



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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January 2, 2006

TO: Board of County Supervisors

FROM: Stephen K. Griffin, AICP
Director of Planning

THRU: Craig S. Gerhart
County Executive

RE: Rezoning (REZ) #PLN2006-00420, Declarations for Innovation @ Prince William County (PWC) - **Brentsville Magisterial District**

I. Background is as follows:

- A. Initiation - At its meeting on June 7, 2005, the Board initiated an amendment to the Declaration to bring it into conformity with the goals and strategies of the proposed Innovation Sector plan and to reconcile the Declaration with the proposed Technology Overlay District (Attachment H). The TeOD was designed to be consistent with the Innovation Sector Plan, simplify regulations, permit increased density, and prohibit uses incompatible with the Innovation Sector Plan.
- B. Request - This is a request to amend a previously approved declaration associated with REZ#2000-0001, Innovation @ Prince William County pursuant to the Board's recent initiation. In 2000, the Board of County Supervisors (the Board), along with Land Owners in the Innovation business park, entered into an agreement to form an Association for the development of Innovation as a research/development park. As part of the agreement each of the property owners proffered to develop the property in accordance with a 1999 Master Zoning Plan (Attachment F). Since the county can not proffer to itself, the Board signed a Declaration for the property it owned. The agreement allows the Board to amend its Declaration using the same process that a private land owner would use to amend proffers. The intent of this declaration amendment is to accommodate development of proposed Federal Government buildings designed to meet the new Minimum Anti-Terrorism Standards for Buildings. Under Article II of the Declaration the maximum building height is 70 feet. The recently approved Technology District Overlay District (TeOD) allows 90 feet. The proposed amendment to the Declaration aligns development standards with current ordinances and regulations of Prince William County, VA.

- C. Site Location - The site is located north of Nokesville Road (Rt. 28) west of Godwin Drive, south of the Broad Run Industrial Park, and east and west of Hornbaker Road, south of University Blvd., and also includes parcels north of University Blvd, including GPINS 7696-00-5505, 7595-99-2563, & 7695-38-5265. The Declaration applies to land owned by the BOCS, which comprises +/- 525 acres within the site.
- D. Comprehensive Plan - The property is designated REC, Regional Employment Center, ER, Environmental Resource, and PL, Public Land in the Comprehensive Plan.
- E. Zoning/Acreage - The property zoned R-16, Suburban Residential, M-2, Light Industrial, PBD, Planned Business District, with proffers, and TeOD, Technology Overlay District. The site is located in the Airport Overlay District and portions of the site are in the Rt. 28 HCOD, Highway Corridor Overlay District.

II. Current Situation is as follows:

- A. Planning Commission Recommendation - On January 4, 2006, the Planning Commission recommended approval of REZ #PLN2006-00420, Declaration for Innovation @ Prince William County (PWC) as contained in Attachment I. Planning staff concurs.
- B. Public Hearing - A public hearing has been advertised for January 17, 2006 before the Board of County Supervisors.

III. Issues in order of importance are as follows:

- A. Comprehensive Plan - Is the proposed declaration amendment consistent with the goals and action strategies of the Comprehensive Plan?
- B. Community Input - Have members of the community raised any issues?
- C. Legal Issues - How are legal issues related to the Declaration addressed?
- D. Fiscal Concerns - Are there financial implications if the Declaration is not amended?
- E. Timing - Is there a time limit by which the model Declaration language should be applied?

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

- A. Approve REZ#PLN2006-00420, the Board Initiated Declaration Amendment Declaration for Innovation @ Prince William County (PWC), as contained in Attachment B.
1. Comprehensive Plan - The amended Declaration will be consistent with the goals of the proposed Innovation Sector Plan and with the proposed Technology Overlay District. The proposed Declaration Amendment will enhance the economic development goals of the County by providing a cohesive identity for Innovation and simplification of the regulations that control development of the area.
 2. Community Input - Notification of the application has been transmitted to adjacent property owners within 200 feet of the proposed use. As of the date of this report, no concerns have been expressed to the Planning Office, nor were any expressed at the Planning Commission public hearing.
 3. Legal Uses of the Property - Article VIII of the Declaration provides that the Board may amend the Declaration at any time by following the same procedure for amendment of a proffer under Virginia law and the Board's procedures. Article VIII specifically states: "No other approval shall be required to effectuate the amendment. The amendment shall take effect upon recordation in the land records of the County." Legal issues resulting from Board actions are appropriately addressed by the County Attorney's office.
 4. Fiscal Concerns - Amending the Declaration does not create any direct cost implication for the County.
 5. Timing - In order to project an image of the County's resolve to attract and support desired businesses the declaration should be amended expeditiously. The Board of County Supervisors has until December 20, 2006 to fulfill the Zoning Ordinance requirement that the case receive final action within one year of receipt by the County. Approval of the rezoning application would meet the one year requirement.

- B. Deny REZ #PLN2006-00420, Declaration for Innovation @ Prince William County (PWC), as contained in Attachment B.
1. Comprehensive Plan - The property is bound by the Declaration, the 1999 MZP and 2002 Density Chart (Attachment G). The current height and FAR restrictions are not consistent with the Innovation Sector Plan and Technology Overlay District and seriously conflict with the Economic Development Goals of the County.
 2. Community Input - Notification of the application has been transmitted to adjacent property owners within 200 feet of the proposed use. As of the date of this report, no concerns have been expressed to the Planning Office, nor were any expressed at the Planning Commission public hearing.
 3. Legal Uses of the Property - Under the current Declaration the property would be available for uses allowed in the PBD zoning district, in general conformance with the Master Zoning Plan (MZP), prepared by Dewberry and Davis dated September 19, 1999, and the Density Chart as amended in 2002. The MZP is inconsistent with the Sector Plan and conflicts with the TeOD. The Density Chart conflicts with the TeOD by limiting height to 70 feet. Legal issues arising from Board action are appropriately addressed by the County Attorney's Office.
 4. Fiscal Concerns - Denial of the proposed amendments may result in the loss of economic development prospects.
 5. Timing - Denial of the Amendment does not project an image of the County's resolve to attract and support desired businesses. The Planning Commission has 90 days from January 4, 2006, the first public hearing date, to take action on this proposal. Denial of the rezoning application would meet the 90-day requirement.
- V. Recommendation is that the Board of County Supervisors accept Alternative A and approve the attached Ordinance.

