County's estimate of its cost of condemnation proceedings, in a form permitting the County to draw upon the same as necessary to effectuate the purposes hereof.
- g. An Agreement signed by the Applicant's representative and approved by the County Attorney whereby the Applicant agrees to pay all costs of the condemnation, including expert witness fees, court costs, exhibit costs, court reporter fees, reasonable attorney fees for the Office of the County Attorney, and all other costs associated with the litigation, including appeals. The Agreement shall specifically provide that in the event the property owner is awarded at trial more than the appraised value estimate by the Applicant's appraiser, or that the County elects to settle with the condemnee without trial for a greater sum, the Applicant shall pay to the County the amount of the award in excess of the amount represented by the letter of credit or cash deposit within 15 days of the award.
- h. In the event that Prince William County and/or the Commonwealth of Virginia do not secure access to the right-of-way necessary for the proffered road improvements within eighteen (18) months of the Applicant providing the preceding information, said improvements shall not be required. During the period while any such condemnation is being pursued, the County shall not withhold permits, approvals and/or bonds requested by or required of the Applicant.

7. WATER AND SEWER

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

8. ADDITIONAL PROFFERS

- A. Escalator. In the event the monetary contributions set forth in the Proffer Statement are paid to the Prince William County Board of County Supervisors within 18 months of

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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 six percent (6%) per year, non-compoundable.

- B. For purposes of this Proffer Statement, “final rezoning” shall be defined as that zoning which is in effect on the day following the last day upon which the Prince William Board of County Supervisors’ decision granting the rezoning may be contested in the appropriate court or, if contested, the day following entry of a final court order affirming the decision of the Board of County Supervisors which has not been appealed, or if appealed, the day following which the decision has been affirmed on appeal.

[SIGNATURE(S) ON FOLLOWING PAGE]

PROFFER STATEMENT
John Marshall Commons Technology Park
#REZ2021-00003
Date: January 13, 2022

SIGNATURE PAGE

By: _____

Title: _____

Date: _____



PLANNING COMMISSION RESOLUTION

MOTION: **January 26, 2022**

SECOND: **Regular Meeting**

RES. No. 22-xxx

**RE: SPECIAL USE PERMIT #SUP2021-00004, JOHN MARSHALL COMMONS TECH PARK
GAINESVILLE MAGISTERIAL DISTRICT**

ACTION:

WHEREAS, this is a special use permit request to allow for data center uses outside of the Data Center Opportunity Zone Overlay District. There is also a concurrent request to rezone ±22.72 acres from B-1, General Business, and M-2, Light Industrial, to O(M), Office Mid-Rise, for the purpose of developing a data center campus; and

WHEREAS, the site ±22.72-acre property is located to the south of Interstate 66, at the northwestern intersection of Catharpin Road and John Marshall Highway (Route 55), and is identified on County maps as GPINs 7397-36-8980, 7397-46-4050, 7397-46-4281, and 7397-47-7731; and

WHEREAS, the site is designated CEC, Community Employment Center, in the Comprehensive Plan, and is located within the I-66 / Route 29 Sector Plan special planning area; and

WHEREAS, the site is zoned B-1, General Business, and M-2, Light Industrial, and is partially located within the Airport Safety Overlay District; and

WHEREAS, on November 3, 2021, the Prince William County Planning Commission left the public hearing open and deferred Special Use Permit #SUP2021-00004, John Marshall Commons Tech Park, to the second Planning Commission meeting in January of 2022, and with five recommendations to be addressed by the Applicant; and

WHEREAS, the Applicant submitted revisions/updates to further address recommended actions made by the Planning Commission, and those revisions were presented on January 26, 2022 for further consideration by the Planning Commission; and

WHEREAS, the Prince William County Planning Commission finds that public necessity, convenience, general welfare, and good zoning practice are served by recommending approval of this request;

NOW, THEREFORE, BE IT RESOLVED that the Prince William County Planning Commission does hereby close the public hearing and recommend approval of Special Use Permit #SUP2021-00004, John Marshall Commons Tech Park, subject to the conditions dated January 13, 2022.

ATTACHMENT: SUP Conditions, dated January 13, 2022

Votes:

Ayes:

Nays:

Abstain from Vote:

Absent from Vote:

Absent from Meeting:

MOTION CARRIED

Attest:

Robbyn L. Smith
Clerk to the Planning Commission

SPECIAL USE PERMIT CONDITIONS
John Marshall Commons Tech Park
Applicant: CTP-II, LLC (the "Applicant")
Owner: Gainesville Sixty-Six, LC
Special Use Permit #SUP2021-00004
GPINs: 7397-36-8980; 7397-46-4050; 7397-46-4281; and 7397-47-7731 (the "Property")
Special Use Permit Area: ±22.72 acres
Zoning: O(M), Office Mid-Rise (proposed)
Magisterial District: Gainesville
Date: January 13, 2022

The following conditions are intended to offset the impacts of the proposal and to render the application consistent with the applicable chapters of the Comprehensive Plan and the surrounding areas. If the conditions of this Special Use Permit ("SUP") or the Special Use Permit Plan (Plan) are in conflict with the approved proffers, Zoning Ordinance and/or the Design and Construction Standards Manual (the "DCSM") at the time of final site plan review or approval, the more restrictive standards shall apply, except as specifically allowed by this SUP.

The Applicant shall file a site plan within three (3) years of approval of this SUP by the Board of County Supervisors and shall have up to five (5) years from the date of final site plan approval to commence the proposed use. Issuance of an occupancy permit for the new use on the Property constitutes commencement of the use.

In addition to the conditions contained herein, the Property is subject to the proffers associated with Rezoning #REZ2021-00003, John Marshall Commons Tech Park.

1. Site Development: The Property shall be developed in substantial conformance with the Plan, as prepared by JCL Consulting, LLC, entitled "Generalized Development Plan and Special Use Permit Plan, John Marshall Commons Technology Park", dated December 20, 2021.
2. Use Limitation: The use permitted with this special use permit (SUP) shall be limited to a data center and uses secondary and ancillary to a data center, such as offices. This SUP does not approve an electric substation on the Property.
3. Data Center Building Design: As permitted through this SUP, principal building façades facing or visible from John Marshall Highway (Route 55), Catharpin Road, and Interstate 66, and shall incorporate consistent design, materials, and details, and shall avoid the use of undifferentiated surfaces by including at least four (4) of the following design elements for enhanced design, as set forth in Section 32-509.02.4(A)(1) of the Zoning Ordinance:
 - change in building height
 - building step-backs or recesses;
 - fenestration;
 - change in building material, pattern, texture, color; or
 - use of accent materials.

SUP Conditions

4. Sustainability Measures: Any data center building developed on the Property shall include the site/building sustainability measures as listed below. Compliance with this condition shall be demonstrated at the time of final site plan approval.
 - i. Permeable paving;
 - ii. Recycled aggregate materials;
 - iii. Aeration of ponds utilizing solar power;
 - iv. Recycling of construction material waste;
 - v. Use of high recycled content construction materials;
 - vi. LED site and interior lighting; and
 - vii. Heat reflective roofing materials.



COMPTON & DULING
Attorneys At Law

December 30, 2021

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PLANNING OFFICE
PRINCE WILLIAM COUNTY

(703) 565-5123

sp@comptonduling.com

VIA HAND DELIVERY

Scott Meyer, Planner III
Prince William County Planning Office
Five County Complex Court
Prince William, VA 22192

**Re: John Marshall Commons Technology Park
#REZ2021-00003 and #SUP2021-00004**

Dear Mr. Meyer:

As you are aware, the Planning Commission held public hearings for the referenced cases on November 3, 2021. The Planning Department recommended that the Planning Commission recommend approval of the rezoning and Special Use Permit. The basis for the staff recommendations for approval was stated in the staff report as follows:

- *The proposed data center campus with related uses furthers the employment goals central to the CEC, Community Employment Center, use designation.*
- *The concurrent rezoning and special use permit proposals enable the delivery of a data center campus, which is a targeted industry use.*
- *As proffered, the project will have a specific layout, data center design features, landscaping enhancements/buffering, access improvements, and other useful parameters to mitigate the impacts.*

The staff report also noted that the Planning Commission has until February 1, 2022 to act on the rezoning and special use permit proposals.

The Planning Commission closed the public hearing on the rezoning request but voted to defer action on the requested rezoning and special use permit to January 26, 2022. The public hearing on the special use permit was left open. The Commission cited the following reasons for deferral:

1. To allow time for the County's Data Center Overlay Study to be completed and review recommendations.
2. Acting now is premature, while the study is ongoing with fact-finding and focus groups currently providing input.
3. To allow citizens and Planning staff to provide input and recommendations on how the I-66/Route 29 and Haymarket Activity Centers might be developed, including this site.
4. Applicant shall finalize with staff all outstanding proffer items and updates prior to consideration at the second Planning Commission meeting in January of 2022.
5. Provide greater clarification with a detailed explanation of electrical power needs and where it would come from in serving the site.

The follow-up response to the statements in the Planning Commission resolution is provided in the attached comments matrix.

In addition, a revised proffer statement is being provided, and Five (5) copies of the revised Generalized Development and Special Use Permit Plan (GDP/SUP Plan) are also provided to address comments in the staff report. Revisions to the GDP/SUP Plan include the following:

- Revision to the Limits of Clearing and Grading to preserve more mature trees.
- Addition of a retaining wall to facilitate the preservation of mature trees in the 50-foot buffer adjacent to PACE West School.

Please review this submission package, and if you do not find everything in order, call me immediately. Thank you for your attention to this matter.

Sincerely,

COMPTON & DULING, L. C.

Sherman Patrick, Jr.

Sherman Patrick, Jr., AICP
Director of Zoning & Entitlements

cc: CTP-II, LLC

Response Matrix

December 30, 2021

The following additional information and revisions are provided for Planning Commission consideration:

Planning Commission Comment	Follow-up
1. To allow time for the County’s Data Center Overlay Study to be completed and review recommendations.	The Overlay Study initiated by the Board of Supervisors in May of 2021 is ongoing with no specific date for completion. The Study was divided into four tasks. <i>Task 1: Background Research</i> is not complete.
2. Acting now is premature, while the study is ongoing with fact-finding and focus groups currently providing input.	<i>Task 2: Public Outreach and Engagement</i> is ongoing with no specific date for completion. Stakeholder meetings were held, and survey results were compiled and are posted on the county website.
3. To allow time for citizens and Planning staff to provide input and recommendations on how the I-66/Route 29 and Haymarket Activity Centers might be developed, which includes this site.	The subject property is not within the boundaries of the <i>I-66/US 29 Activity Center</i> and/or <i>Haymarket Activity Centers</i> . Drafts of these activity centers were presented on July 20, 2021, and August 4, 2021, respectively. Both were revised on December 14, 2021. The John Marshall Common Technology Park proposal and the adjacent approved data center uses (Village Place Technology Center and I-66/Rte. 29 Technology Center) are noted in the Activity Center reports.
4. Applicant shall finalize with staff all outstanding proffer items and updates prior to consideration at the second Planning Commission meeting in January of 2022.	The staff recommendation is for the requested rezoning and special use permit are approval as previously proffered. However, additional proffered conditions are included with this submittal.
5. Provide greater clarification with a detailed explanation of electrical power needs and where it would come from in serving the site.	The power needed to supply the subject proposal is available. Power availability data was provided with the Village Place Technology Center, the I-66/Rte. 29 Technology Center, and this application for John Marshall Commons Technology Center. The Planning Commission held a work session with Dominion Power on December 15, 2021. The Dominion Power presentation and discussion with the Commission lasted approximately one hour and fifteen minutes. There is adequate utility service for the proposed use.

PROFFER STATEMENT

John Marshall Commons Technology Park December 30, 2021

Rezoning:	#REZ2021-00003
Owner/Applicant:	CTP-II, LLC
G.P.I.Ns.:	7397-46-4281, 7397-46-4050, 7397-36-8980 7397-47-7731
Acreage:	±22.72
Magisterial District:	Gainesville
Current Zoning:	B-1, General Business and M-2, Light Industrial
Proposed Zoning:	O(M), Office Mid-Rise

The undersigned hereby proffers that the use and development of the subject Property shall be in substantial conformance with the following conditions. In the event the above-referenced rezoning is not granted as applied for by the Applicant and if the Special Use Permit processed concurrently with this rezoning that is required to allow the proffered principal use is not granted as applied for, these proffer conditions shall be withdrawn and are null and void, and the Property shall be developed in accordance with the proffered conditions approved in REZ#87-51. The headings of the proffered conditions set forth below have been prepared for convenience of 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 adjacent to the improvement, unless otherwise specified. The terms "Applicant" and "Developer" shall include all future owners and successors in interest. The term "Property" shall mean the property that is the subject of the rezoning proposed herein.

For purposes of reference in this Proffer Statement, the Generalized Development and Special Use Permit Plan refer to the plan prepared by JCL Consulting, LLC, entitled "Generalized Development Plan and Special Use Permit Plan, John Marshall Commons Technology Park" dated December 20, 2021 and contains the following plan sheets:

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John Marshall Commons Technology Park
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Sheet 1	Cover Sheet
Sheet 2	Generalized Development and Special Use Permit Plan
Sheet 3	Landscape Plan
Sheet 4	Details
Sheet 5	Road Improvements Plan

1. USES AND DEVELOPMENT

- A. Generalized Development and Special Use Permit Plan (GDP/SUP). The Property, consisting of approximately 22.72 acres, shall be developed in substantial conformance with the GDP/SUP with respect to the location and design of right-of-way entrance locations, road improvements, limits of clearing and grading, and buffers indicated on the GDP/SUP Plan.
- B. The Property shall be subject to those uses and development standards applicable to the O(M), Office Mid-Rise, zoning district pursuant to Zoning Ordinance Section 32-402.30 et seq, subject to the following:
- a. The Property shall be used as a Data Center and uses secondary and ancillary to a Data Center.
 - b. The development of the subject Property shall be in substantial conformance with the GDP/SUP with respect to the location and design of right-of-way entrance locations, road improvements, limits of clearing and grading, landscaping strips, additional planting areas, and buffers indicated on the GDP/SUP Plan.
 - c. The minimum principal building setback from John Marshall Highway and Interstate Route 66 (I-66) shall be 135 feet. The minimum principal building setback from Catharpin Road shall be 75 feet. The minimum principal building setback from the adjacent public school property shall be 110 feet. Buildings, fences and structures necessary for security measures, and other ancillary structures supportive of the operations of the data center, shall be located in accordance with the requirements of the zoning ordinance or as proffered herein.

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- d. The maximum building height shall be 70 feet.
- e. The maximum data center Floor Area Ratio shall be 0.50.
- f. The maximum site coverage shall be 60%.
- g. Right-of-way Entrance. The entrance along Catharpin Road shall be the primary entrance to the Property upon completion of development.

2. COMMUNITY DESIGN

A. Building Finishes. The building design shall be in substantial conformance with the Building Elevations titled, “John Marshall Commons Technology Park” prepared by Penney Design Group and dated June 25, 2020. The Applicant shall submit the architectural elevations to the Planning Director for review and approval for consistency with the architecture proposed herein a minimum of two weeks prior to the request for issuance of the building permits for such buildings. Variations from the elevations proposed herein shall be permitted, provided the integrity of the overall quality of the design is not compromised and subject to a finding by the Planning Director that the variation will provide an equal or improved design.

- 1. Principal building façades facing or visible from John Marshall Highway and Catharpin Road shall incorporate consistent design, materials, and details and shall avoid the use of undifferentiated surfaces by including at least two of the following design elements:
 - change in building height;
 - building step-backs or recesses;
 - fenestration;
 - change in building material, pattern, texture, color; or
 - use of accent materials.

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- B. Screening of mechanical equipment. Ground level and roof top mechanical equipment shall be screened from John Marshall Highway and adjacent properties. Mechanical equipment not screened (blocked) from view as a result of its location relative to the principal building, other structures, and/or existing vegetation or landscape buffering, shall be screened by a visually solid fence, screen wall or panel, parapet wall, or other visually solid screen that shall be constructed of materials compatible with those used in the exterior construction of the principal building. Notwithstanding the requirements of this section, mechanical equipment located in a manner found to have no adverse impact on adjacent roads and adjacent properties, as determined by the Planning Director, shall not be required to be screened.
- C. Buffers and Landscaping.
1. John Marshall Highway. A 30-foot landscaping strip shall be provided along the abutting right-of-way as shown on the GDP/SUP Plan adjacent to John Marshall Highway. The plant requirements within and adjacent to the landscaping strip shall be equal to the planting requirement for a Type B buffer area as required in Table 8-2 of the Design and Construction Standards Manual (DCSM). The final design shall be determined during the review and approval of the final site plan.
 2. Catharpin Road. A 30-foot landscaping strip shall be provided along the abutting right-of-way as shown on the GDP/SUP Plan adjacent to Catharpin Road, containing a combination of natural topography and preservation of existing vegetation having sufficient density, depth, and height, supplemented with new plantings if deemed necessary by the County during the final site plan review and approval process. The plant requirements within and adjacent to the landscaping strip shall be equal to the planting requirement for a Type B buffer area as required in Table 8-2 of the DCSM. The final design shall be determined during the review and approval of the final site plan.
 3. Additional Planting Areas. Areas labeled as Additional Planting on the GDP/SUP Plan are intended to complement and expand the planting required in the Landscaping Strip and Buffers shown on the GDP/SUP Plan and shall provide additional trees for screening. The area between the landscaping required by the DCSM for the Storm

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Water Management pond and the Landscaping Strip, and Buffer, shall be landscaped in a manner that complements and expands the planting required in the Landscaping Strip and Buffers shown on the GDP/SUP Plan and shall provide additional trees for screening. The final design shall be determined during the review and approval of the final site plan.

4. Interstate Highway. A 50-foot buffer shall be provided along the abutting right-of-way as shown on the GDP/SUP Plan adjacent to I-66, containing a combination of natural topography and preservation of existing vegetation having sufficient density, depth, and height, supplemented with new plantings if deemed necessary during the final site plan review process, to provide separation and screening equivalent to Buffer Type C as established by the DCSM. The final design shall be determined during the review and approval of the final site plan.
5. Adjacent to School and Fire Station. A 50-foot buffer shall be provided along the common property line with the PACE West School and between the existing fire station property and the use proposed herein adjacent to the western common property line that measures approximately 300 feet as shown on the GDP/SUP Plan. A 30-foot wide buffer shall be provided along the unimproved right-of-way known as Gainesville Drive as shown on the GDP/SUP Plan. This buffer shall contain a combination of natural topography and preservation of existing vegetation having sufficient density, depth, and height, supplemented with new plantings if deemed necessary during the final site plan review and approval process, to provide separation and screening equivalent to Buffer Type A as established by the DCSM. The final design shall be determined during the review and approval of the final site plan.
6. Native Species. All plantings located within landscape areas and buffers shall consist of drought tolerant species appropriate for the climate and location proposed, and shall predominately consist of native species in accordance with the DCSM. Where possible, existing vegetation in landscape areas and buffers (when it is native and good quality) shall be preserved and incorporated into the design and supplemented by additional plantings, as may be required to meet minimum requirements of the DCSM. Where existing vegetation is undisturbed within required or proffered landscape areas and landscape buffers, said existing vegetation shall be credited

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against the plant unit and/or tree canopy requirements as may be identified in the DCSM.

- D. Fencing. Security fencing of the style and type recommended in Zoning Ordinance Section 32-509.02. 4. (D), or an equivalent style and type, shall be provided where such fencing would be visible from public or private street frontages. Chain-link fencing, with or without slatted inserts, and /or barbed wire or other similar visible deterrence devices shall not be permitted where visible from public or private streets. The Planning Director may allow for alternative compliance with this requirement, provided the Applicant demonstrates that the fencing visibility is reduced, through the use of landscaping and other methods to reduce visibility.
- E. Service Areas.
1. Refuse Storage Area. Refuse collection areas, loading and service areas shall be oriented away from John Marshall Hwy and Catharpin Road unless substantially screened from view by landscaping and/or a screening wall or fence. The orientation of refuse collection, areas and loading and service areas, and the method of screening, shall be reflected on the final site plan.
 2. Electrical Gear. Electrical switch gear, electrical metering equipment, and similar appurtenant uses, if any, shall be screened from adjacent major roads and the adjacent public properties as follows
 - a) Ten-foot-tall opaque fencing facing residentially zoned/planned properties. The Planning Director may allow for alternative compliance with this requirement, provided the Applicant demonstrates that the need for such fencing is reduced due to the height of the equipment being screened, placement of such equipment relative to buildings and adjacent properties and through the use of landscaping and/or other methods to reduce visibility.
- F. Utilities and Required Landscaping. Utilities within landscape areas and landscape buffers shall be limited to the extent and in the manner permitted by the DCSM, and when utility crossings are necessary, the crossing shall be located and aligned

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perpendicular based on final engineering considerations and subject to County approval during final site plan review.

- G. Signage. All signage shall comply with the standards set forth in the Zoning Ordinance and DCSM. In addition, the following shall apply to signage and advertising on the Property:
1. Monument Sign. A single freestanding monument style sign shall be permitted along the Catharpin Road frontage of the Property. The maximum freestanding sign height shall be ten (10) feet and the sign shall be set back a minimum of ten (10) feet from the public right-of-way. Landscaping shall be provided at the base of the sign and the sign shall have a stone face. The location of the sign along the public road frontage shall be determined at the time of final site plan approval and sign permit approval in coordination with the final landscaping design.
 2. Sign Permits. Sign permits are required for all signs. Colored, scaled renderings of all signage shall be submitted as part of the sign permit approval process.
- H. Exterior Lighting. All exterior lighting fixtures shall be “energy-saving” and shall include “focused sharp cutoff” designs that direct light downward and into the interior of the Property and away from adjacent roads and/or adjacent properties. Exterior fixtures shall be fully shielded to prevent glare from projecting onto the adjacent residential properties.
1. Freestanding Parking Lot Lights shall have a maximum height of 20 feet and shall be shown on the final site plans.
 2. Building Mounted Lighting shall be a maximum of 30 feet in height and shall be shown on the final site plans.
- I. Sound Pressure Levels. The Applicant shall not exceed the maximum permissible sound pressure levels as described in the Section 14-4 of the Prince William County Code. Such levels shall be measured at the Property boundary. Security personnel, which will be on-duty continuously, shall be responsible to communicate any sound pressure questions or concerns to the appropriate managerial authority at the data center.

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- J. Variations in Design Providing Improved or Equal Quality. Variations from the GDP/SUP Plan, screening, and Landscaping Plan proffered herein whether proposed at the time of initial development of the Property or as a part of a site plan revision shall be permitted, provided the integrity of the overall site layout and design is not compromised and subject to a finding by the Planning Director that the variation will provide an equal or improved design.

3. ENVIRONMENTAL

- A. Water Quality Monitoring. 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, drainage improvements and/or stream restoration projects. Said contribution shall be made prior to and as a condition of final site plan approval with the amount to be based on the final site plan area acreage.
- B. SWM/BMP. Stormwater Management and/or Best Management Practices shall be provided on-site and/or off-site, (pursuant to Section 32-250.73.1 of the Zoning Ordinance), and in accordance with the DCSM, unless modified or waived during final site plan review.
- C. Low Impact Development (LID). The Applicant shall provide a minimum of one (1) Low-Impact Development (LID) Best Management Practice to treat stormwater from the Property. Such LID practice may include, but shall not be limited to, water quality swales, bioretention facilities/rain gardens, sheet flow to vegetated buffers, or any alternative LID practice proposed by the Applicant and deemed to be acceptable to the County Public Works Department, Watershed Management Branch. The location of the LID practice shall be shown on the first final site plan, or construction plans and profiles, whichever is first in time, for the Property.
- D. Existing Vegetation. The Applicant shall develop the Property in substantial conformance with the limits of clearing and grading as shown on the GDP/SUP Plan, final engineering considerations, subject to County review and approval, and to the extent practicable, preservation of existing mature vegetation that is consistent with the locations of

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landscaped buffers and open spaces shown on the GDP/SUP Plan and on the final site plans. The following exceptions to the limits of clearing and grading shall be allowed:

1. The installation of plant materials, if needed for landscaping, revegetation or to supplement existing vegetation;
 2. The removal of noxious vegetation, such as poison ivy, poison oak, etc., as well as dead, dying, or hazardous trees;
 3. The installation and/or maintenance of any required or existing utilities and the location of utilities shall be in accordance with the DCSM and subject to County review and approval;
 4. Installation and maintenance of trails, benches or other appurtenances to enhance the enjoyment of open space areas on the Property.
- E. Tree Preservation Plan. The Applicant shall provide a Tree Preservation Plan (TPP) for the minimum setback areas, buffers, and limits of clearing and grading as shown in the GDP/SUP Plan. The TPP shall be done in accordance with Plant Selection Guide, Section III of the DCSM.
- F. Spill Prevention and Containment. The Applicant shall comply with all applicable County, State and Federal regulations regarding spill prevention and control requirements for the proposed uses (e.g., Code of Federal Regulation (CFR) Chapter 40, Part 112 – Oil Pollution Prevention and Response; and Commonwealth of Virginia Regulation 9 VAC 25-91-130, et seq., Pollution Prevention Requirements). During the review of the final site plans, the Applicant shall provide the Fire Marshal’s Office with a copy of the protocols specific to the Property for review and comment and thereafter coordinate with local officials as appropriate.
- G. Wetland Preservation and Mitigation. Areas identified as wetlands outside of the limits of clearing and grading requiring preservation shall be preserved as indicated on the GDP/SUP or such impacts shall be mitigated in accordance with County, State and Federal laws, codes, regulations, ordinances, and requirements.

