

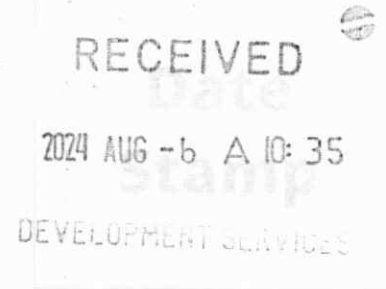


Application for Interpretation/ Determination

(Zoning Ordinance, Proffer Conditions, and Special Use Permit Conditions)

Fee\*: \$ 551.25

Make checks payable to PWC (\*in accordance with current Fee Schedule)



ZNR 2025-00018
Staff: AS
Due Date: 9-5

Applicant Information: Name c/o Jessica Pfeiffer (WCL&W), Title Senior Planner, Mailing Address 4310 Prince William Parkway, Suite 300, City/State Woodbridge/VA, Zip Code 22192, Email jpfeiffer@thelandlawyers.com, Phone (703) 680-4664, Check one: [ ] Property Owner [x] Authorized Agent of Property Owner [ ] Other:
Property Information: Address 9522 Hornbaker Road, City/State Manassas/VA, Zip Code 20109, GPIN (Grid Parcel Identification Number) 7595-66-9670
Type of Inquiry: [ ] Interpretation/Determination of Zoning Ordinance - Part of Section #, [x] Interpretation/Determination of proffers - Rezoning case # See attached, [ ] Interpretation/Determination of special use permit conditions - SUP case #

Minimum Submission Checklist

- [x] Completed standard application form
[x] Request letter signed by applicant
[x] Supporting Documents
[x] Processing fee in accordance with current fee schedule

Applicant Signature Jessica L Pfeiffer Date 7/12/2024 Updated August 6, 2024



WALSH COLUCCI  
LUBELEY & WALSH PC

Jonelle Cameron  
(703) 680-4664 Ext 5132  
jcameron@thelandlawyers.com

July 12, 2024

**Via Hand Delivery**

Lisa Fink-Butler, Zoning Administrator  
PWC Development Services  
5 County Complex Court  
Prince William, VA 22192

Re: Zoning Verification and Determination  
9522 Hornbaker Road

Dear Mrs. Fink-Butler:

I am writing on behalf of the owner of the property located at 9522 Hornbaker Road, identified as GPIN 7595-65-9670 (hereinafter, the "Property"). The Property is comprised of approximately 29.9182 acres.

**I. Zoning Verification:** We respectfully request a written determination for verification confirming the following:

1. The Property is zoned PBD, Planned Business District, subject to the proffers associated with Proffer Amendment and Rezoning #REZ2019-00028, Avanti at Innovation, which was approved by the Prince William County Board of Supervisors (the "Board") on July 16, 2019 and Proffer Amendment and Release of Declaration #REZ2019-00032, Hornbaker Road, which was also approved by the Board on July 16, 2019;
2. The Property is not subject to any variances or special use permits;
3. The Property is located within the Airport Safety Overlay District;
4. There are no actions for enforcement or outstanding zoning violations on the Property;  
and

ATTORNEYS AT LAW

703 680 4664 ■ WWW.THELANDLAWYERS.COM  
4310 PRINCE WILLIAM PARKWAY ■ SUITE 300 ■ WOODBRIDGE, VA 22192-5199

ARLINGTON 703 528 4700 ■ LOUDOUN 703 737 3633

Lisa Fink-Butler  
July 12, 2024  
Page 2

5. The Property is in compliance with the Prince William County Zoning Ordinance.

**II. Zoning Determination Request:**

On July 16, 2019, the Board approved Proffer Amendment and Rezoning #REZ2019-00028, Avanti at Innovation. A copy of the approved documents is enclosed as **Exhibit A** for your reference. On July 16, 2019, the Board approved Proffer Amendment and Release of Declaration #REZ2019-00032, Hornbaker Road. A copy of the approved documents is enclosed as **Exhibit B** for your reference.

As outlined in Proffer Amendment and Rezoning #REZ2019-00028, Avanti at Innovation, the Property is zoned PBD, with O(H), Office High-Rise, O/F, Office/Flex, and M-2, Light Industrial, Land Bay designations. As outlined in Proffer Amendment and Release of Declaration #REZ2019-00032, Hornbaker Road, the Property is zoned PBD, with O(H), Office High-Rise, O/F, Office/Flex, and M-2, Light Industrial, Land Bay designations.

We respectfully request a binding determination that data center uses are permitted on the Property by-right.

**III. Time Sensitive Request:**

Because this zoning verification and determination is being requested in connection with a pending real estate transaction, we are requesting an expedited processing of this verification and we request a response back associated with a targeted industry timeline. The Targeted Industry letter is submitted with this zoning determination for your records. A check in the amount of \$551.25 is enclosed for the County's processing fee. If you have any questions, need any additional information, or would like to meet to further discuss this request, please contact me. Thank you for your prompt attention to this matter.

WALSH, COLUCCI, LUBELEY & WALSH, P.C.

Jessica L. Pfeiffer

Enclosures: as stated

## Exhibit A

**MOTION:      LAWSON**

**July 16, 2019  
Regular Meeting  
Ord. No. 19-34**

**SECOND:      ANGRY**

**RE:            PROFFER AMENDMENT AND REZONING #REZ2019-00028  
                AVANTI AT INNOVATION – BRENTSVILLE MAGISTERIAL DISTRICT**

**ACTION:      APPROVED**

**WHEREAS**, this is a request to amend the proffers associated with REZ #PLN2005-00600, Sowder Proffer Amendment, to allow a data center development with electric substation (totaling ±88.20 acres), along with associated modifications and waivers, to include building height and floor area ratio (FAR) increases, and to rezone ±0.79 acres from A-1, Agricultural, to PBD, Planned Business District; and

**WHEREAS**, the subject property is located ±1,100 feet southwest of the Industrial Road and Hornbaker Road intersection; and

**WHEREAS**, the project site is currently addressed as 9604 and 9518 Hornbaker Road, and is identified on County maps as GPINs 7595-76-7903 and 7595-77-7411, respectively; and

**WHEREAS**, the site is designated REC, Regional Employment Center, and ER, Environmental Resource, in the Comprehensive Plan, and is located within the Innovation Sector Plan; and

**WHEREAS**, the site is also located within Technology Overlay District (TeOD), Employment Center R&D / Light Manufacturing (EL) subdistrict of the TeOD, Data Center Opportunity Overlay District, and Airport Safety Overlay District; 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 June 5, 2019, recommended approval, as stated in Resolution Number 19-044; 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 16, 2019, and interested citizens were heard; and

**WHEREAS**, the Prince William Board of County Supervisors finds that public necessity, convenience, general welfare, and good zoning practice are served by the approval of the request;

**NOW, THEREFORE, BE IT ORDAINED** that the Prince William Board of County Supervisors hereby approves Proffer Amendment and Rezoning, #REZ2019-00028, Avanti at Innovation, subject to the proffers dated June 26, 2019;

**July 16, 2019**  
**Regular Meeting**  
**Ord. No. 19-34**  
**Page Two**

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

ATTACHMENT: Proffers, dated June 26, 2019

**Votes:**

**Ayes:** Anderson, Angry, Caddigan, Candland, Lawson, Nohe, Principi

**Nays:** None

**Absent from Vote:** None

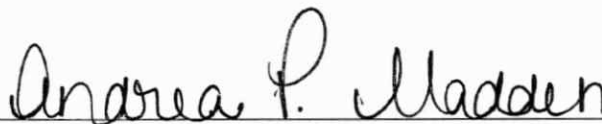
**Absent from Meeting:** Stewart

**For Information:**

Planning Director

Jessica Pfeiffer / Pete Dolan  
Walsh, Colucci, Lubeley & Walsh, P.C  
4310 Prince William Parkway, Suite 300  
Prince William, VA 22192

ATTEST:



Clerk to the Board

AVANTI AT INNOVATION PROFFER STATEMENT

REZ2019-00028

Property: ±88.2025 acres

GPINs 7595-76-7903 and 7595-77-7411 (hereinafter, the "Property")

Applicant/Owner: TPC Hornbaker LC and National Harbor Waterfront, L.C.

Brentsville Magisterial District

Date: June 26, 2019

Proffer Amendment and Rezoning #REZ2019-00028

Avanti at Innovation

Approved by BOCs: 7.16.2019



Planning Office

The undersigned hereby proffers that the use and development of the subject Property shall be in strict conformance with the following conditions, which shall supersede all other proffers made prior hereto (including the proffers approved with PRA2005-00600, Sowder Proffer Amendment). In the event the above-referenced proffer amendment is not granted as applied for by the Applicant, these proffers shall be withdrawn and are null and void and the proffers approved with PRA2005-00600 will remain in full force and effect.