Staff: Steele Knudson X6908

Attachment:

- A. Area Maps
- B. Proposed Declaration Amendment
- C. Declaration, Article II, black line
- D. Proposed Article II
- E. Conceptual Land Use Plan
- F. MZP
- G. Density Chart
- H. Board Initiation
- I. Planning Commission Resolution

MOTION:

January 17, 2006

Regular Meeting

SECOND:

Ord. No. 06-

**RE: REZONING (REZ) #PLN2006-00420, DECLARATIONS FOR
INNOVATION @ PRINCE WILLIAM COUNTY - BRENTSVILLE
MAGISTERIAL DISTRICT**

ACTION:

WHEREAS, this is a request to amend the Declaration for the property of the Board of County Supervisors of Prince William County, Virginia at Innovation @ PWC, to align development standards with current ordinances and regulations of Prince William County. The +/-525 acre site is located north of Nokesville Road (Rt. 28) west of Godwin Drive, south of the Broad Run Industrial Park, and east and west of Hornbaker Road, south of University Blvd., and also including parcels north of University Blvd, including GPINS 7696-00-5505, 7595-99-2563, & 7695-38-5265. The property is zoned R-16, M-2, PBD, Planned Business District and TEOD, Technology Overlay District and designated REC, Regional Employment Center, ER, Environmental Resource, and PL, Public Land in the Comprehensive Plan; and

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

WHEREAS, the Planning Commission held a public hearing on this item on January 4, 2006, and recommends approval, as stated in Res. #06-003; and

WHEREAS, a public hearing, duly advertised in a local newspaper for a period of two weeks, was held on January 17, 2006, 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 #PLN2006-00420, Declarations for Innovation @ Prince William County; and

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

Votes:

Ayes:

Nays:

Absent from Vote:

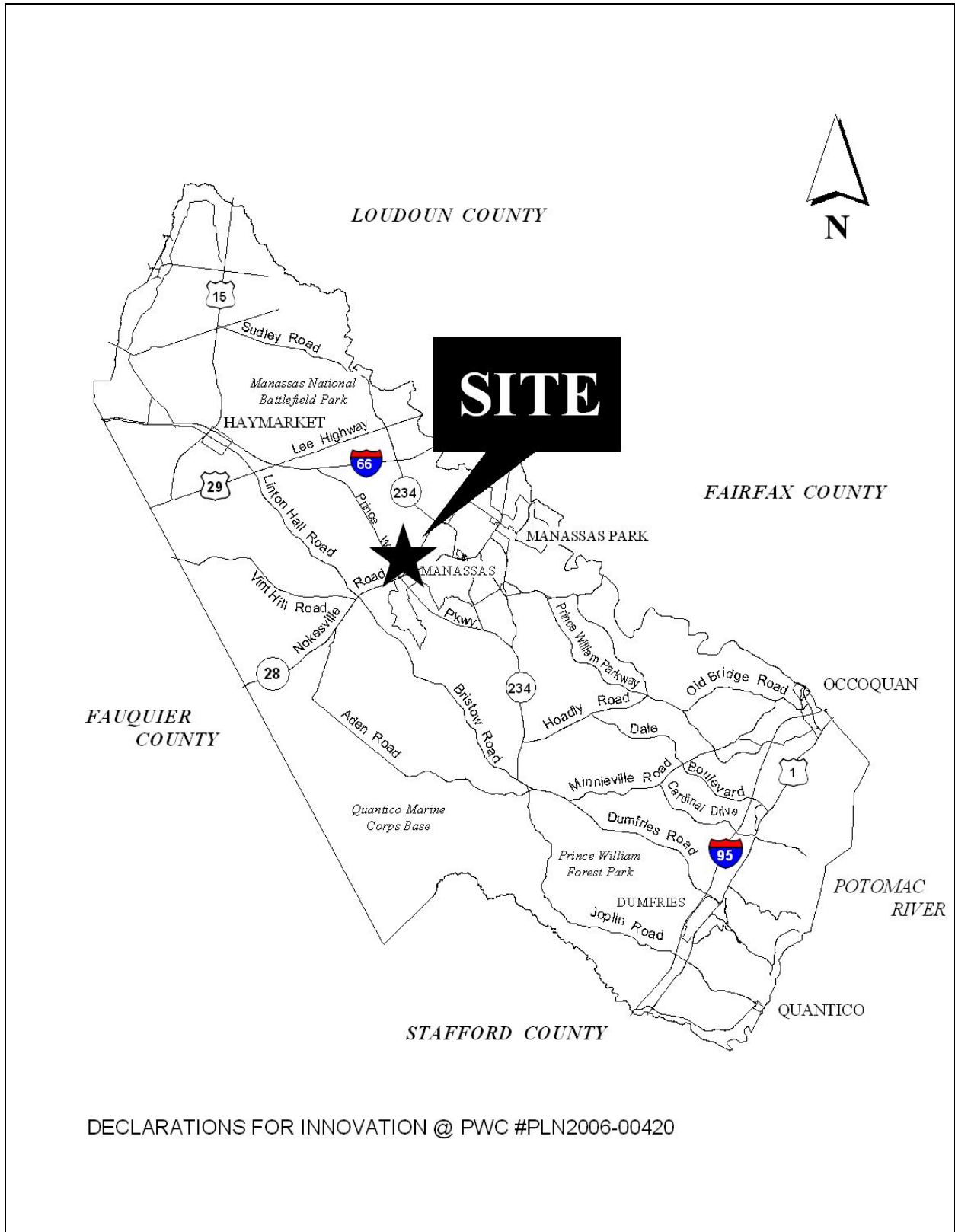
Absent from Meeting:

For information:

Planning Director

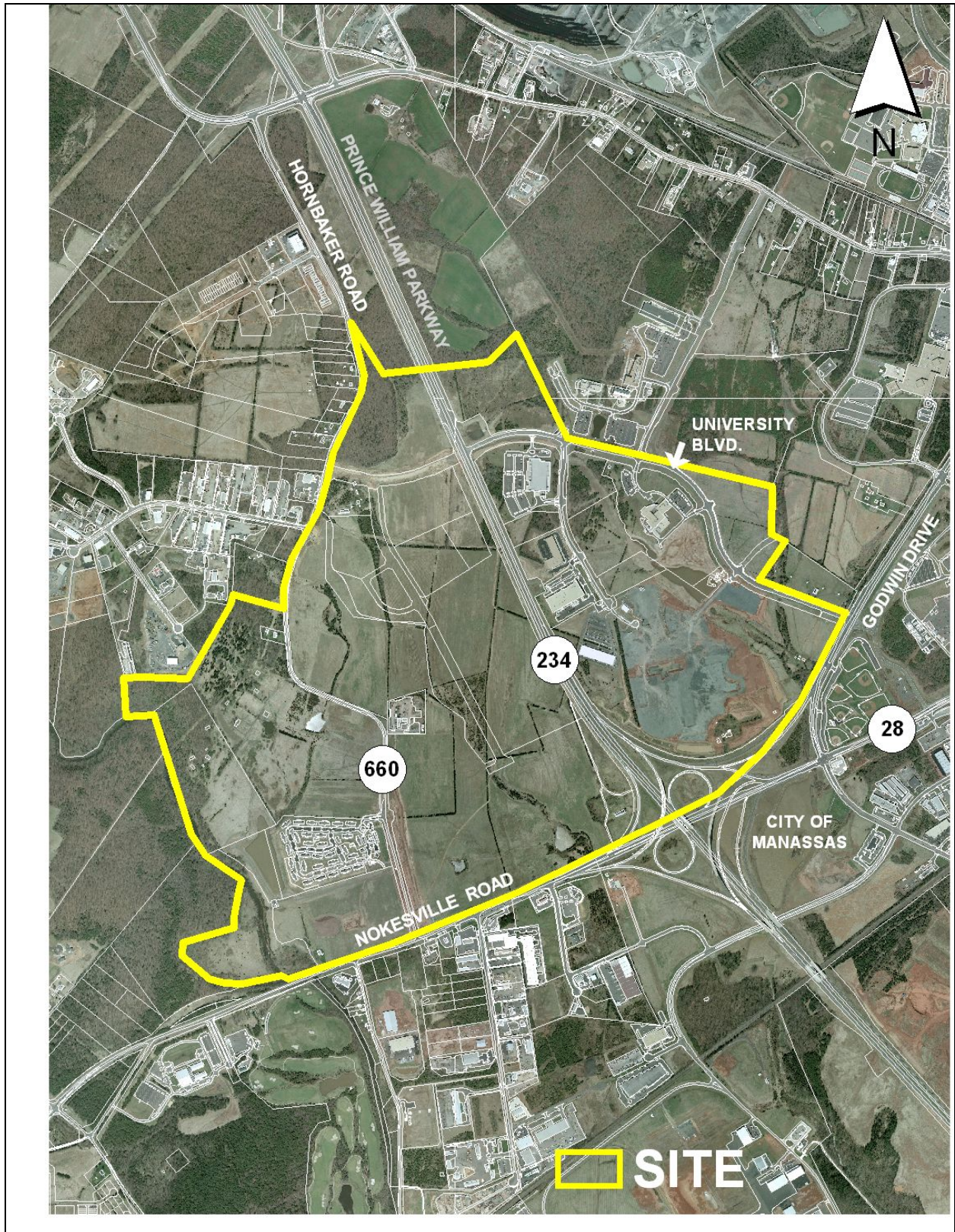
CERTIFIED COPY _____
Clerk to the Board

**Attachment A - Maps
VICINITY MAP**

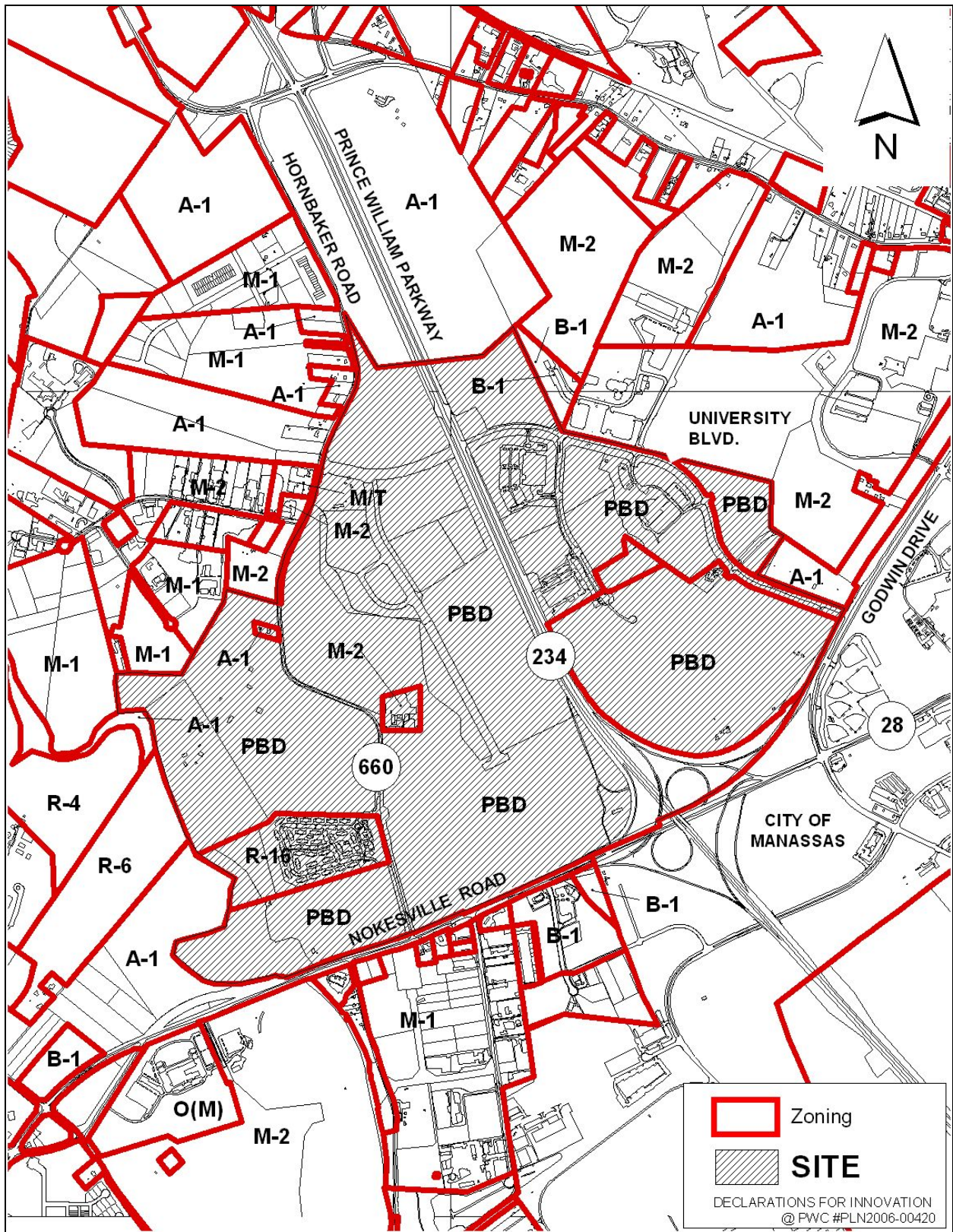


DECLARATIONS FOR INNOVATION @ PWC #PLN2006-00420

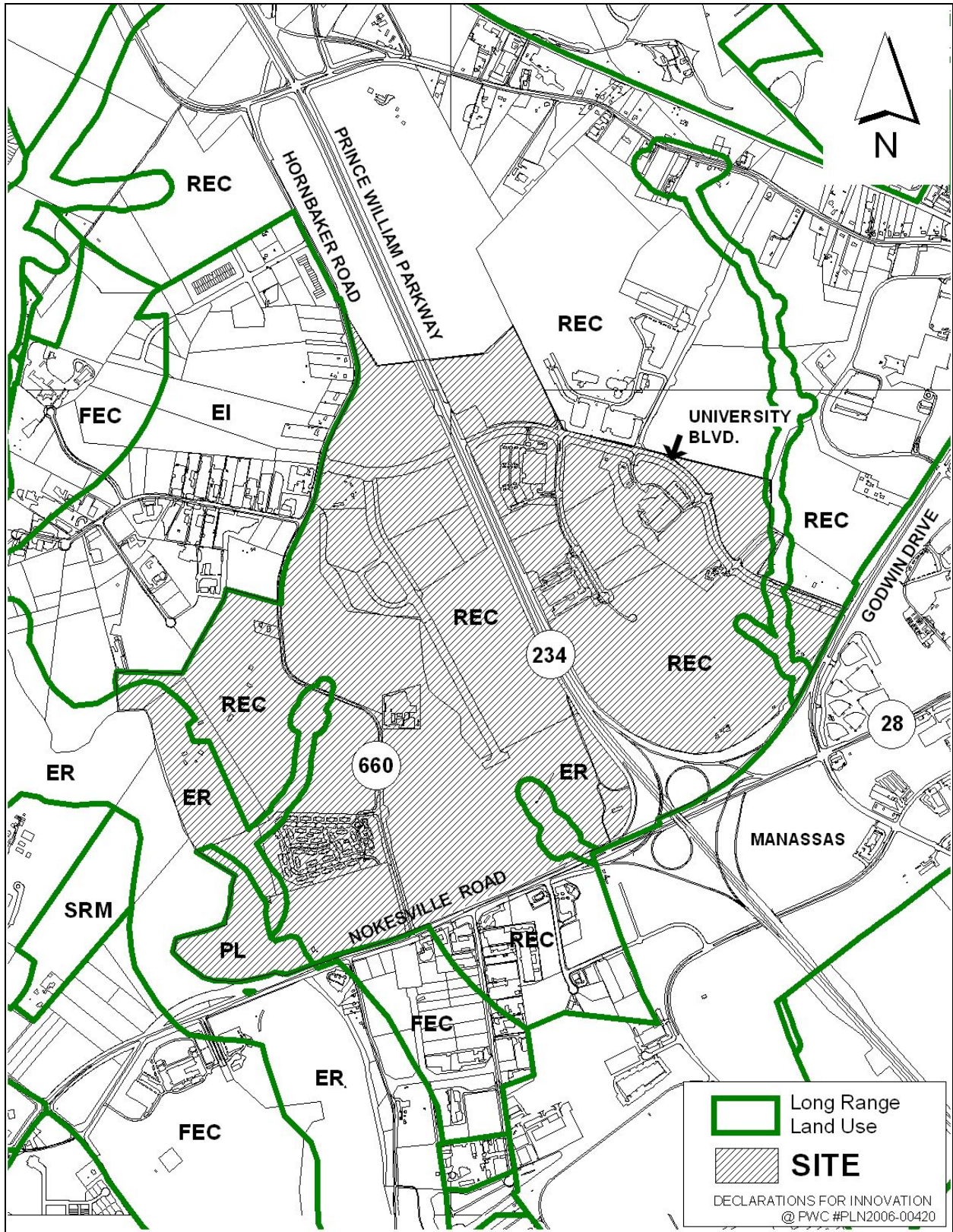
Attachment A - Maps
AERIAL MAP



Attachment A - Maps
EXISTING LAND USE AND ZONING MAP



Attachment A - Maps
LONG-RANGE LAND USE MAP



Attachment B – Proposed Declaration Amendment

AMENDMENT TO DECLARATION FOR PROPERTY OF THE BOARD OF COUNTY SUPERVISORS OF PRINCE WILLIAM COUNTY, VIRGINIA

This AMENDMENT TO DECLARATION (“Amendment”) dated as of the 17th Day of January, 2006, by THE BOARD OF COUNTY SUPERVISORS OF PRINCE WILLIAM COUNTY, VIRGINIA, a political subdivision (the “Board”), as grantor and grantee for indexing purposes, recites and provides.

RECITALS

The Board is the governing body of Prince William County, Virginia, The Board acquired approximately 525 acres of land (the “County Property”) for economic development purposes located in the high technology office and business park known as INNOVATION @ Prince William (“Innovation”). The County Property is more particularly described in the deed recorded in Deed Book 2216, at page 39, as corrected and recorded in Deed Book 2246, at page 198 and in Deed Book 2428, at page 219, and as modified by the instrument recorded as Instrument No. 200106260063346 (the “Deed of Boundary Line Adjustment”), all among the land records of Prince William County, Virginia (the “land Records”). The County Property is subject to the Declaration dated January 7, 2000 and recorded in Deed Book 2864, at page 390, and re-recorded as Instrument No. 200104050032230 among the Land Records (the “Declaration”), as amended by Instrument No. 200207300097483. The primary purpose