



Craig S. Gerhart  
County Executive

## COUNTY OF PRINCE WILLIAM

### OFFICE OF EXECUTIVE MANAGEMENT

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### BOARD OF COUNTY SUPERVISORS

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July 3, 2007

**TO:** Board of County Supervisors

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

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

**RE:** REZ #PLN2007-00094, BOCS – EZ Cruz Marina and  
SUP #PLN2006-00937, EZ Cruz Marina  
**Woodbridge Magisterial District**

**I. Background** is as follows:

- A. Request – This is a two part request:
- (1) to rezone  $\pm 5.52$  acres from A-1, Agricultural, R-4, Suburban Residential, and B-1, General Business, to B-2, Neighborhood Business, for the expansion of boat storage at an existing marina, and
  - (2) to expand boat storage and remove the nonconforming status of that marina.
- B. Location – The site is located at the end of Neabsco Road and includes 16245, 16247, 16259 and 16263 Neabsco Road (see maps in Attachment A), and is identified as GPINs 8390-73-7069, 8390-73-8656, 8390-73-9746, and 8390-83-0071 on County maps.
- C. Comprehensive Plan – The subject site is designated Neighborhood Commercial (NC) and Environmental Resource (ER) in the Comprehensive Plan. The site is within the Potomac Communities Revitalization Plan, and also within the Neabsco Creek Waterfront Area Sector Plan. The sector plan has as its goal “to achieve high quality new development and protect existing marina and marina-related uses along the Neabsco Creek waterfront.”

The Long Range Land Use Map also shows a small Public Land (PL) area on the site where the CSX rail line crosses the property. For purposes of these applications, the property is considered to be NC and ER. A map adjustment will be proposed with the pending Comprehensive Plan update.

- D. Zoning/Acreage – Of the  $\pm 5.52$  acre rezoning site,  $\pm 0.33$  acres are zoned A-1,  $\pm 3.8$  acres are zoned R-4, and  $\pm 1.39$  acres are zoned B-1. The SUP includes  $\pm 4.5$  acres of the larger  $+5.52$  acre site.
- E. Adjacent Land Uses – The site is bounded on the north by Neabsco Creek, zoned A-1 and planned ER. The CSX Railroad lies to the east and south and is zoned R-4 and planned NC, PL and ER. Properties to the south also include five detached single family homes, zoned R-4 and planned NC, and a church, zoned R-4 and planned NC. Properties to the west include Leesylvania State Park, zoned R-4 and planned Parks and Open Space (P&OS) and NC, and a marina, zoned A-1 and B-1 and planned ER.

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

- A. Nonconforming Use (NCU) #PLN2005-00604 – In response to a violation notice and correction order (VNCO) and a subsequent request for NCU verification, the zoning administrator determined that only a portion of the properties, commonly known as EZ Cruz Marina, were legally nonconforming. At their December 9, 2005 meeting, the Board of Zoning Appeals (BZA) upheld the zoning administrator's determination for 16245 and 16247 Neabsco Road, and reversed, in part, the determination for 16263 Neabsco Road. Corrective action is needed to allow the marina to continue to operate legally on all the parcels.
- B. Board Initiation of Companion Rezoning– The Board of County Supervisors initiated REZ #PLN2007-00094, EZ Cruz Marina, on April 4, 2006, with a condition requiring the rezoning to be brought forward with a companion SUP.
- C. Planning Commission Recommendation – The Planning Commission recommends approval of REZ #PLN2007-00094, BOCS-EZ Cruz Marina, as modified, and approval of SUP #PLN2006-00937, EZ Cruz Marina, subject to conditions dated May 14, 2007, with a correction to the number of travel lifts and the addition of a requirement to install a fence and landscaping within 6 months of site plan approval. These revisions, along with an increase in off-season boat storage and a relaxation on outdoor boat repairs, are reflected in the June 21, 2007 conditions, found in Attachment C. Staff concurs. See Attachment B for the staff analysis.
- D. Board of County Supervisors' Public Hearing – A public hearing on these two cases before the Board of County Supervisors is scheduled for July 10, 2007.

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

- A. Comprehensive Plan
  - 1. Long-Range Land Use – Is the SUP consistent with those uses intended in the NC and ER designations?
  - 2. Level of Service (LOS) – How does the proposal address the Prince William County Policy Guide for Monetary Contributions dated June 1, 2006?
- B. Community Input – Have any issues been raised by members of the community?
- C. Legal Uses of Property – What uses are allowed on the property? How are legal issues resulting from Board of County Supervisors' action addressed?
- D. Timing – When must the Board of County Supervisors take final action on these applications?

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

- A. Approve REZ #PLN2007-00094, BOCS-EZ Cruz Marina, adjusting the rezoning boundary to  $\pm 4.5$  acres to match the boundary of the companion SUP, and approve SUP #PLN2006-00937, EZ Cruz Marina, subject to conditions dated June 21, 2007, found in Attachment C.

- 1. Comprehensive Plan
  - a) Long-Range Land Use – The B-2 district is identified in the compatibility matrix of zoning districts and comprehensive plan designations as the district that implements the NC designation. The B-2 district allows marinas, which are anticipated in an ER area.

Adjusting the boundary of the rezoning to match the proposed SUP boundary retains  $\pm 1$  acre of R-4 zoning in an area designated NC. The remaining R-4 zoning is inconsistent with the NC designation.

The rezoning and SUP and the companion rezoning to B-2 implement the recommendations of the Neabsco Creek Waterfront Area Sector Plan, as the protection of marina uses is specifically cited as desirable in the sector plan.

b) LOS –

Water Quality Monitoring/Stream Restoration – ±1 acre of previously unauthorized disturbance @ \$75/ acre	\$75.00
Fire & Rescue – Net new building area @ \$0.61/sf	To be determined at final site plan
<b>TOTAL</b>	<b>\$75.00 +</b>

This amount is consistent with the Policy Guide for Monetary Contributions, June 1, 2006, for the SUP. It should be noted, however, that if the applicant does not take advantage of the SUP, the site could be redeveloped under the B-2 zoning district without offsetting monetary contributions. This would be inconsistent with the policy.

2. Community Input – The application has been transmitted to owners of properties within 200 feet of the site. Twenty citizens spoke at the Planning Commission public hearing. Concerns regarding the impact of this rezoning and SUP on neighboring properties were raised. Citizens also spoke to the need for additional boat storage in the community, especially since the Board restricted boat storage in some residential areas of the county.
3. Legal Uses of the Property – Those uses allowed in the B-2 district would be permitted; marinas are allowed in the B-2 district, subject to an SUP. Approval of the SUP will bring the existing marina and associated storage into conformance with the Zoning Ordinance, removing the nonconforming use status. Adjusting the rezoning boundary maintains the ±1 acre of R-4 zoning on the portions of the property that are developed residentially, minimizing nonconforming uses on the site. Legal issues resulting from Board of County Supervisors’ action are appropriately addressed by the County Attorney’s office.
4. Timing – The Board had until April 4, 2007 to take final action on the rezoning application; there is no legal timeframe for Board action on an SUP application; however, it is the Office of Planning’s recommendation that final action be taken within one year of receipt of the application. The one year limit is August 18, 2007; approval of the SUP application by this date is consistent with the Office of Planning’s recommendation.

- B. Approve REZ #PLN2007-00094, BOCS-EZ Cruz Marina, as initiated, and approval of SUP #PLN2006-00937, EZ Cruz Marina, subject to conditions dated June 21, 2007, found in Attachment C.

1. Comprehensive Plan

a) Long-Range Land Use – Removing the A-1, B-1 and R-4 zoning districts and replacing them with B-2 on the entire site implements the NC designation. Approval of the SUP implements the recommendations of the Neabsco Creek Waterfront Area Sector Plan, as the protection of marina uses is specifically cited as desirable in the sector plan. The two nonconforming single family homes on the site are inconsistent with the NC designation.

b) LOS –

Water Quality Monitoring/Stream Restoration – ±1 acre of previously unauthorized disturbance @ \$75/ acre	\$75.00
Fire & Rescue – Net new building area @ \$0.61/sf	To be determined at final site plan
<b>TOTAL</b>	<b>\$75.00 +</b>

This amount is consistent with the Policy Guide for Monetary Contributions, June 1, 2006, for the SUP. It should be noted, however, that if the applicant does not take advantage of the SUP, the site could be redeveloped under the B-2 zoning district without offsetting monetary contributions. This would be inconsistent with the policy.

2. Community Input – The application has been transmitted to owners of properties within 200 feet of the site. Twenty citizens spoke at the Planning Commission public hearing. Concerns regarding the impact of this rezoning and SUP on neighboring properties were raised. Citizens also spoke to the need for additional boat storage in the community, especially since the Board restricted boat storage in some residential areas of the county.