4. FIRE & RESCUE

Prior to the issuance of the occupancy permit issuance for each building the Applicant shall submit a monetary contribution of \$0.61 per square foot of gross floor area of principal building area to the Board of County Supervisors to be used for fire and rescue purposes.

5. CULTURAL RESOURCES

- A. Artifacts. Artifacts collected during the Phase I Archaeological study shall be gifted to the County. Ownership of all records submitted to the County for curation shall be transferred to the County with a letter of gift. Private individuals shall be allowed access to materials donated to the County upon reasonable notice to the appropriate authority within the County and such access may be accompanied by a County staff member.
- B. Historical Marker. The Applicant shall install one (1) Historical Marker on the Property which provides a description of the Property's history. The content and design specifications on the marker shall be prepared in consultation with the County Archaeologist and the Historical Commission prior to final site plan approval. The location of the marker shall be shown on the approved final site plan. The historical marker shall be installed prior to bond release.

6. TRANSPORTATION

- A. Entrance Improvements. The Applicant shall construct entrance improvements including sidewalks/shared use paths and lane widening across the frontage of the Property as depicted on the GDP/SUP. In the event that changes in the Comprehensive Plan or other circumstances result in a reduction in the road or pedestrian improvements required across the frontage of the Property, the Applicant may construct a lesser adopted design subject to Virginia Department of Transportation and Prince William County Department of Transportation approval. At a minimum, the road improvements across the frontage of the Property shall include the following:
 - 1. The entrance on Catharpin Road shall be the primary entrance to the Property upon completion of development.

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- a. Right Turn Lane. The Applicant shall construct a right turn bay of 100 feet with a 100 foot long taper at the entrance from Catharpin Road. Pavement markings shall meet Virginia Department of Transportation minimum standards.
 - b. Left Turn Lane. The Applicant shall construct a left turn bay of 100 feet with a 100 foot taper at the entrance from Catharpin Road. Pavement markings shall meet Virginia Department of Transportation minimum standards.
2. Entrance 2. The secondary entrance shall be available upon completion of development of the Property pursuant to this rezoning and shall connect to the right-of-way known as Gainesville Drive or to the access driveway to the fire department on the abutting Property. The secondary entrance shall be used primarily for emergency access purposes.
- B. Modifications to Road Improvements. Subject to approval by the Prince William County Department of Transportation and the Virginia Department of Transportation, the Applicant may receive modifications to the road improvement plan and/or to phased completion of required road improvements to address unforeseen or unavoidable delays such as in utility relocation, weather delay, availability of right-of-way, availability of materials, permitting process for public improvements such as traffic signals, changes to design requirements or policies preventing installation or construction of improvements proffered herein, and/or similar factors outside of the applicants control, provided that such modification, whether permanent or temporary, provides essentially the same level of service as the design proffered herein.
- C. Bicycle Storage Lockers. A minimum of one (1) bicycle storage locker for each building on the Property shall be provided on the Property and built to the standards published in the Essentials of Bike Parking by the Association of Pedestrian and Bicycle Professionals.
- D. The Applicant shall require that construction traffic shall approach and depart from the Property using routes from I-66 and Route 29 that will not require such traffic to pass through the Town of Haymarket. During any construction on the Property, this traffic bypass plan shall be coordinated with and approved by the Prince William County

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Department of Transportation and the Virginia Department of Transportation. During any construction on the Property, the traffic bypass plan shall be monitored by a specific point of contact on the Property, who's name and contact information shall be provided to the Prince William County Department of Transportation prior to the start of any construction on the Property.

E. Right-of-way for Public Road Improvements Catharpin Road.

1. Dedication to Public Right-of-Way. Dedication to the right-of-way width sufficient has been recorded or shall be provided consistent with the DCSM MC-2 typical cross section within Area 1 identified on the Road Improvement sheet of the GDP and consistent with the MC-1 typical cross section within Area 2 identified on the Road Improvement sheet of the GDP/SUP. In the event that changes in circumstances result in a reduction in the width of the right-of-way necessary along the frontage of the Property, the Applicant may re-incorporate such area back into the Property and adjust the setbacks, buffers and similar design commitments based on the new right-of-way location.
2. Acquisition. In the event additional right-of-way is needed to construct turn lanes improvements, and the Applicant is not able to acquire the right-of-way, easement(s), or other property interest (herein "property interests") required in order to provide the improvements identified hereinabove, the Applicant shall request the County to acquire the necessary property interests by exercise of its condemnation powers, at the Applicant's expense. The Applicant's request shall be in writing and shall comply in all respects with the County's Eminent Domain Policy in place at the time of the request. The request shall be made to the appropriate County agency and shall be accompanied by the following:
 - a) The names of the record owners, the property addresses, and GPIN numbers for each landowner from whom such property interests are sought.
 - b) Plats, plans and profiles showing the necessary property interest to be acquired and showing the details of the proposed transportation improvements to be located on each property.

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- c) An independent appraisal of the value of the property interests to be acquired, and any and all damages to the residue of the involved property, performed by an appraiser licensed in Virginia and approved by the County.
- d) A 60-year title search of each involved property.
- e) Documentation demonstrating to the County's reasonable satisfaction the Applicant's good faith, best efforts to acquire the property interests, at a cost not less than their appraised value.
- f) A letter of credit acceptable to the County, cash, or equivalent (from a financial institution acceptable to the County) in an amount equal to the appraised value of the property interests to be acquired, and all damages to the residue, together with an amount representing the County's estimate of its cost of condemnation proceedings, in a form permitting the County to draw upon the same as necessary to effectuate the purposes hereof.
- g) An Agreement signed by the Applicant's representative and approved by the County Attorney whereby the Applicant agrees to pay all costs of the condemnation, including expert witness fees, court costs, exhibit costs, court reporter fees, reasonable attorney fees for the Office of the County Attorney, and all other costs associated with the litigation, including appeals. The Agreement shall specifically provide that in the event the property owner is awarded at trial more than the appraised value estimate by the Applicant's appraiser, or that the County elects to settle with the condemnee without trial for a greater sum, the Applicant shall pay to the County the amount of the award in excess of the amount represented by the letter of credit or cash deposit within 15 days of the award.
- h) In the event that Prince William County and/or the Commonwealth of Virginia do not secure access to the right-of-way necessary for the proffered road improvements within eighteen (18) months of the Applicant providing the preceding information, said improvements shall not be required. During the period while any such condemnation is being pursued, the County shall not

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withhold permits, approvals and/or bonds requested by or required of the Applicant.

7. WATER AND SEWER

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

8. COMMUNITY CONTRIBUTIONS

- A. Educational Program. The Applicant shall contribute \$100,000 to the Board of County Supervisors for PACE West School to be used for facilities and educational programs, materials, equipment and/or assistance of the students of the PACE program. Said contribution shall be provided prior to the release of the building permit for a data center building.
- B. SPARK. The Applicant shall contribute \$100,000 to SPARK to advance educational opportunities for county students in technical and vocational fields related to the data center industry such as information technology, mechanical infrastructure and electrical infrastructure. Said contribution shall be provided prior to the release of the building permit for a data center building.

9. ADDITIONAL PROFFERS

- A. Escalator. In the event the monetary contributions set forth in the Proffer Statement are paid to the Prince William County Board of County Supervisors 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 six percent

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(6%) per year, non-compoundable.

- B. For purposes of this Proffer Statement, “final rezoning” shall be defined as that zoning which is in effect on the day following the last day upon which the Prince William Board of County Supervisors’ decision granting the rezoning may be contested in the appropriate court or, if contested, the day following entry of a final court order affirming the decision of the Board of County Supervisors which has not been appealed, or if appealed, the day following which the decision has been affirmed on appeal.

SIGNATURE PAGE

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By: _____

Title: _____

Date: _____

PROFFER STATEMENT

John Marshall Commons Technology Park

~~October 21~~ December 30, 2021

Rezoning:	#REZ2021-00003
Record Owners:	Gainesville Sixty Six L-C
<u>Owner/Applicant:</u>	CTP-II, LLC
G.P.I.Ns.:	7397-46-4281, 7397-46-4050, 7397-36-8980 7397-47-7731
Acreage:	±22.72
Magisterial District:	Gainesville
Current <u>Zoning</u> :	B-1, General Business and M-2, Light Industrial
Proposed <u>Zoning</u> :	O(M), Office Mid-Rise

The undersigned hereby proffers that the use and development of the subject Property shall be in substantial conformance with the following conditions. In the event the above-referenced rezoning is not granted as applied for by the Applicant and if the Special Use Permit processed concurrently with this rezoning that is required to allow the proffered principal use is not granted as applied for, these proffer conditions shall be withdrawn and are null and void, and the Property shall be developed in accordance with the proffered conditions approved in REZ#87-51. The headings of the proffered conditions set forth below have been prepared for convenience of 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 adjacent to the improvement, unless otherwise specified. The terms “Applicant” and “Developer” shall include all future owners and successors in interest. The term “Property” shall mean the property that is the subject of the rezoning proposed herein.

For purposes of reference in this Proffer Statement, the Generalized Development Plan and Special Use Permit Plan refer to the plan prepared by JCL Consulting, LLC, entitled “Generalized Development Plan, and Special Use Permit Plan, John Marshall Commons Technology Park” dated ~~September 1~~ December 20, 2021 and contains the following plan sheets:

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~~Applicant:~~ John Marshall Commons Technology Park

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Sheet 1	Cover Sheet
Sheet 2	Generalized Development <u>and Plan</u> /Special Use Permit Plan
Sheet 3	Landscape Plan
Sheet 4	Details
Sheet 5	Road Improvements <u>Plan</u>

1. USES AND DEVELOPMENT

- A. Generalized Development and Special Use Permit Plan (GDP/SUP). The Property, consisting of approximately 22.72 acres, shall be developed in substantial conformance with the GDP/SUP with respect to the location and design of right-of-way entrance locations, road improvements, limits of clearing and grading, and buffers indicated on the GDP/SUP Plan.
- B. The Property shall be subject to those uses and development standards applicable to the O(M), Office Mid-Rise, zoning district pursuant to Zoning Ordinance Section 32-402.30 et seq, subject to the following:
- a. The Property shall be used as a Data Center and uses secondary and ancillary to a Data Center.
 - b. The development of the subject Property shall be in substantial conformance with the GDP/SUP with respect to the location and design of right-of-way entrance locations, road improvements, limits of clearing and grading, landscaping strips, additional planting areas, and buffers indicated on the GDP/SUP Plan.
 - c. The minimum principal building setback from John Marshall Highway and Interstate Route 66 (I-66) shall be 135 feet. The minimum principal building setback from Catharpin Road shall be 75 feet. The minimum principal building setback from the adjacent public school property shall be 110 feet. Buildings, fences and structures necessary for security measures, and other ancillary structures supportive of the operations of the data center, shall be located in accordance with the requirements of the zoning ordinance or as proffered herein.

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- d. The maximum building height shall be 70 feet.
- e. The maximum data center Floor Area Ratio shall be 0.~~65~~50.
- f. The maximum site coverage shall be ~~65~~60%.
- g. Right-of-way Entrance. The entrance along Catharpin Road shall be the primary entrance to the Property upon completion of development.

2. COMMUNITY DESIGN

A. Building Finishes. The building design shall be in substantial conformance with the Building Elevations titled, "John Marshall Commons Technology Park" prepared by Penney Design Group and dated June 25, 2020. The Applicant shall submit the architectural elevations to the Planning Director for review and approval for consistency with the architecture proposed herein a minimum of two weeks prior to the request for issuance of the building permits for such buildings. Variations from the elevations proposed herein shall be permitted, provided the integrity of the overall quality of the design is not compromised and subject to a finding by the Planning Director that the variation will provide an equal or improved design.

- 1. Principal building façades facing or visible from John Marshall Highway and Catharpin Road shall incorporate consistent design, materials, and details and shall avoid the use of undifferentiated surfaces by including at least two of the following design elements:
 - change in building height;
 - building step-backs or recesses;
 - fenestration;
 - change in building material, pattern, texture, color; or

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- use of accent materials.

B. Screening of mechanical equipment. Ground level and roof top mechanical equipment shall be screened from John Marshall Highway and adjacent properties. Mechanical equipment not screened (blocked) from view as a result of its location relative to the ~~a~~ principal building, other structures, and/or existing vegetation or landscape buffering, shall be screened by a visually solid fence, screen wall or panel, parapet wall, or other visually solid screen that shall be constructed of materials compatible with those used in the exterior construction of the principal building. Notwithstanding the requirements of this section, mechanical equipment located in a manner found to have no adverse impact on adjacent roads and adjacent properties, as determined by the Planning Director, shall not be required to be screened.

C. Buffers and Landscaping.

1. John Marshall Highway. A 30-foot ~~buffer-landscaping strip~~ shall be provided along the abutting right-of-way as shown on the GDP/SUP Plan adjacent to John Marshall Highway. The plant requirements within and adjacent to the landscaping strip shall be equal to the planting requirement for a Type B buffer area as required in Table 8-2 of the Design and Construction Standards Manual (DCSM). The final design shall be determined during the review and approval of the final site plan.
2. Catharpin Road. A 30-foot ~~buffer-landscaping strip~~ shall be provided along the abutting right-of-way as shown on the GDP/SUP Plan adjacent to Catharpin Road, containing a combination of natural topography and preservation of existing vegetation having sufficient density, depth, and height, supplemented with new plantings if deemed necessary by the County during the final site plan review and approval process. The plant requirements within and adjacent to the landscaping strip shall be equal to the planting requirement for a Type B buffer area as required in Table 8-2 of the DCSM. The final design shall be determined during the review and approval of the final site plan.
- ~~2.3.~~ Additional Planting Areas. Areas labeled as Additional Planting on the GDP/SUP Plan are intended to complement and expand the planting required in the Landscaping Strip and Buffers shown on the GDP/SUP Plan and shall provide additional trees for

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screening. The area between the landscaping required by the DCSM for the Storm Water Management pond and the Landscaping Strip, and Buffer, shall be landscaped in a manner that complements and expands the planting required in the Landscaping Strip and Buffers shown on the GDP/SUP Plan and shall provide additional trees for screening. The final design shall be determined during the review and approval of the final site plan.

4. ~~Interstate Highway 66~~. A 50-foot buffer shall be provided along the abutting right-of-way as shown on the GDP/SUP Plan adjacent to ~~Interstate Route 66 (I-66)~~, containing a combination of natural topography and preservation of existing vegetation having sufficient density, depth, and height, supplemented with new plantings if deemed necessary during the final site plan review ~~and approval~~ process, to provide separation and screening equivalent to Buffer Type C as established by the ~~Design and Construction Standards Manual (DCSM)~~. The final design shall be determined during the review and approval of the final site plan.

~~3.5~~. Adjacent to School and Fire Station. A 50-foot buffer shall be provided along the common property line with the PACE West School and between the existing fire station property and the use proposed herein adjacent to the western common property line that measures approximately 300 feet as shown on the GDP/SUP Plan. A 30-foot wide buffer shall be provided along the unimproved right-of-way known as Gainesville Drive as shown on the GDP/SUP Plan. This buffer shall contain a combination of natural topography and preservation of existing vegetation having sufficient density, depth, and height, supplemented with new plantings if deemed necessary during the final site plan review and approval process, to provide separation and screening equivalent to Buffer Type A as established by the DCSM. The final design shall be determined during the review and approval of the final site plan.

4.6. Native Species. All plantings located within landscape areas and buffers shall consist of drought tolerant species appropriate for the climate and location proposed, and shall predominately consist of native species in accordance with the DCSM. Where possible, existing vegetation in landscape areas and buffers (when it is native and good quality) shall be preserved and incorporated into the design and supplemented by additional plantings, as may be required to meet minimum requirements of the

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DCSM. Where existing vegetation is undisturbed within required or proffered landscape areas and landscape buffers, said existing vegetation shall be credited against the plant unit and/or tree canopy requirements as may be identified in the DCSM.

- D. Fencing. Security fencing of the style and type recommended in Zoning Ordinance Section 32-509.02. 4. (D), or an equivalent style and type, shall be provided where such fencing would be visible from public or private street frontages. Chain-link fencing, with or without slatted inserts, and /or barbed wire or other similar visible deterrence devices shall not be permitted where visible from public or private streets. The Planning Director may allow for alternative compliance with this requirement, provided the Applicant demonstrates that the fencing visibility is reduced, through the use of landscaping and other methods to reduce visibility.
- E. Service Areas.
1. Refuse Storage Area. Refuse collection areas, loading and service areas shall be oriented away from John Marshall Hwy and Catharpin Road unless substantially screened from view by landscaping and/or a screening wall or fence. The orientation of refuse collection, areas and loading and service areas, and the method of screening, shall be reflected on the final site plan.
 2. Electrical Gear. Electrical switch gear, electrical metering equipment, and similar appurtenant uses, if any, shall be screened from adjacent major roads and the adjacent public properties as follows
 - a) Ten-foot-tall opaque fencing facing residentially zoned/planned properties. The Planning Director may allow for alternative compliance with this requirement, provided the Applicant demonstrates that the need for such fencing is reduced due to the height of the equipment being screened, placement of such equipment relative to buildings and adjacent properties and through the use of landscaping and/or other methods to reduce visibility.
- F. Utilities and Required Landscaping. Utilities within landscape areas and landscape buffers shall be limited to the extent and in the manner permitted by the DCSM, and

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when utility crossings are necessary, the crossing shall be located and aligned perpendicular based on final engineering considerations and subject to County approval during final site plan review.

G. Signage. All signage shall comply with the standards set forth in the Zoning Ordinance and ~~Design and Construction Standards Manual (DCSM)~~. In addition, the following shall apply to signage and advertising on the Property:

1. Monument Sign. A single freestanding monument style sign shall be permitted along the Catharpin Road frontage of the Property. The maximum freestanding sign height shall be ten (10) feet and the sign shall be set back a minimum of ten (10) feet from the public right-of-way. Landscaping shall be provided at the base of the sign and the sign shall have a stone face. The location of the sign along the public road frontage shall be determined at the time of final site plan approval and sign permit approval in coordination with the final landscaping design.

2. Sign Permits. Sign permits are required for all signs. Colored, scaled renderings of all signage shall be submitted as part of the sign permit approval process.

H. Exterior Lighting. All exterior lighting fixtures shall be “energy-saving” and shall include “focused sharp cutoff” designs that direct light downward and into the interior of the Property and away from adjacent roads and/or adjacent properties. Exterior fixtures shall be fully shielded to prevent glare from projecting onto the adjacent residential properties.

1. Freestanding Parking Lot Lights shall have a maximum height of 20 feet and shall be shown on the final site plans.

2. Building Mounted Lighting shall be a maximum of 30 feet in height and shall be shown on the final site plans.

I. Sound Pressure Levels. The Applicant shall not exceed the maximum permissible sound pressure levels as described in the Section 14-4 of the Prince William County Code. Such levels shall be measured at the Property boundary. Security personnel, which will be on-duty continuously, shall be responsible to communicate any sound pressure questions or concerns to the appropriate managerial authority at the data center.

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- J. Variations in Design Providing Improved or Equal Quality. Variations from the GDP/SUP Plan, screening, and Landscaping Plan proffered herein whether proposed at the time of initial development of the Property or as a part of a site plan revision shall be permitted, provided the integrity of the overall site layout and design is not compromised and subject to a finding by the Planning Director that the variation will provide an equal or improved design.

3. ENVIRONMENTAL

- A. Water Quality Monitoring. 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, drainage improvements and/or stream restoration projects. Said contribution shall be made prior to and as a condition of final site plan approval with the amount to be based on the final site plan area acreage.
- B. SWM/BMP. Stormwater Management and/or Best Management Practices shall be provided on-site and/or off-site, (pursuant to Section 32-250.73.1 of the Zoning Ordinance), and in accordance with the DCSM, unless modified or waived during final site plan review.
- C. Low Impact Development (LID). The Applicant shall provide a minimum of one (1) Low-Impact Development (LID) Best Management Practice to treat stormwater from the Property. Such LID practice may include, but shall not be limited to, water quality swales, bioretention facilities/rain gardens, sheet flow to vegetated buffers, or any alternative LID practice proposed by the Applicant and deemed to be acceptable to the County Public Works Department, Watershed Management Branch. The location of the LID practice shall be shown on the first final site plan, or construction plans and profiles, whichever is first in time, for the Property.
- D. Existing Vegetation. The Applicant shall develop the Property in substantial conformance with the limits of clearing and grading as shown on the GDP/SUP Plan, final engineering considerations, subject to County review and approval, and to the extent practicable,

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preservation of existing mature vegetation that is consistent with the locations of landscaped buffers and open spaces shown on the GDP/SUP Plan and on the final site plans. The following exceptions to the limits of clearing and grading shall be allowed:

1. The installation of plant materials, if needed for landscaping, revegetation or to supplement existing vegetation;
 2. The removal of noxious vegetation, such as poison ivy, poison oak, etc., as well as dead, dying, or hazardous trees;
 3. The installation and/or maintenance of any required or existing utilities and the location of utilities shall be in accordance with the DCSM and subject to County review and approval;
 4. Installation and maintenance of trails, benches or other appurtenances to enhance the enjoyment of open space areas on the Property.
- E. Tree Preservation Plan. The Applicant shall provide a Tree Preservation Plan (TPP) for the minimum setback areas, buffers, and limits of clearing and grading~~undisturbed areas~~ as shown in the GDP/SUP Plan. The TPP shall be done in accordance with Plant Selection Guide, Section III of the DCSM.
- F. Spill Prevention and Containment. The Applicant shall comply with all applicable County, State and Federal regulations regarding spill prevention and control requirements for the proposed uses (e.g., Code of Federal Regulation (CFR) Chapter 40, Part 112 – Oil Pollution Prevention and Response; and Commonwealth of Virginia Regulation 9 VAC 25-91-130, et seq., Pollution Prevention Requirements). During the review of the final site plans, the Applicant shall provide the Fire Marshal’s Office with a copy of the protocols specific to the Property for review and comment and thereafter coordinate with local officials as appropriate.
- G. Wetland Preservation and Mitigation. Areas identified as wetlands outside of the limits of clearing and grading requiring preservation shall be preserved as indicated on the GDP/SUP or such impacts shall be mitigated in accordance with County, State and Federal laws, codes, regulations, ordinances, and requirements.

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4. FIRE & RESCUE

Prior to the issuance of the occupancy permit issuance for each building the Applicant shall submit a monetary contribution of \$0.61 per square foot of gross floor area of principal building area to the Board of County Supervisors to be used for fire and rescue purposes.

5. CULTURAL RESOURCES

- A. Artifacts. Artifacts collected during the Phase I Archaeological study shall be gifted to the County. Ownership of all records submitted to the County for curation shall be transferred to the County with a letter of gift. Private individuals shall be allowed access to materials donated to the County upon reasonable notice to the appropriate authority within the County and such access may be accompanied by a County staff member.
- B. Historical Marker. The Applicant shall install one (1) Historical Marker on the Property which provides a description of the Property's history. The content and design specifications on the marker shall be prepared in consultation with the County Archaeologist and the Historical Commission prior to final site plan approval. The location of the marker shall be shown on the approved final site plan. The historical marker shall be installed prior to bond release.

6. TRANSPORTATION

- A. Entrance Improvements. The Applicant shall construct entrance improvements including sidewalks/shared use paths and lane widening across the frontage of the Property as depicted on the GDP/SUP. In the event that changes in the Comprehensive Plan or other circumstances result in a reduction in the road or pedestrian improvements required across the frontage of the Property, the Applicant may construct a lesser adopted design subject to Virginia Department of Transportation and Prince William County Department of Transportation approval. At a minimum, the road improvements across the frontage of the Property shall include the following:

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1. The entrance on Catharpin Road shall be the primary entrance to the Property upon completion of development.
 - a. Right Turn Lane. The Applicant shall construct a right turn bay of 100 feet with a 100 foot long taper at the entrance from Catharpin Road. Pavement markings shall meet Virginia Department of Transportation minimum standards.
 - b. Left Turn Lane. The Applicant shall construct a left turn bay of 100 feet with a 100 foot taper at the entrance from Catharpin Road. Pavement markings shall meet Virginia Department of Transportation minimum standards.
 2. Entrance 2. The secondary entrance shall be available upon completion of development of the Property pursuant to this rezoning and shall connect to the right-of-way known as Gainesville Drive or to the access driveway to the fire department on the abutting Property. The secondary entrance shall be used primarily for emergency access purposes.
- B. Modifications to Road Improvements. Subject to approval by the Prince William County Department of Transportation and the Virginia Department of Transportation, the Applicant may receive modifications to the road improvement plan and/or to phased completion of required road improvements to address unforeseen or unavoidable delays such as in utility relocation, weather delay, availability of right-of-way, availability of materials, permitting process for public improvements such as traffic signals, changes to design requirements or policies preventing installation or construction of improvements proffered herein, and/or similar factors outside of the applicants control, provided that such modification, whether permanent or temporary, provides essentially the same level of service as the design proffered herein.
- C. Bicycle Storage Lockers. A minimum of one (1) bicycle storage locker for each building on the Property shall be provided on the Property and built to the standards published in the Essentials of Bike Parking by the Association of Pedestrian and Bicycle Professionals.
- D. The Applicant shall require that construction traffic shall approach and depart from the Property using routes from I-66 and Route 29 that will not require such traffic to pass

PROFFER STATEMENT

~~Applicant:~~ John Marshall Commons Technology Park

#REZ2021-00003

Date: ~~October 24~~December 30, 2021

through the Town of Haymarket. During any construction on the Property, this traffic bypass plan shall be coordinated with and approved by the Prince William County Department of Transportation and the Virginia Department of Transportation. During any construction on the Property, the traffic bypass plan shall be monitored by a specific point of contact on the Property, who's name and contact information shall be provided to the Prince William County Department of Transportation prior to the start of any construction on the Property.