of the Declaration was to subject the County Property to essentially the same restrictions contained in the proffered conditions accepted by the Board with the approval of REZ 00-0001. Defined terms used in this Amendment and not specifically defined herein shall have the same meaning given to such terms in the Declaration.

Article VIII of the Declaration provides that the Board may amend the Declaration at any time by following the same procedure for amendment of a proffer under Virginia law and the Board’s procedures. Article VIII specifically states: “No other approval shall be required to effectuate the amendment. The amendment shall take effect upon recordation in the land records of the County.”

On September 6, 2005, the Board adopted Comprehensive Plan Amendment #PLN2004-00253, George Mason University-Prince William Campus Sector Plan Amendment to revise the intent, policies, and action strategies of the Sector Plan area, including policies recommending the adoption of a Technology Overlay District.

On September 6, 2005, the Board adopted Zoning Text and Map Amendment #PLN2005-00538, Technology Overlay District, to create the Technology Overlay District in order to facilitate development consistent with the George Mason University-Prince William Campus Sector Plan.

Attachment B – Proposed Declaration Amendment

As a result of the amendment to the George Mason University-Prince William Campus Sector Plan, and the creation of the Technology Overlay District, certain elements of the Declaration are no longer consistent with the Board's policies and ordinances governing land use and development within the Sector Plan area. Good land use practice requires amendment of the Declaration to conform to the policies outlined in the Sector Plan, and implemented by the Technology Overlay District. The Board is executing and recording this Amendment pursuant to Article VIII of the Declaration to accomplish this purpose.