3. Legal Uses of the Property – Those uses allowed in the B-2 district would be permitted; marinas are allowed in the B-2 district, subject to an SUP. Maintaining the rezoning boundary as initiated allows the existing marina and the proposed boat storage area to become a conforming use, subject to the approval of the companion SUP. However, it creates additional issues related to nonconforming uses on the properties – residential development on commercially zoned property. Approval of the SUP will bring the existing marina and associated storage into conformance with the Zoning Ordinance, removing the nonconforming use status. Legal issues resulting from Board of County Supervisors’ action are appropriately addressed by the County Attorney’s office.
  4. Timing – The Board had until April 4, 2007 to take final action on the rezoning application as initiated; there is no legal timeframe for Board action on an SUP application; however, it is the Office of Planning’s recommendation that final action be taken within one year of receipt of the application. The one year limit is August 18, 2007; approval of the SUP application by this date is consistent with the Office of Planning’s recommendation.
- C. Approve REZ #PLN2007-00094, BOCS-EZ Cruz Marina, as initiated, and deny SUP #PLN2006-00937, EZ Cruz Marina.
1. Comprehensive Plan
    - a) Long-Range Land Use – Removing the A-1, B-1 and R-4 zoning districts and replacing them with B-2 on the entire site implements the NC designation. Denial of the SUP does not implement the Neabsco Creek Waterfront Area Sector Plan, as the protection of marina uses is specifically cited as desirable in the sector plan. The two nonconforming single family homes on the site are inconsistent with the NC designation.
    - b) Level of Service – Approval of the rezoning and denial of the SUP would allow redevelopment of the property under B-2 zoning without offsetting monetary contributions. This is inconsistent with the Prince William County Policy Guide for Monetary Contributions, dated June 1, 2006.

2. Community Input – The application has been transmitted to owners of properties within 200 feet of the site. Twenty citizens spoke at the Planning Commission public hearing. Concerns regarding the impact of this rezoning and SUP on neighboring properties were raised. Citizens also spoke to the need for additional boat storage in the community, especially since the Board restricted boat storage in some residential areas of the county.
  3. Legal Uses of the Property – Approval of the rezoning and denial of the SUP would result in the continuation of a legally nonconforming marina, and would require removal of the boat storage deemed illegal by the Board of Zoning Appeals. The two residential uses would become legally nonconforming. The property could also be redeveloped under the B-2 zoning standards without proffers. Legal issues resulting from Board of County Supervisors' action are appropriately addressed by the County Attorney's office.
  4. Timing – The Board had until April 4, 2007 to take final action on the rezoning application as initiated; there is no legal timeframe for Board action on an SUP application; however, it is the Office of Planning's recommendation that final action be taken within one year of receipt of the application. The one year limit is August 18, 2007; denial of the SUP application by this date is consistent with the Office of Planning's recommendation.
- D. Deny REZ #PLN2007-00094, BOCS-EZ Cruz Marina and deny SUP #PLN2006-00937, EZ Cruz Marina.
1. Comprehensive Plan
    - a) Long-Range Land Use – Denial of both applications would result in the retention of A-1, B-1 and R-4 zoning on the property, all of which are inconsistent with the NC designation. Denial would also result in the continuation of a legally nonconforming marina with unlawful expansion, unless remedied as required by the BZA. Marinas are anticipated uses in an ER area and their protection is recommended in the Neabsco Creek Waterfront Area Sector Plan.
    - b) Level of Service – Denial of both applications does not increase service demands and, therefore, the Prince William County Policy Guide for Monetary Contributions, dated June 1, 2006, would not apply. The property could, however, be redeveloped under existing zoning without offsetting monetary contributions.

2. Community Input – The application has been transmitted to owners of properties within 200 feet of the site. Twenty citizens spoke at the Planning Commission public hearing. Concerns regarding the impact of this rezoning and SUP on neighboring properties were raised. Citizens also spoke to the need for additional boat storage in the community, especially since the Board restricted boat storage in some residential areas of the county.
3. Legal Uses of the Property – Denial of both applications would retain the A-1, B-1 and R-4 zoning, and the property could be redeveloped as allowed by those districts, respectively. Denial would also result in the continuation of a legally nonconforming marina, and would require removal of the boat storage deemed illegal by the Board of Zoning Appeals. Legal issues resulting from Board of County Supervisors' action are appropriately addressed by the County Attorney's office.
4. Timing – The Board had until April 4, 2007 to take final action on the rezoning application as initiated; there is no legal timeframe for Board action on an SUP application; however, it is the Office of Planning's recommendation that final action be taken within one year of receipt of the application. The one year limit is August 18, 2007; denial of the SUP application by this date is consistent with the Office of Planning's recommendation.

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

**Staff:** Pat Thomas, X7058

**Attachments**

- A. Area Maps
- B. Staff Analysis
- C. Proposed Conditions
- D. Board Resolution to Initiate
- E. Planning Commission Resolutions



**MOTION:**

**July 10, 2007  
Regular Meeting  
Ord. No. 07-**

**SECOND:**

**RE: REZONING #PLN2007-00094, BOCS-EZ CRUZ MARINA –  
WOODBIDGE MAGISTERIAL DISTRICT**

**ACTION:**

**WHEREAS**, this is a request to rezone ±5.52 acres from A-1, Agricultural, R-4, Suburban Residential, and B-1, General Business, to B-2, Neighborhood Commercial, for the expansion of boat storage at an existing marina. The site is located at the end of Neabsco Road and includes 16245, 16247, 16259 and 16263 Neabsco Road, is identified on County maps as GPINs 8390-73-7069, 8390-73-8656, 8390-73-9746, and 8390-83-0071, and is designated Neighborhood Commercial and Environmental Resource, as well as being located within the boundaries of the Potomac Communities Revitalization Plan, and also within the Neabsco Creek Waterfront Area Sector Plan; and

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

**WHEREAS**, the Planning Commission, at its public hearing on May 16, 2007, recommended approval, as stated in Res. No. 07-092; and

**WHEREAS**, a Board of County Supervisors' public hearing, duly advertised in a local newspaper for a period of two weeks, was held on July 10, 2007, and interested citizens were heard; and

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

**NOW, THEREFORE, BE IT ORDAINED** that the Prince William Board of County Supervisors does hereby approve REZ #PLN2007-00094, BOCS-EZ Cruz Marina, as modified, to include only the ±4.5 acres included in the companion special use permit, SUP #PLN2006-937;

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

**Votes:**

**Ayes:**

**Nays:**

**Absent from Vote:**

**Absent from Meeting:**

**For information:**

Planning Director

John H. Foote

Walsh, Colucci, Lubeley, Emrich & Walsh, PC

4310 Prince William Parkway, Suite 300

Woodbridge, VA 22192

**CERTIFIED COPY**

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**Clerk to the Board**

**MOTION:**

**July 10, 2007  
Regular Meeting  
Ord. No. 07-**

**SECOND:**

**RE: SPECIAL USE PERMIT #PLN2006-00937, EZ CRUZ MARINA –  
WOODBIDGE MAGISTERIAL DISTRICT**

**ACTION:**

**WHEREAS**, this is a request for a special use permit to expand boat storage and remove the nonconforming status of that marina. The site is located at the end of Neabsco Road and includes 16245, 16247, 16259 and 16263 Neabsco Road, is identified on County maps as GPINs 8390-73-7069, 8390-73-8656, 8390-73-9746, and 8390-83-0071, and is designated Neighborhood Commercial and Environmental Resource, as well as being located within the boundaries of the Potomac Communities Revitalization Plan, and also within the Neabsco Creek Waterfront Area Sector Plan; and

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

**WHEREAS**, the Planning Commission, at its public hearing on May 16, 2007, recommended approval, as stated in Res. No. 07-093; and

**WHEREAS**, a Board of County Supervisors' public hearing, duly advertised in a local newspaper for a period of two weeks, was held on July 10, 2007, and interested citizens were heard; and

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

**NOW, THEREFORE, BE IT ORDAINED** that the Prince William Board of County Supervisors does hereby approve SUP #PLN2006-00937, EZ Cruz Marina, subject to the conditions dated June 21, 2007;