The headings of the proffers set forth below have been prepared for convenience or reference only and shall not control or affect the meaning or be taken as an interpretation of any provision of the proffers. Any improvements proffered herein below shall be provided at the time of development of the portion of the site served by the improvement, unless otherwise specified. The terms "Applicant" and "Developer" shall include all future owners and successors in interest.

References to plans and exhibits shall include the following:

The Master Zoning Plan entitled "Avanti at Innovation – Master Zoning Plan", prepared by Dewberry Engineers Inc., dated May 23, 2019, including the following:

1. Land Use Sheet (hereinafter, the "MZP")
2. Open Space and Buffers Sheet (hereinafter, the "Buffers Plan")

**PERMITTED USES AND PROHIBITED USES**

1. Use - The Property is zoned PBD, O/F, O(H), M-2. All by-right uses, secondary uses, and Special Use Permit uses as set forth in the Zoning Ordinance for the PBD, O/F, O(H), M-2 and TeOD designations shall be permitted in accordance with Zoning Ordinance requirements, except as modified or permitted by these proffers. The foregoing shall not preclude subdivision or consolidation of the Property.

**GENERAL DEVELOPMENT**

2. Permitted Development - Development within the Property, subject to compliance with all applicable County ordinances, requirements and individual site plan approvals, and subject to reasonable shift of boundary and acreage of each land bay as hereinbefore provided, shall be allowed in accordance with the attached Density Table ("Density Table"). The

Applicant may amend the Density Table as it applies to Applicant's Property during any future rezoning of any portion of the Property without the consent of other landowners within Innovation.

Land Bay	Land Bay Use Designation	Land Bay Area (Gross Acres)	Maximum FAR	Maximum Height
3 and 5	O/F, O(H), M-2	81.8	1.0	90
4	O/F, O(H), M-2	6.4	1.0	90

3. Declaration of Covenants, Conditions and Restrictions - The Applicant(s) shall develop a high quality development on the Property. The Applicant and the County shall execute that certain Declaration for Innovation which shall enforce standards for development, consistent with these proffers, and assure the quality of development, architectural compatibility, environmental protection and other elements of development control.<sup>1</sup>

- a. The Declaration shall be executed after the final approval of the subject rezoning.
- b. The Declaration shall be recorded among the land records of Prince William County prior to the conveyance of any properties by any owner and as soon after the final approval of the rezoning as practicable.
- c. The Declaration shall establish a Business Association (BA). The BA shall be funded by all owners of non-residential property within Innovation paying dues to the BA based on each owner's pro-rata share of total land area and total building square footage, as set forth in the Declaration. The BA, in turn, shall:
  - i. Appoint an Architectural Review Board ("ARB"). The ARB, in turn, shall review prior to plan submission and approval all:
    - 1. Site Plans;
    - 2. Architectural Design;
    - 3. Building Heights;
    - 4. Signage;
    - 5. Landscaping;
    - 6. Lighting;
    - 7. Trails and Sidewalks;
    - 8. Recreational Areas; and
    - 9. Stormwater management facilities for aesthetic review purposes only, not for "functional" or "engineering" purposes.
  - ii. Perform other functions as the BA determines necessary and/or as set forth in the Declaration.

Proffer Amendment and Rezoning #REZ2019-00028

Avanti at Innovation

Approved by BOCs: 7.16.2019

Planning Office

<sup>1</sup> This proffer has been satisfied – the Declaration was signed and recorded amount the Prince William County Land Records in Deed Book 2864, Page 307.

- d. Each site plan submitted for development must include a certified tabulation as follows:
  - i. Total square feet permitted to be developed within the Land Bay where the development is occurring: \_\_\_\_\_
  - ii. Square footage previously approved for development in that Land Bay by the County: \_\_\_\_\_
  - iii. Square footage included within the subject site plan: \_\_\_\_\_
  - iv. Innovation Land Bay in which the subject site plan is located: \_\_\_\_\_
  - v. Square footage remaining in that Land Bay after the approval of the subject site plan  $(1-(2+3)=5)$ : \_\_\_\_\_

**TRANSPORTATION**

4. Transportation -

- a. Traffic Impact Analysis - If requested by County Transportation, the Applicant, on a site plan by site plan basis, shall provide an update and/or revision of the Traffic Impact Analysis (TIA) prepared by Prince William County at the time of rezoning. 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 Innovation is fully developed and occupied subject to and in accordance with the Innovation zoning conditions and the Declaration. However, mitigation shall not be required unless the TIA provided by the Applicant indicates that 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 Applicant's site in comparison to the traffic generated for the entire area using the roadway or intersection.
- b. Right-of-Way Dedications and Road Improvements - At the time of site plan approval, the Applicant shall agree, as a condition of site plan approval, to dedicate, bond and construct its portion of the roadway segments set forth below and as determined by a TIA, if required.
  - i. For those sections of Hornbaker Road that are partially on-site and partially off-site, Applicant shall, as applicable, construct and/or escrow a letter of credit acceptable to the County, or cash or equivalent (from a financial institution acceptable to the County) on a site plan by site plan basis for each





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development adjacent to Relocated Hornbaker Road as follows: (i) one-half section of the roadway where Relocated Hornbaker Road is adjacent to the Applicant's Property and/or (ii) a full section where Relocated Hornbaker Road is entirely within Applicant's Property. The roadway design shall be determined by the Applicant's TIA. Left and right-turn lanes shall be constructed as required by VDOT and the County Department of Transportation. The existing right-of-way of Hornbaker will be abandoned and the owners adjacent to the existing right-of-way shall receive ownership in accordance with applicable law to the centerline of the existing right-of-way.

1. Internal Construction of Roadways - The Applicant shall be responsible for the construction of all circulation roads that are internal to the Applicant's Property.
2. Signalization - Applicant shall be responsible for its pro-rata share, at the time of development of Applicant's Property, based on vehicle generation by use and by using the best matched use set forth in the ITE Manual as determined by the Prince William County Department of Transportation, for the development shown on the Density Table, of the cost of design and construction of the signal system at the intersection of Hornbaker Road and Proposed Road serving Land Bays 5 and 6.
3. The signal system(s) set forth above shall be installed at the time a signal is warranted or, if an escrow is created, the pro-rata share shall be escrowed, in the form of a letter of credit acceptable to the County, or cash or equivalent (from a financial institution acceptable to the County), at the time of final site plan approval. The Applicant's pro-rata share of the costs of constructing the signal systems referred to in #2 above shall be equal to its proportionate share of the total vehicle trips on the roads, including future trips, included in TIA, generated by Innovation and adjacent properties, and including Prince William County's land. Such costs shall be determined by the actual construction costs of the signal system, if already constructed, or by the County's most current unit price list if not already constructed and shall be paid or escrowed, as the case may be, at the time of final approval of the site plan including the intersection warranting the signal.

## ENVIRONMENT

5. Tree Survey - A tree survey shall be undertaken to identify all trees 10 inch caliper d.b.h. within the boundaries of any parcel. The tree survey will be used to assist in the location and layout of site features such as buildings, roadways and parking lots. A tree protection plan shall be provided with the site plan submission identifying locations of trees to be



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saved and methods and procedures for protection during construction. The tree survey and protection plan will be prepared in cooperation with the Prince William County Department of Public Works.<sup>2</sup>

6. Stormwater Management - Stormwater management has been provided in connection with Plan #01-00350 (Sowder Property – Regional Stormwater Management and BMP Plan).
7. Spill Contingency - If any tenant, operator or owner handles or produces hazardous chemical wastes or petroleum products, the individual site owners and their operators shall be responsible for notifying the Fire Marshall's office in a timely manner in the event of a spill of any such hazardous chemical waste or petroleum products on the Project. The Applicant, tenant and/or operator shall assume full responsibility for all public expenses incurred in the clean-up of such products spilled, even if an on-site spill requires off-site cleanup. The owner, tenant and/or operators of the individual units within each site shall be solely responsible for any product spills from their respective sites. In addition, in the event of an on-site spill, the owner, tenant and/or operator causing such spill shall have the obligation to pay the sum of \$1,800.00 to the County Health Department to assist the department in defraying any required costs of well sampling. Each such owner, tenant and/or operator shall be advised by the owner of that entity's obligation to report the use and/or presence of any hazardous chemical waste or petroleum product to the appropriate state and county health departments. The Health Department shall have the right to enter the Property at reasonable times to perform water monitoring and testing pursuant to this proffer. If any tenant, operator or owner handles or produces hazardous chemical wastes or petroleum products, the individual site owners and their operators shall provide a copy of a contingency plan acceptable to the Department of Fire and Rescue will be provided to the Business Association prior to and as a condition of occupancy.
8. Threatened, Rare and Endangered Species - The known locations of threatened, rare, and endangered species (plant and animal), as identified on the Prince William Sector Plan Threatened, Rare and Endangered Species study, will be identified relative to areas of disturbance at the time of site plan submission. All applicants will avoid clearing areas where said species exist or will provide acceptable techniques to relocate and/or otherwise mitigate the impacts of disturbance.
9. Monetary Contribution - The Applicant shall contribute to the Board of County Supervisors the sum of \$75.00 per acre for the County to conduct water quality monitoring, stream restoration projects, and/or drainage improvements. Said contribution shall be paid prior to and as a condition of the approval of each site plan.
10. Limits of Construction - The Applicant shall limit construction to within those areas depicted on the MZP as "Limits of Construction" (hereinafter, the "LOC"), subject to minor revisions in accordance with final engineering considerations at the time of site plan review and approval. No clearing or improvements shall be made outside of the LOC, with the exception of: (a) the installation of a trail, in the approximate location labeled as "Denotes Trail Easement" (Proffer #14), as depicted on the MZP; (b) the removal of

<sup>2</sup> The proffer has been satisfied with SPR2019-00209

noxious vegetation, such as poison ivy, poison oak, etc., as well as dead, dying or hazardous trees; and (c) utility connections. Compliance shall be demonstrated on final site plan.