PROVISIONS

NOW, THEREFORE, pursuant to Article VIII of the Declaration, the Board hereby amends and restates Article II as set forth in Exhibit A attached to this Amendment to Declaration and incorporated herein by this reference.

Except as expressly amended by this Amendment, the provisions of the Declaration shall remain in full force and effect.

Exhibit A

ARTICLE II GENERAL DEVELOPMENT

Development within the Subject Property shall be subject to compliance with all applicable County ordinances, requirements and individual site plan approval.

Attachment C – Declaration, Article II, Black Line

BK2854PG0405

52. Restaurant, drive-in/drive-up or drive-thru
53. Secondary residential
54. Self-storage center
55. Shopping center B (50,000 to 150,000 gross square feet)
56. Shopping center C (150,000 to 400,000 gross square feet)
57. Shopping center D (over 400,000 gross square feet)
58. Stadium, arena or amphitheater, indoor or outdoor
59. Taxi and limousine dispatching service
60. Taxi or limousine operations and service
61. Theater (drive-in)
62. Travel trailer and camp park (campground)
63. Truck stop with related facilities
64. Veterinary hospital
65. Warehousing (non-HAZMAT)
66. Water transportation facility

ARTICLE II GENERAL DEVELOPMENT

1. Permitted Development. Development within the Subject Property shall be subject to compliance with all applicable County ordinances, requirements and individual site plan approvals, ~~and shall be in accordance with the following:~~

Attachment C – Declaration, Article II, Black Line

BK 2864PG0406

~~—Broadview/Innovation—
—County Owned Properties and FM Technologies (Mako) Properties—
—Maximum Development Area—~~