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

**Votes:**

**Ayes:**

**Nays:**

**Absent from Vote:**

**Absent from Meeting:**

**For information:**

Planning Director

John H. Foote

Walsh, Colucci, Lubeley, Emrich & Walsh, PC

4310 Prince William Parkway, Suite 300

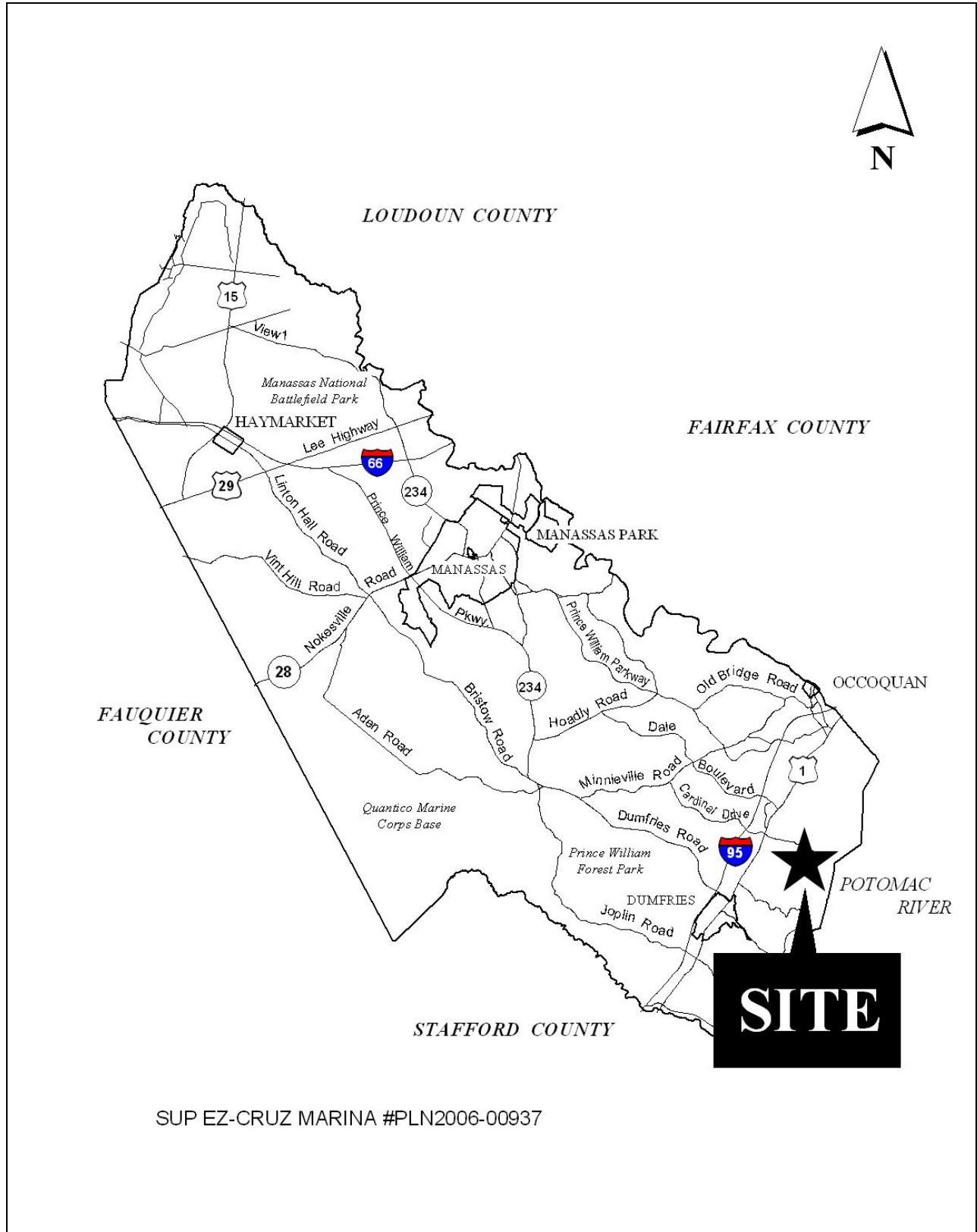
Woodbridge, VA 22192

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**Clerk to the Board**

**Attachment A - Maps  
VICINITY MAP**

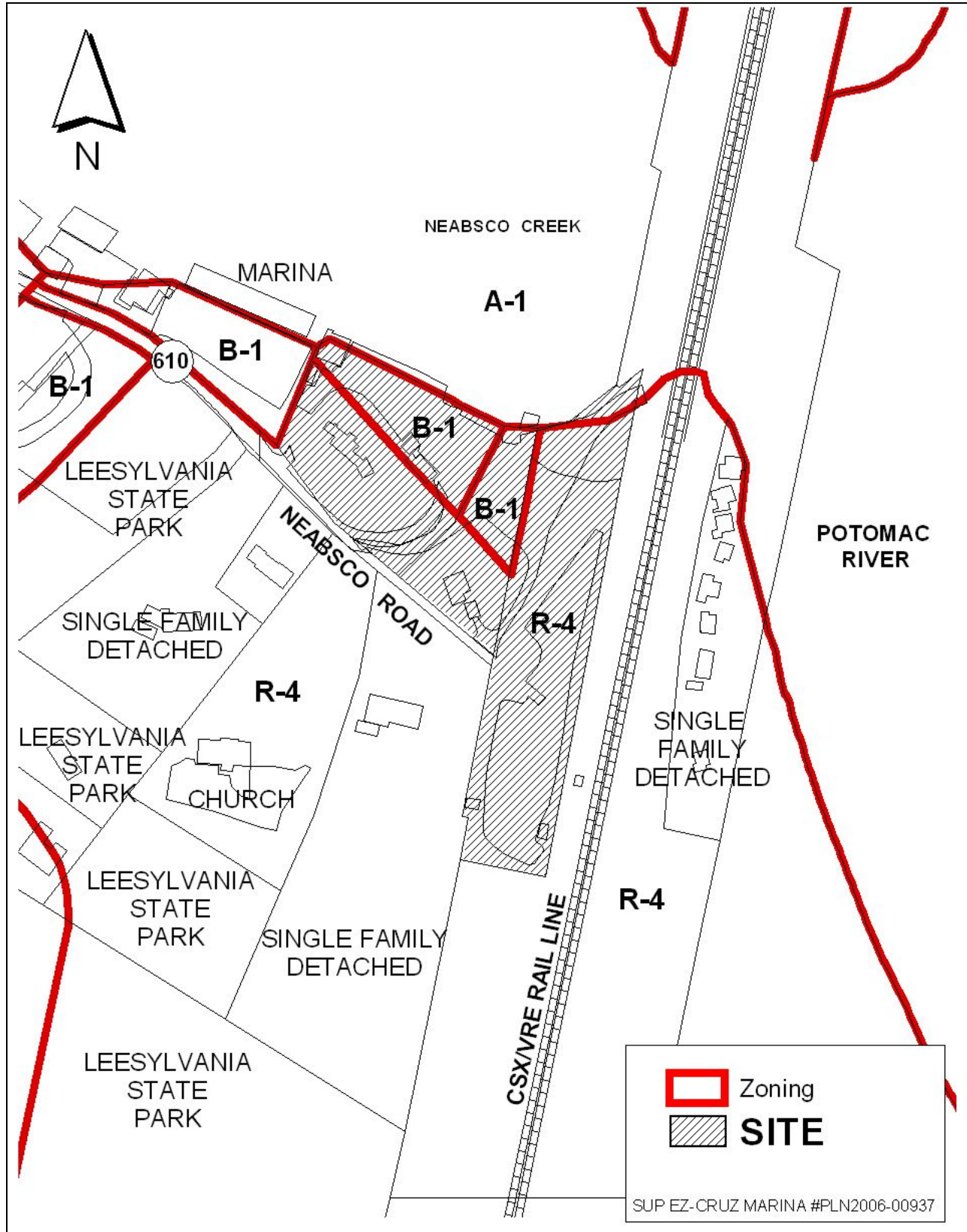


SUP EZ-CRUZ MARINA #PLN2006-00937

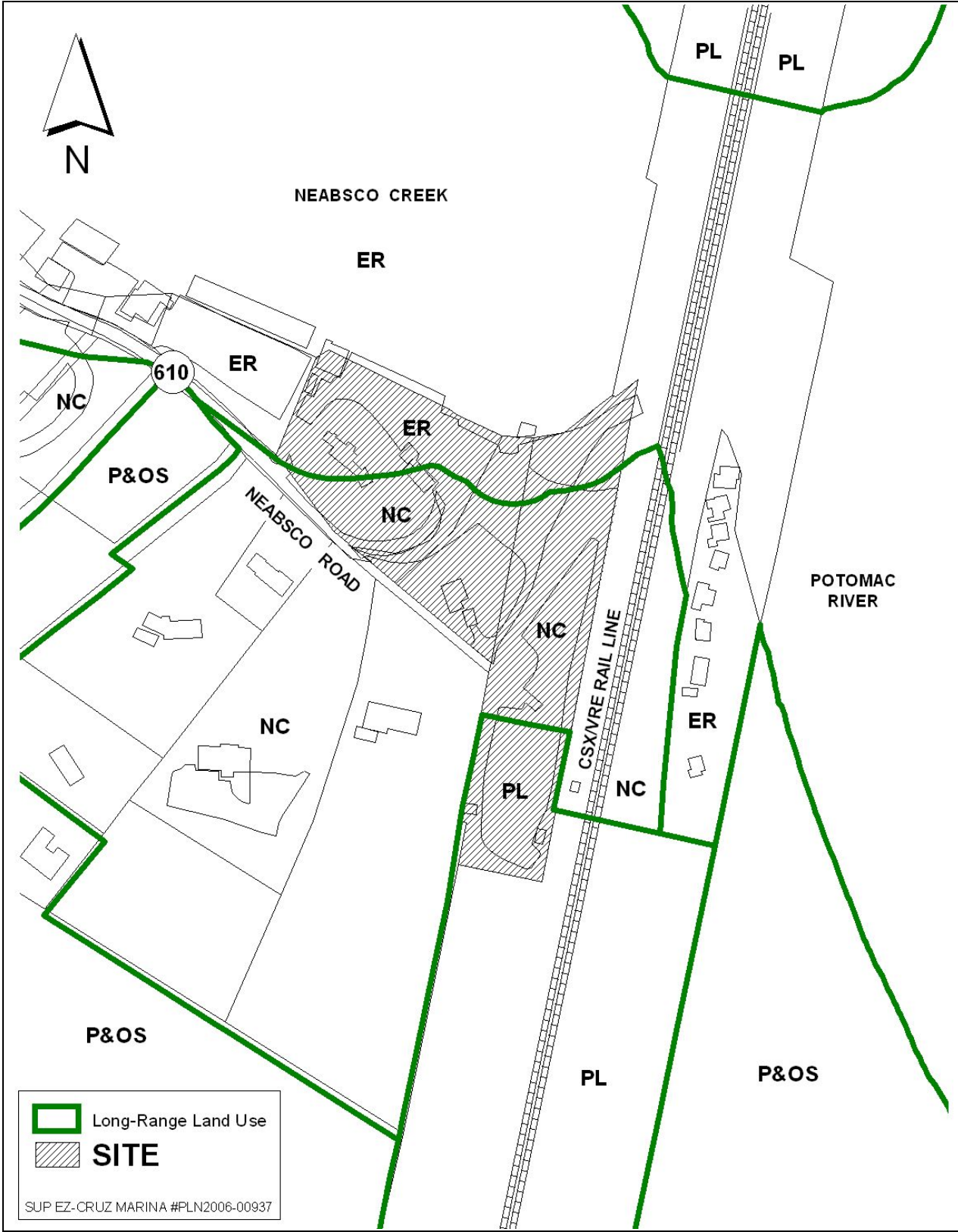
**Attachment A - Maps  
AERIAL MAP**



Attachment A - Maps  
EXISTING LAND USE AND ZONING MAP



Attachment A - Maps  
LONG-RANGE LAND USE MAP





**Part I. Summary of Comprehensive Plan Consistency**

**Staff Recommendation: Approval**

The following is a summary of staff’s analysis of the applicant’s two part request: (1) to rezone ±5.52 acres from A-1, Agricultural, R-4, Suburban Residential, and B-1, General Business, to B-2, Neighborhood Business, for the expansion of boat storage at an existing marina, and (2) to expand boat storage and remove the nonconforming status of that marina located at 16245, 16247, 16259 and 16263 Neabsco Rd. This analysis is based on the relevant Comprehensive Plan action strategies, goals, and policies. A complete analysis is provided in Part II of this report.

<u>Plan</u>	<u>Consistency</u>	<u>Reasons</u>
Long-Range Land Use	Yes, with modified rezoning boundaries (±4.5 acres) and the recommended conditions	B-2 zoning is consistent with the NC designation; marina uses are specifically listed as desirable uses in the Neabsco Waterfront Area Sector Plan. R-4 zoning and residential uses are not consistent.
Cultural Resources	Yes, with modified rezoning boundaries (±4.5 acres) and the recommended conditions	No impact to cultural or historic resources is anticipated.
Economic Development	Yes, with modified rezoning boundaries (±4.5 acres) and the recommended conditions	The SUP removes the nonconformity of the marina, making it more financially stable.
Environment	Yes, with modified rezoning boundaries (±4.5 acres) and the recommended conditions	As conditioned, the development does not create additional environmental impacts and provides some improvements over existing conditions.
Fire and Rescue	Yes, with modified rezoning boundaries (±4.5 acres) and the recommended conditions	The recommended monetary contribution is conditioned, with exact square footage to be determined at final site plan.
Police	Yes, with modified rezoning boundaries (±4.5 acres) and the recommended conditions	No impact to police services is anticipated.

## Attachment B – Staff Analysis

Potable Water	Yes, with modified rezoning boundaries ( $\pm$ 4.5 acres) and the recommended conditions	Connection of the marina to public water, at the applicant's expense, is conditioned. No change is proposed to the existing single family homes.
Sewer	Yes, with modified rezoning boundaries ( $\pm$ 4.5 acres) and the recommended conditions	Connection of the marina to public sewer, at the applicant's expense, is conditioned. No change is proposed to the existing single family homes.
Transportation	No	Conditions do not include the recommended dedication of public right-of-way, construction of a cul-de-sac at the road terminus, or a commercial entrance.

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

Direction	Land Use	Long Range Land Use Map Designation	Zoning
North	Neabsco Creek	ER	A-1
South	CSX Railroad	PL	R-4
	Single family homes	NC	R-4