E. Right-of-way for Public Road Improvements Catharpin Road.

1. Dedication to Public Right-of-Way. Dedication to the right-of-way width sufficient has been recorded or shall be provided consistent with the DCSM MC-2 typical cross section within Area 1 identified on the Road Improvement sheet of the GDP and consistent with the MC-1 typical cross section within Area 2 identified on the Road Improvement sheet of the GDP/SUP. In the event that changes in circumstances result in a reduction in the width of the right-of-way necessary along the frontage of the Property, the Applicant may re-incorporate such area back into the Property and adjust the setbacks, buffers and similar design commitments based on the new right-of-way location.
2. Acquisition. In the event additional right-of-way is needed to construct turn lanes improvements, and the Applicant is not able to acquire the right-of-way, easement(s), or other property interest (herein "property interests") required in order to provide the improvements identified hereinabove, the Applicant shall request the County to acquire the necessary property interests by exercise of its condemnation powers, at the Applicant's expense. The Applicant's request shall be in writing and shall comply in all respects with the County's Eminent Domain Policy in place at the time of the request. The request shall be made to the appropriate County agency and shall be accompanied by the following:
 - a) The names of the record owners, the property addresses, and GPIN numbers for each landowner from whom such property interests are sought.
 - b) Plats, plans and profiles showing the necessary property interest to be acquired and showing the details of the proposed transportation improvements to be

PROFFER STATEMENT

~~Applicant:~~ John Marshall Commons Technology Park

#REZ2021-00003

Date: ~~October 24~~December 30, 2021

located on each property.

- c) An independent appraisal of the value of the property interests to be acquired, and any and all damages to the residue of the involved property, performed by an appraiser licensed in Virginia and approved by the County.
- d) A 60-year title search of each involved property.
- e) Documentation demonstrating to the County's reasonable satisfaction the Applicant's good faith, best efforts to acquire the property interests, at a cost not less than their appraised value.
- f) A letter of credit acceptable to the County, cash, or equivalent (from a financial institution acceptable to the County) in an amount equal to the appraised value of the property interests to be acquired, and all damages to the residue, together with an amount representing the County's estimate of its cost of condemnation proceedings, in a form permitting the County to draw upon the same as necessary to effectuate the purposes hereof.
- g) An Agreement signed by the Applicant's representative and approved by the County Attorney whereby the Applicant agrees to pay all costs of the condemnation, including expert witness fees, court costs, exhibit costs, court reporter fees, reasonable attorney fees for the Office of the County Attorney, and all other costs associated with the litigation, including appeals. The Agreement shall specifically provide that in the event the property owner is awarded at trial more than the appraised value estimate by the Applicant's appraiser, or that the County elects to settle with the condemnee without trial for a greater sum, the Applicant shall pay to the County the amount of the award in excess of the amount represented by the letter of credit or cash deposit within 15 days of the award.
- h) In the event that Prince William County and/or the Commonwealth of Virginia do not secure access to the right-of-way necessary for the proffered road improvements within eighteen (18) months of the Applicant providing the preceding information, said improvements shall not be required. During the

PROFFER STATEMENT

~~Applicant:~~ John Marshall Commons Technology Park

#REZ2021-00003

Date: ~~October 24~~December 30, 2021

period while any such condemnation is being pursued, the County shall not withhold permits, approvals and/or bonds requested by or required of the Applicant.

7. WATER AND SEWER

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

8. COMMUNITY CONTRIBUTIONS

- A. Educational Program. The Applicant shall contribute \$100,000 to the Board of County Supervisors for PACE West School to be used for facilities and educational programs, materials, equipment and/or assistance of the students of the PACE program. Said contribution shall be provided prior to the release of the building permit for a data center building.
- B. SPARK. The Applicant shall contribute \$100,000 to SPARK to advance educational opportunities for county students in technical and vocational fields related to the data center industry such as information technology, mechanical infrastructure and electrical infrastructure. Said contribution shall be provided prior to the release of the building permit for a data center building.

8.9. ADDITIONAL PROFFERS

- A. Escalator. In the event the monetary contributions set forth in the Proffer Statement are paid to the Prince William County Board of County Supervisors 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

PROFFER STATEMENT

~~Applicant:~~ John Marshall Commons Technology Park
#REZ2021-00003

Date: ~~October 21~~ December 30, 2021

available CPI-U to the date the contributions are paid, subject to a cap of six percent (6%) per year, non-compoundable.

- B. For purposes of this Proffer Statement, “final rezoning” shall be defined as that zoning which is in effect on the day following the last day upon which the Prince William Board of County Supervisors’ decision granting the rezoning may be contested in the appropriate court or, if contested, the day following entry of a final court order affirming the decision of the Board of County Supervisors which has not been appealed, or if appealed, the day following which the decision has been affirmed on appeal.

~~[SIGNATURE ON FOLLOWING PAGE]~~

PROFFER STATEMENT

~~Applicant:~~ John Marshall Commons Technology Park
#REZ2021-00003

Date: ~~October 21~~ December 30, 2021

SIGNATURE PAGE

By: _____

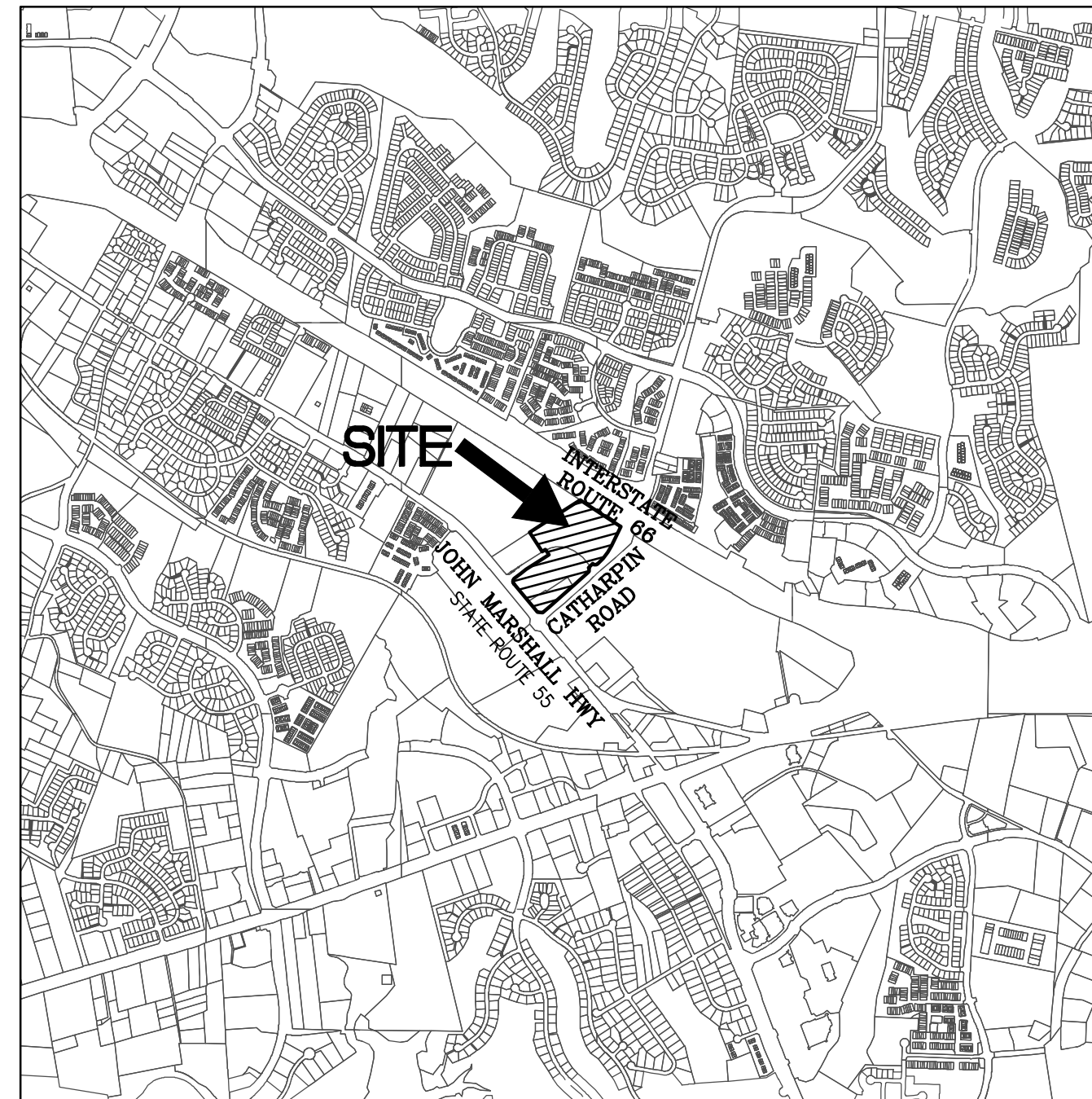
Title: _____

Date: _____

REZ 2021-00003 SUP 2021-00004 JOHN MARSHALL COMMONS TECHNOLOGY PARK

GAINESVILLE MAGISTERIAL DISTRICT

PRINCE WILLIAM COUNTY, VIRGINIA



VICINITY MAP
SCALE: 1" = 2000'

Sheet List Table	
Sheet Number	Sheet Title
01	COVER SHEET
02	GENERALIZED DEVELOPMENT AND SUP PLAN
03	LANDSCAPE PLAN
04	DETAILS
05	ROAD IMPROVEMENT PLAN

OWNER
GAINESVILLE SIXTY SIX L C
PO BOX 400
GAINESVILLE VA 20156-0400

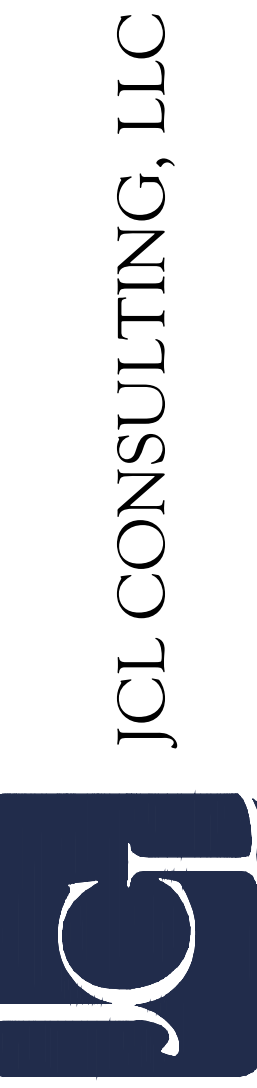
APPLICANT:
CTP-II, LLC
5335 WISCONSIN AVE NW
SUITE 640
WASHINGTON, DC 20015

CIVIL ENGINEER
JCL CONSULTING, LLC
4460 BROOKFIELD CORPORATE DRIVE
SUITE K
CHANTILLY, VA 20151

LAND USE ATTORNEY
COMPTON & DULING
12701 MARBLESTONE DRIVE
WOODBIDGE, VA 22192

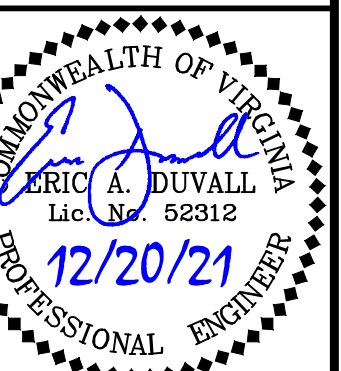
NOTES:

1. PROPERTY DELINEATED ON THE THIS PLAN IS IDENTIFIED ON THE PRINCE WILLIAM COUNTY TAX MAP GPIN AS #7397-46-4281, #7397-46-4050, #7397-36-8980, AND #7397-47-7731 AND IS NOW IN THE NAME OF GAINESVILLE SIXTY-SIX, L.C.
2. THE TOTAL SITE AREA CONTAINS 22.7206 AC OF LAND AND BOUNDARY INFORMATION TAKEN FROM AVAILABLE RECORDS.
3. NO TITLE REPORT FURNISHED.
4. THE SITE IS NOT AFFECTED BY THE 100 YEAR FLOODPLAIN. ACCORDING TO THE COUNTY GIS, NO RESOURCE PROTECTION AREA (RPA) EXIST ON THE PROPERTY.
5. SITE WILL BE SERVED BY PUBLIC WATER AND SEWER.
6. STORMWATER MANAGEMENT FACILITY TYPE AND LOCATION TO BE DETERMINED AT FINAL SITE PLAN.
7. THERE ARE 15% SLOPES OR GREATER ON THE SITE.
8. PARKING REQUIREMENTS WILL MEET DCSM STANDARDS AT FINAL SITE PLAN.
9. LIMITS OF CLEARING AND GRADING SUBJECT TO CHANGE AT FINAL ENGINEERING.



JCL Consulting, LLC
 4460 Brookfield Corporate Dr.
 Suite K
 Chantilly, VA 20151
 Phone: (703) 488-9877

COVER SHEET
 JOHN MARSHALL COMMONS
 TECHNOLOGY PARK
 REZ 2021-00003
 SUP 2021-00004
 GAINESVILLE MAGISTERIAL DISTRICT
 PRINCE WILLIAM COUNTY, VIRGINIA



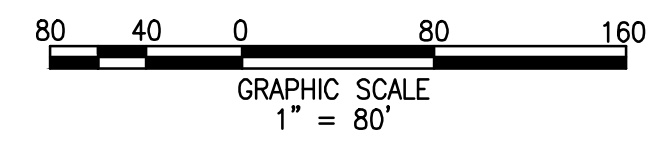
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DATE	DESCRIPTION	
RM DESIGN	RM DRAWN	EAD CHKD
SCALE: AS SHOWN		
JOB No. 0083-A-002		
DATE: 12-20-2021		
FILE No. 0083-A-002		
SHEET 01 OF 05		

Job file name: P:\PROJECTS\0083-Gainesville_SixtySix\Engineering\0083-A-002-Rezaming plan\Sheets\0083-A-002-COVER SHEET.dwg



NOTE:
INTERIOR PARKING LOT LANDSCAPING SHALL MEET THE MINIMUM STANDARDS OF THE DCSM.

LANDSCAPE STRIP NOTE:
IN ACCORDANCE WITH STANDARD DCSM LANGUAGE, APPLICANT RESERVES THE RIGHT TO VARY LANDSCAPE BUFFER & STRIP WIDTH BY UP TO 20% FROM THE MINIMUM WIDTH REQUIRED AT ANY POINT ALONG A PROPERTY LINE, AS LONG AS THE LANDSCAPE BUFFER & STRIP AREA PROVIDED REMAINS EQUAL TO THE MINIMUM AREA REQUIRED ALONG THE SAME PROPERTY LINE.



LEGEND:

- OVERHEAD ELECTRIC
- PROPOSED FENCE
- BUFFER AND LANDSCAPED AREA
- GRAVEL
- OPEN SPACE
- POTENTIAL SWM FACILITY LOCATION
- PROPOSED VEHICULAR CIRCULATION ROAD (SUBJECTED TO CHANGE)
- LIMIT OF CLEARING AND GRADING
- APPROXIMATE VEHICULAR ACCESS POINT (SUBJECTED TO CHANGE)
- EXTENT OF REZONING APPLICATION

LANDSCAPE LEGEND

- CANOPY TREE:**
- CANOPY TREE 1
- CANOPY TREE 2
- CANOPY TREE 3
- EVERGREEN TREE:**
- EVERGREEN TREE 1
- EVERGREEN TREE 2
- EVERGREEN TREE 3
- UNDERSTORY TREE:**
- UNDERSTORY TREE 1
- UNDERSTORY TREE 2
- UNDERSTORY TREE 3
- SHRUB:**
- SHRUB 1
- SHRUB 2
- SHRUB 3
- PROPOSED BUFFER OR LANDSCAPE AREA

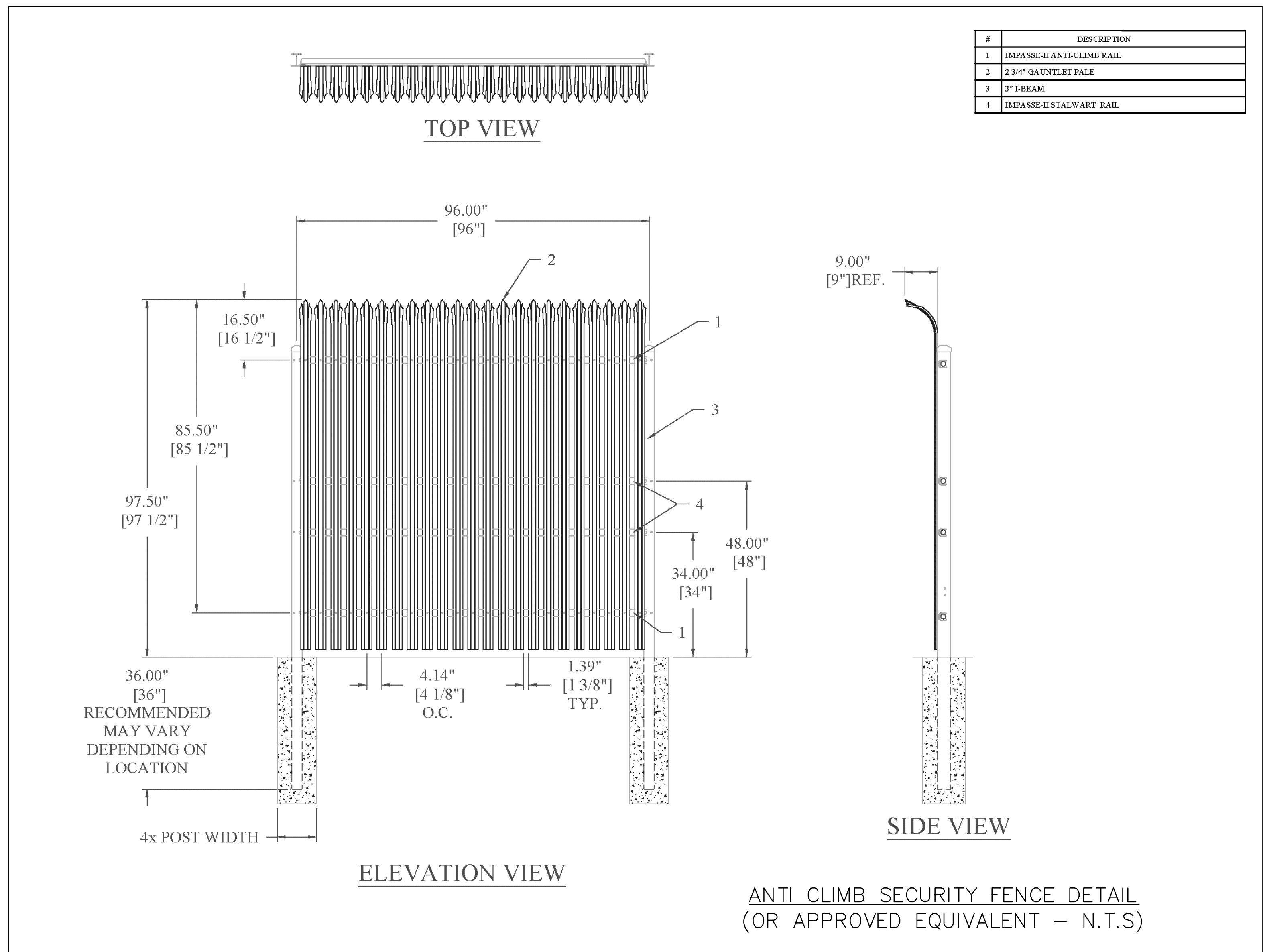
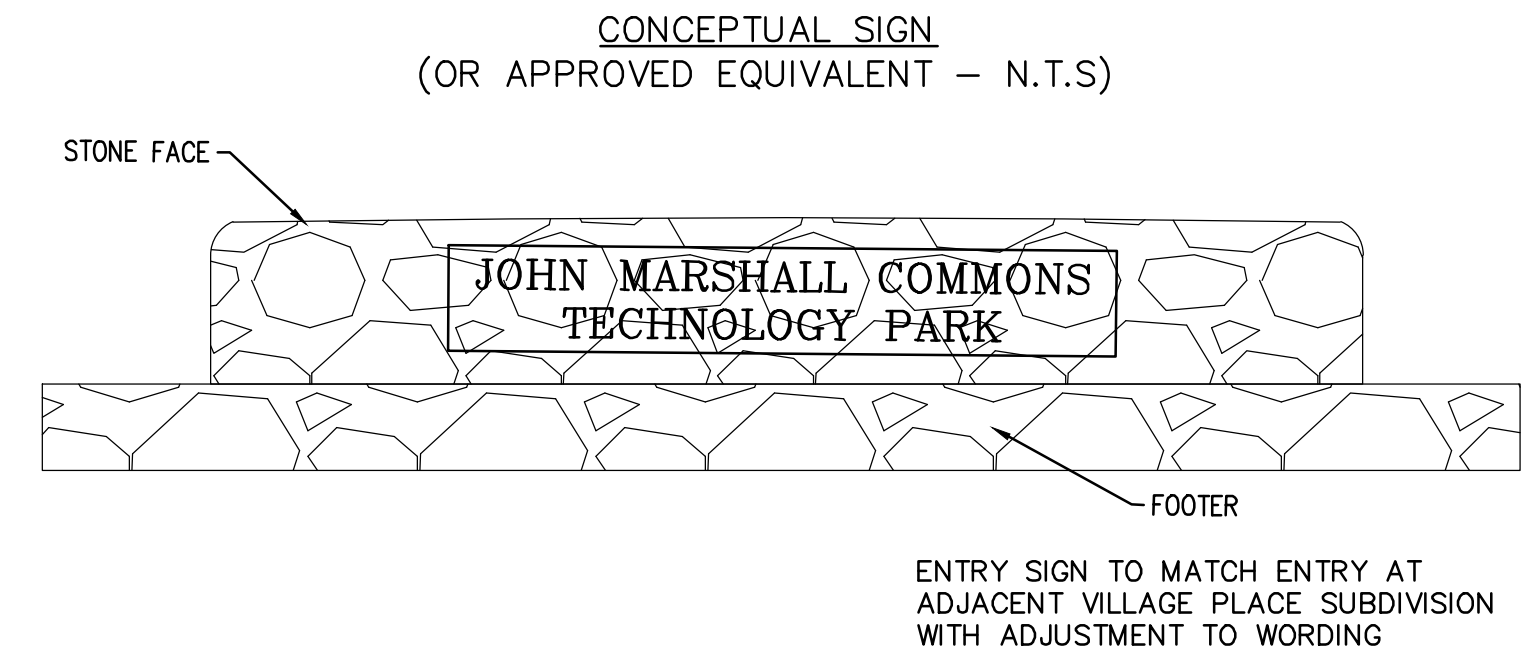
ADDITIONAL PLANTING NOTE:

AREAS LABELED AS "ADDITIONAL PLANTING" SHALL BE PLANTED AS TREE CANOPY COVERAGE PER SECTION 802.20 AND 802.21 OF THE DCSM TO A CANOPY COVERAGE MINIMUM OF 10% OF THE SPECIFIED ADDITIONAL PLANTING AREA.