Land Bay	PBD Land Bay Use Designation	Gross Land Bay Area (Acres)	Net Land Bay Area (Acres)	Max. Height (including Mech. equipment)	Maximum Building Area (Square Feet)	Hotel- Max. Rooms	Maximum Retail Building Area	Residential
1 and 2	OC3/IC1	35.64	24.4	70 feet	285,910			
8 thru 15	OC3/IC1	310.88	285	70 feet	3,394,267			
16	OC3/IC1	34.48	24.8	70 feet	290,597			
17	OC3/IC1	23.75	20.3	70 feet	237,868	300		
18, 19 and 21	OC3/IC1	61.98	56.6	70 feet	662,448			
20	OC3/RC1	13.78	7.6	70 feet	72,501	150	50,000	
31	OC3/IC1	26.40	19.81	70 feet	309,346			
Totals		Gross County and FM Technologies (Mako) acreage 506.91	Net County and FM Technologies (Mako) Development Area 438.51		Total Building Area (not including hotel and hotel/conference center) 5,252,937	Total Hotel Rooms 450	Total Retail 50,000	NONE

~~*FM Technologies (Mako) owns 2.8 acres located in Land Bay 21—~~

~~—The County may amend the density amounts above, as apply to the County Property, during any future rezoning of any portion of such County Property without the consent of other landowners within Innovation.—~~

~~—2. Maximum Site Coverage. The maximum site coverage shall not exceed seventy percent (70%).—~~

~~—3. Site Plan Requirements: Each site plan submitted for development must include a certified tabulation as follows:—~~

~~—(1) Total square feet permitted to be developed within the Land Bay where the development is occurring: _____.~~

~~—(2) Square footage previously approved for development in that Land Bay by the County: _____~~

~~—(3) Square footage included within the subject site plan: _____.~~

County-Mako Declaration, January 26, 2000

BK 2864 PG 0407

- ~~(4) Innovation Land Bay in which the subject site plan is located: _____.~~
- ~~(5) Square footage remaining in that Land Bay after the approval of the subject site plan (1 (2+3)-5): _____.~~

ARTICLE III
TRANSPORTATION

County has constructed two lanes of the proposed four lane University Boulevard and two lanes of the proposed four lane Loop Road. If the County has not dedicated road right-of-way or has not constructed road improvements necessary for development of the Subject Property (or has not agreed to dedicate the road right-of-way or construct needed road improvements) subsequent Owners shall be responsible for transportation improvements in order to develop within the Subject Property in accordance with this Article.

1. Traffic Impact Analysis

Each Owner, on a site plan by site plan basis, shall provide an update and/or revision of the Traffic Impact Analysis (TIA) prepared by the County at the time of Rezoning Number 00-0001. The TIA shall consider the transportation improvements necessary to mitigate the immediate and long-term impact of each site development on the roadways and intersections which such TIA deems impacted by the particular development. As used herein, "long-term impact" shall be considered assuming that the Innovation Project is fully developed and occupied in accordance with the Innovation Project's zoning conditions and this Declaration. However, mitigation shall not be required unless the TIA provided by the Owner indicates the impact of the site plan in question will result in a reduction of the Level of Service to less than "D". In the event the impact does not reduce the Level of Service, no mitigation will be required. Mitigation shall be provided on a pro-rata basis using the traffic generated by the Owner's site in comparison to the traffic generated for the entire area using the roadway or intersection.

2. Right-of-Way Dedications and Road Improvements

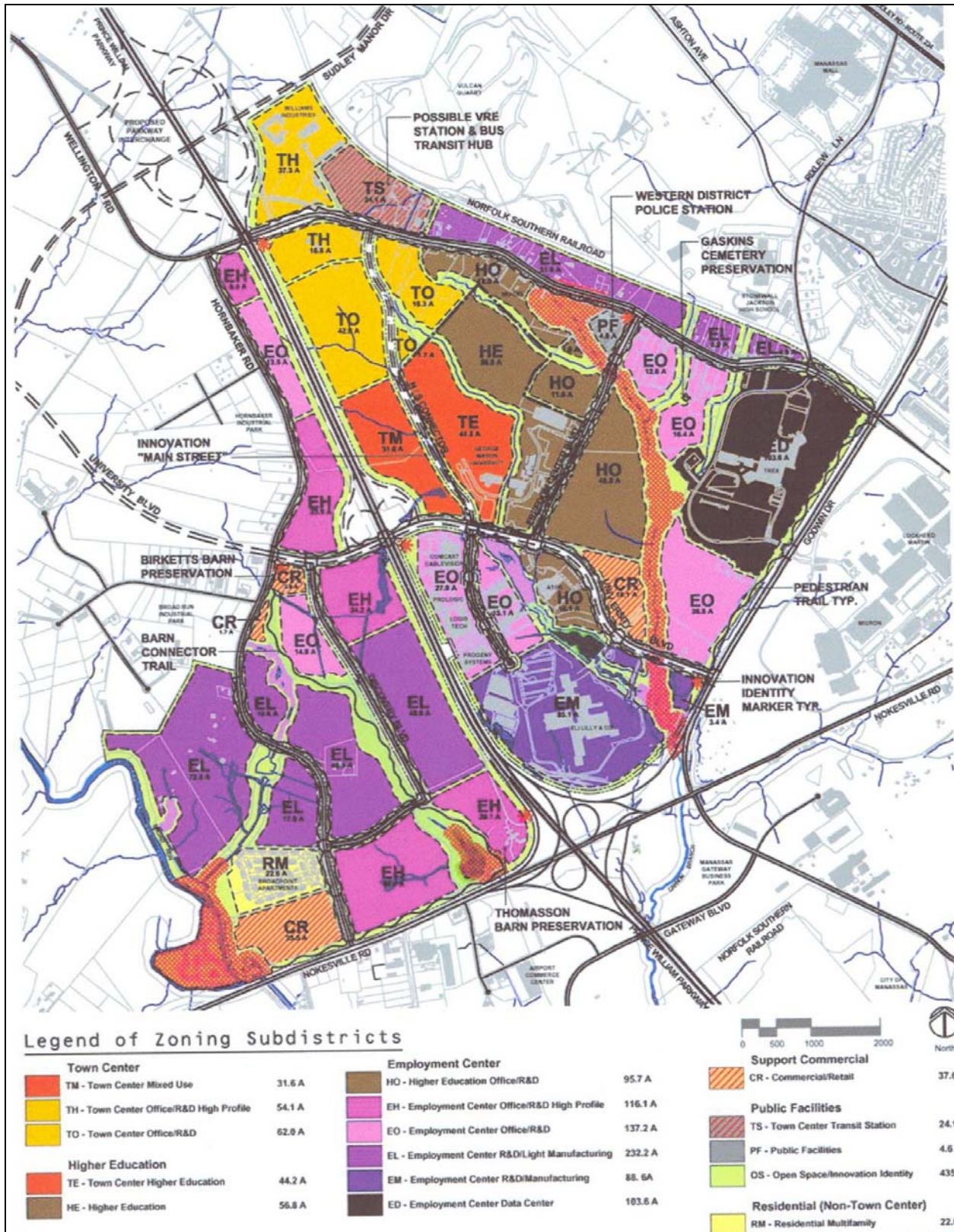
A. At the time of site plan approval, every Owner shall agree, as a condition of site plan approval, to dedicate, bond and construct its portion of the roadway