	Church	NC	R-4
East	CSX Railroad	PL, NC & ER	R-4
West	Leesylvania State Park	P&OS & NC	R-4
	Marina	ER	B-1 & 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 its residents and employers need. The Long Range Land Use Plan sets out policies and action strategies that further the County’s goal of providing a land use pattern that encourages fiscally sound development and achieves a high quality living environment. In addition to delineating land use designations on the Long Range Land Use Map, the plan includes recommendations relating to ensuring adequate land for economic development opportunities, providing for a diverse housing market, protecting against the encroachment of incompatible land uses, encouraging infill development within the Development Area, protecting environmentally sensitive lands, promoting mixed use development where appropriate, encouraging the provision of adequate public facilities for existing and planned development, preserving valuable open space and environmental resources, encouraging higher density development near existing and future transit facilities, and utilizing the sector planning process to provide more detailed recommendations where appropriate.

This site is located within the Development Area of the County and the boundaries of the Potomac Communities Revitalization Plan and the Neabsco Creek Waterfront Area Sector Plan, and is classified Neighborhood Commercial (NC) and Environmental Resource (ER) on the Long Range Land Use Map. The following table summarizes the uses and densities intended within the NC and ER designations:

## Attachment B – Staff Analysis

<b>Long Range Land Use Map Designation</b>	<b>Intended Uses and Densities</b>
Neighborhood Commercial (NC)	The purpose of the NC classification is to provide commercial areas to serve surrounding residential neighborhoods. NC-designated areas shall be planned and developed in a comprehensive, coordinated manner. NC projects shall not be nearer than one mile to any other NC area or projects, or any General Commercial or Convenience Commercial area or project. The site orientation of an NC project shall be toward surrounding neighborhoods, with project access from primary neighborhood-serving roadways, rather than from roadways serving pass-through/pass-by traffic. Pedestrian access to and from the surrounding neighborhood, where appropriate, should be encouraged. Primary uses in the NC classification are the retail and retail service uses permitted in the B-2, Neighborhood Business, zoning district and/or mixed-use buildings that combine retail/retail service uses on the first floor only and residential uses on no more than two additional floors, with a special use permit. In order that the neighborhood-serving function of NC uses are maintained, maximum NC project size shall be 15 acres, and the maximum size of nonresidential uses shall be 80,000 gross square feet, with no single use (other than a grocery store, general store or drug store) to be larger than 8,000 gross square feet.
Environmental Resource (ER)	The ER classification is defined and explained in detail in the Environment Plan. The general purpose of the ER classification is to protect the sensitive nature of the identified resources, to include 100-year floodplains, Chesapeake Bay resource protection areas, areas with slopes in excess of 25%, areas with slopes in excess of 15% and soils with severe limitations, areas with a predominance of marine clay soils, public water supply sources, and critically erodible shorelines and stream banks.