### WATER AND SANITARY SEWER

11. Connection to Public Sewer and Water – Public water and sewer shall be made available to the Property.
12. Responsibility for Construction of Water and Sewer Lines to Provide Service to the Project - Each Owner shall be responsible for the design and construction of all on-site and off-site water and sanitary sewer lines necessary to provide service to its property in accordance with applicable Service Authority, County and state requirements. All lines shall be sized to serve the drainage shed in which they are located in accordance with the requirements of the Properties, but this proffered condition does not obligate the Applicant to construct any sewer or water lines with capacities greater than those required to serve its property, unless a mutually acceptable "Oversizing Reimbursement" Agreement is reached with the Service Authority.

### PARKS, TRAILS AND OPEN SPACE

13. Pedestrian Trail - The Applicant shall construct a pedestrian trail along the southern property line, in the general location depicted on the MZP as "Proposed Pedestrian Trail (by Applicant)" (hereinafter, the "Pedestrian Trail"). The Pedestrian Trail shall be open for use by the general public. The final specifications of said Pedestrian Trail shall be coordinated with the Prince William County Department of Parks, Recreation and Tourism (hereinafter, DPRT), provided that the Pedestrian Trail is a paved, asphalt and/or natural surface trail, a maximum of ten feet (10') in width and located within sixty feet (60') of the southern property line. The final location and design of the Pedestrian Trail shall be subject to changes mutually agreeable to the County and Applicant and shall be shown on the first final site plan for the Property.
  - a. The Applicant shall install wayfinding signs (a maximum of three (3), at a cost of no more than \$1,000 each) and trail amenities to include benches (a maximum of three (3), at a cost of no more than \$1,500 each) and one (1) trail head kiosk (at a cost of no more than \$1,500) along the Pedestrian Trail. The final location and design of the wayfinding signs and trail amenities shall be coordinated with DPRT and shall be shown on the first final site for the Property.
  - b. The Applicant shall provide an easement to the County for the Pedestrian Trail, wayfinding signs and trail amenities. The County shall maintain the Pedestrian Trail, wayfinding signs and trail amenities.
14. Trail Easement - The Applicant shall grant an easement to the County for a future pedestrian trail (by others) in the general location depicted on the MZP as "Denotes Trail Easement" (hereinafter, the "Trail Easement"). The County shall maintain the trail and any associated improvements it installs within the Trail Easement. The final location of the

Proffer Amendment and Rezoning #REZ2019-00028

Avanti at Innovation

Approved by BOCS: 7.16.2019



Planning Office

Trail Easement shall be subject to changes mutually agreeable to the County and Applicant and shall be shown on the first final site plan for the Property.

15. Coordination - The Applicant shall meet with representatives of the DPRT, County Transportation and Police prior to site plan approval, as needed, in designing pedestrian access to adjoining and nearby properties, and pursuant to the above to determine which trails, if any, should be provided with lighting. The Applicant shall be responsible for all on-site pedestrian walkways and/or sidewalks, subject to approval of BA or ARB.

## ARCHITECTURE

16. Design Guidelines - The Applicant shall comply with the Guidelines adopted by the Business Association pursuant to the Declaration, and shall further comply with all other provisions of the Declaration as to landscaping, lighting, architecture and signage in connection with the development of Applicant's property and the construction of any structures and/or improvements thereon.
17. Height - Pursuant to Zoning Ordinance Section 32-400.03.2, the maximum height of any data center on the Property may be ninety feet (90'). Roof structures, as described in Zoning Ordinance Section 32-400.03(3), mechanical equipment, parapet walls, screen walls and/or enclosures may exceed ninety feet (90').
18. Maximum Lot Coverage - The lot coverage shall not exceed eighty percent (80%). In the event the Property is developed with GPIN 7595-65-9741 (hereinafter, the "Hornbaker Property"), the required lot coverage shall not exceed seventy percent (70%) and will be satisfied on the Property and Hornbaker Property cumulatively.

## FIRE AND RESCUE

19. Monetary Contribution -

- a. If a building is constructed on that portion of the Property consisting of GPIN 7595-77-4711, the Applicant shall contribute to the Board of County Supervisors the sum of \$0.61 per square foot of gross building area for fire and rescue purposes. Said contribution shall be paid prior to and as a condition of the approval of each building permit on GPIN 7595-77-4711, excluding any structured parking facilities.
- b. For any building constructed on that portion of the Property described as GPIN 7595-76-7903, the Applicant shall contribute to the Board of County Supervisors the sum of \$0.61 per square foot of gross building floor area over 913,976 square feet for fire and rescue purposes. Said contribution shall be paid prior to and as a condition of the approval of each building permit on GPIN 7595-76-7903, excluding any structured parking facilities.

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## **SUBSTATION**

20. An electric substation of approximately ten (10) acres in size (hereinafter, the "Substation") may be permitted on the Property or a portion of the Property to serve data center uses, as follows:
- a. There shall only be one Substation located on the Property, or portion thereof, and GPIN 7595-65-9741.
  - b. The Substation may consist of approximately 300-475 kV transmission voltage switching station containing structures of varying heights.
  - c. The Substation shall be enclosed by a chain link security fence up to twelve feet (12') in height.
  - d. A peripheral landscaped buffer shall not be required around the perimeter of the Substation; however, if the Substation is located immediately adjacent (i.e., within 50 feet) to the trail easement (Proffer #14) and/or limits of construction (Proffer #10), as depicted on the MZP, said peripheral landscaped buffer shall be provided between the Substation and trail or limits of construction.
  - e. The Substation shall not require a special use permit or a public facilities review pursuant to Virginia Code Section 15.2-2232(D) and Zoning Ordinance Section 32-201.12(a).
  - f. Adjustments to the foregoing standards in this proffer and/or location, number, size and height of the Substation may be proposed by the Applicant and allowed by the Planning Director without the need for an amendment to the proffers and/or MZP or approval of a public facilities review.
  - g. If requested by the owners of GPINs 7595-65-9741, 7595-55-1032 and 7595-54-7331 and if acceptable to the Applicant, the Applicant may grant a future utility easement to permit a utility connection to the Substation, subject to NOVEC approval. The location and width of such utility easement shall be coordinated with the Applicant to avoid any material adverse impact on the Applicant's use of the Property.

Proffer Amendment and Rezoning #REZ2019-00028

Avanti at Innovation

Approved by BOCS: 7.16.2019



Planning Office

**WAIVERS AND MODIFICATIONS**

21. Waivers and Modifications – pursuant to Section 32-404.05 and Section 32-506.09.1 of the Zoning Ordinance approval of the subject proffer amendment shall constitute a waiver/modification of the following:
- a. Waiver of the seventy-five feet (75') maximum height and 0.50 maximum FAR in the EL Subdistrict pursuant to Sections 32-506.03.2(g), 32-506.05.1(b) and (c).
  - b. Waiver of the maximum lot coverage pursuant to Section 32-506-05.1(a).
  - c. Waiver of the “internal relationships” (requirements for parking, landscaping, driveways and sidewalks/trails) pursuant to Section 32.506.07.1(a); (b); 2(a-c); and 3.
  - d. Modification of the perimeter buffers and associated plantings pursuant to Section 32-250.31 of the Zoning Ordinance and Sections 802.10, 802.11 and 802.12 of the Design and Construction Standards Manual to allow the buffers shown on the Buffers Plan.

**MISCELLANEOUS**

22. Escalator - In the event the monetary contributions set forth in the Proffer Statement are paid to the Prince William County Board of County Supervisors ("Board") within eighteen (18) months of the approval of this proffer amendment (REZ2019-00028), as applied for by the Applicant, said contributions shall be in the amounts as stated herein. Any monetary contributions set forth in this Proffer Statement which are paid to the Board after eighteen (18) months following the approval of this proffer amendment 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 proffer amendment 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.