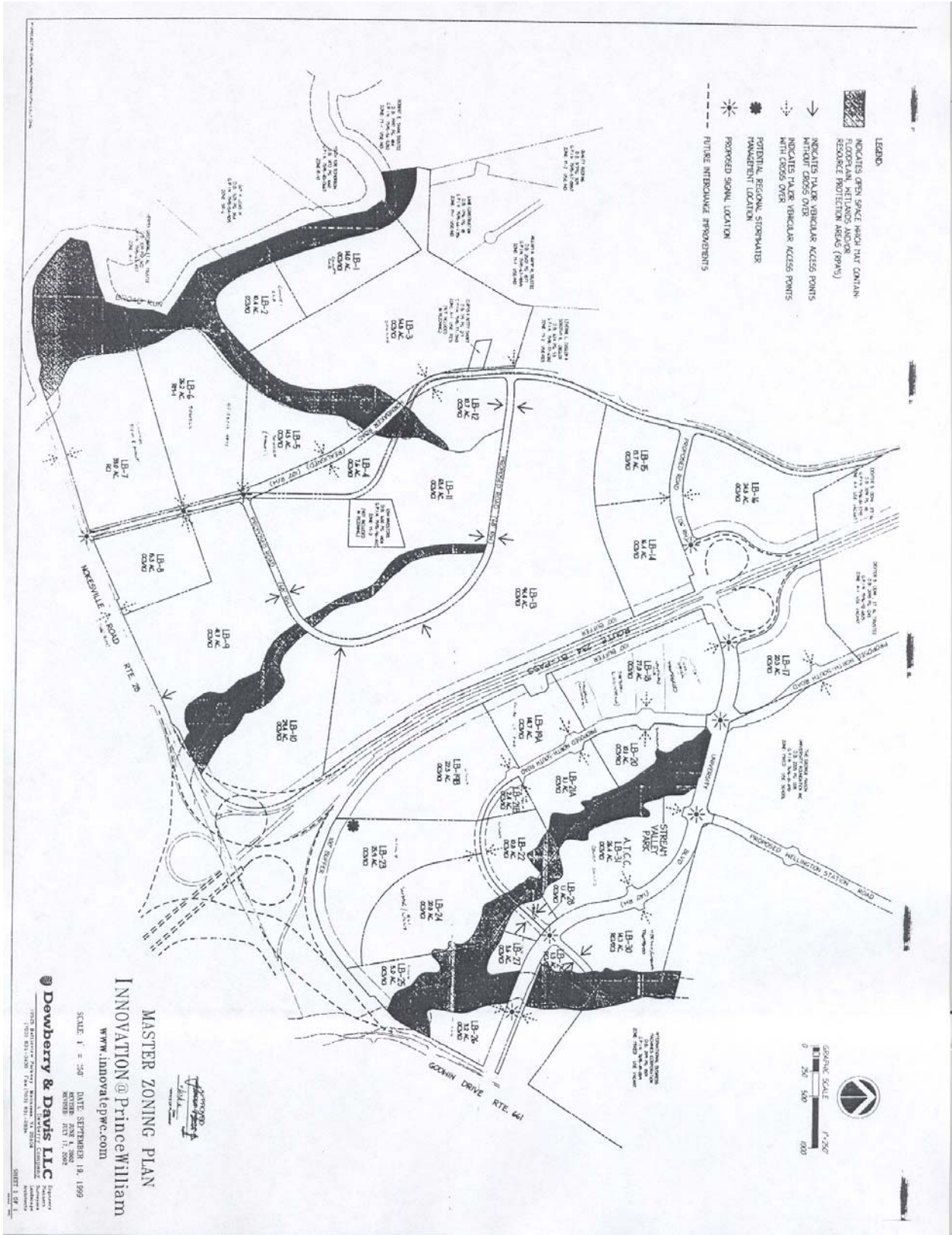
Attachment D – Proposed Article II

ARTICLE II GENERAL DEVELOPMENT

Development within the Subject Property shall be subject to compliance with all applicable County ordinances, requirements and individual site plan approval.