The subject property is currently developed as a marina with attendant boat repair and boat storage. The extent of the boat storage was the subject of a VNCO and an NCU verification, with the result being a determination that the existing uses were legally nonconforming on a portion of the site, but not on the entire site. As a step to moving the property into compliance with current regulations, the Board of County Supervisors initiated a rezoning from A-1, R-4 and B-1 to B-2, with a condition that a companion SUP be filed and both applications be brought forward together.

The property is within the boundary of the Neabsco Creek Waterfront Area Sector Plan, which encourages the development of a waterfront commercial area at the end of Neabsco Road.

## Attachment B – Staff Analysis

Existing development on the site includes a 200 slip marina, with two boat ramps, two offices, two garage/repair facilities, several storage containers, open boat storage and attendant parking. The SUP area includes the existing legally nonconforming marina and the expanded boat storage area deemed to be illegal by the Board of Zoning Appeals.

### **PROPOSAL'S STRENGTHS**

- Consistency with Long Range Land Use Plan – The proposed B-2 zoning district is consistent with the NC land use designation on the site.
- Removal of Legally Nonconforming Status – Approval and implementation of the SUP would change the status of the marina from legally nonconforming to conforming.
- Correction of Violation – Approval of the SUP would bring the expanded storage area (west of the CSX easement across GPIN 8390-73-9746, into conformance with the Zoning Ordinance and would correct an outstanding zoning violation.
- Conformance with Neabsco Creek Waterfront Sector Plan – The sector plan specifically recommends the protection of marinas and other water-related uses in this area. Converting the use from legally nonconforming to conforming provides more stability and protects the marina into the future.

### **PROPOSAL'S WEAKNESSES**

- Buffers Between Incompatible Uses – As proposed and conditioned, the SUP plan does not meet the DCSM standards for buffers between incompatible uses; alternative compliance is conditioned to accommodate the existing marina development and to allow for boat storage.
- Setbacks – As proposed and conditioned, the existing structures on the the SUP plan do not meet the Zoning Ordinance setback standards.
- R-4 Zoning – Retention of the R-4 zoning for the two single family homes is incompatible with the NC designation

**On balance**, the rezoning application, as modified, and the SUP application, as conditioned, are found to be consistent with the relevant components of the Long Range Land Use Plan.

### **Cultural Resources Plan Analysis**

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

A cultural resources check did not identify any cultural or historical resources in this area.

#### **PROPOSAL'S STRENGTHS**

- No Impact – The proposal does not impact any identified cultural or historic resources.

#### **PROPOSAL'S WEAKNESSES**

- None identified.

**On balance**, the rezoning application, as modified, and the SUP application, as conditioned, are found to be consistent with the relevant components of the Cultural Resources Plan.

### **Economic Development Plan Analysis**

An enhanced, diverse nonresidential tax base creates quality jobs, allowing people to live, work and recreate in Prince William County. The Economic Development Plan sets out policies and action strategies that further the County's goal of attracting and fostering the growth of environmentally sound industries to create quality jobs and diversify the nonresidential tax base, creating a climate where citizens can live and work in Prince William County. The plan includes recommendations relating to business attraction, retention and expansion, the provision of adequate infrastructure, redevelopment of less competitive areas, telecommuting and other information-age opportunities, and recognition of tourism as an industry.

#### **PROPOSAL'S STRENGTHS**

- Resolution of Zoning Violation – Approval and implementation of the SUP resolves an outstanding VNCO, which puts the existing marina in a more stable, competitive business position, and enables the expansion of an existing business.

**PROPOSAL’S WEAKNESSES**

- None identified.

**On balance**, the rezoning application, as modified, and the SUP application, as conditioned, are 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 that natural environment to co-exist with a vibrant, growing economy. The Environment Plan sets out policies and action strategies that further the County’s goal of preserving, protecting and enhancing significant environmental resources and features. The plan includes recommendations relating to the incorporation of environmentally sensitive development techniques, improvement of air quality, identification of problematic soil issues, preservation of native vegetation, enhancement of surface and groundwater quality, limitations on impervious surfaces, and the protection of significant viewsheds.

This site is located in Subwatershed # 800, which drains directly into Neabsco Creek. Approximately 2.2 acres of the site (40%) are mapped as environmental resources on the Long Range Land Use Map. The applicant’s preservation area site analysis (PASA) adjusted the resource protection area (RPA) boundary to 100’ from the existing marina bulkhead. A portion of the property, within the RPA, is within the 100 year floodplain. Approximately 0.25 acres of the site (4.5%) contain slopes of 15-25%; 0.5 acres (9%) contain slopes exceeding 25%; and 1.4 acres (25%) contain highly erodible soils.

The existing marina does not conform to current Zoning Ordinance and DSCM standards, particularly with respect to the Chesapeake Bay Preservation Act. Parking, boat storage, and a repair garage are currently located within the RPA. The conditions proposed with the SUP are an effort to minimize impervious surface outside the RPA to offset, to the extent possible, the existing hard surfaces within the RPA.

**PROPOSAL’S STRENGTHS**

- **Impervious Surface** – As conditioned, development under this SUP shall not increase the impervious surface within the RPA, nor shall there be a net increase in impervious surface within the entire site.
- **Best Management Practices (BMPs)** – As conditioned, the development will include a minimum of 2 pre-treatment devices.

## Attachment B – Staff Analysis

- Fueling Station – As conditioned, the three existing fueling stations must meet all applicable Virginia Marine Resources Commission, Public Works – Watershed Management, and Fire and Rescue standards, including emergency spill notification contingency. The applicant will bear the financial cost to clean-up any spills or malfunctions.
- Super-Silt Fencing – As conditioned, super-silt fencing will be required during any earth moving or construction activity.
- Discharges – As conditioned, hazardous materials shall not be discharged into the public sewer system, onto the ground or into Neabsco Creek.
- Sewer – As conditioned, the existing septic fields and tanks serving the marina will be replaced with connections to public sewer. Abandonment of the existing fields and tanks will meet all Health Department requirements and will begin within 60 days of the connection to public sewer.
- Permanent Pump-Out – As conditioned, the existing portable pump out will be replaced with a permanent pump-out, connected to public sewer. All applicable standards of the Virginia Marine Resources Commission, the Health Department, and Public Works – Watershed Management, shall be met.
- Parking Surfaces – To reduce impervious surfaces, the applicant is required to request a waiver of the requirement to pave parking spaces and drive aisles.
- Water Quality/Stream Restoration Contribution – As conditioned, the applicant will pay \$75 per acre for that portion of the site that was disturbed without authorization.

### **PROPOSAL'S WEAKNESSES**

- Stormwater Management – Due to the proximity to Neabsco Creek, the applicant will request a waiver of on-site stormwater management.
- No Reduction of Impervious Surface in the RPA – The applicant is not proposing the removal of any impervious surface within the RPA.
- Development Within the RPA – The marina predates the Chesapeake Bay Preservation Act and includes development within the RPA that is not water dependent. The applicant is not proposing the relocation of any of those existing uses.

**On balance**, the rezoning application, as modified, and the SUP application, as conditioned, are found to be consistent with the relevant components of the Environment Plan.



### **Fire and Rescue Plan Analysis**

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

The site is closest to the OWL Spicer Station #12, located on Montgomery Avenue. The property is outside the recommended 4.5 minute response time, and the station is currently over capacity.

#### **PROPOSAL'S STRENGTHS**

- **Reduced Rezoning Boundary** – This Board-initiated rezoning does not include any proffers related to fire and rescue LOS impacts. Rezoning only  $\pm 4.5$  acres of the  $\pm 5.52$  acre site to B-2 would eliminate the potential for additional commercial development on the site outside the boundaries of the SUP without mitigating LOS contributions.
- **Monetary Contribution** – As conditioned, the applicant will pay the recommended LOS contribution for fire and rescue services, based upon any net increase in building square footage within the SUP area.

#### **PROPOSAL'S WEAKNESSES**

- **Response Time** – The marina is outside the recommended 4.5 minute response time.
- **Station Capacity** – The station slated for first response is currently at 224% capacity.

**On balance**, the rezoning application, as modified, and the SUP application, as conditioned, are 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 chapter 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.

The methodology for determining equitable monetary contributions for new development is currently under development and will be incorporated into staff analyses upon approval by the Board of County Supervisors. No impact to police services is anticipated by the rezoning.

### **Proposal's Strengths**

- Graffiti Removal – As conditioned, any graffiti on the site shall be removed after notification to the Police Department.
- Safety and Security Measures – The Police Department has recommended safety and security measures that should be incorporated into the design of the site. No significant impact to police service is anticipated.