15 FOOT WIDE LANDSCAPE STRIP 110 PLANT UNITS PER 100 FEET	
RIGHT OF WAY	
EVERGREEN TREES:	5
LARGE DECIDUOUS TREES:	3
DECIDUOUS UNDERSTORY TREES:	5
SHRUBS:	10
ORNAMENTAL GRASSES:	10

50 FOOT WIDE TYPE C BUFFER (PLANT UNITS PER DCSM) 320 PLANT UNITS PER 100 FEET	
ADJACENT PROPERTY OR R/W	
EVERGREEN TREES:	8
LARGE DECIDUOUS TREES:	8
DECIDUOUS UNDERSTORY TREES:	16
SHRUBS:	20
ORNAMENTAL GRASSES:	80

30 FOOT WIDE LANDSCAPE STRIP 180 PLANT UNITS PER 100 FEET	
RIGHT OF WAY	
EVERGREEN TREES:	8
LARGE DECIDUOUS TREES:	5
DECIDUOUS UNDERSTORY TREES:	6
SHRUBS:	10
ORNAMENTAL GRASSES:	40



JCL CONSULTING, LLC

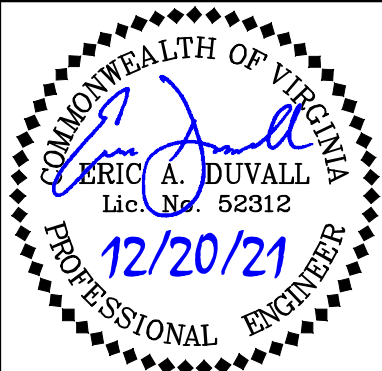


JCL Consulting, LLC
4460 Brookfield Corporate Dr.
Suite K
Chantilly, VA 20151
Phone: (703) 488-9877

DETAILS

JOHN MARSHALL COMMONS
TECHNOLOGY PARK
REZ 2021-00003
GAINESVILLE MAGISTERIAL DISTRICT

SUP 2021-00004
PRINCE WILLIAM COUNTY, VIRGINIA



PLAN STATUS

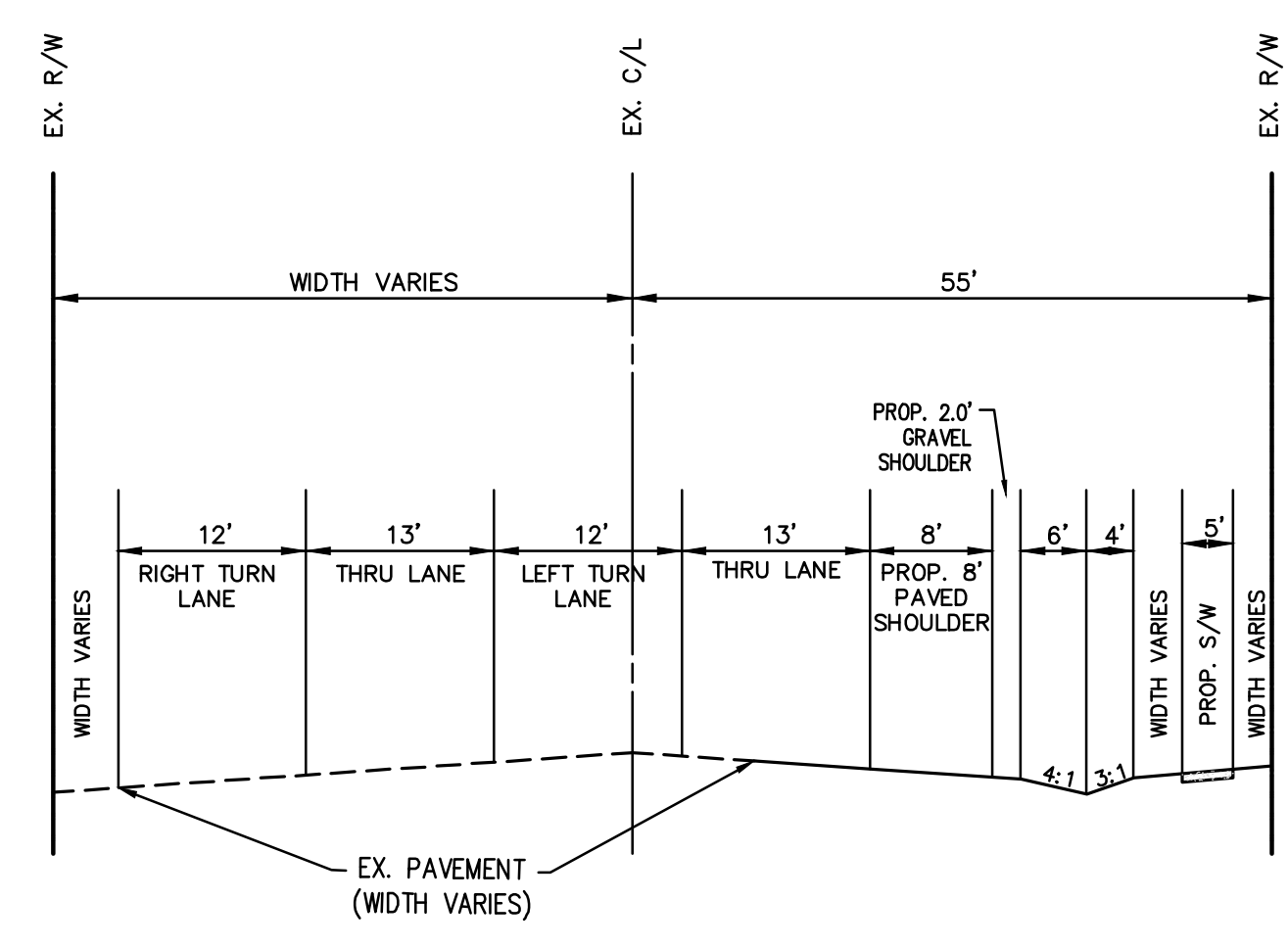
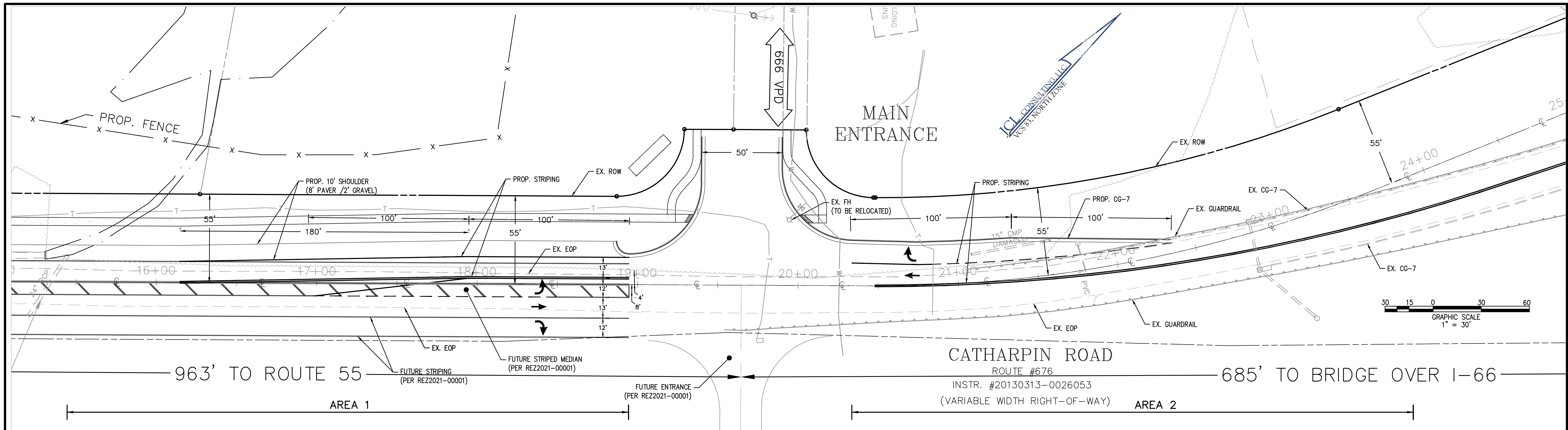
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RM DESIGN	RM DRAWN
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SCALE: H: N.T.S.
V:

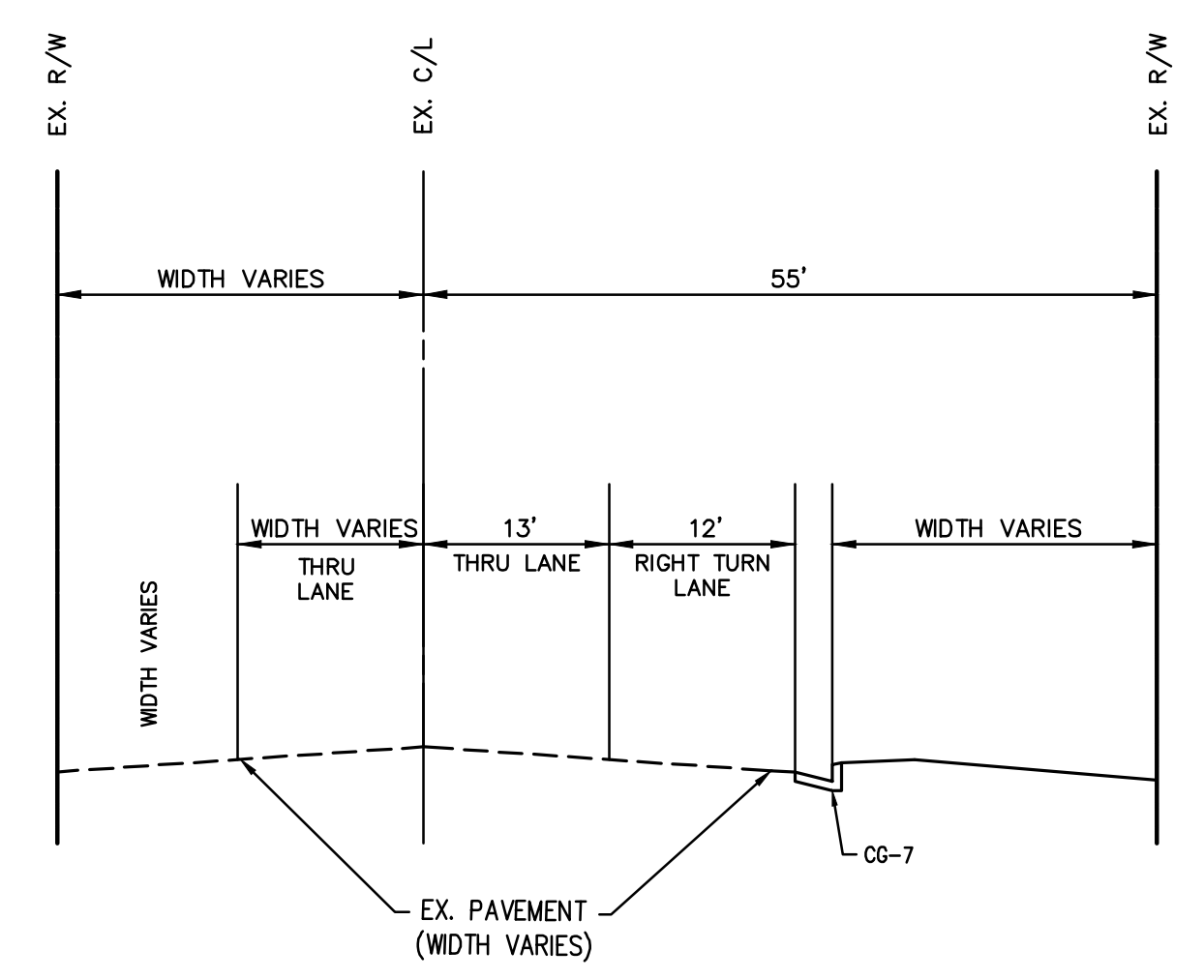
JOB No. 0083-A-002
DATE: 12-20-2021
FILE No. 0083-A-002

SHEET 04 OF 05

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CATHARPIN ROAD IMPROVEMENT - MC-2 TYPICAL SECTION FOR AREA 1
N.T.S.



CATHARPIN ROAD IMPROVEMENT - HALF MC-1 TYPICAL SECTION FOR AREA 2
N.T.S.

PLAN STATUS		
DATE	DESCRIPTION	
RM DESIGN	RM DRAWN	EAD CHKD
SCALE	H: AS SHOWN V: V	
JOB No.	0083-A-002	
DATE:	12-20-2021	
FILE No.	0083-A-002	

Grid file name: P:\PROJECTS\0083-Gainesville_Supervisors_SitePlan\0083-A-002-Resurfacing plan\Sheet\0083-A-002-SITE PLAN.dwg

3. To allow time for citizens and Planning staff to provide input and recommendations on how the I-66/Route 29 and Haymarket Activity Centers might be developed, which includes this site.
4. Applicant shall finalize with staff all outstanding proffer items and updates prior to consideration at the second Planning Commission meeting in January of 2022.
5. Provide greater clarification with a detailed explanation of electrical power needs and where it would come from, in serving the site.

Votes:

Ayes: Berry, Gordy, Fontanella, Moses-Nedd, Perry, Taylor

Nays: McPhail


Abstain from Vote: None

Absent from Vote: None

Absent from Meeting: None

MOTION CARRIED

Attest:



Robbyn L. Smith
Clerk to the Planning Commission



PLANNING COMMISSION RESOLUTION

MOTION: **BERRY** **November 3, 2021**
Regular Meeting
SECOND: **FONTANELLA** **RES. No. 21-112**

RE: **SPECIAL USE PERMIT #SUP2021-00004, JOHN MARSHALL COMMONS TECH PARK GAINESVILLE MAGISTERIAL DISTRICT**

ACTION: **DEFERRAL TO THE SECOND PLANNING COMMISSION MEETING IN JANUARY OF 2022.**

WHEREAS, this is a special use permit request to allow for data center uses outside of the Data Center Opportunity Zone Overlay District. There is also a concurrent request to rezone ±22.72 acres from B-1, General Business, and M-2, Light Industrial, to O(M), Office Mid-Rise, for the purpose of developing a data center campus; and

WHEREAS, the site ±22.72-acre property is located to the south of Interstate 66, at the northwestern intersection of Catharpin Road and John Marshall Highway (Route 55), and is identified on County maps as GPINs 7397-36-8980, 7397-46-4050, 7397-46-4281, and 7397-47-7731; and

WHEREAS, the site is designated CEC, Community Employment Center, in the Comprehensive Plan, and is located within the I-66 / Route 29 Sector Plan special planning area; and

WHEREAS, the site is zoned B-1, General Business, and M-2, Light Industrial, and is partially located within the Airport Safety Overlay District; and

WHEREAS, the Prince William County Planning Commission duly ordered, advertised, and held a public hearing on November 3, 2021, at which time public testimony was received and the merits of the above-referenced case 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 deferral of this request;

NOW, THEREFORE, BE IT RESOLVED that the Prince William County Planning Commission does hereby leave the public hearing open and defer Special Use Permit #SUP2021-00004, John Marshall Commons Tech Park, subject to the conditions dated September 8, 2021, to deferral to the second Planning Commission meeting in January of 2022, and for the following reasons:

1. To allow time for the County’s Data Center Overlay Study to be completed, and recommendations reviewed.
2. Taking action now is premature, while the study is ongoing with fact finding and focus groups currently providing input.

3. To allow time for citizens and Planning staff to provide input and recommendations on how the I-66/Route 29 and Haymarket Activity Centers might be developed, which includes this site.
4. Applicant shall finalize with staff all outstanding proffer items and updates prior to consideration at the second Planning Commission meeting in January of 2022.
5. Provide greater clarification with a detailed explanation of electrical power needs and where it would come from, in serving the site.

Votes:

Ayes: Berry, Gordy, Fontanella, Moses-Nedd, Perry, Taylor

Nays: McPhail


Abstain from Vote: None

Absent from Vote: None

Absent from Meeting: None

MOTION CARRIED

Attest:



Robbyn L. Smith
Clerk to the Planning Commission



STAFF REPORT

PC Meeting Date:	November 3, 2021
Agenda Title:	Rezoning #REZ2021-00003, John Marshall Commons Tech Park Special Use Permit #SUP2021-00004, John Marshall Commons Tech Park
District Impact:	Gainesville Magisterial District
Requested Action:	Recommend Approval of Rezoning #REZ2021-00003, John Marshall Commons Tech Park, subject to proffers dated October 21, 2021, and Special Use Permit #SUP2021-00004, John Marshall Commons Tech Park, subject to conditions dated September 8, 2021
Department:	Planning Office
Case Planner:	Scott F. Meyer

EXECUTIVE SUMMARY

This is a request to rezone ±22.72 acres from B-1, General Business, and M-2, Light Industrial, to O(M), Office Mid-Rise, for the purpose of developing a data center campus. There is a concurrent special use permit request to allow for data center uses outside of the Data Center Opportunity Zone Overlay District. The subject property is located to the south of Interstate 66, at the northwestern intersection of Catharpin Road and John Marshall Highway (Route 55).

It is the recommendation of staff that the Planning Commission recommend approval of Rezoning, #REZ2021-00003, John Marshall Commons Tech Park, subject to the proffers dated October 21, 2021, and Special Use Permit #SUP2021-00004, John Marshall Commons Tech Park, subject to the conditions dated September 8, 2021.

BACKGROUND

- A. Request: To rezone ±22.72 acres from B-1, General Business, and M-2, Light Industrial, to O(M), Office Mid-Rise, for the purpose of developing a data center campus with related uses. Concurrent with the rezoning request, there is also a concurrent special use permit request to allow for data center uses outside of the Data Center Opportunity Zone Overlay District.

Use/Feature	Prior Approval (#REZ1987-0051)	Proposed (#REZ2021-00003)
Zoning District	B-1, General Business M-2, Light Industrial	O(M), Office Mid-Rise
Use(s)	Commercial, Light Industrial/Flex Office	Data Center with related uses; Office Mid-Rise
Use/Feature/Parameter	Allowed in O(M)	Proposed
Minimum Open Space	20%	35%
Maximum Floor Area Ratio	0.65	Up to 0.65
Maximum Building Height	70 feet	Up to 70 feet *
Approval Mechanism (Data Centers)	Not in Data Center Overlay	Special Use Permit

** The maximum building height does not include parapets and mechanical areas that are otherwise allowed by the Zoning Ordinance to extend above 70 feet. No height modification is being requested.*

- B. Site Location: The subject ±22.72-acre property is located to the south of Interstate 66, at the northwestern intersection of Catharpin Road and John Marshall Highway (Route 55), and is identified on County maps as GPINs 7397-36-8980, 7397-46-4050, 7397-46-4281, and 7397-47-7731.
- C. Comprehensive Plan: The subject site is designated CEC, Community Employment Center, in the Comprehensive Plan, and is located within the I-66 / Route 29 Sector Plan special planning area.
- D. Zoning: The site is currently zoned B-1, General Business, and M-2, Light Industrial, and is partially located within the Airport Safety Overlay District.

- E. Surrounding Land Uses: The site is adjacent to a mix of residential, institutional, commercial, and industrial land uses. Surrounding uses include the following: Interstate 66 to the north; single-family attached dwellings to the north on opposite side of Interstate 66; vacant/undeveloped land to the east; the recently approved Village Place technology park site to the south and southwest; and Tyler Elementary School, Pace West School, and Prince William County Fire & Rescue Station #4 to the west. Village Place Homeowners Association and Gainesville Business Park (a heavy industrial use) are also nearby.

The following vicinity map exhibit has been provided by the Applicant:



- F. Background and Context: The rezoning will replace the original proffered conditions adopted as a part of the project known as John Marshall Commons (#REZ1987-0051). The existing land entitlement permitted commercial, office, and light industrial uses. The site is currently split-zoned as B-1, General Business, and M-2, Light Industrial. As proposed, the O(M), Office Mid-Rise, zoning district will allow for development of a data center campus and potential other O(M) uses. In addition to the rezoning request, a special use permit is requested to allow data center uses, since the subject property is not located within the Data Center Opportunity Zone Overlay District.

STAFF RECOMMENDATION

Staff recommends approval of Rezoning #REZ2021-00003, John Marshall Commons Tech Park, subject to the proffers dated October 21, 2021, and Special Use Permit #SUP2021-00004, John Marshall Commons Tech Park, subject to the conditions dated September 8, 2021, for the following reasons:

- The proposed data center campus with related uses further the employment goals central to the CEC, Community Employment Center, use designation.
- The concurrent rezoning and special use permit proposals enable the delivery of a data center campus, which is a targeted industry use.
- As proffered, the project will have a specific layout, data center design features, landscaping enhancements/buffering, access improvements, and other use parameters to mitigate the impacts.

While staff recommends approval overall, staff continues to recommend that the Applicant increase buffering and setbacks adjacent to Pace West School.

Comprehensive Plan Consistency Analysis

Long-Range Land Use: The site is designated CEC, Community Employment Center. It is also located within the I-66/Route 29 Sector Plan special planning area. The purpose of the CEC designation is to provide for areas of low- to mid-rise offices, research and development, lodging, and mixed-use projects planned and developed in a comprehensive, coordinated manner. The O(M), Office Mid-Rise, zoning district is intended to facilitate the development of a data center campus, as proffered, and directly implements the CEC use designation. Data centers further employment goals central to the CEC designation.

Level of Service (LOS): If the application is approved, the LOS impacts for this proposed rezoning would be mitigated by the proffered monetary contributions, as follows:

Water Quality	\$75 per acre	±22.72 acres	\$1,704.00
Fire & Rescue	\$0.61 per square foot (SF) of building area	Maximum 0.65 FAR = Up to 643,294.08 SF	\$392,409.38
TOTAL \$			\$394,113.38

Strategic Plan

Resilient Economy: The proposed rezoning is favorably aligned with the County's Resilient Economy objective to continue efforts to preserve and expand the commercial tax revenue base. The rezoning from B-1 and M-2 to O(M) will continue to result in an increased assessed tax value and commercial tax base, and more direct implementation of the CEC, Community Employment Center, land use designation.

Transportation & Mobility: The proposed rezoning is favorably aligned with the County's Transportation & Mobility objective to improve multi-modal options by increasing sidewalk/trail connectivity and proffering bike racks.

Community Input

Notice of the applications has been transmitted to property owners within 500 feet of the subject site. As of the date of this staff report, the Planning Office received five (5) emails in opposition and one (1) email in support of the project. The Planning Office also received several phone calls from concerned citizens in the general vicinity. In summary, concerns have been expressed about combined impacts of future data centers outside of the Overlay and expanded development within the area.

Other Jurisdiction Comments

The site is located approximately 0.6 miles southeast of the Town of Haymarket. Each submission has been forwarded to the Town of Haymarket for review and comment. In summary, the Town's comments are as follows:

- Significant concern for the visual impact of additional power lines to support the data center complex (complexes) along the Route 55 corridor leading into the Town of Haymarket.
- Property value concern for the residential properties that may be affected by additional power lines.
- Significant concern for the health and safety of the Town residents, schools and surrounding communities and the long-term impact the larger power substations, above ground and below ground lines will cause.
- Significant concern regarding the route of the additional power lines, specifically through the historic overlay.
- Interested in receiving more information on the proposed power load, proposed water consumption, need for additional power lines, and a proposed route for the additional lines.

Legal Issues

If the requests are approved, the site could be developed as proffered and conditioned, for data center uses. In the event that the request is denied, the property would be subject to the existing proffers, as per #REZ1987-0051. Legal issues resulting from the Planning Commission's action are appropriately addressed by the County Attorney's Office.

Timing

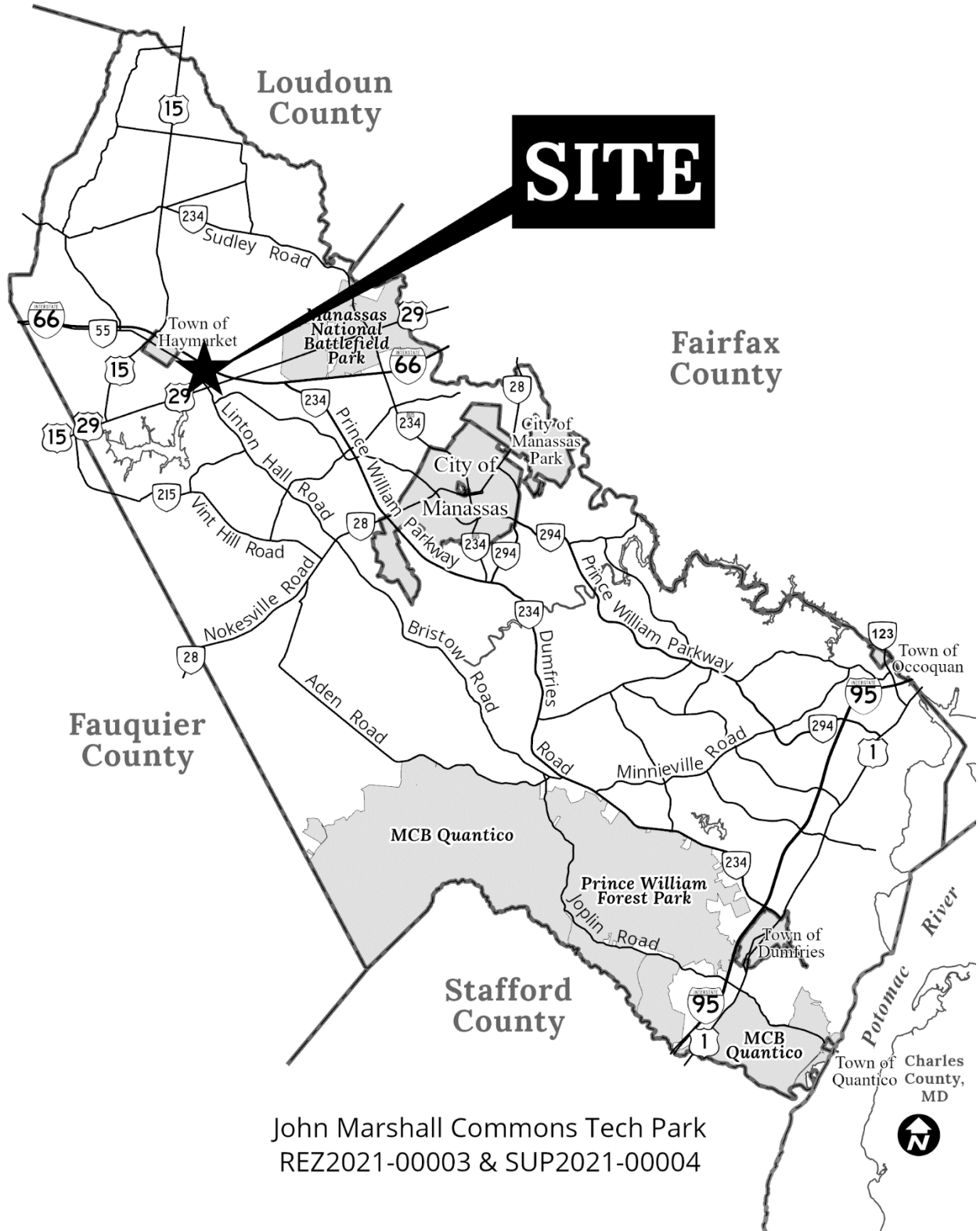
The Planning Commission has until February 1, 2022, which is 90 days from the first public hearing date, to take action on the rezoning and special use permit proposals. A recommendation to approve or deny the requests would meet the 90-day requirement.