**[SIGNATURES APPEAR ON FOLLOWING PAGES]**

P0883731.DOCX

Proffer Amendment and Rezoning #REZ2019-00028  
Avanti at Innovation  
Approved by BOCS: 7.16.2019




Planning Office

**PROFFER STATEMENT**  
REZ2019-00028, Avanti at Innovation

**SIGNATURE PAGE**

TPC Hornbaker LC  
a Virginia limited liability company

By: MVP Management, LLC  
a Virginia limited liability company  
its Manager

By:   
Name: Jon Peterson  
Its: Manager

Proffer Amendment and Rezoning #REZ2019-00028  
Avanti at Innovation  
Approved by BOCS: 7.16.2019




Planning Office

**PROFFER STATEMENT**  
REZ2019-00028, Avanti at Innovation

**SIGNATURE PAGE**

National Harbor Waterfront, L.C.  
a Virginia limited liability company

By: MVP Management, LLC  
a Virginia limited liability company  
its Manager

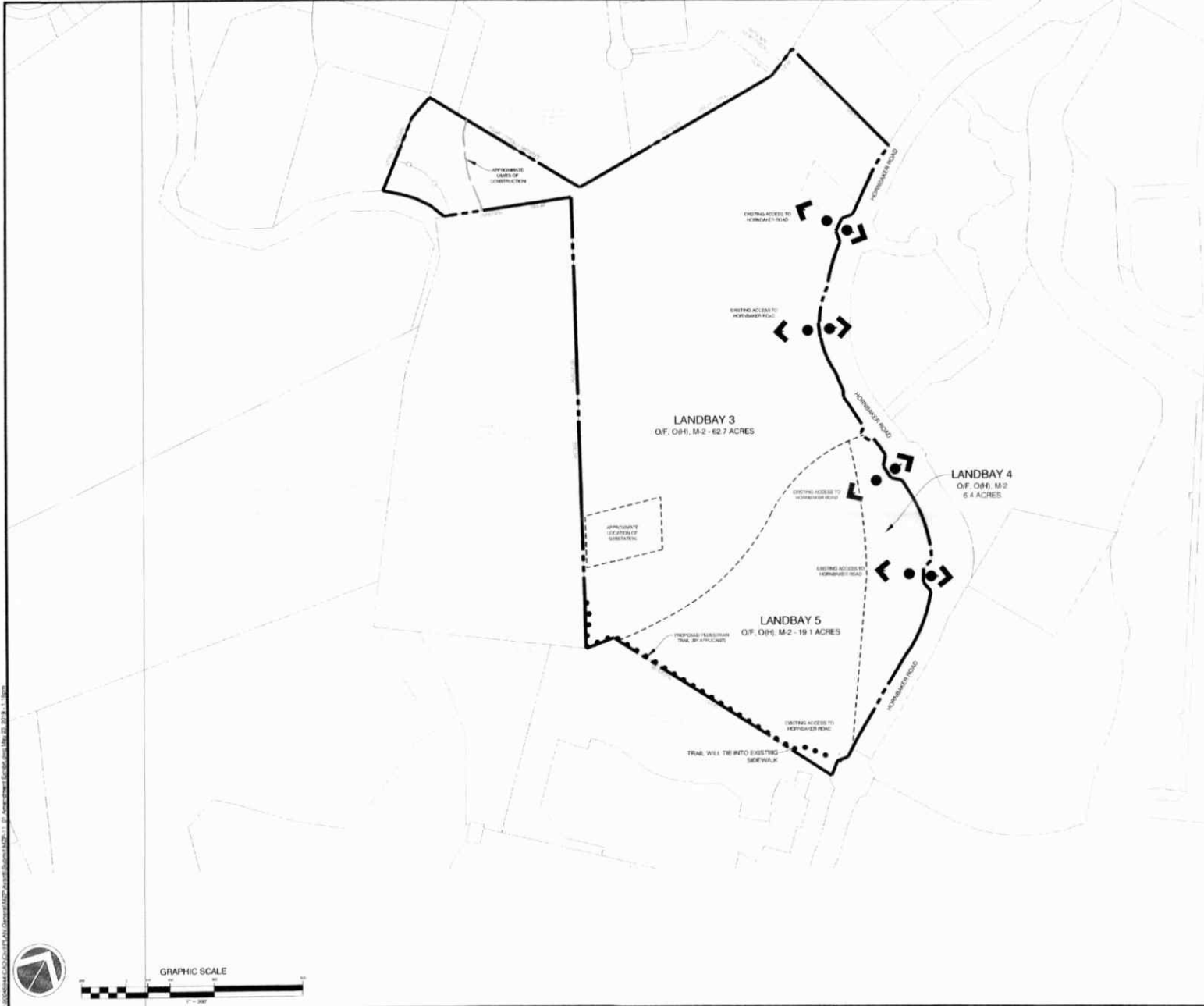
By:   
Name: Jon Peterson  
Its: Manager

Proffer Amendment and Rezoning #REZ2019-00028  
Avanti at Innovation  
Approved by BOCS: 7.16.2019



Planning Office





- NOTES:**
1. SITE OWNER & SPIN IS - NATIONAL HARBOR WATERFRONT LC & TPC HORNBAKER LC (1989-777411, 1999-767803)
  2. SITE AREA - 1.18626 ACRES
  3. EXISTING ZONING - A-1 (AGRICULTURAL) AND PID (PLANNED BUSINESS DISTRICT)
  4. PROPOSED ZONING: PID FOR A-1 PARCEL
  5. LANDSBAY AREAS ARE PROVIDED IN GROSS ACRES AND MAY INCLUDE FLOODPLAIN, RFA, EASEMENTS, POSSIBLE RIGHT-OF-WAY DEDICATION AREA, LANDSCAPE BUFFERS, ETC.
  6. BASE INFORMATION AND MAPPING ARE APPROXIMATE PER PRINCE WILLIAM COUNTY GIS DATA.
  7. NO INTERPARCEL ACCESS TO THE NORTHERN AND SOUTHERN PROPERTIES.
  8. LOCATION OF SUBSTATION IS SUBJECT TO CHANGE AT FINAL SITE PLAN.

- LEGEND:**
- PROJECT BOUNDARY - [Thick dashed line]
  - LANDSBAY BOUNDARIES - [Thin dashed line]
  - DNOTES TRAIL BY APPLICANT - [Dotted line]
  - DNOTES TRAIL EASEMENT - [Line with arrows]
  - LIMITS OF CONSTRUCTION (L.O.C.) - [Dashed line]

LANDSBAY	ZONING SUB DESIGNATION	GROSS ACRES
3 and 5	(O.F., O.H., M-2)	81.8
4	(O.F., O.H., M-2)	6.4
<b>TOTAL</b>	<b>N/A</b>	<b>88.2</b>

Plan/Per Amendment and Rezone #822019-00028  
 Approved by Innovation  
 Approved by SOCS: 7.26.2019  
*[Signature]*  
 Planning Officer