### **Proposal's Weaknesses**

- None identified.

**On balance**, the rezoning application, as modified, and the SUP application, as conditioned, are 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.

## Attachment B – Staff Analysis

Public water is available to the site, but requires the construction of off-site facilities. To provide the required fire flow of 2500 gpm for commercial development, the 4” main between Hayes Lane and Daniel K. Ludwig Road needs to be replaced with a 12” main.

### **PROPOSAL’S STRENGTHS**

- Connection to Public Water – As conditioned, the applicant will pay for all required upgrades and connections to the public water system.

### **PROPOSAL’S WEAKNESSES**

- None identified.

**On balance**, the rezoning application, as modified, and the SUP application, as conditioned, are found to be consistent with the relevant components of the Potable Water Plan.

## **Sewer Plan Analysis**

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

### **PROPOSAL’S STRENGTHS**

- Connection to Public Sewer – As conditioned, the applicant will pay for all required upgrades and connections to the public sewer system.

### **PROPOSAL’S WEAKNESSES**

- None identified.

**On balance**, the rezoning application, as modified, and the SUP application, as conditioned, are found to be consistent with the relevant components of the Sewer Plan.

### **Transportation Plan Analysis**

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

Neabsco Road is planned as a 4 lane divided, major collector from Route 1 to its terminus. The roadway currently operates at LOS D, but is anticipated to operate at LOS C if improved according to the Thoroughfare Plan. The most current traffic counts in this area (2004) show 4,300 vehicles per day. Discussions with the Transportation Department resulted in a recommendation of a narrower roadway from Leesylvania State Park to the terminus, recognizing the limited development capacity beyond the park. VDOT has requested a cul-de-sac at the terminus of Neabsco Road, abutting the applicant's entrance. The Transportation Department also requested the improvement of the existing entrance to a standard commercial entrance.

The applicant has been unwilling, to date, to commit to any right-of-way dedication, the construction of a cul-de-sac, or the construction of a standard commercial entrance. While these issues are not addressed in the recommended SUP conditions, they are not waived. These issues will have to be addressed between the applicant, VDOT and the County during the site plan review and approval process.

#### **PROPOSAL'S STRENGTHS**

- Paved Parking – As conditioned, the SUP allows alternative parking surfaces, gravel or grass pavers, subject to a DCSM waiver at site plan. Eliminating paved parking limits impervious surfaces near the waterway.

#### **PROPOSAL'S WEAKNESSES**

- Right-of-Way Dedication – The SUP conditions do not require the dedication of additional right-of-way for Neabsco Road.
- Cul-de-sac on Neabsco Road – The SUP conditions do not require the construction of a cul-de-sac at the end of Neabsco Road.

## Attachment B – Staff Analysis

- Commercial Entrance – The SUP conditions do not require the construction of a standard commercial entrance to the site.

**On balance**, the rezoning application, as modified, and the SUP application, as conditioned, are found to be inconsistent with the relevant components of the Transportation Plan.

### **Materially Relevant Issues**

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

- None identified.

### **Minimum Design Criteria**

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

- VDOT has requested a cul-de-sac at the terminus of Neabsco Road and will likely raise this issue at the time of site plan submission. Omission of this from the SUP conditions does not constitute a waiver.
- The Department of Transportation has requested the dedication of public right-of-way for Neabsco Road and the construction of a commercial entrance and will raise these issues at the time of site plan submission. Omission of these from the SUP conditions does not constitute a waiver.
- Any future change in land use will require a traffic impact analysis.

**Agency Comments**

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

- CSX Railroad
- Fire Marshall
- Health Department
- Historical Commission
- Leesylvania State Park
- Occoquan National Wildlife Refuge (Featherstone portion)
- Park Authority
- Planning – County Archaeologist
- Planning – Urban Designer
- Police – Crime Prevention
- Public Works – Environmental Services
- Service Authority
- VDOT

**CONDITIONS**

**Special Use Permit #PLN2006-00937, EZ Cruz Marina  
June 21, 2007**

**Applicants/Owners:** Robert B. Hart & Waterfront Industries, Inc. (Robert B. Hart, President)  
**Acreage:** ± 4.5 acres  
**Zoning:** B-2, REZ #2007-00094  
**GPINs:** 8390-73-7069(pt), 8390-73-8656(pt), 8390-73-9746 & 8390-83-0071

The following conditions are intended to mitigate some of the impacts of the existing marina with expanded boat storage and would render the application consistent with the applicable chapters of the Comprehensive Plan. If the conditions of this special use permit (SUP) or the SUP Plan are in conflict with the Zoning Ordinance or the Design and Construction Standards Manual (DCSM), the conditions specified herein shall apply. These conditions may be enforced upon the property owner, the applicant, or any subsequent assigns or lessees.

**OVERALL DEVELOPMENT:**

- (1) Under this SUP, the development of the property shall be in substantial conformance with the “EZ Cruz Marina Special Use Permit Plan (SUP Plan),” created by Mullen Engineering PLLC, dated July 31, 2006 and revised as of June 18, 2007 and the “Off Season Parking & Boat Storage Exhibit (Off Season Exhibit), created by Mullen Engineering PPLC, dated June 18, 2007, except as may be altered by the conditions set forth herein. Minor modifications may be allowed at final site plan due to engineering and the approval of waivers and/or modifications set out below.
  
- (2) Under this SUP, the use of the property shall be limited to the following:
  - a. 200 wet slips;
  - b. 1 marina office ;
  - c. 1 boat/boat trailer sales office;
  - d. 2 boat repair garages;
  - e. 5 parts/tool/storage sheds;
  - f. 2 boat ramps;
  - g. 3 fuel tanks;
  - h. 2 boat lifts;
  - i. 1 crab shack;
  - j. Surface storage for up to 170 boats and associated trailers(as provided in condition #9 below); and
  - k. Motor vehicle sales, with a maximum of 10 vehicles on site at any one time.
  - l. Secondary uses included in the Zoning Ordinance definition of a marina may be allowed so long as they do not involve building area in excess of that allowed by condition #7 or additional impervious surface on the site.
  
- (3) At no time shall more than 12 slips be used for live aboards.

## **Attachment C Proposed Conditions**

- (4) The 3 sea containers on site shall be removed by the applicant within one week of the installation of the proposed storage sheds.
- (5) With the exception of heavy machinery (i.e. lifts, backhoe, snow plow) used in the daily operation of the marina and the surface boat storage area, no outdoor storage of materials or equipment shall be permitted. All heavy machinery shall be parked in surface boat storage spaces depicted on the SUP Plan.
- (6) No outdoor boat repairs or refurbishing shall take place within 20 feet of the bulkhead along the Neabsco Creek shoreline or within Neabsco Creek.
- (7) Total building area for the development shall not exceed 10,000 sf as noted on the SUP Plan. Total building area shall be included in the site tabulation on the final site plan and shown on the final site plan.
- (8) A site plan shall be filed within 6 months of the date of approval of this SUP by the Prince William Board of County Supervisors, and completion of all improvements shown on the final site plan shall occur within 3 years of the date of final site plan approval. Release of all bonds and escrows shall constitute completion of the improvements. Failure to file a site plan or to complete the improvements within the stated time frames will result in the initiation of procedures to void this SUP. Should this SUP become void, development on the site shall be limited to that allowed under NCU #PLN2005-00604, or development in conformance with all the requirements of the B-2 zoning district, should REZ #PLN2007-00094, be approved.

### **SURFACE BOAT STORAGE & BOAT RAMPS:**

- (9) Boat storage shall be limited to the following:
  - (a) from May 1<sup>st</sup> through September 30<sup>th</sup>, a maximum of 131 boats may be stored within the areas identified on the SUP Plan; and
  - (b) from October 1<sup>st</sup> through April 30<sup>th</sup>, a maximum of 170 boats may be stored within the areas identified on the SUP Plan and those additional areas identified on the Off Season Exhibit.
- (10) Where surface boat storage spaces abut buffer areas or other green areas that are not defined by fencing along the common edge, an edge treatment shall be put in place by the applicant to prevent encroachment of boat storage into these areas. The type of treatment shall be determined during site plan review and shown on the final site plan.
- (11) Subject to the approval of a waiver at final site plan, all surface boat storage areas shall be gravel or grass pavers, not pavement.



**Attachment C  
Proposed Conditions**

**TRANSPORTATION:**

- (12) Parking and loading spaces shall be provided on the final site plan in the following ratios, as shown on the SUP Plan and the Off Season Exhibit (modified below):

Use	May 1 <sup>st</sup> through September 30 <sup>th</sup>	October 1 <sup>st</sup> through April 30 <sup>th</sup>
Wetslips & surface boat storage spaces	88 spaces	37 spaces
Boat ramps	20 car & trailer spaces	10 car & trailer spaces
Motor Vehicle Sales	10 spaces	10 spaces
Loading	1 space	1 space

Handicapped parking spaces shall be provided as required by the DCSM.