Attachment E Conceptual Land Use Plan





**Attachment G
2002 Density Chart**



Instr: 200207300097483
Page: 10 OF 10

EXHIBIT D

DENSITY CHART

Land Bay	Land Bay Use Designation	Land Bay Area (Gross Acres)	Land Bay Area (Net Acres)	Proposed Max Building Area (Sq. Footage)	Max. Ht. (Including Mech. Equip.)	Hotel (Maximum Rooms)	Max. Retail Building Area	Residential
1 and 2	OC3/IC1	35.64	24.4	285,910	70			
8 thru 15	OC3/IC1	310.88	285	3,394,267	70			
16	OC3/IC1	34.48	24.8	290,597	70			
17	OC3/IC1	23.75	20.3	237,868	70	300		
18, 19A and 21A*	OC3/IC1	52.8	52.8	618,691	70			
20	OC3/RC1	13.78	7.6	72,501	70	150	50,000	
31	OC3/IC1	26.40	19.81	309,346	70			
Totals		Gross County acreage 497.73	Net County Development Area 434.71	Total Building Area (not including hotel and hotel/conference center) 5,209,180		Total Hotel Rooms 450	Total Retail 50,000	NONE

**Attachment H
Board Resolution**

MOTION: COVINGTON

**June 7, 2005
Regular Meeting
Res. No. 05-590**

SECOND: NOHE

**RE: INITIATION - AMENDMENT OF DECLARATION OF COVENANTS
AT INNOVATION – BRENTSVILLE MAGISTERIAL DISTRICT**

ACTION: APPROVED

WHEREAS, on June 24, 2003, the Board of County Supervisors adopted a revised Comprehensive Plan that included a strategy to initiate a Comprehensive Plan amendment to change the boundaries of the George Mason University – Prince William Campus Sector Plan and the Higher Education Overlay District (HEOD), to take out those properties between Wellington Road and the railroad and to redesignate those properties from REC to a more appropriate designation; and

WHEREAS, on March 16, 2004, the Board of County Supervisors authorized Comprehensive Plan Amendment PLN2004-00253, George Mason University – Prince William Campus Sector Plan Amendment to re-evaluate the George Mason University – Prince William Campus Sector Plan; and

WHEREAS, on January 7, 2000, the Board of County Supervisors, Frederick M. Mako, Connie E. Mako, and Wachovia Bank, N.A. entered into a Declaration, recorded in the Circuit Court of Prince William County in Deed Book 2864 at Page 390 and rerecorded as Instrument No. 200104050032230 (“Declaration”), and amended as recorded in Instrument No. 200207300097483, which encumbered the subject property with certain provisions; and

WHEREAS, Article VIII of the Declaration provides that the Board may amend the Declaration at any time by following the same procedure for amendment of a proffer under Virginia law and the County’s procedures; and

WHEREAS, Section 32-700.03 of the Prince William County Zoning Ordinance allows the Board of County Supervisors to initiate amendments to the zoning map, including proffered conditions; and

WHEREAS, the Declaration is not consistent with the goals of the proposed Innovation Sector Plan or with the proposed Technology Overlay District; and

WHEREAS, the public necessity, convenience, general welfare, and good zoning practice require the amendment of the Declaration to conform to the goals and strategies of the proposed George Mason University – Prince William Campus Sector Plan Amendment and to reconcile the Declaration with the proposed Technology Overlay District;

**Attachment H
Board Resolution**

**June 7, 2005
Regular Meeting
Res. No. 05-590
Page Two**

NOW, THEREFORE, BE IT RESOLVED that the Prince William Board of County Supervisors does hereby initiate an amendment to the Declaration to bring it into conformity with the goals and strategies of the proposed George Mason University – Prince William Campus Sector Plan Amendment, and to reconcile the Declaration with the proposed Technology Overlay District.

Votes:

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

Nays: None

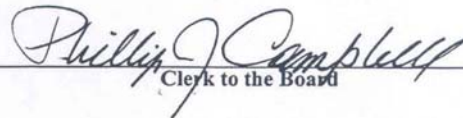
Absent from Vote: None

Absent from Meeting: None

For Information:

Planning Director

CERTIFIED COPY


Clerk to the Board

Attachment I
Planning Commission Resolution

PLANNING COMMISSION RESOLUTION

MOTION: BURGESS January 4, 2006
SECOND: HENDLEY Regular Meeting
Res. No. 06-003
RE: DECLARATION AMENDMENT #PLN2006-00420, DECLARATIONS FOR
INNOVATION AT PRINCE WILLIAM COUNTY
BRENTSVILLE MAGISTERIAL DISTRICT
ACTION: RECOMMEND APPROVAL

WHEREAS, this is a request to amend the Declaration for the property of the Board of County Supervisors of Prince William County, Virginia at Innovation @ Prince William County, to align development standards with current ordinances and regulations of Prince William County; and

WHEREAS, the +/-525 acre site is located north of Nokesville Road (Rt. 28) west of Godwin Drive, south of the Broad Run Industrial Park, east of Hornbaker Road, and south of University Boulevard, and also including parcels north of University Boulevard; and

WHEREAS, the site is identified as land owned by the Prince William Board of County Supervisors, located north of Nokesville Road (Rt. 28), west of Godwin Drive, south of the Broad Run Industrial Park, east of Hornbaker Road, and south of University Boulevard; and

WHEREAS, the site is identified on County maps as GPINs 7690-00-5505, 7595-99-2563, and 7695-38-5265, is zoned Planned Business District and TEOD and designated Regional Employment Center in the Comprehensive Plan; and

WHEREAS, the Declaration is not consistent with the goals of the Innovation Section Plan or with the Technology Overlay District; and

WHEREAS, the Prince William County Planning Commission duly ordered, advertised, and held a public hearing on January 4, 2006, 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 declaration amendment request.

NOW, THEREFORE, BE IT RESOLVED, that the Prince William County Planning Commission does hereby recommend approval of Declaration Amendment #PLN2006-00420, Declarations for Innovation at Prince William County.

Notes:

Ayes: Bryant, Burgess, Fry, Hendley, Hosen, May, Holley

Nays: None

Absent from Vote: None

Absent from Meeting: Gonzales

MOTION CARRIED

CERTIFIED COPY



Clerk to the Commission