**AVANTI AT INNOVATION  
 MASTER ZONING PLAN  
 LAND USE SHEET**

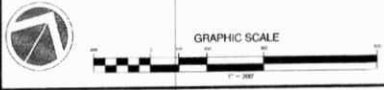
DATE: FEBRUARY 15, 2019  
 REV. DATE: MAY 23, 2019

PLN #2019-00028

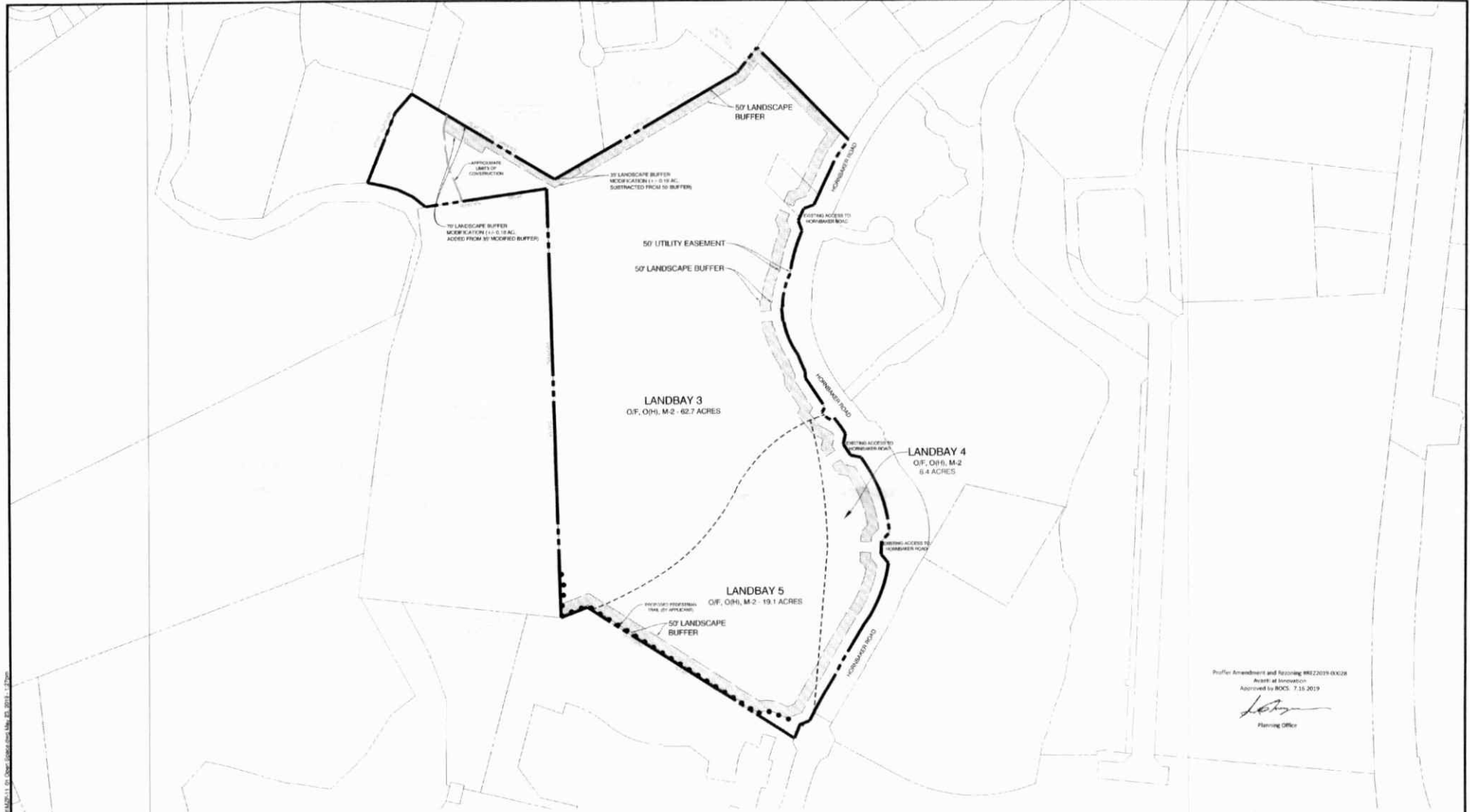


BRENTSVILLE MAGISTERIAL DISTRICT  
 PRINCE WILLIAM COUNTY, VIRGINIA  
 SHEET 1 OF 2

Dewberry  
 Engineers, Inc.  
 1820 HEATHCOTE BLVD  
 SUITE 500  
 FARMERSVILLE, VA 22109-4883  
 PHONE: 703-646-2011  
 FAX: 703-646-0122



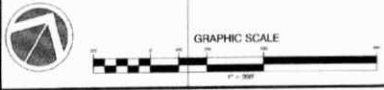
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LANDBAY'S	AREA (ACRES)
3	62.7
4	8.4
5	19.1
<b>TOTAL</b>	<b>88.2</b>

1. LANDSCAPE BUFFERS MAY BE MODIFIED IN ACCORDANCE WITH PRINCE WILLIAM COUNTY DCBM SECTION 802.11 BUFFER WIDTH REQUIREMENT

- LEGEND:**
- PROJECT BOUNDARY -
  - LANDBAY BOUNDARIES -
  - BUFFERS -
  - DENSELY TIMED BY APPLICANT -



Project Amendment and Rezoning #R22019-00028  
 Avanti at Innovation  
 Approved by BOCS: 7.16.2019  
  
 Planning Officer

## AVANTI AT INNOVATION MASTER ZONING PLAN OPEN SPACE AND BUFFERS SHEET

DATE: FEBRUARY 15, 2019  
 REV. DATE: MAY 23, 2019  
 PLN #2019-00028

BRENTSVILLE MAGISTERIAL DISTRICT  
 PRINCE WILLIAM COUNTY, VIRGINIA  
 SHEET 2 OF 2

Dewberry  
 Engineers Inc.  
 1200 WEAVER ROAD  
 SUITE 100  
 BENTONVILLE, AR 72716  
 PHONE: 479.271.0111  
 FAX: 479.271.0112

## Exhibit B

**MOTION:      LAWSON**

**July 16, 2019  
Regular Meeting  
Ord. No. 19-35**

**SECOND:      NOHE**

**RE:            PROFFER AMENDMENT AND RELEASE OF DECLARATION  
#REZ2019-00032, HORNBAKER ROAD – BRENTSVILLE MAGISTERIAL DISTRICT**

**ACTION:      APPROVED**

**WHEREAS**, this is a request to amend the proffers associated with REZ #REZ2000-0001 and REZ #PLN2007-00535, to allow a data center development with electric substation (totaling ±35.65 acres) along with associated modifications and waivers, to include building height and floor area ratio (FAR) increases, and to release the Declaration for Property of the Board of County Supervisors of Prince William County, Virginia, Frederick M. Mako and Connie E. Mako at Innovation @ Prince William recorded in Deed Book 2864, at page 390, and re-recorded as Instrument No. 200104050032230, all among the land records of Prince William County, Virginia ("Declaration"); and

**WHEREAS**, the subject property is located ±1,350 feet west of the intersection of Hornbaker Road and Thomasson Barn Road, is currently addressed as 9750 Hornbaker Road, and is identified on County maps as GPIN 7595-65-9741 "Hornbaker Property"; and

**WHEREAS**, the site is designated REC, Regional Employment Center, and ER, Environmental Resource, in the Comprehensive Plan, and is located within the Innovation Sector Plan; and

**WHEREAS**, the site is zoned PBD, Planned Business Development, and is also located within the Technology Overlay District (TeOD), Employment Center R&D / Light Manufacturing (EL) subdistrict of the TeOD, Data Center Opportunity Overlay District, and Airport Safety Overlay District; 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 June 5, 2019, recommended approval, as stated in Resolution Number 19-045; 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 16, 2019, and interested citizens were heard; and

**WHEREAS**, the Prince William Board of County Supervisors finds that public necessity, convenience, general welfare, and good zoning practice are served by the approval of the request;

**July 16, 2019**  
**Regular Meeting**  
**Ord. No. 19-35**  
**Page Two**

**NOW, THEREFORE, BE IT ORDAINED** that the Prince William Board of County Supervisors hereby approves Proffer Amendment and Release of Declaration #REZ2019-00032, Hornbaker Road, subject to the proffers dated June 26, 2019;

**BE IT FURTHER ORDAINED** that the Prince William Board of County Supervisors approves the attached Amendment to Declaration for Property of the Board of County Supervisors of Prince William County, Virginia, and authorizes the County Executive to sign that document on behalf of the Board for recordation in the County land records;

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

ATTACHMENTS: Proffers, dated June 26, 2019  
Amendment to Declaration

**Votes:**

**Ayes:** Anderson, Angry, Caddigan, Candland, Lawson, Nohe, Principi

**Nays:** None

**Absent from Vote:** None

**Absent from Meeting:** Stewart

**For Information:**

Planning Director

Jessica Pfeiffer / Pete Dolan  
Walsh, Colucci, Lubeley & Walsh, P.C  
4310 Prince William Parkway, Suite 300  
Prince William, VA 22192

ATTEST: \_\_\_\_\_

*Andrea P. Madden*

Clerk to the Board

9750 HORNBAKER ROAD PROFFER STATEMENT

REZ2019-00032

Property: ±35.6454 acres

GPINs 7595-65-9741 (hereinafter, the "Property")

Brentsville Magisterial District

Date: June 26, 2019

Proffer Amendment and Release of Declaration  
#REZ2019-00032, Hornbaker Road  
Approved by BOCS: 7.16.2019



Planning Office

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

The headings of the proffers set forth below have been prepared for convenience or reference only and shall not control or affect the meaning or be taken as an interpretation of any provision of the proffers. Any improvements proffered herein below shall be provided at the time of development of the portion of the site served by the improvement, unless otherwise specified. The terms "Applicant" and "Developer" shall include all future owners and successors in interest.