- (13) Subject to the approval of a waiver at final site plan, all new parking spaces shall be gravel or grass pavers, not pavement.
- (14) Where parking spaces abut buffer areas or other green areas that are not defined by fencing along the common edge, an edge treatment shall be put in place to prevent encroachment of parking into these areas. The type of treatment shall be determined during site plan review and shown on the final site plan.
- (15) The CSX access across GPIN 8390-73-9746 shall be shown on the final site plan and maintained at all times by the applicant.

**BUFFERS/LANDSCAPING:**

- (16) Buffers as required by the DCSM between commercially developed properties and residentially developed properties shall be modified to result in the following. These buffer areas and the respective planting plans shall be shown on the final site plan:
- a. The buffer between GPINs 8390-73-9746 and 8390-73-6805 shall be a minimum of 25' in width. An 8' board-on-board fence shall be erected and maintained by the applicant at the easternmost edge of this buffer. Existing vegetation in the area to the west of the fence shall be augmented with a mixture of Leyland cypress, eastern red cedar and American arborvitae, planted in 2 to 3 staggered rows, to attain and maintain a ratio of 84 plant units per 100 linear feet of buffer area. All new plant material shall meet minimum DCSM standards at the time of planting. The fence and landscaping shall be installed within 6 months of final site plan approval.
  - b. The property line between the marina and the house on GPIN 8390-73-8656 shall be defined with 4' tall fencing as shown on the SUP Plan. The fence shall be maintained in good repair at all times.
  - c. The property line between the marina and the house on GPIN 8390-73-7069 shall be defined with the existing split rail fence, which shall be maintained in good repair at all times.
  - d. The buffer between GPIN 8390-73-9746 and the CSX property shall be a minimum of 15' in width, on average, along the southern and eastern boundaries. No additional plant material shall be required within this buffer area.

## **Attachment C Proposed Conditions**

- (17) A minimum of 39,891 sf of green area, including the buffers required in condition #16, shall be provided and maintained on the site. Except as otherwise required in condition #16, the green area may be planted with grass. Total green area shall be included in the site tabulation on the final site plan and shown on the final site plan.

### **ENVIRONMENTAL:**

- (18) The development in existence at the time of approval of this SUP includes impervious surface within the Chesapeake Bay resource protection area (RPA). To minimize additional environmental impacts, development of this site under the SUP shall not increase impervious surface within the RPA, and there shall be no net increase of impervious surface across the total site. Total impervious surface (pre- and post- SUP, within and outside the RPA) shall be included in the site tabulation on the final site plan.
- (19) A minimum of 2 water quality pretreatment devices (stormceptors or other similar County-approved devices) shall be installed by the applicant. Final determination of the number, size, and location of the devices shall be made at the time of site plan review and shown on the final site plan.
- (20) Subject to a waiver at final site plan, no on-site stormwater management shall be required.
- (21) Verification that the 3 existing fueling stations meet all applicable standards set by the Virginia Marine Resources Commission, the Department of Public Works, Watershed Management, and the Department of Fire and Rescue, including emergency spill notification contingency plans, shall be noted on the final site plan. The applicant shall be responsible for all costs related to the clean-up of any spills or malfunctions, as well as the repairs to, or replacement of, any stations that do not meet the applicable standards.
- (22) Super silt fencing shall be installed and maintained by the applicant during any earth moving or construction activity on the site. A note to this effect shall be included on the final site plan.
- (23) The discharge of fuels, solvents, anti-freeze and/or other pollutants, hazardous materials or flammable substances by the applicant or any other user on the site into the public sewer, onto the ground, or into Neabsco Creek shall be prohibited.

### **UTILITIES:**

- (24) Existing and proposed site improvements will be connected to public water and sewer as required by the Prince William County Service Authority, at the applicant's expense. All necessary improvements will be included in the final site plan.

## **Attachment C Proposed Conditions**

- (25) The existing septic fields and septic tanks serving the marina uses shall be abandoned by the applicant in conformance with all applicable requirements set by the Virginia Department of Health. Abandonment shall begin within 60 days of the completion of the sewer improvements on site and shall be completed to the satisfaction of the Prince William County Health Department.
- (26) A permanent pump-out facility shall be installed and maintained by the applicant in accordance with all applicable standards set by the Virginia Department of Health, the Virginia Marine Resources Commission, and the Department of Public Works, Watershed Management, including emergency spill notification contingency plans. Verification of compliance shall be noted on the final site plan. The applicant shall be responsible for all costs related to the clean-up of any spills or malfunctions.

### **SITE MAINTENANCE:**

- (27) The property shall be kept free of litter and debris on a daily basis.
- (28) Refuse shall be stored within a storage area, shown on the final site plan, that is completely screened with a solid wooden fence and gate. The gates shall be closed when the refuse containers are not being accessed.
- (29) The applicant shall remove any graffiti from the property after notification to the Prince William County Police Department. Graffiti shall be deemed any inscription or marking on walls, buildings or structures not permitted by the sign regulations in Section 32-250.20 *et seq* of the Zoning Ordinance. Access to roofs shall be prevented by keeping dumpsters at least 5 feet away from all exterior walls, and covering or enclosing drainpipes, among other measures.

### **SIGNAGE:**

- (30) All new signage will require sign permits. Any request for sign permits will require all existing signage to come into conformance with the requirements of Section 32-250.20 *et seq* of the Zoning Ordinance.

### **MONETARY CONTRIBUTIONS:**

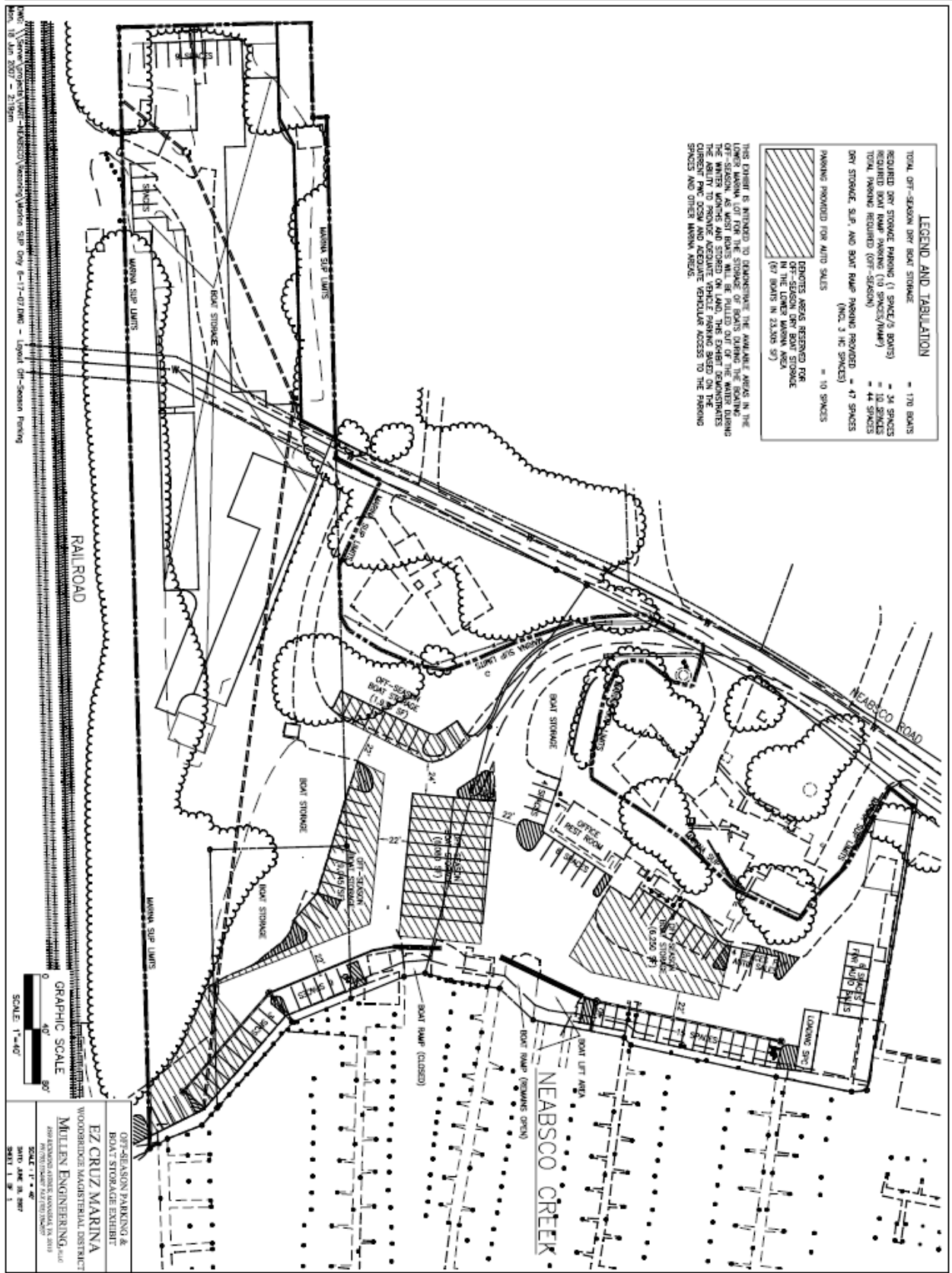
- (31) As a condition of final site plan approval, the applicant shall make the following contributions:
  - a. \$75 per acre for that portion of GPIN 8390-73-9746 not covered by NCU #PLN2005-00604 for water quality monitoring and/or stream restoration project ( $\pm$ 1 acre);
  - b. \$0.61 per square foot of net new building area for fire and rescue services.