STAFF CONTACT INFORMATION

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ATTACHMENTS

Area Maps
Staff Analysis
Proffer Statement
SUP Conditions
Generalized Development & Special Use Permit Plan
Environmental Constraints Analysis (ECA) Exhibit
Building Elevations
Power Availability Summary Document/Exhibit (by Applicant)
Correspondence from Virginia Energy
Historical Commission Resolutions

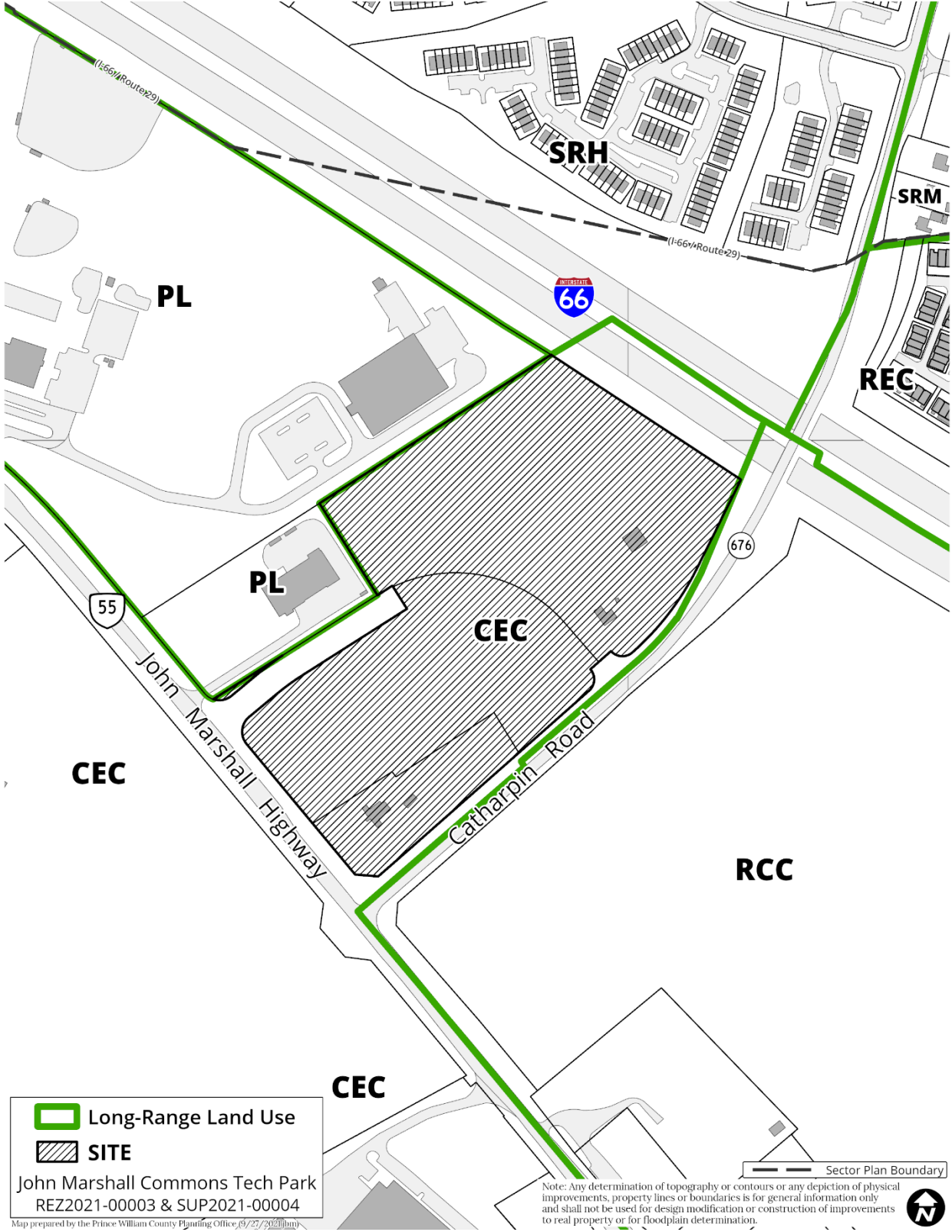


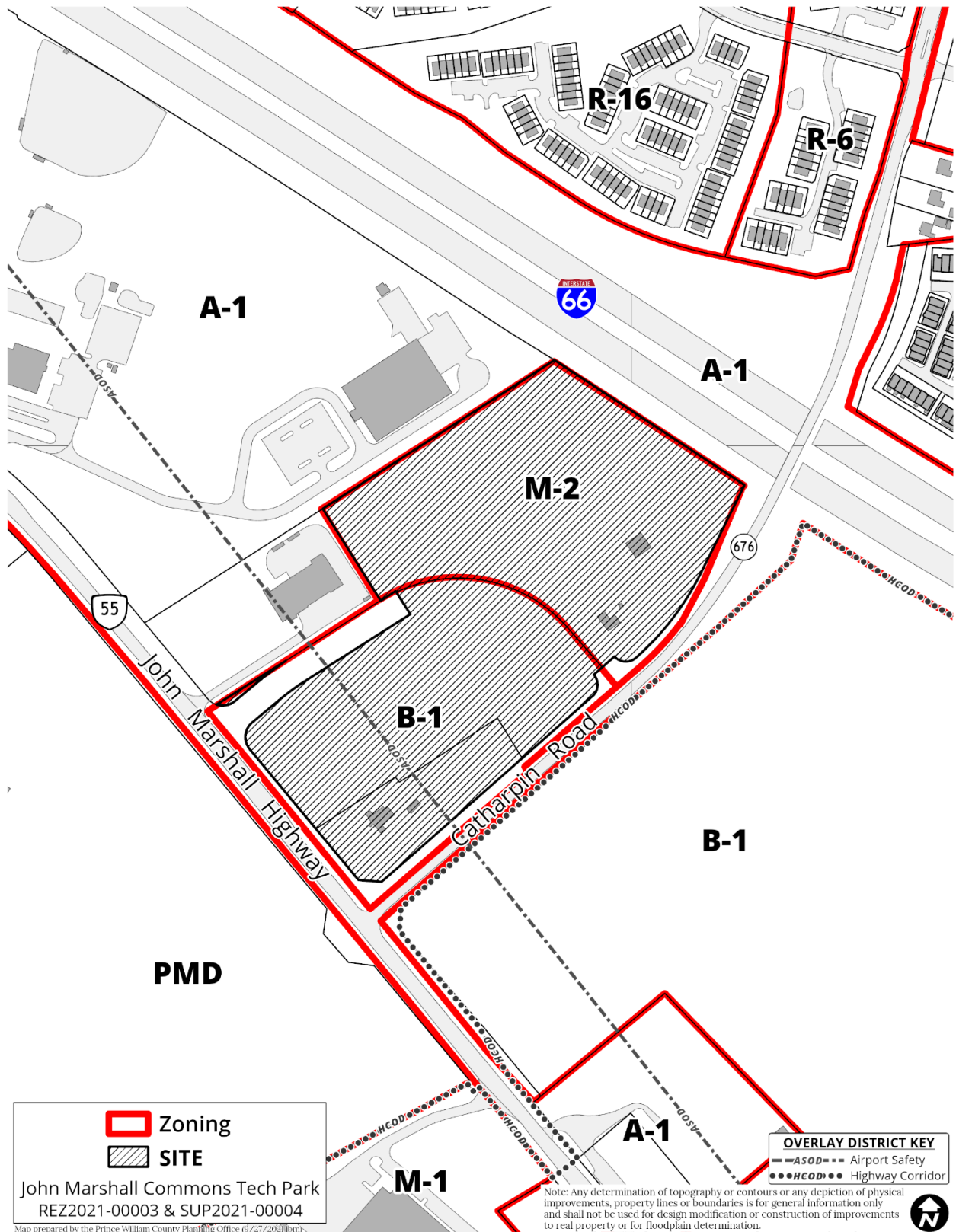
John Marshall Commons Tech Park
REZ2021-00003 & SUP2021-00004



SITE
John Marshall Commons Tech Park
REZ2021-00003 & SUP2021-00004

Note: Any determination of topography or contours or any depiction of physical improvements, property lines or boundaries is for general information only and shall not be used for design modification or construction of improvements to real property or for floodplain determination.





Part I. Summary of Comprehensive Plan Consistency

Staff Recommendation: APPROVAL

This summary analysis is based on the relevant Comprehensive Plan action strategies, goals, and policies. A complete analysis is provided in Part II of this report.

Comprehensive Plan Sections	Plan Consistency
Long-Range Land Use	Yes
Community Design	Yes
Cultural Resources	Yes
Economic Development	Yes
Environment	Yes
Fire and Rescue	Yes
Police	Yes
Potable Water	Yes
Sanitary Sewer	Yes
Transportation	Yes

Part II. Comprehensive Plan Consistency Analysis

The following table summarizes the area characteristics:

Direction	Land Use	Long-Range Land Use Map Designation	Zoning
North	Interstate 66; High density suburban residential (across I-66)	CEC; SRH	A-1; R-6; R-16
South	Vacant/undeveloped land; Recently approved Village Place technology park site	CEC	PMD
East	Vacant/undeveloped land; Pending I-66 and Route 29 Technology Park	RCC	A-1; B-1
West	Pace West School; Prince William County Fire & Rescue Station #4	PL	A-1

Long-Range Land Use Plan Analysis

Through wise land use planning, the County ensures that landowners are provided a reasonable use of their land while the County is able to judiciously use its resources to provide the services for residents and employers’ needs. The Long-Range Land Use Plan sets out policies and action strategies that further the County’s goal of concentrating on population, jobs, and infrastructure within vibrant, walkable, mixed-use centers serviced by transit. In addition to delineating land uses on the Long-Range Land Use Map, the Plan includes smart growth principles that promote a countywide pattern of land use that encourages fiscally sound development and achieves a high-quality living environment; promotes distinct centers of commerce and centers of community; complements and respects our cultural and natural resources, and preserves historic landscapes and site-specific cultural resources; provides adequate recreational, park, open space and trail amenities that contribute to a high quality of life for county residents; and revitalizes, protects, and preserves existing neighborhoods.

This is a request to rezone ±22.72 acres from B-1, General Business, and M-2, Light Industrial, to O(M), Office Mid-Rise, for the purpose of developing a data center campus. There is a concurrent special use permit request to allow for data center uses outside of the Data Center Opportunity Zone Overlay District.

The subject property is located within the Development Area of the County and is classified CEC, Community Employment Center, in the Comprehensive Plan. It is also in the I-66/Route 29 Sector Plan special planning area; however, there are no specific action strategies within the I-66/Route 29 Sector Plan, Long-Range Land Use Plan, specific to the subject site. The following table summarizes the uses and densities intended within the CEC use designation: :

Long-Range Land Use Map Designation	Intended Uses and Densities
Community Employment Center (CEC)	The purpose of the Community Employment Center classification is to provide for areas of low- to mid-rise offices (including government offices, particularly those for Prince William County agencies), research and development, lodging, and mixed-use projects planned and developed in a comprehensive, coordinated manner. CEC projects shall be located at or near the intersection of principal arterials and major collector roads, or at commuter rail stations. Residential uses shall be considered secondary uses and shall represent no greater than 25 percent of the total CEC gross floor area of the project. Drive- in/drive-through uses are discouraged. Single-family attached or multifamily housing including elderly housing is permitted, at a density of 6-12 units per gross acre, less the ER designated portion of a property. Development in CEC projects shall occur according to an infrastructure implementation plan submitted at the time of rezoning. The intent of this plan is to ensure that critical infrastructure for office, employment, and lodging uses is developed

	<p>adequately for each phase of the project. Development shall also occur according to a phasing plan that must ensure that office, employment, and lodging uses are always the primary uses within the area rezoned. Office development in CEC areas is encouraged to be in accordance with the Illustrative Guidelines for Office Development, provided as a supplement to the Community Design Plan chapter of the Comprehensive Plan and available from the Planning Office. A minimum office building height of 3-5 stories is preferred.</p>
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Proposal's Strengths

- Zoning & Long-Range Land Use Compatibility: The property is currently zoned B-1, General Business, and M-2, Light Industrial, and is designated CEC, Community Employment Center. The proposal to rezone the property to O(M), Office Mid-Rise, will directly implement the CEC use designation in the Comprehensive Plan. The O(M) zoning district is intended to implement the regional employment center, regional recreation center, office, flexible use employment center, and community employment center land use classifications of the Comprehensive Plan. The purpose of this zoning district is to also promote employment opportunities and to enhance the tax base of the County. The proposed O(M) zoning district more closely implements the CEC use designation than the existing B-1/M-2 zoning, and particularly the M-2 zoning. Data centers outside of the Data Center Opportunity Zone Overlay District are allowed by special use permit (SUP) in the O(M) district, and an SUP has been submitted to accompany the Applicant's request.
- Targeted Industry: The subject application proposes data center uses. Data centers are identified as a targeted industry group by the Board of County Supervisors. Staff notes that the site is not located within the Data Center Opportunity Zone Overlay District, which identifies office and industrial zoning districts in the County in which data centers are allowed by-right. At its closest point, the Data Center Opportunity Zone Overlay District is approximately one mile southeast of the site, on the south side of I-66. Data centers are a permissible use outside of the overlay, subject to SUP approval.
- Retention of Non-Residential Uses: The CEC land use designation recommends that office, employment, and lodging uses are always the primary uses. The entirety of the rezoning area is proposed for nonresidential uses (data centers with associated offices), which are a type of employment uses that contribute to enhancing the tax base of the County.

Proposal's Weaknesses

- Issues with CEC Consistency: The Community Employment Center (CEC) land use designation envisions office development with high quality architecture and building heights ranging from three to five stories in order to maximize visibility and exposure at high profile locations, in this instance along I-66. Data center development is not specifically a primary recommended use within an area designated CEC, although it is a permitted use within the O(M), Office Mid-Rise, zoning district, subject to the approval of a SUP. Data center uses

within an area designated CEC may be considered, provided the expectations that would otherwise be anticipated with office development, specifically high-quality architecture and compatibility with adjoining land uses, are maintained. As noted subsequently in this report, use compatibility and appropriate buffering remain outstanding issues.

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

Community Design Plan Analysis

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

When implemented in accordance with its intent to conveniently link businesses and residences by coordinating employment centers with residential areas, the O(M) zoning district is an implementation tool for the CEC designation. However, due to the nature of the use, the proposal includes transitional setbacks, landscape buffers, berms, screening walls, architectural enhancements, and enhanced sign features – which were prioritized by staff to limit adverse impacts of the scale of the use on the surrounding area over design techniques that would facilitate connectivity and continuity of development with adjoining land uses. There is also a concurrent SUP request for data center uses.

Proposal's Strengths

- **Building Setback Thresholds:** As proffered, the minimum principal building setback from John Marshall Highway and Interstate 66 shall be 135 feet. The minimum principal building setback from Catharpin Road shall be 75 feet. The minimum principal building setback from the adjacent the public school property shall be 110 feet. Buildings, fences and structures necessary for security measures, and other ancillary structures supportive of the operations of the data center, shall be located in accordance with the minimum requirements of the Zoning Ordinance or as proffered.
- **Overall Site Coverage Commitment:** As proffered, the maximum site coverage shall be 65%, instead of the standard allowable requirement of 80%.
- **Building Finishes:** As proffered, the building design shall be in substantial conformance with the Building Elevations titled, "John Marshall Commons Technology Park" prepared by Penney Design Group and dated June 25, 2020. The Applicant shall submit the architectural elevations to the Planning Director for review and approval for consistency with the

architecture proposed herein a minimum of two weeks prior to the request for issuance of the building permits for such buildings.

- Data Center Design: As proffered, principal building façades facing or visible from John Marshall Highway and Catharpin Road shall incorporate consistent design, materials, and details and shall avoid the use of undifferentiated surfaces by including at least two of the following design elements. The proposed building elevations generally reflect elements of these below standards.
 - change in building height;
 - building step-backs or recesses;
 - fenestration;
 - change in building material, pattern, texture, color; or
 - use of accent materials.
- Screening of Mechanical Equipment: As proffered, ground level and roof top mechanical equipment shall be screened from John Marshall Highway and adjacent properties. Mechanical equipment not screened (blocked) from view as a result of its location relative to the principal building, other structures, and/or existing vegetation or landscape buffering, shall be screened by a visually solid fence, screen wall or panel, parapet wall, or other visually solid screen that shall be constructed of materials compatible with those used in the exterior construction of the principal building.
- Buffers & Landscaping: As proffered:
 1. John Marshall Highway. A 30-foot buffer shall be provided along the abutting right-of-way as shown on the GDP.
 2. Catharpin Road. A 30-foot buffer shall be provided along the abutting right-of-way, as shown on the GDP, containing a combination of natural topography and preservation of existing vegetation having sufficient density, depth, and height, supplemented with new plantings if deemed necessary during the final site plan review/approval process.
 3. Interstate 66. A 50-foot buffer shall be provided along the abutting right-of-way as shown on the GDP, containing a combination of natural topography and preservation of existing vegetation having sufficient density, depth, and height, supplemented with new plantings if deemed necessary during the final site plan review/approval process, to provide separation and screening equivalent to Buffer Type C, as per the DCSM.
 4. All plantings located within landscape areas and buffers shall consist of drought tolerant species appropriate for the climate and location proposed and shall predominately consist of native species in accordance with the DCSM. Where possible, existing vegetation in landscape areas and buffers shall be preserved and incorporated into the design and supplemented by additional plantings, as per the DCSM.

Staff Analysis

- Fencing: As proffered, security fencing of the style and type recommended in Zoning Ordinance section 32-509.02.4.(D), or an equivalent style and type, shall be provided where such fencing would be visible from public or private street frontages. Chain-link fencing, with or without slatted inserts, and/or barbed wire or other similar visible deterrence devices shall not be permitted where visible from public or private streets.
- Orientation & Screening of Service Areas: As proffered:
 1. Refuse Storage Area. Refuse collection areas, loading and service areas shall be oriented away from John Marshall Highway and Catharpin Road, unless substantially screened from view by landscaping and/or a screening wall or fence.
 2. Electrical Gear. Electrical switch gear, electrical metering equipment, and similar appurtenant uses, if any, shall be screened from adjacent major roads and the adjacent public properties as follows:
 - Ten-foot-tall opaque fencing facing residentially zoned/planned properties. The Planning Director may allow for alternative compliance with this requirement, provided the Applicant demonstrates that the need for such fencing is reduced due to the height of the equipment being screened, placement of such equipment relative to buildings and adjacent properties, and through landscaping and/or other methods to reduce visibility.
 - All other buffering and landscaping requirements of the DCSM shall still apply.
- Monument Sign: As proffered, a single freestanding monument style sign shall be permitted along the Catharpin Road frontage of the site. The maximum freestanding sign height shall be 10 feet, and the sign shall be set back a minimum of 10 feet from the public right-of-way. Landscaping shall be provided at the base of the sign and the sign shall have a stone face.
- Exterior Lighting: As proffered, all exterior lighting fixtures shall be “energy-saving” and shall include “focused sharp cut-off” designs that direct light downward and into the interior of the property and away from adjacent roads and/or properties. Exterior fixtures shall be fully shielded to prevent glare from projecting onto the adjacent residential properties.
 - Freestanding Parking Lot Lights – maximum height of 20 feet, and shall be shown on final site plans.
 - Building Mounted Lighting – maximum of 30 feet in height, and shall be shown on final site plans.
- Sound Pressure Levels: As proffered, the Applicant shall not exceed the maximum permissible sound pressure levels as described in the Section 14-4 of the Prince William County Code. Such levels shall be measured at the Property boundary. Security personnel, who will be on-duty continuously, shall be responsible to communicate any sound pressure questions or concerns to the appropriate managerial authority at the data center.

Proposal's Weaknesses

- Scale of Data Center Buildings: The Comprehensive Plan recommends that infill development within established neighborhood be provided at a density, mass, height, and intensity that conforms with those neighborhoods. The property is located proximate to established residential neighborhoods on the north and southwest as well as a public fire station and elementary school, immediately adjacent to the west. Staff was concerned that due to the grading that may be required for the use, the height of the buildings may appear higher from the roadway due to the potential finished floor elevations, which may allow the buildings to be visible from these neighborhoods and public uses. To address the increased building mass and mitigate any potential visual impacts, staff requested that the Applicant step down the buildings or propose a smaller building footprint and height adjacent to residential properties. The Applicant indicated that this was not possible, and instead focused on revising architectural finishes to improve the appearance of the massing. While staff can support these revisions and believes they are an improvement, the overall scale should be considered in the context of the surrounding residential/public uses, and appropriate mitigation, including enhanced buffers, should be considered.
- Buffering Along School & Fire Station: Over the course of the review, staff has requested that there be increased and transitional buffering between the subject property as it abuts the school facility and fire station uses along the northwestern/western property lines. As currently proposed, there is a 50-foot buffer being proposed along the Pace West school site and the eastern portion of Fire & Rescue Station #4. Although staff has requested that there be increased buffering width at these locations, the Applicant has not provided this. Rather, increased tree preservation within the buffer widths is being proposed to varying extents. Along the southwestern boundary, abutting the fire station along the south portion of Gainesville Drive, a previous 30-foot buffer has been reduced to 15 feet. Given the size and scale of the proposed data center development, additional buffering should be provided.

On the adjacent Village Place Technology Park project, a variable width buffer between 80-120 feet in width was proposed to mitigate impacts of data centers on adjacent residential uses. Additional buffer widths should be provided on the subject site adjacent to Pace West School to screen any views of service yards and help provide a more appropriate transition from the school to the data center buildings.

- Needed Clarification on Perimeter Landscape Buffers/Strips: As currently proposed, the proffers indicate that the perimeter landscaping will be planted to 30-foot and 50-foot buffer standards, while the current GDP/SUP Plan indicates "strip" and "buffer". The nomenclature should be rechecked. There is some ambiguity of the proffer language with regards to planting density and how it is indicated on the GDP/SUP Plan. Also, regarding the other buffers, there are profiles within the plans, and there are proffers that reference the DCSM. There should be more clarifying language in the proffers that cross-references the profiles to the proffers. This should be clarified and revised by the Applicant in order to fully resolve this issue.

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

Cultural Resources Plan Analysis

Prince William County promotes the identification, evaluation, and protection of cultural resource sites throughout the County, as well as the tourism opportunities these sites present. The Cultural Resources Plan recommends identifying, preserving, and protecting Prince William County's significant historical, archaeological, architectural, and other cultural resources – including those significant to the County's minority communities – for the benefit of all of the County's citizens and visitors. To facilitate the identification and protection of known significant properties that have cultural resource values worthy of preservation, the land use classification County Registered Historic Site (CRHS) is used in the Comprehensive Plan. The Plan includes areas of potentially significant known but ill-defined or suspected pre-historic sites, Civil War sites, historic viewsheds, landscapes or areas of potential impact to important historic sites, and encourages the identification, preservation, protection, and maintenance of all cemeteries and/or gravesites located within the County.

The Historical Commission initially reviewed the application package at its September 8, 2020 meeting, and recommended a Phase I study, if warranted, and Phase II evaluation and Phase III data recovery study, as applicable. Any artifacts are to be donated to and curated with the County. At subsequent meetings on October 13, 2020, and November 10, 2020, the item was tabled. On December 8, 2020, the Historical Commission recommended that the Applicant revise the Phase I report, in accord with County Archaeologist comments. Most recently, the Commission reviewed the latest submission at its August 10, 2021 meeting, and restated for the Applicant to revise the Phase I study (as requested previously) and submit a revised Phase I for review as soon as possible.

On September 23, 2020, the County Archaeologist submitted comments finding substantial problems with the Phase I cultural resources study submitted with application package and did not approve the report. The complete comments are provided in the case file, but in summary, clarification on land ownership and a justification for the fieldwork methodology were requested. In response to this, the Applicant recently submitted a letter with additional land ownership and historical information and a justification of the field methodology. Based upon this additional information, the County Archaeologist concurs with the recommendation that no further work is needed.

At this time, the Applicant has proffered artifacts to be gifted/donated to the County, installation of one historical marker on the property, and an updated archaeological survey to be submitted prior to final site plan submission.

Proposal's Strengths

- **Donation of Artifacts**: As proffered, artifacts collected during the Phase I Archaeological Study shall be gifted to the County. Ownership of all records submitted to the County for curation shall be transferred to the County with a letter of gift.

- Historical Marker: As proffered, the Applicant shall install one (1) Historical Marker on the property, which provides a description of the property's history. The content and design specifications on the marker shall be prepared in consultation with the County Archaeologist and the Historical Commission prior to final site plan approval. The location of the marker shall be shown on the approved site plan. The historical marker shall be installed prior to bond release.

Proposal's Weaknesses

- None identified.