References to plans and exhibits shall include the following:

The Master Zoning Plan entitled "9750 Hornbaker Road – Master Zoning Plan", prepared by Dewberry Engineers Inc., dated March 26, 2019, last revised May 23, 2019, including the following:

1. Land Use Sheet (hereinafter, the "MZP")
2. Open Space and Buffers Sheet (hereinafter, the "Buffers Plan")

**USE & SITE DEVELOPMENT**

1. Site Development - The Property, consisting of approximately 35.6 acres, shall be developed in accordance with the PBD, O/F, O(H) and M-2 Zoning Districts and in substantial conformance with the MZP, subject to minor changes approved by the County in connection with site plan review. The foregoing shall not preclude subdivision or consolidation of the Property.
2. Floor Area Ratio - Pursuant to Zoning Ordinance Section 32-400.04.3, the maximum floor area ratio (FAR) for any data center/data center associated use on the Property may be up to 1.0 FAR.
3. Height - Pursuant to Zoning Ordinance Section 32-400.03.2, the maximum height of any data center building on the Property may be ninety feet (90'). Roof structures, as described in Zoning Ordinance Section 32-400.03(3), mechanical equipment, parapet walls, screen walls and/or enclosures are excluded from this maximum height and thus, may exceed ninety feet (90').

Approved by BOCS: 7.16.2019



Planning Office

4. Substation - An electric substation of approximately ten (10) acres in size (hereinafter, the "Substation") may be permitted on the Property or a portion of the Property to serve data center uses, as follows:
  - a. There shall only be one Substation located on the Property, or portion thereof, and GPIN 7595-77-7411.
  - b. The Substation may consist of approximately 300-475 MVA transmission voltage switching station containing structures of varying heights.
  - c. The Substation shall be enclosed by a chain link security fence up to twelve feet (12') in height.
  - d. A peripheral landscaped buffer shall not be required around the perimeter of the Substation; however, if the Substation is located immediately adjacent to the trail easement (Proffer #18) and/or limits of construction (Proffer #9), as depicted on the MZP, said peripheral landscaped buffer shall be provided between the Substation and trail or limits of construction.
  - e. The Substation shall not require a special use permit or a public facilities review pursuant to Virginia Code Section 15.2-2232(D) and Zoning Ordinance Section 32-201.12(a).
  - f. Adjustments to the foregoing standards in this proffer and/or location, number, size and height of the Substation may be proposed by the Applicant and allowed by the Planning Director without the need for an amendment to the proffers and/or MZP or approval of a public facilities review.
  - g. If requested by the owners of GPINs 7595-76-7903, 7595-55-1032 and 7595-54-7331 and if acceptable to the Applicant, the Applicant may grant a future utility easement to permit a utility connection to the Substation, subject to NOVEC approval. The location and width of such utility easement shall be coordinated with the Applicant to avoid any material adverse impact on the Applicant's use of the Property.

#### ARCHITECTURE

5. Design Guidelines - The Applicant shall comply with the Guidelines adopted by the Business Association pursuant to the Declaration for Innovation @ Prince William, dated January 21, 2000, as may be amended, and shall further comply with all other provisions of the Declaration as to landscaping, lighting, architecture and signage in connection with the development of Applicant's property and the construction of any structures and/or improvements thereon.

Approved by BOCS: 7.16.2019



Planning Office

6. Site Plan Requirements - Each site plan submitted for development must include a certified tabulation as follows:
  - a. Total square feet permitted to be developed within the Land Bay where the development is occurring: \_\_\_\_\_
  - b. Square footage previously approved for development in that Land Bay by the County: \_\_\_\_\_
  - c. Square footage included within the subject site plan: \_\_\_\_\_
  - d. Innovation Land Bay in which the subject site plan is located: \_\_\_\_\_
  - e. Square footage remaining in that Land Bay after the approval of the subject site plan (1-(2+3)=5): \_\_\_\_\_
  
7. Maximum Lot Coverage - The lot coverage shall not exceed seventy percent (70%). In the event the Property is purchased by the owner(s) of and developed with GPINs 7595-76-7903 and 7595-77-7411 (hereinafter, the "Avanti Property"), the required lot coverage may be satisfied on the Property and Avanti Property cumulatively. Lot coverage shall be satisfied cumulatively.

### TRANSPORTATION

8. Traffic Impact Analysis - If requested by County Transportation, the Applicant, on a site plan by site plan basis, shall provide an update and/or revision of the Traffic Impact Analysis (TIA) prepared by Prince William County at the time of rezoning. 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 Innovation is fully developed and occupied subject to and in accordance with the Innovation zoning conditions and the Declaration. However, mitigation shall not be required unless the TIA provided by the Applicant indicates that 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 Applicant's site in comparison to the traffic generated for the entire area using the roadway or intersection.

### ENVIRONMENT

9. Limits of Construction - The Applicant shall limit construction to within those areas depicted on the MZP as "Limits of Construction" (hereinafter, the "LOC"), subject to minor revisions in accordance with final engineering considerations at the time of site plan review and approval. No clearing or improvements shall be made outside of the LOC, with the exception of: (a) the installation of a trail, in the approximate location labeled as "Denotes Trail Easement" (Proffer #18), as depicted on the MZP ; (b) the removal of

noxious vegetation, such as poison ivy, poison oak, etc., as well as dead, dying or hazardous trees; (c) the installation of historical markers ( Proffer #17); (d) the installation of plantings in the Reforestation Area (Proffer #11); and (e) utility connections. Compliance shall be demonstrated on final site plan.

10. Tree Preservation Plan – The Applicant shall prepare a tree preservation plan for trees of 10 inch caliper d.b.h. or larger, which are located within ten feet (10') of the LOC. The tree preservation plan shall be in accordance with the Prince William County DCSM and shall be submitted with each site plan in the event the Property is developed in phases.
11. Reforestation - The Applicant shall plant the area labeled as “Reforestation Area within the RPA” (hereinafter, the “Reforestation Area”) as depicted on the MZP, in accordance with Section 802.21.E of the DCSM. Compliance shall be demonstrated on the approved site plan adjacent to said Reforestation Area.
12. Stormwater Management – Stormwater management has been provided in connection with Plan #01-00350 (Sowder Property – Regional Stormwater Management and BMP Plan).
13. Spill Contingency - If any tenant, operator or owner handles or produces hazardous chemical wastes or petroleum products, the individual site owners and their operators shall be responsible for notifying the Fire Marshall's office in a timely manner in the event of a spill of any such hazardous chemical waste or petroleum products on the Project. The Applicant, tenant and/or operator shall assume full responsibility for all public expenses incurred in the clean-up of such products spilled, even if an on-site spill requires off-site cleanup. The owner, tenant and/or operators of the individual units within each site shall be solely responsible for any product spills from their respective sites. In addition, in the event of an on-site spill, the owner, tenant and/or operator causing such spill shall have the obligation to pay the sum of \$1,800.00 to the County Health Department to assist the department in defraying any required costs of well sampling. Each such owner, tenant and/or operator shall be advised by the owner of that entity's obligation to report the use and/or presence of any hazardous chemical waste or petroleum product to the appropriate state and county health departments. The Health Department shall have the right to enter the Property at reasonable times to perform water monitoring and testing pursuant to this proffer. If any tenant, operator or owner handles or produces hazardous chemical wastes or petroleum products, the individual site owners and their operators shall provide a copy of a contingency plan acceptable to the Department of Fire and Rescue will be provided to the Business Association prior to and as a condition of occupancy.
14. Underground Petroleum Storage/High Contamination Uses
  - a. No underground tanks shall be located within one (100) feet of the limits of the Broad Run floodplain on the Property.
  - b. Uses with high potential for contamination of the groundwater table shall be located at sites that are beyond one hundred (100) feet of the floodplain of Broad Run on the Property.

Proffer Amendment and Release of Declaration  
#REZ2019-00032, Hornbaker Road

Approved by BOCS: 7.16.2019



Planning Office



Approved by BOCS: 7.16.2019

15. Threatened, Rare and Endangered Species - The known locations of threatened, rare, and endangered species (plant and animal), as identified on the Prince William Sector Plan Threatened, Rare and Endangered Species study, will be identified relative to areas of disturbance at the time of site plan submission. All applicants will avoid clearing areas where said species exist or will provide acceptable techniques to relocate and/or otherwise mitigate the impacts of disturbance.
16. Monetary Contribution - The Applicant shall contribute to the Board of County Supervisors the sum of \$75.00 per acre for the County to conduct water quality monitoring, stream restoration projects, and/or drainage improvements. Said contribution shall be paid prior to and as a condition of the approval of the site plan.

Planning Office

### CULTURAL RESOURCES

17. Interpretive Markers - Interpretive historical markers (not to exceed three) shall be placed near the Mill Race within the LOC, as those LOC are depicted on the MZP, to provide a chronicling of the history of that facility. The exact location shall be determined by the County Archeologist and Prince William County Department of Parks, Recreation and Tourism (hereinafter, the "DPRT").

### PARKS AND RECREATION

18. Trail Easement - An easement to the County shall be granted for a future pedestrian trail (by others) in the general location depicted on the MZP as "Denotes Trail Easement" (hereinafter, the "Trail Easement"). The County shall maintain the trail and any associated improvements it installs within the Trail Easement. The final location of the Trail Easement shall be subject to changes mutually agreeable to the County and Applicant and shall be shown on the first final site plan for the Property.