**Attachment C**  
**Proposed Conditions**

- c. In the event the monetary contributions set forth herein are paid to the Prince William Board of County Supervisors (“Board”) within eighteen (18) months of the approval of this special use permit, as applied for by the Applicant, said contributions shall be in the amounts as stated herein. Any monetary contributions set forth in this Condition Statement which are paid to the Board after eighteen (18) months following the approval of this special use permit shall be adjusted in accordance with the Urban Consumer Price Index (“CPI-U”) published by the United States Department of Labor, such that at the time contributions are paid they shall be adjusted by the percentage change in the CPI-U from that date eighteen (18) months after the approval of this special use permit to the most recently available CPI-U to the date the contributions are paid, subject to a cap of 6 percent (6%) per year, noncompounded.



# Attachment C Off Season Parking & Boat Storage Exhibit, dated June 18, 2007



**Attachment D  
BOCS Initiating Resolution**

**MOTION: BARG**

**April 4, 2006  
Regular Meeting  
Res. No. 06-340**

**SECOND: CADDIGAN**

**RE: INITIATION OF HART/EZ CRUZ MARINA REZONING AT 16245, 16247, 16259 AND 16263 NEABSCO CREEK ROAD FROM B-1, GENERAL COMMERCIAL, AND R-4, SUBURBAN RESIDENTIAL, TO B-2, NEIGHBORHOOD COMMERCIAL – WOODBRIDGE MAGISTERIAL DISTRICT**

**ACTION: APPROVED**

**WHEREAS**, under Section 15.2-2285 of the Virginia Code, the Prince William Board of County Supervisors may adopt and consider both text and map amendments to a Zoning Ordinance; and

**WHEREAS**, if the Prince William Board of County Supervisors decides to initiate consideration of such an amendment, the Planning Commission must hold a public hearing on that amendment after its referral to the Planning Commission by the Board; and

**WHEREAS**, the ±4.39 acres located at 16245, 16247, 16259 and 16263 Neabsco Creek Road (GPINs 8390-73-7069, 8390-73-8656, 8390-83-0071, and 8390-73-9746, respectively), currently operating as the EZ Cruz Marina, have been found to contain unauthorized storage uses associated with the marina; and

**WHEREAS**, the proposed map amendment (rezoning) from B-1, General Commercial, and R-4, Suburban Residential, to B-2, Neighborhood Business, would move the properties closer to conformance with the Zoning Ordinance and the Comprehensive Plan; and

**WHEREAS**, the general welfare and good planning practices are served by the initiation of the rezoning;

**NOW, THEREFORE, BE IT RESOLVED** that the Prince William Board of County Supervisors does hereby initiate a rezoning of the ±4.39 acres located at 16245, 16247, 16259 and 16263 Neabsco Road from B-1 and R-4 to B-2, within the Woodbridge Magisterial District;

**BE IT FURTHER RESOLVED** that this rezoning will not come forward for public hearing without a companion special use permit application for a marina in a B-2 district.

**Attachment D  
BOCS Initiating Resolution**

April 4, 2006  
Regular Meeting  
Res. No. 06-340  
Page Two

**Votes:**

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

**Nays:** None

**Absent from Vote:** None

**Absent from Meeting:** None

**For Information:**

Planning Director

Zoning Administrator

John Foote, Esquire  
Walsh, Colucci, Lubeley, Emrich & Terpak, P.C.  
4310 Prince William Parkway  
Prince William, Virginia 22192

CERTIFIED COPY

  
Clerk to the Board



**Attachment E**  
**Planning Commission Resolution**

**PLANNING COMMISSION RESOLUTION**

**MOTION:** BRYANT **May 16, 2007**  
**Regular Meeting**  
**Res. No. 07-092**  
**SECOND:** FRY  
**RE:** REZONING #PLN2007-00094, EZ CRUZ MARINA  
WOODBRIDGE MAGISTERIAL DISTRICT  
**ACTION:** RECOMMEND APPROVAL – OPTION A OF STAFF REPORT DATED  
MAY 4, 2007 – MOTION CARRIED

**WHEREAS**, this is a request to rezone +/-5.52 acres from A-1, Agricultural, R-4, Suburban Residential and B-1, General Business, to B-2, Neighborhood Business; and

**WHEREAS**, the site is located at 16245, 16247, 16259 and 16263 Neabsco Road, identified as GPINs 8390-73-7069, 8390-73-8656, 8390-73-9746, and 8390-83-0071; and

**WHEREAS**, the site is designated Neighborhood Commercial and Environmental Resource in the Comprehensive Plan; and

**WHEREAS**, the Prince William County Planning Commission duly ordered, advertised, and held a public hearing on May 16, 2007, at which time public testimony was received and the merits of the above-referenced rezoning were considered; and

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

**NOW, THEREFORE, BE IT RESOLVED**, that the Prince William County Planning Commission does hereby recommend approval of Rezoning #PLN2007-00094, EZ Cruz Marina, option A of staff report dated May 4, 2007, modified to include only the 4.5 acres included in the application for Special Use Permit #PLN2006-00937, EZ Cruz Marina.

**Votes:**

**Ayes:** Bryant, Burgess, Friedman, Fry, Gonzales, Holley, Hendley

**Nays:** Hosen

**Absent from Vote:** None

**Absent from Meeting:** None

**MOTION CARRIED**

CERTIFIED COPY M. Christine Thompson  
Clerk to the Commission

**Attachment E**  
**Planning Commission Resolution**

**PLANNING COMMISSION RESOLUTION**

**MOTION:** BRYANT **May 16, 2007**  
**Regular Meeting**  
**Res. No. 07-093**  
**SECOND:** FRY  
**RE:** SPECIAL USE PERMIT #PLN2006-00937, EZ CRUZ MARINA,  
WOODBRIIDGE MAGISTERIAL DISTRICT  
**ACTION:** RECOMMEND APPROVAL SUBJECT TO STAFF'S  
RECOMMENDATION OF MAY 14, 2007

**WHEREAS,** this is a request expand boat storage and remove the nonconforming status of an existing marina; and

**WHEREAS,** the +/-4.2 acre site is located at 16245(pt), 16247(pt), 16259 and 16263 Neabsco Road; and

**WHEREAS,** the site is zoned A-1, Agricultural, R-4, Suburban Residential and B-1, General Business, is identified as GPINs 8390-73-7069(pt), 8390-73-8656(pt), and 8390-83-0071, and is designated Neighborhood Commercial and Environmental Resource in the Comprehensive Plan; and

**WHEREAS,** the Prince William County Planning Commission duly ordered, advertised, and held a public hearing on May 16, 2007, at which time public testimony was received and the merits of the above-referenced special use permit were considered; and

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

**NOW, THEREFORE, BE IT RESOLVED,** that the Prince William County Planning Commission does hereby recommend approval of Special Use Permit #PLN2006-00937, EZ Cruz Marina, subject to conditions dated May 14, 2007, revised to allow two boat lifts and to require the installation of the fence and landscaping along GPIN 8390-73-6805 to be installed within six months of final site plan approval.

**Votes:**

**Ayes:** Bryant, Burgess, Friedman, Fry, Gonzales, Holley, Hendley

**Nays:** Hosen

**Absent from Vote:** None

**Absent from Meeting:** None

**MOTION CARRIED**

CERTIFIED COPY

  
Clerk to the Commission