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

Economic Development

The Comprehensive Plan states the intent, goals, policies, and action strategies supporting the Economic Development Plan for the County. The I-66/Route 29 Sector Plan incorporates the Economic Development Plan's intent, goals, policies, and action strategies and states additional action strategies which apply specifically to the I-66/ Route 29 Sector Plan area.

The sector plan area has the benefit of being strategically located with direct Interstate and regional highway routes and rail lines connecting Gainesville and Prince William County to the north, south, east, and west. There are direct connections available to Washington, DC and the northeast corridor, as well as to southeast metropolises via Interstate 81. Economic growth should be promoted based on this accessibility. It should, however, also encourage desirable commercial investment that is compatible with and supportive of a quality residential environment within the sector plan area and nearby portions of the County and the region.

Proposal's Strengths

- Nonresidential Development: The application proposes nonresidential development that will increase the County's nonresidential tax base.
- Targeted Industry: The applications would allow for the implementation of data center uses, which are a target industry, on the subject site.

Proposal's Weaknesses

- None identified.

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

Environment Plan Analysis

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

The subject site includes two old homesites with extensive forests and wetlands. There are four (4) specimen trees, of which none are proposed to be saved.

IMPERVIOUS / PERVIOUS: 14.69 acres / 8.03 acres

RARE, THREATENED, AND ENDANGERED SPECIES: Wood turtle, Henslow Sparrow, Brook Floater and American woodcock potential habitat. It is the consultant’s opinion that there will be no adverse effect on these species.

SOILS:

No.	Soils name	Slope	Erodibility
3A	Albano silt loam	0-4%	Slight
4B	Arcola silt loam	2-7%	Severe
5C	Arcola-Nestoria complex	7-15%	Severe
8C	Braddock loam	7-15%	Severe
17A	Dulles silt loam	0-4%	Slight
35B	Manassas silt	2-7%	Moderate

There is a large wetland complex onsite, of which the majority will be eliminated. Wetland impacts will be 2,707 square feet (SF) of intermittent waters, 3,238 SF of ephemeral waters, 1.06 acres of palustrine forested wetlands, 0.13 acres of palustrine emergent wetlands, and 0.02 acres of open water. Some of the wetland areas were artificially created due to regrading and construction associated with a water line extension to serve the adjacent fire station. In response to this, the Applicant has revised the limits of clearing on the GDP/SUP Plan to preserve greater areas of forest cover and to show additional tree preservation. With the latest submission, the proffers have been revised to clarify the intent of tree preservation. Additional planting areas have also been added throughout the site, which will be planted as tree canopy coverage.

Water Quality

As per standard practice, the Applicant has proffered to make a monetary contribution to the Board of County Supervisors in the amount of \$75.00 per acre for water quality monitoring, drainage improvements, and/or stream restoration projects. Said contribution shall be made prior to and as a condition of site plan approval with the amount to be based on the site area acreage.

Proposal's Strengths

- **Low Impact Development (LID):** As proffered, the Applicant shall provide a minimum of one (1) Low-Impact Development (LID) Best Management Practice to treat stormwater from the property. Such LID practice may include, but shall not be limited to, water quality swales, bioretention facilities/rain gardens, sheet flow to vegetated buffers, or any alternative LID practice proposed by the applicant and deemed to be acceptable to the Watershed Management Branch.
- **Tree Preservation Plan:** As proffered, the Applicant shall provide a Tree Preservation Plan (TPP) for the minimum setback areas, buffers, and undisturbed areas as shown on the GDP/SUP Plan. The TPP shall be done in accordance with Plant Selection Guide, Section III of the DCSM.
- **Defined Limits of Clearing & Grading:** As proffered, the Applicant shall develop the site in substantial conformance with the limits of clearing and grading as shown on the GDP/SUP Plan, subject to county review and approval, and to the extent practicable, preservation of existing mature vegetation that is consistent with the locations of landscaped buffers and open spaces shown on the GDP/SUP Plan and on the final site plans.
- **Wetland Preservation and Mitigation:** As proffered, areas identified as wetlands outside of the limits of clearing and grading requiring preservation shall be preserved as indicated on the GDP/SUP Plan or such impacts shall be mitigated in accordance with State and Federal requirements.

Proposal's Weaknesses

- **Removal of All Specimen Trees:** The Environment chapter of the Comprehensive Plan recommends the preservation of natural vegetation – especially existing and mature trees, including specimen trees. Four (4) specimen trees are located within the project area. Currently, all are proposed to be removed. Of the specimen trees, three (3) of the four (4) are located in the vicinity of the proposed access off of Catharpin Road where preservation may not be practical. However, greater efforts should be made to save the Horse Chestnut tree (33.0 DBH size), which is located at southwestern corner of the property and along John Marshall Highway (Route 55).

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 protecting lives, property, and the environment through timely, professional, humanitarian services essential to the health, safety, and well-being of the community. The Plan includes recommendations relating to siting criteria, appropriate levels of

service, and land use compatibility for fire and rescue facilities. The Plan also includes recommendations to supplement response time and reduce risk of injury or death to County residents, establishment of educational programs, such as cardio-pulmonary resuscitation (CPR) training, automatic external defibrillators (AED), and encourage installation of additional fire protection systems – such as sprinklers, smoke detectors, and other architectural modifications.

Fire/Rescue Station #4 (Gainesville) is the first due fire/rescue resource. This first due fire station is located to the southwest and adjacent to/abuts the subject site along John Marshall Highway (Route 55). In FY 2021, Fire/Rescue Station #4 responded to 4,092 incidents, with a workload capacity of 4,000 incidents per year.

The Capital Improvement Program (CIP) includes Station 22 (Groveton Station), which recently opened. This new facility location will affect the total response for Station #4, but the full effect has yet to be determined.

FY2021-2026 Capital Improvement Program (CIP) – Planned Public Facilities

Groveton Station (#22) is a new Fire and Rescue station located at 7500 Century Park Drive in the west end of the County. The 21,000 square foot station houses a pumper, rescue unit, collapse unit, and an Advanced Life Support (ALS) ambulance. Career staffing will be provided for a 24- hour pumper unit, 24-hour rescue unit, and a 24-hour medic unit. The building includes sleeping quarters, a kitchen and dayroom, physical fitness room, training room, storage for heavy tactical rescue equipment, and offices. The station includes four apparatus bays, an area for personal protective equipment, and an exterior training tower. This station opened in January 2021. Systemwide response times are expected to improve and ease the burden on existing nearby stations.

Proposal's Strengths

- Monetary Contribution: As proffered, the Applicant shall submit a monetary contribution of \$0.61 per square foot of gross floor area of principal building area to the Board of County Supervisors to be used for fire and rescue purposes, prior to the issuance of the occupancy permit issuance for each building.
- Outside of 4.0-Minute Travel Time: The site is located within the recommended 4.0-minute travel time for fire suppression and basic life support.
- Inside of 8.0-Minute Travel Time: The site is located within the 8.0-minute travel time for advanced life support services.
- Spill Prevention and Containment: As proffered, the Applicant shall comply with all applicable State and Federal regulations regarding spill prevention and control requirements for the proposed uses (e.g., Code of Federal Regulation (CFR) Chapter 40, Part 112 – Oil Pollution Prevention and Response; and Commonwealth of Virginia Regulation 9 VAC 25-91-130, et seq., Pollution Prevention Requirements). During the review of final site plans, the Applicant shall provide the Fire Marshal's Office with a copy of the protocols specific to the property for review/comment and thereafter coordinate with local officials, as appropriate.

Proposal's Weaknesses

- **Station Workload:** Fiscal Year 2021 figures indicate that Fire and Rescue Station #4 is currently operating somewhat over capacity. Staff notes that there is a new station, Station 22 (Groveton Station), which is now open and operational. This new facility location will affect the total response for Station #4, but the full effect has yet to be determined.

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

Police Plan Analysis

Residents and businesses expect a high level of police service for their community. This service increases the sense of safety and protects community investments. The Police Plan is designed to promote Prince William County's public safety strategic goal to continue to be a safe community, reduce criminal activity, and prevent personal injury and loss of life and property, as well as to ensure effective and timely responses throughout the County. This Plan encourages funding and locating future police facilities to maximize public accessibility and police visibility as well as to permit effective, timely response to citizen needs and concerns. The Plan recommends educational initiatives, such as Neighborhood and Business Watch, and Crime Prevention through Environmental Design (CPTED), which encourages new development to be designed in a way that enhances crime prevention. The Plan also encourages effective and reliable public safety communications linking emergency responders in the field with the Public Safety Communications Center.

At this time, the Police Department does not believe this application will create significant impact on calls for service. The Applicant should coordinate with the Police Department as the site develops, and apply the various Crime Prevention Through Environmental Design (CPTED) principles, which can be found at the following: <https://www.pwcva.gov/assets/documents/police/002035.pdf> Details on the type(s) of onsite security measures should also be considered, in addition to access control, surveillance cameras, alarm systems, access/guard gates, fencing, and onsite lighting.

Proposal's Strengths

- **Secured Campus:** As proposed by the Applicant, a future data facility would be designed as a secure campus with associated security measures.
- **Minimal Impacts to Levels of Service:** The Police Department does not believe this application will create significant impact on calls for service.
- **Graffiti Removal:** As proffered, the Applicant agrees to remove any graffiti from the Property. Graffiti shall be deemed any inscription or marking on walls, buildings or structures not permitted by the sign regulations in Section 32-250.21 *et seq.* of the Zoning Ordinance. Any graffiti is to be reported to the Police Department before removal.

Proposal's Weaknesses

- None identified.

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

Potable Water Plan Analysis

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

The subject property is within the Development Area of the County and is thereby required to utilize public water to develop. Public water is available onsite from an existing 18-inch water main routed through the property. The developer will be required to provide onsite looping for increased redundancy and water quality.

Depending on the final configuration of any proposed onsite water mains, additional water main extensions may be required by the Service Authority to provide adequate fire protection or satisfy water quality requirements. The Applicant shall plan, design, and construct all on-site and off-site water utility improvements necessary to develop the subject property and the above-listed requirements in accordance with all applicable Service Authority, and County and State requirements, standards, and regulations.

Proposal's Strengths

- **Water Connection & Service**: As proffered, the Applicant shall plan, design, and construct all onsite and offsite water utility improvements necessary to develop the subject property.

Proposal's Weaknesses

- None identified.

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

Sanitary Sewer Plan Analysis

Appropriate wastewater and sanitary facilities provide needed public health and environmental protections. The Sanitary 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 Semi-Rural Residential (SRR), as well as the Rural Area.

The subject property is within the Development Area of the County and is thereby required to utilize public sewer to develop. Public sewer is available from an existing 8-inch gravity sewer main located on the adjacent parcel near the northwest corner of the property. Depending on the projected peak wastewater flows of the proposed development, the developer may be required to provide a sewer study to determine if there is adequate capacity in the existing collection system.

The Applicant shall plan, design, and construct all on-site and off-site sanitary sewer utility improvements necessary to develop the property and satisfy all requirements in accordance with all applicable Service Authority, County, and State requirements, standards, and regulations.

Proposal's Strengths

- Sewer Connection & Service: As proffered, the Applicant shall be responsible for all onsite and offsite improvements required to provide the sewer service demand generated by the development.

Proposal's Weaknesses

- None identified.

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

Transportation Plan Analysis

Prince William County promotes the safe and efficient movement of goods and people throughout the County and surrounding jurisdictions by providing a multi-modal approach to traffic circulation. The Transportation Plan establishes policies and action strategies that further the County's goal of creating and sustaining an environmentally friendly, multi-modal transportation system that meets the demands for intra- and inter-county trips, is integrated with existing and planned development, and provides a network of safe, efficient, and accessible modes of travel. The Plan includes recommendations addressing safety, minimizing conflicts with environmental and cultural resources, maximizing cost effectiveness, increasing accessibility of all travel modes, minimizing projected trip demand, and providing sufficient network capacity. Projects should include strategies that result in a level of service (LOS) of "D" or better on all roadway corridors and intersections, reduce traffic demand through transportation demand management strategies, dedicate planned rights-of-way, provide and/or fund transit infrastructure, pedestrian and bicycle pathways, and improved and coordinated access to transit facilities.

The following summary table provides the latest Virginia Department of Transportation (VDOT) annual average daily traffic counts and Prince William County Travel Demand model levels of service (LOS) information in the vicinity of the site.

Staff Analysis

Roadway Name	Number of Lanes	2019 VDOT Annual Average Daily Count	Travel Demand Model 2015 Daily LOS
John Marshall Highway (Route 55)	2	11,000 VPD	D
Catharpin Road (Route 676)	2	5,200 VPD	D

The Comprehensive Plan calls for John Marshall Highway (Route 55) adjacent to the site to be a four-lane facility under the Minor Arterial (MA-1) standard within 128 feet of right-of-way. The Applicant must provide 64 feet from centerline along John Marshall Highway, plus all necessary construction and utility related easements in keeping with the planned widening of John Marshall Highway. On the latest submission, the Applicant shows the required 64 feet of right-of-way on John Marshall Highway on Sheets 2 and 3 of the GDP/SUP Plan, and has proffered that the property will be developed in substantial conformance with the GDP/SUP Plan.

Access to the site is planned at two (2) entrance points:

1. The access on Catharpin Road will be the primary entrance to the property, with right-turn and left-turn lanes.
2. The secondary entrance will connect to Gainesville Drive or to the access driveway to the fire department on the abutting property. The secondary entrance will be used primarily for emergency access purposes.

The Applicant has provided a sidewalk along the Catharpin Road frontage and shows a 10-foot asphalt trail along John Marshall Highway on the GDP/SUP Plan. The appropriate right of way will be provided to ensure that both the sidewalk and trail along Catharpin Road and John Marshall Highway are located fully inside VDOT right-of-way.

A Traffic Impact Study (TIS) by Gorove/Slade Associates, Inc. was submitted with the application. The TIS included this proposal and the adjacent Village Place development. Site development is targeted for 2023. The Applicant proposes to develop approximately 517,000 square feet of data center use for the site. The property will be accessed from a new entrance on Catharpin Road and from Gainesville Drive as an emergency entrance.

The site is anticipated to generate 62 new AM peak hour trips, 51 new PM peak hour trips, and 512 new trips during an entire weekday, based on current ITE Trip Generation rates. With the proposed roadway improvements, all approaches and lane groups at the John Marshall Highway/Catharpin Road intersection are anticipated to operate similar to or better than future without development conditions. Data centers typically generate less vehicle trips when compared to many by-right uses. So, although there are 62 and 51 new AM/PM trips, respectively, the overall impact of the proposed data center campus is less than if the property were to develop pursuant to its existing land entitlement.

Based on the capacity and queuing analyses, the proposed development will not have a detrimental impact on the surrounding transportation roadway network, assuming the recommended improvements are constructed.

Proposal's Strengths

- Entrance Improvements: The Applicant will construct entrance improvements including sidewalks/shared use paths and lane widening across the frontage of the Property, as depicted on the MZP.
- Site Access: The road improvements across the site frontage will include the following:
 1. The entrance on Catharpin Road will be the primary entrance to the property.
 - a. Right-Turn Lane. The Applicant will construct a right turn bay of 100 feet with a 100-foot-long taper at the entrance from Catharpin Road. Pavement markings will be provided to VDOT standards.
 - b. Left-Turn Lane. The Applicant will construct a left-turn bay of 100 feet with a 100-foot taper at the entrance from Catharpin Road. Pavement markings will be provided to VDOT standards.
 2. Entrance 2. The secondary entrance will connect to Gainesville Drive or to the access driveway to the fire department on the abutting property. The secondary entrance will be used primarily for emergency access purposes.
- Right-of-Way for Catharpin Road Improvements: Right-of-way dedication will be provided consistent with the Major Collector (MC-2) typical cross section within Area 1 identified on the Road Improvement sheet of the GDP and the MC-1 typical cross section within Area 2 identified on the Road Improvement sheet of the GDP.
- Provision for Bicycle Racks and Storage Lockers: The Applicant will provide a minimum of one (1) bicycle storage locker for each building, which shall be built to the standards published in the *Essentials of Bike Parking* by the Association of Pedestrian and Bicycle Professionals.
- Traffic Management Around Town of Haymarket: The Applicant will require site construction traffic to approach and depart from the Property using routes from I-66 and Route 29 to avoid the Town of Haymarket. This traffic bypass plan will be coordinated with the County Department of Transportation and VDOT, and will be monitored by the site point of contact.

Proposal's Weaknesses

- None identified.

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

Strategic Plan

This section of the report is intended to address the project's alignment with the outcomes provided within the County's Strategic Plan. The 2021-2024 Strategic Plan was developed through extensive community input, research of county policies and services and interviews with the Board to collect input on strategic priorities for the County over the next 4 years. The Plan envisions Prince William County as a diverse community striving to be healthy, safe, and caring with a thriving economy and a protected natural environment. In an effort to implement this vision, the Strategic Plan Team developed seven strategic focus areas to guide Board actions: "Health, Wellbeing & Human Services," "Safe and Secure Community," "Resilient Economy," "Quality Education & Workforce Development," "Environmental Conservation," "Sustainable Growth," and "Transportation and Mobility." It is important to note that no single area is viewed as more critical than another. Rather, each are interrelated and have direct impact on each other. Collectively, these goal areas impact the quality of life in all facets of the community 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 aspects of the proposal applicable to the Strategic Plan are as follows:

Goal 3: Resilient Economy

- Diversify, support, and expand the local economy to ensure equitable economic growth through innovative business/talent attraction, promotion, and investment.

Objective RE-1:

- Create and support programs, policies, and strategies that encourage profit-generating business expansion, new business development and redevelopment that enhances or complements targeted industries.

Action Strategy RE1: E.

- Develop regional partnerships, internships, mentorships, and workforce development programs with schools and institutions of higher learning in targeted industries.

Objective RE-2:

- Continue efforts to preserve and expand the commercial tax revenue base.

Goal 7: Transportation & Mobility

- The proposal is favorably aligned with the County's Transportation & Mobility objective to improve multi-modal options by increasing sidewalk/trail connectivity and proffering bike racks.

Materially Relevant

- Land Use Chapter Update: The Planning Office is currently in the process of proposing updates to the Land Use Chapter of the Comprehensive Plan. The Community Employment Center (CEC) designation is being considered for changes Countywide. At this time, Planning Office recommendations for CEC are not complete; however, there is the potential that CEC designations will be recommended for replacement with alternate new designations in the future.

The subject site is not located within the Data Center Opportunity Zone Overlay District. As such, a special use permit (SUP) is required for any data center uses.

- Dominion Energy Virginia (Dominion): In Dominion Energy's communications with the County and the public, Dominion has expressed a preference not to address the impacts of new load growth on the area's electric grid with new electric transmission infrastructure connecting into the Haymarket substation. Dominion has identified alternatives to provide necessary service, including growth in service, that limits impact to the Haymarket substation. The Applicant has provided a "Power Availability" summary document, which has been attached at the end of this report for informational purposes.
- Board of County Supervisors Resolution: On May 18, 2021, through Res. No. 21-327, the Prince William Board of County Supervisors initiated amendments to County policies and regulations related to data center development including the Data Center Opportunity Zone Overlay District, the Design and Construction Standards Manual, the Comprehensive Plan, the Zoning Ordinance, and other appropriate development regulations. These efforts are still ongoing.
- Substation: There will be no new proposed electrical substations on the property. The Applicant has indicated that the John Marshall Commons Tech Park will be served by Dominion Energy from a substation along the new Haymarket Transmission Line.

Proffer Analysis

This section of the report is intended to identify relevant issues/deficiencies within the Proffer Statement, as drafted:

Proffer 2.B.

(Staff suggests the last sentence be deleted/removed, as screening of all equipment is important.)

- Screening of mechanical equipment. Ground level and roof top mechanical equipment shall be screened from John Marshall Highway and adjacent properties. Mechanical equipment not screened (blocked) from view as a result of its location relative to the principal building, other structures, and/or existing vegetation or landscape buffering, shall be screened by a visually solid fence, screen wall or panel, parapet wall, or other visually solid screen that shall be constructed of materials compatible with those used in the exterior construction of the

principal building. Notwithstanding the requirements of this section, mechanical equipment located in a manner found to have no adverse impact on adjacent roads and adjacent properties, as determined by the Planning Director, shall not be required to be screened.

Proffer 2.I.

(Staff suggests that this proffer be deleted/removed in its entirety. Our review process already allows for minor adjustments/modifications, based on final design and engineering considerations. This proffer is not appropriate, nor necessary.)

- ~~• Variations in Design Providing Improved or Equal Quality. Variations from the General Development Plan, Screening and Landscaping proffered herein whether proposed at the time of initial development of the property or as a part of a site plan revision shall be permitted, provided the integrity of the overall site layout and design is not compromised and subject to a finding by the Planning Director that the variation will provide an equal or improved design.~~

Proffer 6.A.

(Staff suggests that the 2nd sentence of this proffer be deleted/removed in its entirety.)

- Entrance Improvements. The Applicant shall construct entrance improvements including sidewalks/shared use paths and lane widening across the frontage of the Property as depicted on the MZP. ~~In the event that changes in the Comprehensive Plan or other circumstances result in a reduction in the road or pedestrian improvements required across the frontage of the Property, the Applicant may construct a lesser adopted design subject to VDOT and PWCDOT approval.~~ At a minimum, the road improvements across the frontage of the Property shall include the following...

Agency Comments

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

- Dominion Energy
- PWC Archaeologist
- PWC Building Official
- PWC Economic Development
- PWC Fire Marshal Office
- PWC Historical Commission
- PWC Planning Office – Case Manager / Long-Range Planning / Zoning Administration
- PWC Police / Crime Prevention
- PWC Public Works – Environmental Services / Watershed Management
- PWC Service Authority
- PWC Transportation
- Town of Haymarket
- Virginia Department of Transportation (VDOT)

PROFFER STATEMENT

**John Marshall Commons Technology Park
October 21, 2021**

Rezoning: #REZ2021-00003
Record Owners: Gainesville Sixty Six L C

Applicant: CTP-II, LLC
G.P.I.Ns.: 7397-46-4281, 7397-46-4050, 7397-36-8980
7397-47-7731

Acreage: ±22.72
Magisterial District Gainesville
Current: B-1, General Business and M-2, Light Industrial
Proposed: O(M), Office Mid-Rise

The undersigned hereby proffers that the use and development of the subject Property shall be in substantial conformance with the following conditions. In the event the above-referenced rezoning is not granted as applied for by the Applicant and if the Special Use Permit processed concurrently with this rezoning that is required to allow the proffered principal use is not granted as applied for, these proffer conditions shall be withdrawn and are null and void, and the Property shall be developed in accordance with the proffered conditions approved in REZ#87-51. The headings of the proffered conditions set forth below have been prepared for convenience of 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 adjacent to the improvement, unless otherwise specified. The terms “Applicant” and “Developer” shall include all future owners and successors in interest. The term “Property” shall mean the property that is the subject of the rezoning proposed herein.

For purposes of reference in this Proffer Statement, the Generalized Development Plan/Special Use Permit Plan refer to the plan prepared by JCL Consulting, LLC, entitled “Generalized Development Plan, Special Use Permit Plan, John Marshall Commons Technology Park” dated September 1, 2021 and contains the following plan sheets:

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Sheet 1	Cover Sheet
Sheet 2	Generalized Development Plan/Special Use Permit Plan (GDP/SUP)
Sheet 3	Landscape Plan
Sheet 4	Details
Sheet 5	Road Improvement Plan

1. USES AND DEVELOPMENT

- A. General Development Plan. The Property, consisting of approximately 22.72 acres, shall be developed in substantial conformance with the GDP/SUP with respect to the location and design of right-of-way entrance locations, road improvements and buffers indicated on the GDP/SUP Plan.

- B. The Property shall be subject to those uses and development standards applicable to the O(M), Office Mid-Rise, zoning district pursuant to Zoning Ordinance Section 32-402.30 et seq, subject to the following:
 - a. The Property shall be used as a Data Center and uses secondary and ancillary to a Data Center.

 - b. The development of the subject Property shall be in substantial conformance with the GDP/SUP with respect to the location and design of right-of-way entrance locations, road improvements and buffers indicated on the GDP/SUP Plan.

 - c. The minimum principal building setback from John Marshall Highway and Interstate 66 shall be 135 feet. The minimum principal building setback from Catharpin Road shall be 75 feet. The minimum principal building setback from the adjacent public school property shall be 110 feet. Buildings, fences and structures necessary for security measures, and other ancillary structures supportive of the operations of the data center, shall be located in accordance with the requirements of the zoning ordinance or as proffered herein.

 - d. The maximum building height shall be 70 feet.

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- e. The maximum data center Floor Area Ratio shall be 0.65.
- f. The maximum site coverage shall be 65%.
- g. Right-of-way Entrance. The entrance along Catharpin Road shall be the primary entrance to the Property upon completion of development.

2. COMMUNITY DESIGN

A. Building Finishes. The building design shall be in substantial conformance with the Building Elevations titled, “John Marshall Commons Technology Park” prepared by Penney Design Group and dated June 25, 2020. The Applicant shall submit the architectural elevations to the Planning Director for review and approval for consistency with the architecture proposed herein a minimum of two weeks prior to the request for issuance of the building permits for such buildings. Variations from the elevations proposed herein shall be permitted, provided the integrity of the overall quality of the design is not compromised and subject to a finding by the Planning Director that the variation will provide an equal or improved design.