### FIRE AND RESCUE

19. Monetary Contribution - The Applicant shall contribute to the Board of County Supervisors the sum of \$0.61 per square foot of gross building floor area for fire and rescue purposes. Said contribution shall be paid prior to and as a condition of the approval of each building permit for a building, excluding any structured parking facilities, on the Property.

### WATER AND SANITARY SEWER

20. Connection to Public Sewer and Water - Public water and sewer shall be made available to the Property.
21. Responsibility for Construction of Water and Sewer Lines to Provide Service to the Project - Each Owner shall be responsible for the design and construction of all on-site and off-site water and sanitary sewer lines necessary to provide service to its property in accordance with applicable Service Authority, County and state requirements. All lines shall be sized to serve the drainage shed in which they are located in accordance with the requirements

of the Properties, but this proffered condition does not obligate the Applicant to construct any sewer or water lines with capacities greater than those required to serve its property, unless a mutually acceptable "Oversizing Reimbursement" Agreement is reached with the Service Authority.

### **WAIVERS AND MODIFICATIONS**

22. Waivers and Modifications – pursuant to Section 32-404.05 and Section 32-506.09.1 of the Zoning Ordinance, approval of the subject proffer amendment and these proffers shall constitute a waiver/modification of the following:
- a. Modification of the seventy-five feet (75') maximum height and 0.50 maximum FAR in the EL Subdistrict pursuant to Sections 32-506.03.2(g), 32-506.05.1(b) and (c) per Proffers #2 and 3.
  - b. Waiver of the maximum lot coverage pursuant to Section 32-506-05.1(a).
  - c. Waiver of the "internal relationships" (requirements for parking, landscaping, driveways and sidewalks/trails) pursuant to Section 32.506.07.1(a); (b); 2(a-c); and 3.
  - d. Modification of the perimeter buffers and associated plantings pursuant to Section 32-250.31 of the Zoning Ordinance and Sections 802.10, 802.11 and 802.12 of the Design and Construction Standards Manual to allow the buffers shown on the Buffers Plan.

### **MISCELLANEOUS**

23. Escalator - In the event the monetary contributions set forth in the Proffer Statement are paid to the Prince William County Board of County Supervisors ("Board") within eighteen (18) months of the approval of this proffer amendment (REZ2019-00032), as applied for by the Applicant, said contributions shall be in the amounts as stated herein. Any monetary contributions set forth in this Proffer Statement which are paid to the Board after eighteen (18) months following the approval of this proffer amendment 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 proffer amendment 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.

**[SIGNATURE APPEARS ON FOLLOWING PAGE]**

Proffer Amendment and Release of Declaration  
#REZ2019-00032, Hornbaker Road

Approved by BOCS: 7.16.2019



Planning Office

**SIGNATURE PAGE**

PRINCE WILLIAM BOARD OF COUNTY SUPERVISORS, owner

By: Christopher M. Price  
Title: Deputy County Executive, authorized signatory



\_\_\_\_\_  
Christopher M. Price, Deputy County Executive

Date: 7.17.19

Proffer Amendment and Release of Declaration  
#REZ2019-00032, Hornbaker Road

Approved by BOCS: 7.16.2019



Planning Office



July 16, 2019

Via Hand Deliver and E-mail

The Honorable Jeanine Lawson  
Brentsville District  
9440 Innovation Drive  
Manassas, VA 20110

Re: #REZ2019-0032, Hornbaker Road Rezoning  
Limits of Construction

Dear Supervisor Lawson:

Thank you for taking the time to meet with us. We would be happy to expand the limits of construction to create a larger preserved area in connection with site plan review. This additional area is shown in blue on the attached exhibit entitled "9750 Hornbaker Road – Limits of Construction Exhibit" prepared by Dewberry Engineers Inc., dated July 16, 2019. This area will be restricted as stated in Proffer #9 of the Proffer Statement dated June 26, 2019.

Please do not hesitate to contact me should you have any questions or need additional information.

Very truly yours,  
The Peterson Companies

Taylor Chess  
President of Development

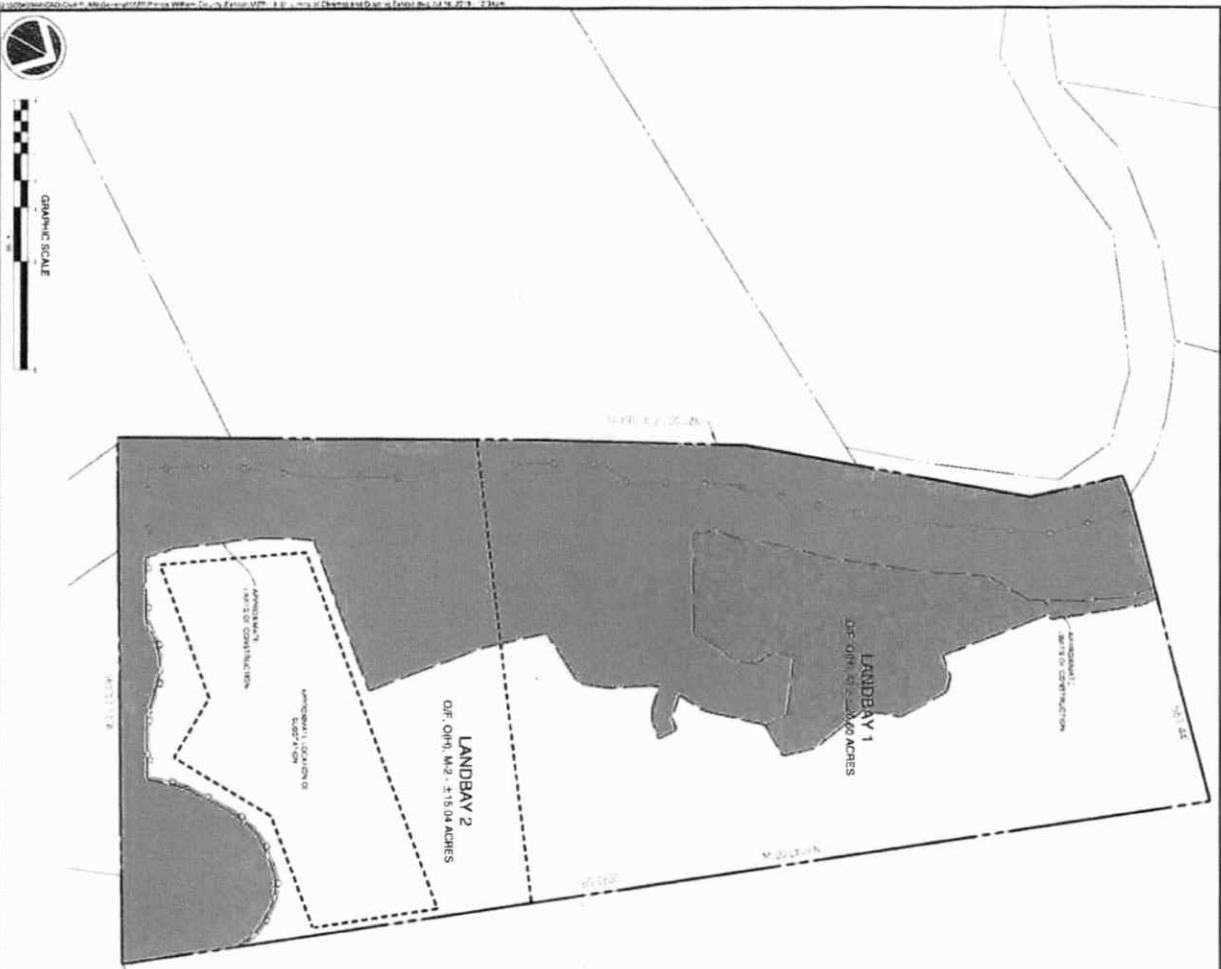
cc: Pete Dolan/Jessica Pfeiffer  
Gary Gardner/Elizabeth Sobecke  
Jaimie Young

Proffer Amendment and Release of Declaration  
#REZ2019-00032, Hornbaker Road

Approved by BOCS: 7.16.2019

Planning Office

P0917814.DOCX



Proffer Amendment and Release of Declaration  
 #REZ2019-00032, Hornbaker Road

Approved by BOCS: 7.16.2019

Planning Office



NOTES:

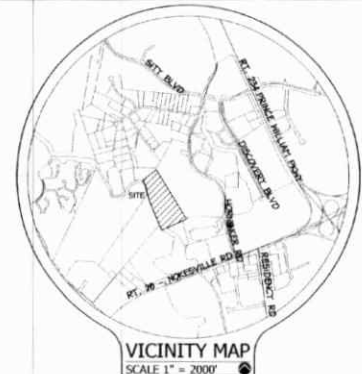
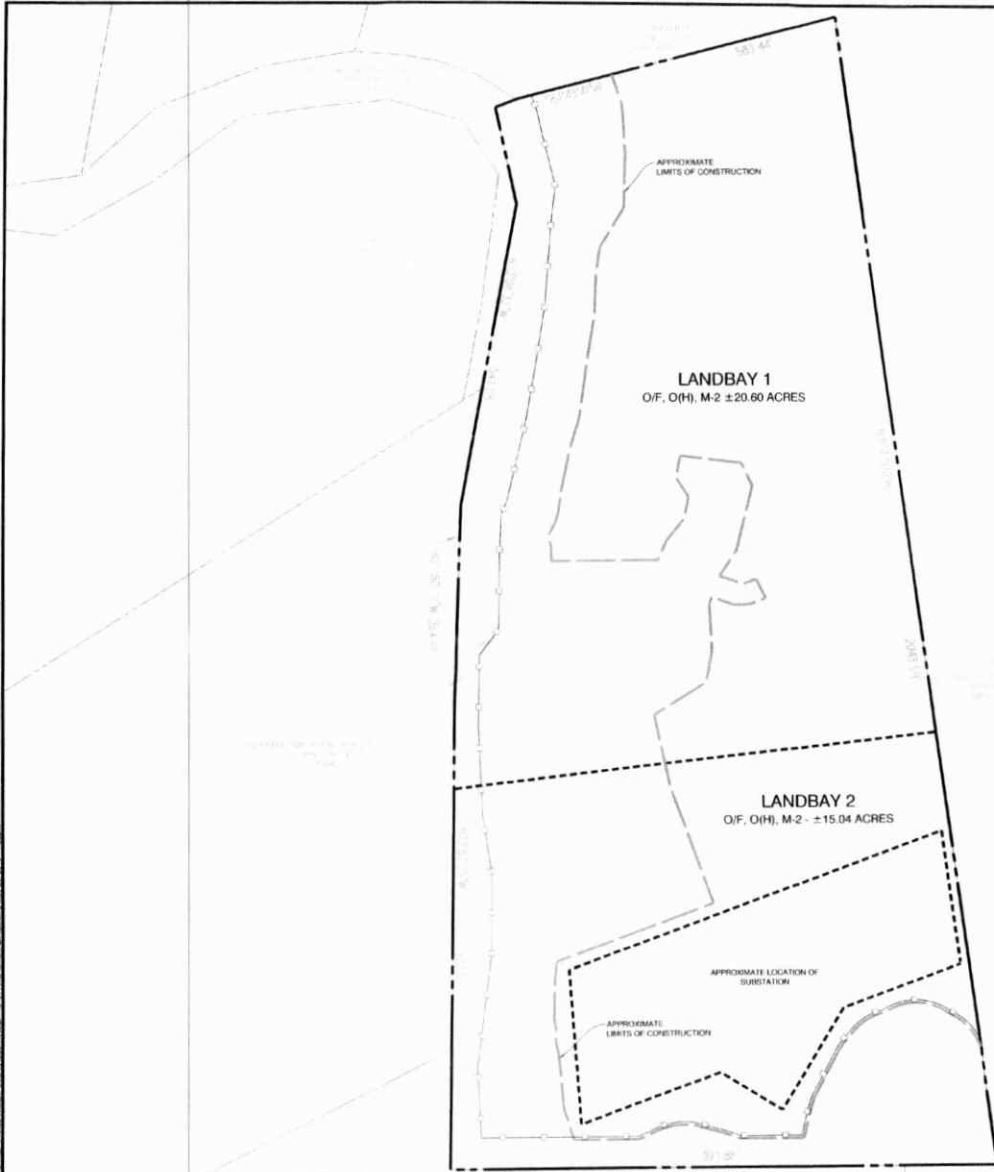
1. SITE COORDINATE SYSTEM IS NAD 83 UTM ZONE 18N
2. SITE AREA = 3.12 ACRES
3. ZONING = RES (Residential Suburban Single-Family)
4. LANDBAY 1 AREA IS 0.97 ACRES AND LANDBAY 2 AREA IS 2.15 ACRES
5. THE PROFFER AMENDMENT AND RELEASE OF DECLARATION IS SUBJECT TO THE CITY COMMISSION'S REVIEW
6. LOCATION OF SUBSTITUTION IS SUBJECT TO CHANGE AT THE CITY'S DISCRETION

LEGEND:

SYMBOL	DESCRIPTION
--- (dashed line)	LIMITS OF CONSTRUCTION
--- (dotted line)	PROFFER FINAL LIMITS
--- (dash-dot line)	ADJACENT PROPERTY LIMITS TO BE DETERMINED BY THE CITY
--- (solid line)	ADJACENT PROPERTY LIMITS TO BE DETERMINED BY THE CITY
--- (thick solid line)	ADJACENT PROPERTY LIMITS TO BE DETERMINED BY THE CITY
--- (thin solid line)	ADJACENT PROPERTY LIMITS TO BE DETERMINED BY THE CITY

9750 HORNBAKER ROAD  
 LIMITS OF CONSTRUCTION  
 EXHIBIT

DATE: JULY 16, 2019  
 REZ2019-00032  
 RESIDENTIAL MASTHEAD DISTRICT  
 PRINCE WILLIAM COUNTY, VIRGINIA  
 Dewberry  
 ENGINEERS INC.



**NOTES:**

1. SITE OWNER & OPIN # TWO BOARD OF COUNTY SUPERVISORS, 7586-65-0741.
2. SITE AREA - 35.64 ACRES
3. ZONING - PBD (PLANNED BUSINESS DISTRICT)
4. LANDBAY AREA IN GROSS ACRES AND MAY INCLUDE FLOODPLAIN, PFA, LANDSCAPE BUFFER, ETC.
5. BASIC INFORMATION AND MAPPING ARE APPROXIMATE PER PRINCE WILLIAM COUNTY GIS DATA.
6. LOCATION OF SUBSTATION IS SUBJECT TO CHANGE AT FINAL SITE PLAN.

**LEGEND:**

- PROJECT BOUNDARY -
- LANDBAY BOUNDARIES -
- LIMITS OF CONSTRUCTION (LOC) -
- DENOTES TRAIL EASEMENT -

LANDBAY	ZONING	GROSS ACRES
1	[O/F, O(H), M-2]	20.60
2	[O/F, O(H), M-2]	15.04
TOTAL	N/A	35.64

Proffer Amendment and Release of Distraction  
 REZ2019-00032, Hornbaker Road  
 Approved by BOCS: 7.16.2019  
  
 Planning Office

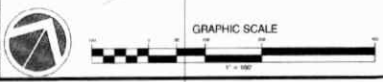
**9750 HORNBAKER ROAD  
 MASTER ZONING PLAN  
 LAND USE SHEET**

DATE: MARCH 26, 2019  
 REV. DATE: MAY 23, 2019

REZ2019-00032

BRENTSVILLE MAGISTERIAL DISTRICT  
 PRINCE WILLIAM COUNTY, VIRGINIA  
 SHEET 1 OF 2

**Dewberry**  
 Dewberry  
 Engineers Inc.  
 1570 HEA HICOTE BLVD  
 SUITE 100  
 DUMFRIES, VA 22026-4600  
 PHONE: 703.948.2711  
 FAX: 703.948.0212



20190326-09:00 AM C:\Users\jgibson\Documents\Projects\9750 Hornbaker Road\9750 Hornbaker Road.dwg (Plot Date: 05/23/2019 10:00 AM)



**LEGEND:**  
 PROJECT BOUNDARY - [Solid line]  
 LANDBAY BOUNDARIES - [Dashed line]  
 OPEN SPACE - [Stippled pattern]  
 REFORESTATION WITHIN THE RPA - [Hatched pattern]

LANDBAYS	AREA (ACRES)
1	30.8
2	15.0
<b>TOTAL</b>	<b>45.8</b>

1. REFORESTATION WITHIN THE RPA WILL BE IN ACCORDANCE WITH PRINCE WILLIAM COUNTY ZONING SECTION 21.1 TREE CANOPY DETERMINATION

Proffer Amendment and Release of Declaration  
 #REZ2019-00032, Hornbakar Road  
 Approved by BOCS: 7.14.2019  
*[Signature]*  
 Planning Office

**9750 HORNBAKER ROAD**  
**MASTER ZONING PLAN**  
**OPEN SPACE AND BUFFERS SHEET**

DATE: MARCH 26, 2019  
 REV. DATE: MAY 23, 2019  
 #REZ2019-00032

BRENTSVILLE MAGISTERIAL DISTRICT  
 PRINCE WILLIAM COUNTY, VIRGINIA  
 SHEET 2 OF 2

**Dewberry**  
 Engineers Inc.  
 1020 HERTSCORE BLVD  
 SUITE 200  
 SPANGLERVA, VA 22150-6600  
 PHONE: 703-462-2777  
 FAX: 703-462-2772