- 1. Principal building façades facing or visible from John Marshall Highway and Catharpin Road shall incorporate consistent design, materials, and details and shall avoid the use of undifferentiated surfaces by including at least two of the following design elements:
 - change in building height;
 - building step-backs or recesses;
 - fenestration;
 - change in building material, pattern, texture, color; or
 - use of accent materials.

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B. Screening of mechanical equipment. Ground level and roof top mechanical equipment shall be screened from John Marshall Highway and adjacent properties. Mechanical equipment not screened (blocked) from view as a result of its location relative to the a principal building, other structures, and/or existing vegetation or landscape buffering, shall be screened by a visually solid fence, screen wall or panel, parapet wall, or other visually solid screen that shall be constructed of materials compatible with those used in the exterior construction of the principal building. Notwithstanding the requirements of this section, mechanical equipment located in a manner found to have no adverse impact on adjacent roads and adjacent properties, as determined by the Planning Director, shall not be required to be screened.

C. Buffers and Landscaping.

1. John Marshall Highway. A 30-foot buffer shall be provided along the abutting right-of-way as shown on the GDP/SUP Plan adjacent to John Marshall Highway. The final design shall be determined during the review and approval of the final site plan.
2. Catharpin Road. A 30-foot buffer shall be provided along the abutting right-of-way as shown on the GDP/SUP Plan adjacent to Catharpin Road, containing a combination of natural topography and preservation of existing vegetation having sufficient density, depth, and height, supplemented with new plantings if deemed necessary by the County during the final site plan review and approval process. The final design shall be determined during the review and approval of the final site plan.
3. I-66. A 50-foot buffer shall be provided along the abutting right-of-way as shown on the GDP/SUP Plan adjacent to Interstate Route 66 (I-66), containing a combination of natural topography and preservation of existing vegetation having sufficient density, depth, and height, supplemented with new plantings if deemed necessary during the final site plan review and approval process, to the provide separation and screening equivalent to Buffer Type C as established by the Design and Construction Standards Manual (DCSM). The final design shall be determined during the review and approval of the final site plan.
4. All plantings located within landscape areas and buffers shall consist of drought tolerant species appropriate for the climate and location proposed, and shall

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predominately consist of native species in accordance with the DCSM. Where possible, existing vegetation in landscape areas and buffers (when it is native and good quality) shall be preserved and incorporated into the design and supplemented by additional plantings, as may be required to meet minimum requirements of the DCSM. Where existing vegetation is undisturbed within required or proffered landscape areas and landscape buffers, said existing vegetation shall be credited against the plant unit and/or tree canopy requirements as may be identified in the DCSM.

- D. Fencing. Security fencing of the style and type recommended in Zoning Ordinance Section 32-509.02. 4. (D), or an equivalent style and type, shall be provided where such fencing would be visible from public or private street frontages. Chain-link fencing, with or without slatted inserts, and /or barbed wire or other similar visible deterrence devices shall not be permitted where visible from public or private streets. The Planning Director may allow for alternative compliance with this requirement, provided the Applicant demonstrates that the fencing visibility is reduced, through the use of landscaping and other methods to reduce visibility.
- E. Service Areas.
1. Refuse Storage Area. Refuse collection areas, loading and service areas shall be oriented away from John Marshall Hwy and Catharpin Road unless substantially screened from view by landscaping and/or a screening wall or fence. The orientation of refuse collection, areas and loading and service areas, and the method of screening, shall be reflected on the final site plan.
 2. Electrical Gear. Electrical switch gear, electrical metering equipment, and similar appurtenant uses, if any, shall be screened from adjacent major roads and the adjacent public properties as follows
 - a) Ten-foot-tall opaque fencing facing residentially zoned/planned properties. The Planning Director may allow for alternative compliance with this requirement, provided the Applicant demonstrates that the need for such fencing is reduced due to the height of the equipment being screened,

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placement of such equipment relative to buildings and adjacent properties and through the use of landscaping and/or other methods to reduce visibility.

- F. Utilities and Required Landscaping. Utilities within landscape areas and landscape buffers shall be limited to the extent and in the manner permitted by the DCSM, and when utility crossings are necessary, the crossing shall be located and aligned perpendicular based on final engineering considerations and subject to County approval during final site plan review.
- G. Signage. All signage shall comply with the standards set forth in the Zoning Ordinance and Design and Construction Standards Manual (DCSM). In addition, the following shall apply to signage and advertising on the Property:
1. Monument Sign. A single freestanding monument style sign shall be permitted along the Catharpin Road frontage of the Property. The maximum freestanding sign height shall be ten (10) feet and the sign shall be set back a minimum of ten (10) feet from the public right-of-way. Landscaping shall be provided at the base of the sign and the sign shall have a stone face. The location of the sign along the public road frontage shall be determined at the time of final site plan approval and sign permit approval in coordination with the final landscaping design.
 2. Sign Permits. Sign permits are required for all signs. Colored, scaled renderings of all signage shall be submitted as part of the sign permit approval process.
- H. Exterior Lighting. All exterior lighting fixtures shall be “energy-saving” and shall include “focused sharp cutoff” designs that direct light downward and into the interior of the Property and away from adjacent roads and/or adjacent properties. Exterior fixtures shall be fully shielded to prevent glare from projecting onto the adjacent residential properties.
1. Freestanding Parking Lot Lights shall have a maximum height of 20 feet and shall be shown on the final site plans.

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2. **Building Mounted Lighting** shall be a maximum of 30 feet in height and shall be shown on the final site plans.

- I. **Sound Pressure Levels.** The Applicant shall not exceed the maximum permissible sound pressure levels as described in the Section 14-4 of the Prince William County Code. Such levels shall be measured at the Property boundary. Security personnel, which will be on-duty continuously, shall be responsible to communicate any sound pressure questions or concerns to the appropriate managerial authority at the data center.
- J. **Variations in Design Providing Improved or Equal Quality.** Variations from the GDP/SUP Plan, screening, and Landscaping Plan proffered herein whether proposed at the time of initial development of the Property or as a part of a site plan revision shall be permitted, provided the integrity of the overall site layout and design is not compromised and subject to a finding by the Planning Director that the variation will provide an equal or improved design.

3. ENVIRONMENTAL

- A. **Water Quality Monitoring.** 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, drainage improvements and/or stream restoration projects. Said contribution shall be made prior to and as a condition of final site plan approval with the amount to be based on the final site plan area acreage.
- B. **SWM/BMP.** Stormwater Management and/or Best Management Practices shall be provided on-site and/or off-site, (pursuant to Section 32-250.73.1 of the Zoning Ordinance), and in accordance with the DCSM, unless modified or waived during final site plan review.
- C. **Low Impact Development (LID).** The Applicant shall provide a minimum of one (1) Low-Impact Development (LID) Best Management Practice to treat stormwater from the Property. Such LID practice may include, but shall not be limited to, water quality swales, bioretention facilities/rain gardens, sheet flow to vegetated buffers, or any alternative LID practice proposed by the Applicant and deemed to be acceptable to the

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County Public Works Department, Watershed Management Branch. The location of the LID practice shall be shown on the first final site plan, or construction plans and profiles, whichever is first in time, for the Property.

- D. Existing Vegetation. The Applicant shall develop the Property in substantial conformance with the limits of clearing and grading as shown on the GDP/SUP Plan, final engineering considerations, subject to County review and approval, and to the extent practicable, preservation of existing mature vegetation that is consistent with the locations of landscaped buffers and open spaces shown on the GDP/SUP Plan and on the final site plans. The following exceptions to the limits of clearing and grading shall be allowed:
1. The installation of plant materials, if needed for landscaping, revegetation or to supplement existing vegetation;
 2. The removal of noxious vegetation, such as poison ivy, poison oak, etc., as well as dead, dying, or hazardous trees;
 3. The installation and/or maintenance of any required or existing utilities and the location of utilities shall be in accordance with the DCSM and subject to County review and approval;
 4. Installation and maintenance of trails, benches or other appurtenances to enhance the enjoyment of open space areas on the Property.
- E. Tree Preservation Plan. The Applicant shall provide a Tree Preservation Plan (TPP) for the minimum setback areas, buffers, and undisturbed areas as shown in the GDP/SUP Plan. The TPP shall be done in accordance with Plant Selection Guide, Section III of the DCSM.
- F. Spill Prevention and Containment. The Applicant shall comply with all applicable County, State and Federal regulations regarding spill prevention and control requirements for the proposed uses (e.g., Code of Federal Regulation (CFR) Chapter 40, Part 112 – Oil Pollution Prevention and Response; and Commonwealth of Virginia Regulation 9 VAC 25-91-130, et seq., Pollution Prevention Requirements). During the review of the final site plans, the Applicant shall provide the Fire Marshal’s Office with a copy of the protocols specific to

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the Property for review and comment and thereafter coordinate with local officials as appropriate.

- G. Wetland Preservation and Mitigation. Areas identified as wetlands outside of the limits of clearing and grading requiring preservation shall be preserved as indicated on the GDP/SUP or such impacts shall be mitigated in accordance with County, State and Federal laws, codes, regulations, ordinances, and requirements.

4. FIRE & RESCUE

Prior to the issuance of the occupancy permit issuance for each building the Applicant shall submit a monetary contribution of \$0.61 per square foot of gross floor area of principal building area to the Board of County Supervisors to be used for fire and rescue purposes.

5. CULTURAL RESOURCES

- A. Artifacts. Artifacts collected during the Phase I Archaeological study shall be gifted to the County. Ownership of all records submitted to the County for curation shall be transferred to the County with a letter of gift. Private individuals shall be allowed access to materials donated to the County upon reasonable notice to the appropriate authority within the County and such access may be accompanied by a County staff member.
- B. Historical Marker. The Applicant shall install one (1) Historical Marker on the Property which provides a description of the Property's history. The content and design specifications on the marker shall be prepared in consultation with the County Archaeologist and the Historical Commission prior to final site plan approval. The location of the marker shall be shown on the approved final site plan. The historical marker shall be installed prior to bond release.

6. TRANSPORTATION

- A. Entrance Improvements. The Applicant shall construct entrance improvements including sidewalks/shared use paths and lane widening across the frontage of the Property as depicted on the GDP/SUP. In the event that changes in the Comprehensive Plan or other

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circumstances result in a reduction in the road or pedestrian improvements required across the frontage of the Property, the Applicant may construct a lesser adopted design subject to Virginia Department of Transportation and Prince William County Department of Transportation approval. At a minimum, the road improvements across the frontage of the Property shall include the following:

1. The entrance on Catharpin Road shall be the primary entrance to the Property upon completion of development.
 - a. Right Turn Lane. The Applicant shall construct a right turn bay of 100 feet with a 100 foot long taper at the entrance from Catharpin Road. Pavement markings shall meet Virginia Department of Transportation minimum standards.
 - b. Left Turn Lane. The Applicant shall construct a left turn bay of 100 feet with a 100 foot taper at the entrance from Catharpin Road. Pavement markings shall meet Virginia Department of Transportation minimum standards.
 2. Entrance 2. The secondary entrance shall be available upon completion of development of the Property pursuant to this rezoning and shall connect to the right-of-way known as Gainesville Drive or to the access driveway to the fire department on the abutting Property. The secondary entrance shall be used primarily for emergency access purposes.
- B. Modifications to Road Improvements. Subject to approval by the Prince William County Department of Transportation and the Virginia Department of Transportation, the Applicant may receive modifications to the road improvement plan and/or to phased completion of required road improvements to address unforeseen or unavoidable delays such as in utility relocation, weather delay, availability of right-of-way, availability of materials, permitting process for public improvements such as traffic signals, changes to design requirements or policies preventing installation or construction of improvements proffered herein, and/or similar factors outside of the applicants control, provided that such modification, whether permanent or temporary, provides essentially the same level of service as the design proffered herein.

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Date: October 21, 2021

- C. Bicycle Storage Lockers. A minimum of one (1) bicycle storage locker for each building on the property shall be provided on the property and built to the standards published in the Essentials of Bike Parking by the Association of Pedestrian and Bicycle Professionals.
- D. The Applicant shall require that construction traffic shall approach and depart from the Property using routes from I-66 and Route 29 that will not require such traffic to pass through the Town of Haymarket. During any construction on the Property, this traffic bypass plan shall be coordinated with and approved by the Prince William County Department of Transportation and the Virginia Department of Transportation. During any construction on the Property, the traffic bypass plan shall be monitored by a specific point of contact on the Property, who's name and contact information shall be provided to the Prince William County Department of Transportation prior to the start of any construction on the Property.
- E. Right-of-way for Public Road Improvements Catharpin Road.
1. Dedication to Public Right-of-Way. Dedication to the right-of-way width sufficient has been recorded or shall be provided consistent with the DCSM MC-2 typical cross section within Area 1 identified on the Road Improvement sheet of the GDP and consistent with the MC-1 typical cross section within Area 2 identified on the Road Improvement sheet of the GDP/SUP. In the event that changes in circumstances result in a reduction in the width of the right-of-way necessary along the frontage of the Property, the Applicant may re-incorporate such area back into the Property and adjust the setbacks, buffers and similar design commitments based on the new right-of-way location.
 2. Acquisition. In the event additional right-of-way is needed to construct turn lanes improvements, and the Applicant is not able to acquire the right-of-way, easement(s), or other property interest (herein "property interests") required in order to provide the improvements identified hereinabove, the Applicant shall request the County to acquire the necessary property interests by exercise of its condemnation powers, at the Applicant's expense. The Applicant's request shall be in writing and shall comply in all respects with the County's Eminent Domain Policy in place at the time

PROFFER STATEMENT

Applicant: John Marshall Commons Technology Park

#REZ2021-00003

Date: October 21, 2021

of the request. The request shall be made to the appropriate County agency and shall be accompanied by the following:

- a) The names of the record owners, the property addresses, and GPIN numbers for each landowner from whom such property interests are sought.
- b) Plats, plans and profiles showing the necessary property interest to be acquired and showing the details of the proposed transportation improvements to be located on each property.
- c) An independent appraisal of the value of the property interests to be acquired, and any and all damages to the residue of the involved property, performed by an appraiser licensed in Virginia and approved by the County.
- d) A 60-year title search of each involved property.
- e) Documentation demonstrating to the County's reasonable satisfaction the Applicant's good faith, best efforts to acquire the property interests, at a cost not less than their appraised value.
- f) A letter of credit acceptable to the County, cash, or equivalent (from a financial institution acceptable to the County) in an amount equal to the appraised value of the property interests to be acquired, and all damages to the residue, together with an amount representing the County's estimate of its cost of condemnation proceedings, in a form permitting the County to draw upon the same as necessary to effectuate the purposes hereof.
- g) An Agreement signed by the Applicant's representative and approved by the County Attorney whereby the Applicant agrees to pay all costs of the condemnation, including expert witness fees, court costs, exhibit costs, court reporter fees, reasonable attorney fees for the Office of the County Attorney, and all other costs associated with the litigation, including appeals. The Agreement shall specifically provide that in the event the property owner is awarded at trial more than the appraised value estimate by the Applicant's appraiser, or that the County elects to settle with the condemnee without trial for a greater sum, the

Proffer Statement

PROFFER STATEMENT

Applicant: John Marshall Commons Technology Park

#REZ2021-00003

Date: October 21, 2021

Applicant shall pay to the County the amount of the award in excess of the amount represented by the letter of credit or cash deposit within 15 days of the award.

- h) In the event that Prince William County and/or the Commonwealth of Virginia do not secure access to the right-of-way necessary for the proffered road improvements within eighteen (18) months of the Applicant providing the preceding information, said improvements shall not be required. During the period while any such condemnation is being pursued, the County shall not withhold permits, approvals and/or bonds requested by or required of the Applicant.

7. WATER AND SEWER

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

8. ADDITIONAL PROFFERS

- A. Escalator. In the event the monetary contributions set forth in the Proffer Statement are paid to the Prince William County Board of County Supervisors 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 six percent (6%) per year, non-compoundable.
- B. For purposes of this Proffer Statement, “final rezoning” shall be defined as that zoning which is in effect on the day following the last day upon which the Prince William Board of County Supervisors’ decision granting the rezoning may be contested in the

PROFFER STATEMENT

Applicant: John Marshall Commons Technology Park

#REZ2021-00003

Date: October 21, 2021

appropriate court or, if contested, the day following entry of a final court order affirming the decision of the Board of County Supervisors which has not been appealed, or if appealed, the day following which the decision has been affirmed on appeal.

[SIGNATURE ON FOLLOWING PAGE]

PROFFER STATEMENT

Applicant: John Marshall Commons Technology Park

#REZ2021-00003

Date: October 21, 2021

SIGNATURE PAGE

By: _____

Title: _____

Date: _____

SPECIAL USE PERMIT CONDITIONS
John Marshall Commons Tech Park
Applicant: CTP-II, LLC (the "Applicant")
Owner: Gainesville Sixty-Six, LC
Special Use Permit #SUP2021-00004
GPINs: 7397-36-8980; 7397-46-4050; 7397-46-4281; and 7397-47-7731 (the "Property")
Special Use Permit Area: ±22.72 acres
Zoning: O(M), Office Mid-Rise (proposed)
Magisterial District: Gainesville
Date: September 8, 2021

The following conditions are intended to offset the impacts of the proposal and to render the application consistent with the applicable chapters of the Comprehensive Plan and the surrounding areas. If the conditions of this Special Use Permit ("SUP") or the Special Use Permit Plan (Plan) are in conflict with the approved proffers, Zoning Ordinance and/or the Design and Construction Standards Manual (the "DCSM") at the time of final site plan review or approval, the more restrictive standards shall apply, except as specifically allowed by this SUP.

The Applicant shall file a site plan within three (3) years of approval of this SUP by the Board of County Supervisors and shall have up to five (5) years from the date of final site plan approval to commence the proposed use. Issuance of an occupancy permit for the new use on the property constitutes commencement of the use.

In addition to the conditions contained herein, the Property is subject to the proffers associated with Rezoning #REZ2021-00003, John Marshall Commons Tech Park.

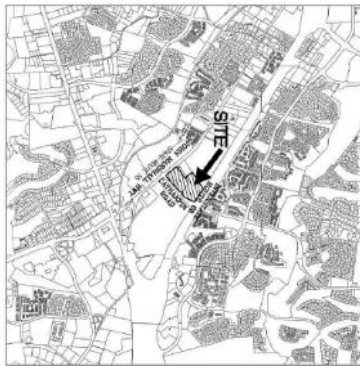
1. Site Development: The Property shall be developed in substantial conformance with the Plan the prepared by JCL Consulting, LLC, entitled "Generalized Development Plan, Special Use Permit Plan, John Marshall Commons Technology Park", dated September 1, 2021.
2. Use Limitation: The use permitted with this special use permit (SUP) shall be limited to a data center and uses secondary and ancillary to a data center, such as offices. This SUP does not approve an electric substation on the Property.

Generalized Development & Special Use Permit Plan

JOHN MARSHALL COMMONS TECHNOLOGY PARK

REZ 2021-00003
SUP 2021-00004

GAINESVILLE MAGISTERIAL DISTRICT PRINCE WILLIAM COUNTY, VIRGINIA



Sheet Number	Sheet Title
01	COVER SHEET
02	GENERALIZED DEVELOPMENT AND SUP PLAN
03	LANDSCAPE PLAN
04	ROAD IMPROVEMENT PLAN
05	ROAD IMPROVEMENT PLAN

OWNER
GAINESVILLE SIXTY SIX L C
PO BOX 400
GAINESVILLE VA 20156-0400

APPLICANT:
CTP-II, LLC
5335 WISCONSIN AVE NW
SUITE 640
WASHINGTON, DC 20015

CIVIL ENGINEER
JCL CONSULTING, LLC
4460 BROOKFIELD CORPORATE DRIVE
SUITE K
CHANTILLY, VA 20151

LAND USE ATTORNEY
COMPTON & DULING
12701 MARBLESTONE DRIVE
WOODBRIIDGE, VA 22192

- NOTES:**
1. PROPERTY DELINEATED ON THIS PLAN IS DERIVED FROM THE PRINCE WILLIAM COUNTY TAX MAP GRAP AS SHOWN ON THE TAX MAP GRAP FOR THE YEAR 2019 AND 2020. ANY DISCREPANCY BETWEEN THIS PLAN AND THE TAX MAP GRAP IS SHOWN IN THE NAME OF GAINESVILLE SIXTY SIX, LLC.
 2. THE SITE IS NOT AFFECTED BY THE 100 YEAR ADJACENT PROPERTY LINE (APL) DIST ON THE PROPOSED DEVELOPMENT.
 3. THE SITE IS NOT AFFECTED BY THE 100 YEAR ADJACENT PROPERTY LINE (APL) DIST ON THE PROPOSED DEVELOPMENT.
 4. THE SITE IS NOT AFFECTED BY THE 100 YEAR ADJACENT PROPERTY LINE (APL) DIST ON THE PROPOSED DEVELOPMENT.
 5. THE SITE IS NOT AFFECTED BY THE 100 YEAR ADJACENT PROPERTY LINE (APL) DIST ON THE PROPOSED DEVELOPMENT.
 6. THE SITE IS NOT AFFECTED BY THE 100 YEAR ADJACENT PROPERTY LINE (APL) DIST ON THE PROPOSED DEVELOPMENT.
 7. TO BE DETERMINED AT FINAL SITE PLAN. THE SITE IS NOT AFFECTED BY THE 100 YEAR ADJACENT PROPERTY LINE (APL) DIST ON THE PROPOSED DEVELOPMENT.
 8. AT FINAL SITE PLAN AND GRADING SUBJECT TO CHANGE AT FINAL INSPECTION.

COVER SHEET

**JOHN MARSHALL COMMONS
TECHNOLOGY PARK**

REZ 2021-00003 SUP 2021-00004
GAINESVILLE MAGISTERIAL DISTRICT PRINCE WILLIAM COUNTY, VIRGINIA

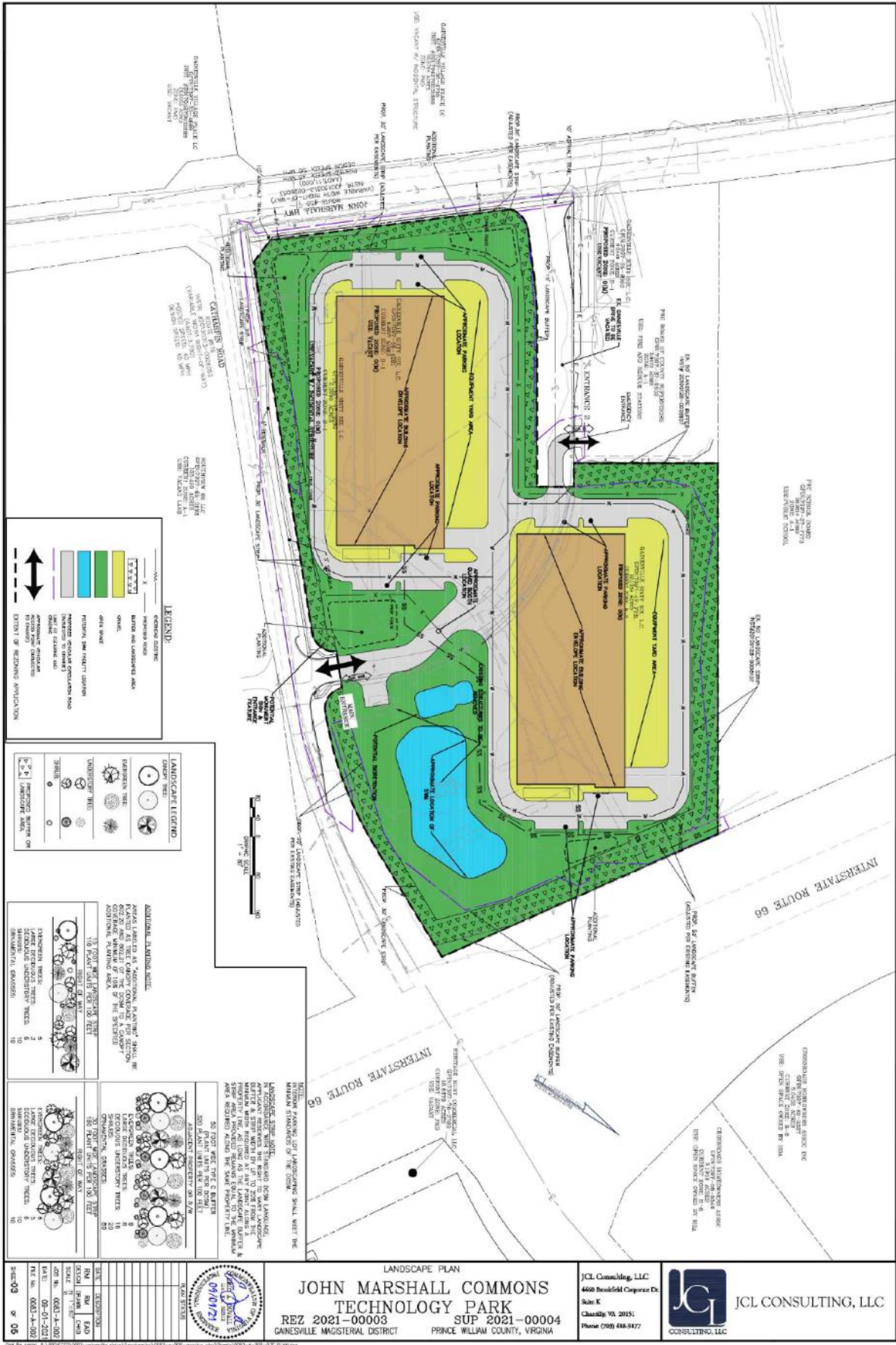
JCL Consulting, LLC
4460 Brookfield Corporate Dr.
Suite E
Chantilly, VA 20151
Phone: (703) 688-9977

JCL CONSULTING, LLC

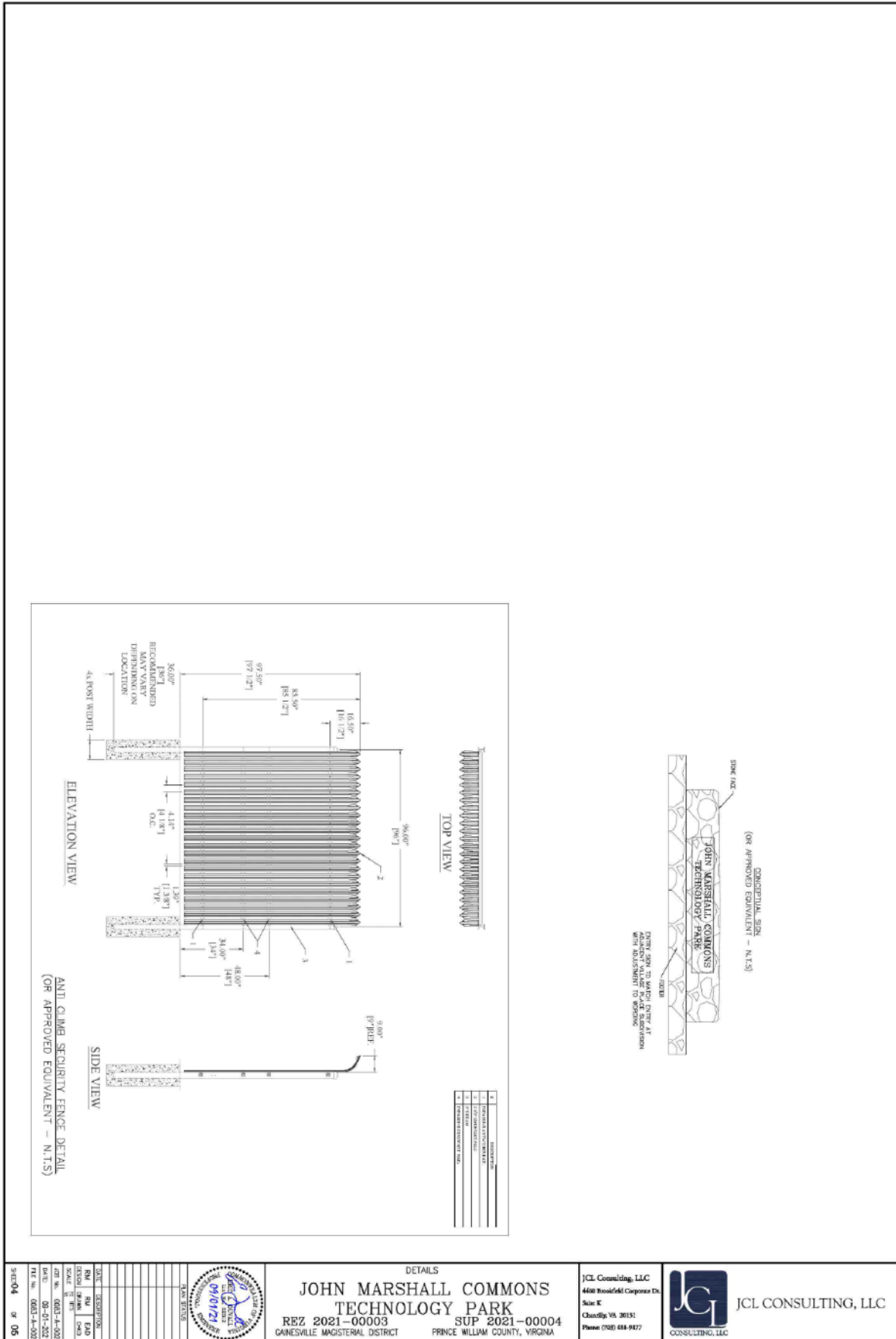
DATE: 09-11-2021
SCALE: AS SHOWN
JOB NO.: 00837-A-0001
FILE NO.: 00837-A-0001

Sheet 01 of 05

Generalized Development & Special Use Permit Plan

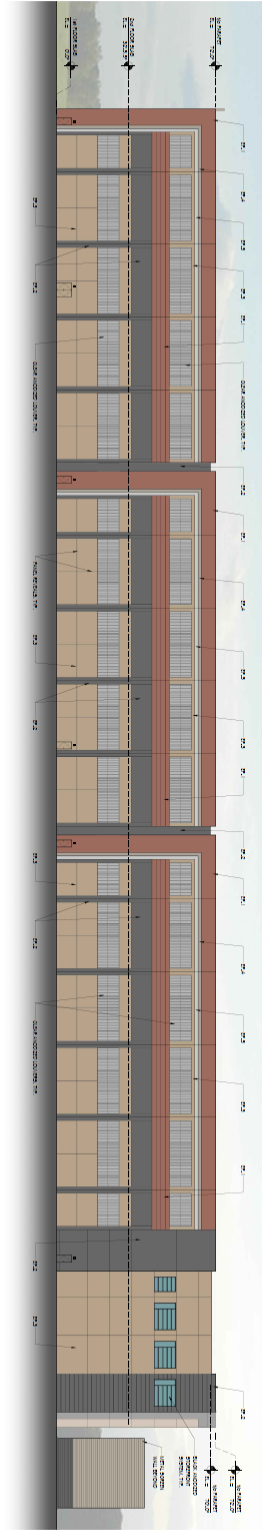


Generalized Development & Special Use Permit Plan



ELEVATION DETAILS		ELEVATION		ELEVATION	
NO.	DESCRIPTION	NO.	DESCRIPTION	NO.	DESCRIPTION
001	STREET FACING	001	STREET FACING	001	STREET FACING
002	YARD FACING	002	YARD FACING	002	YARD FACING
003	RIGHT SIDE ELEVATION	003	RIGHT SIDE ELEVATION	003	RIGHT SIDE ELEVATION
004	LEFT SIDE ELEVATION	004	LEFT SIDE ELEVATION	004	LEFT SIDE ELEVATION

NOTES: 1. THIS ELEVATION IS SUBJECT TO APPROVAL BY THE CITY OF FORT WORTH. 2. ALL DIMENSIONS ARE IN FEET AND INCHES. 3. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED. 4. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED. 5. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED. 6. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED. 7. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED. 8. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED. 9. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED. 10. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.

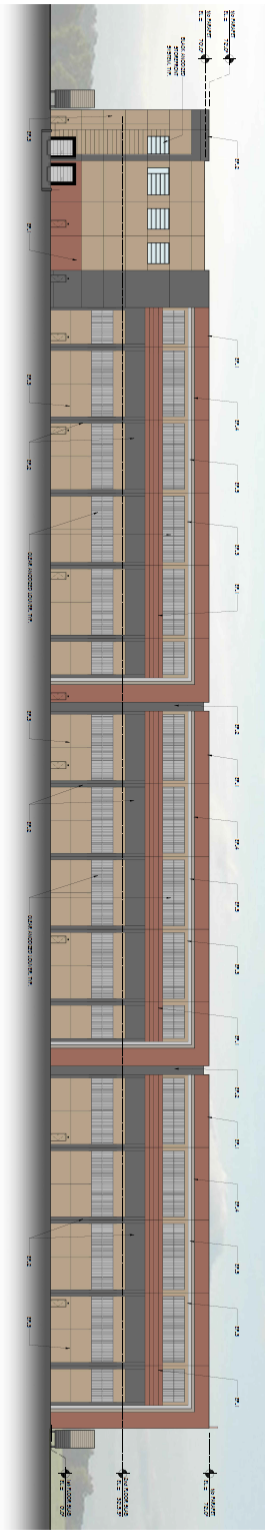


1 PROPOSED STREET-FACING ELEVATION



2 PROPOSED RIGHT ELEVATION

3 PROPOSED LEFT ELEVATION



4 PROPOSED YARD-FACING ELEVATION



PENNEY DESIGN GROUP
 1000 WEST 10TH STREET, SUITE 1000
 FORT WORTH, TEXAS 76102
 TEL: 817.335.1100
 WWW.PENNEYDESIGN.COM

PROPOSED BUILDING ELEVATIONS

08/25/2020

John Marshall Commons Technology Park
 Project Wilson Group, VA
 R020023

PEL-1
 SCALE:
 1" = 30'-0"
 3/8" = 1'-0"

Power Availability Summary Document/Exhibit (by Applicant)

John Marshall Commons Technology Park Power Availability Gainesville, Virginia

The John Marshall Commons Technology Park will be served by Dominion Energy most likely from a substation along the new Haymarket Transmission Line (the “HTL”), or possibly from existing double-circuit 34.5 kV distribution lines along the north side of John Marshall Highway, or a combination thereof. A total of 80 MW of load demand, at a 34.5 kV power delivery rate, is anticipated to be required to serve the needs of the project.

Dominion Energy is currently completing construction of the HTL, the 230 kV to 34.5 kV Haymarket Substation and the Heathcote Transition Station, where the transmission line transitions from overhead lines to underground lines. It is important to note that there are currently two potential substation locations along the HTL, one to the west of the project, and one to the east of the project; the Haymarket Substation (west, and under construction) and a potential substation combined with the Heathcote Transition Station site (east). A third substation along the HTL has been introduced as part of the approved Gainesville Crossing project.

The HTL is a double circuit transmission line. That means that the right of way for the overhead and underground portion of that line will hold two, 230 kV transmission lines that will loop in and out of each of the substations along the line. Each of these lines is connected to the larger transmission grid and therefore is “networked” as part of the larger grid. The overhead portion of the HTL will be rated for 1225 MVA of load and the underground portion rated for 1047 MVA of load.

The Haymarket Substation will be initially be built with two 84 MVA transformers supplying one-half of the ultimate 300 MW capacity of that substation. The AWS data center project in Haymarket will use slightly less than one-half of the total capacity of this substation.

The approved Gainesville Crossing project, north of Interstate Route 66, is along the overhead portion of the HTL. Based on the conceptual load information from that project, Dominion Energy would plan to build a possible third 230 kV to 34.5 kV substation on that developer’s property adjacent to the HTL.

The AWS and Gainesville Crossing projects represent a total of approximately 395 MW of new load. The approved Village Place Technology Park will add an additional 210 MW of new load to the HTL, and the Lerner Company has introduced plans for a 350 MVA project (approx. 330 MW). This brings the total projected new loads along the HTL to approximately 1,015 MW. If each project is approved and maximizes their power demand, this is still well within the HTL’s capacity.

These projected loads can be served on the HTL and its substations so long as NERC reliability standards can be met. At some point, based on project information and load growth scenarios available for evaluation, the HTL will require a third source of power to maintain this federally mandated reliability. Dominion Energy has identified that this source will come from existing transmission lines to the east and will most likely terminate at the Heathcote location based on the information currently available for analysis.

Dominion Energy serves its customers on a first-come, first-served basis until such time as a customer commits to an Electric Service Agreement (ESA).

Power Availability Summary Document/Exhibit (by Applicant)



Correspondence from Dominion Energy

Dominion Energy Virginia Dominion Energy North Carolina
Electric Transmission
PO Box 26666, Richmond, VA 23261
DominionEnergy.com



Dec., 15 2020

Steve Donohoe
Planning Director
Prince William County Planning Office
5 County Complex Court #210
Prince William County, Virginia 22192

Dear Mr. Donohoe:

Dominion Energy continues to welcome the collaborative nature that has developed over the past few years concerning the future development plans and activities of Prince William County. In addressing the County's growth, we take seriously our responsibilities to provide reliable and cost-effective electric service that reasonably minimizes the impacts to the communities we serve. We are providing this letter in response to requests for information from the County and developers.

We have spent a significant amount of time working with the County regarding its plans for the Gainesville/Haymarket area (and more broadly Western Prince William County) when it comes to development, inevitable electric load growth that comes with such development, and changes to the electric grid that can accompany such development and growth. Among other things, we have also detailed the North American Electric Reliability Corporation (NERC) Reliability Standards to which we are obligated to adhere in previous discussions, and they remain relevant here as well.

This letter reiterates previously communicated preferences to accommodate potential load growth in the Gainesville/Haymarket area, based on general information provided to us by developers as of the date of this letter. Currently, we do not have any firm, new load commitments from Gainesville/Haymarket-area developers participating in the County development review processes. However, based on our informal discussions with certain of these developers and our experiences with similar developers, there are now indications that load directly connected to or served by the Haymarket Transmission Line (which is the new 230 kV hybrid line from Gainesville Substation to Haymarket Substation) will exceed the NERC 300 megawatt (MW) loading limit at some point in the future.

When such load will materialize, and when the 300 MW loading limit will be surpassed (if ever) is unknown at this time. Assuming that it will occur, our preference regarding how to address the 300 MW loading limitation remains the same as from how we have previously communicated with the County on this issue. We would offset the load with new transmission facilities to be located at or near Heathcote Substation, interconnected with the existing, nearby transmission infrastructure, east of that station. This equipment is east/southeast of the easterly and southerly boundaries of the Town of Haymarket. Said another way, currently based on the information we have, our preference is not to address the impacts of new load growth on the area's electric grid with new electric transmission infrastructure connecting into Haymarket Substation.

We greatly appreciate consulting with the County, residents, and developers and remain committed to these conversations as they progress. What may be necessary in the future based on firm and new load information from developers, further County economic development and

Page 1 of 2

Correspondence from Dominion Energy

Dominion Energy Virginia Dominion Energy North Carolina
Electric Transmission
PO Box 26666, Richmond, VA 23261
DominionEnergy.com



site-development approvals, load growth, potential NERC violations, etc., may change our evaluation of what is needed to provide safe and reliable service in the future. That is, neither the County nor others should read any absolutes into this letter other than our preference to avoid new transmission into the Haymarket substation, which as noted is based solely on the information we have today.

If you have any further questions, please feel free to reach out to me at (804) 229-7650 or via email at Gregory.e.mathe@dominionenergy.com.

Sincerely,

/s/Greg Mathe

Greg Mathe
Manager, Electric Transmission Communications

Historical Commission Resolutions

HISTORICAL COMMISSION RESOLUTION

MOTION: DULEY

September 8, 2020

SECOND: SARGO

Regular Meeting

Res. No. 20-032

RE: LAND DEVELOPMENT RECOMMENDATIONS

ACTION: APPROVED

WHEREAS, the Prince William County Historical Commission seeks to identify, preserve and protect historic sites and structures in Prince William County; and

WHEREAS, the Prince William County Historical Commission's review of pending land development applications assists in determining the necessity for cultural resource surveys and other research and evaluations; and

WHEREAS, the Prince William County Historical Commission believes that the identification, preservation and protection of historic sites and structures throughout Prince William County is well served by this action;

NOW, THEREFORE, BE IT RESOLVED, that the Prince William County Historical Commission does hereby recommend to the Prince William County Planning Commission the action(s) noted for the following properties:

<u>Case Number</u>	<u>Name</u>	<u>Recommendation</u>
REZ2020-00023	Primeland Proffer Amendment	No Further Work
REZ2021-00001	Gaines Technology Park Proffer Amendment	No Further Work
SUP2021-00002	Gaines Technology Park	No Further Work
REZ2021-00002	Virginia Oaks Proffer Amendment	No Further Work
SUP2021-00003	Ronk Gunsmithing Rural Home Business	No Further Work
SUP2021-00005	Bristow Center Coffee Shop with Drive-Through	No Further Work

Historical Commission Resolutions

September 8, 2020
Regular Meeting
Res. No. 20-032
Page 2

<u>Case Number</u>	<u>Name</u>	<u>Recommendation</u>
REZ2021-00003	John Marshall Commons Tech Park	Phase I study and, if warranted, Phase II evaluation and Phase III data recovery study. Artifacts to be donated to and curated with the County.
SUP2021-00004	John Marshall Commons Tech Park	No Further Work

Votes:

Ayes: by acclamation

Nays: None

Absent from Vote: None

Absent from Meeting: Carter, Davis, Shockley, Spinks

MOTION CARRIED

ATTEST: 
Secretary to the Commission

Historical Commission Resolutions

HISTORICAL COMMISSION RESOLUTION

MOTION: JOHNSON

October 13, 2020

SECOND: BURGESS

Regular Meeting

Res. No. 20-037

RE: LAND DEVELOPMENT RECOMMENDATIONS

ACTION: APPROVED

WHEREAS, the Prince William County Historical Commission seeks to identify, preserve and protect historic sites and structures in Prince William County; and

WHEREAS, the Prince William County Historical Commission's review of pending land development applications assists in determining the necessity for cultural resource surveys and other research and evaluations; and

WHEREAS, the Prince William County Historical Commission believes that the identification, preservation and protection of historic sites and structures throughout Prince William County is well served by this action;

NOW, THEREFORE, BE IT RESOLVED, that the Prince William County Historical Commission does hereby recommend to the Prince William County Planning Commission the action(s) noted for the following properties:

<u>Case Number</u>	<u>Name</u>	<u>Recommendation</u>
REZ2021-00003	John Marshall Commons Tech Park	Table
REZ2020-00025	Lomond Village	Phase I study. Artifacts to be donated to and curated with the County.
REZ2021-00004	Congressional Storage	No Further Work
SUP2021-00007	Congressional Storage	No Further Work
SUP2020-00030	Parkway Church	No Further Work
REZ2016-00028	Utterback Rezoning	Table

Historical Commission Resolutions

October 13, 2020
 Regular Meeting
 Res. No. 20-037
 Page 2

<u>Case Number</u>	<u>Name</u>	<u>Recommendation</u>
CPA2020-00011	Hunter Property	Phase II evaluation and Phase III data recovery study. Artifacts to be donated to and curated with the County. Cemetery delineation.
CPA2021-00001	Route 28 Widening	Military Site Survey. Phase I study and, if warranted, Phase II evaluation and Phase III data recovery study. Artifacts to be donated to and curated with the County. Interpretation of the area's history.

Votes:

Ayes: by acclamation

Nays: None

Absent from Vote: None

Absent from Meeting: Carter, Davis, Duley, Pearsall, Reddick, Spinks

MOTION CARRIED

ATTEST: 
Secretary to the Commission

Historical Commission Resolutions

HISTORICAL COMMISSION RESOLUTION

MOTION: JOHNSON

November 10, 2020

SECOND: DULEY

Regular Meeting

Res. No. 20-043

RE: LAND DEVELOPMENT RECOMMENDATIONS

ACTION: APPROVED

WHEREAS, the Prince William County Historical Commission seeks to identify, preserve and protect historic sites and structures in Prince William County; and

WHEREAS, the Prince William County Historical Commission's review of pending land development applications assists in determining the necessity for cultural resource surveys and other research and evaluations; and

WHEREAS, the Prince William County Historical Commission believes that the identification, preservation and protection of historic sites and structures throughout Prince William County is well served by this action;

NOW, THEREFORE, BE IT RESOLVED, that the Prince William County Historical Commission does hereby recommend to the Prince William County Planning Commission the action(s) noted for the following properties:

<u>Case Number</u>	<u>Name</u>	<u>Recommendation</u>
REZ2021-00003	John Marshall Commons Tech Park	Tabled
REZ2016-00028	Utterback Rezoning	Cemetery treatment, site 44PW2015, should be in accord with Section 250.110. of the County's Zoning Ordinance. Phase II evaluation and Phase III data recovery study of site 44PW2104. Artifacts to be donated to and curated with the County.
REZ2020-00024	Village Place Technology Park Proffer Amendment - Second Submission	Tabled

Historical Commission Resolutions

November 10, 2020
Regular Meeting
Res. No. 20-043
Page 2

<u>Case Number</u>	<u>Name</u>	<u>Recommendation</u>
REZ2021-00005	University Village at Innovation	Research Gaskin Families, their connection to Negro Hill community and interpret to the public. Artifacts to be curated with and donated to the County

Votes:

Ayes: by acclamation

Nays: None

Absent from Vote: None

Absent from Meeting: Davis, Pearsall, Reddick, Sargo

MOTION CARRIED

ATTEST: 
Secretary to the Commission

Historical Commission Resolutions

HISTORICAL COMMISSION RESOLUTION

MOTION: PORTA

December 8, 2020

SECOND: JOHNSON

Regular Meeting

Res. No. 20-049

RE: LAND DEVELOPMENT RECOMMENDATIONS

ACTION: APPROVED

WHEREAS, the Prince William County Historical Commission seeks to identify, preserve and protect historic sites and structures in Prince William County; and

WHEREAS, the Prince William County Historical Commission's review of pending land development applications assists in determining the necessity for cultural resource surveys and other research and evaluations; and

WHEREAS, the Prince William County Historical Commission believes that the identification, preservation and protection of historic sites and structures throughout Prince William County is well served by this action;

NOW, THEREFORE, BE IT RESOLVED, that the Prince William County Historical Commission does hereby recommend to the Prince William County Planning Commission the action(s) noted for the following properties:

<u>Case Number</u>	<u>Name</u>	<u>Recommendation</u>
REZ2021-00003	John Marshall Commons Tech Park	Revise PH I report in accord with the County Archaeologist's comments dated 9/23/2020
REZ2020-00024	Village Place Technology Park Proffer Amendment - Second Submission	No Further Work
REZ2021-00007	Wellington Commerce Center	Request applicant curate with the County any artifacts found during construction of access road and shed.
REZ2021-00006	Bristow Plaza	Recommend delineation of cemetery and research past ownership to find family member of the deceased.

Historical Commission Resolutions

December 8, 2020
Regular Meeting
Res. No. 20-049
Page 2

<u>Case Number</u>	<u>Name</u>	<u>Recommendation</u>
SUP2021-00010	Bristow Plaza Motor Vehicle Fuel Station	No Further Work

Votes:
Ayes: by acclamation
Nays: None
Absent from Vote: None
Absent from Meeting: Carter, Davis, Duley, Henson, Moser, Sargo, Shockley, Spinks
MOTION CARRIED

ATTEST: 
Secretary to the Commission

Historical Commission Resolutions

HISTORICAL COMMISSION RESOLUTION

MOTION: HENSON

**August 10, 2021
Regular Meeting
Res. No. 21-040**

SECOND: JOHNSON

RE: LAND DEVELOPMENT RECOMMENDATIONS

ACTION: APPROVED

WHEREAS, the Prince William County Historical Commission seeks to identify, preserve and protect historic sites and structures in Prince William County; and

WHEREAS, the Prince William County Historical Commission’s review of pending land development applications assists in determining the necessity for cultural resource surveys and other research and evaluations; and

WHEREAS, the Prince William County Historical Commission believes that the identification, preservation and protection of historic sites and structures throughout Prince William County is well served by this action;

NOW, THEREFORE, BE IT RESOLVED, that the Prince William County Historical Commission does hereby recommend to the Prince William County Planning Commission the action(s) noted for the following properties:

<u>Case Number</u>	<u>Name</u>	<u>Recommendation</u>
REZ2019-00018	Quartz District	Phase II evaluation on archaeology site 44PW2033, and if warranted, a Phase III study. All artifacts from all archaeology sites to be donated to and curated with the County.
REZ2021-00003	John Marshall Commons Tech Park - 4 th Submission	Request Applicant revise The Phase I study (as requested previously) and submit revised Phase I for review as soon as possible.
SUP2021-00004	John Marshall Commons Tech Park - 4 th Submission	No Further Work
REZ2017-00008	Purcell Road Rezoning - 3 rd Submission	No Further Work

Historical Commission Resolutions

August 10, 2021
 Regular Meeting
 Res. No. 21-040
 Page 2

<u>Case Number</u>	<u>Name</u>	<u>Recommendation</u>
REZ2016-00026	Marumscos Assemblage – 2 nd Submission	No Further Work
REZ2021-00019	Compton Property	Request project area history, additional information about the headstones found in the creek and, in the absence of an architectural study, preservation of the agricultural farm complex.
SUP2021-00030	Compton Property	No Further Work
REZ2021-00021	Richmond Station Landbay C Proffer Amendment	No Further Work
REZ2021-00022	KH Data Capital Development	No Further Work
PFR2021-00026	NOVEC Substation	No Further Work
REZ2021-00023	Raising Cane's Drive-Through Proffer Amendment	No Further Work
SUP2021-00033	Raising Cane's Restaurant Drive-Through	No Further Work
REZ2021-00020	John Marshall Village Addition	Request applicant fabricate and install an historical marker at the property, on the subject of horse racing in Haymarket, with content developed by the Historical Commission and the Planning Office.
SUP2022-00003	John Marshall Village Addition	No Further Work
REZ2021-00024	USA Self-Storage at Old Dominion Drive	No Further Work
SUP2021-00034	USA Self-Storage at Old Dominion Drive	No Further Work

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<u>Case Number</u>	<u>Name</u>	<u>Recommendation</u>
PFR2021-00013	Wakeman Substation	No Further Work
SUP2022-00004	Chick-Fil-A on Pine Bluff Drive	No Further Work

Votes:
Ayes: by acclamation
Nays: None
Absent from Vote: None
Absent from Meeting: Duley
MOTION CARRIED

ATTEST: 
 Secretary to the Commission