

PROPOSED

BOARD OF SUPERVISORS
COUNTY OF STAFFORD
STAFFORD, VIRGINIA

ORDINANCE

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, Stafford County Administration Center, Stafford, Virginia, on the 20th day of November, 2007

MEMBERS

VOTE

Jack R. Cavalier, Chairman
Mark Dudenhefer, Vice Chairman
M S "Joe" Brito

Peter J Fields
Robert C Gibbons
Paul V Milde III
George H Schwartz

On motion of , seconded by , which carried by a vote of , the following was adopted

AN ORDINANCE TO AMEND AND REORDAIN THE ZONING
ORDINANCE FOR STAFFORD COUNTY BY AMENDING THE
ZONING DISTRICT MAP TO RECLASSIFY, FROM A-1,
AGRICULTURAL, TO B-2, URBAN COMMERCIAL, ASSESSOR'S
PARCEL 37-25, HARTWOOD ELECTION DISTRICT

WHEREAS, G&G/Centerport Gateway, LLC, has submitted application RC2700199 requesting reclassification, of Assessor's Parcel 37-25 from A-1, Agricultural, to B-2, Urban Commercial, consisting of 51.2 acres, located on the north and south side of Centerport Parkway, west of the Interstate 95 interchange, within the Hartwood Election District, and

WHEREAS, the Board has carefully considered the recommendation of the Planning Commission, staff, and the testimony at the public hearing, and

WHEREAS, the Board has determined that the requested zoning is compatible with the surrounding land uses and zoning, and

WHEREAS, the Board finds that public necessity, convenience, general welfare, or good zoning practice requires adoption of an ordinance to reclassify the subject property,

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 20th day of November, 2007, that the Zoning Ordinance for Stafford County be and it hereby is amended and reordained by amending the zoning district map to reclassify, from A-1 Agricultural, to B-2, Urban Commercial, Assessor's Parcel 37-25

1 Plan of Development for Centreport Gateway

The Property and locations of buildings shall be developed in accordance with the illustrative land use plan depicted by the Generalized Development Plan, labeled the Master Plan, prepared by The Cox Company and dated August 7, 2007, except the walking trail across Centreport Parkway shall not be provided. The distribution of land uses shall govern subsequent site plan approvals, such that at full development of the Property, the following mix of uses and use intensity shall be achieved:

- a. Minimum intensity of use for office/hotel/non-retail employment buildings shall not be less than 80% of combined retail, freestanding restaurant, and office/hotel/non-retail employment gross floor area.
- b. Maximum intensity of use for retail commercial and free-standing restaurant buildings shall not exceed 20% of combined retail, restaurant, and office/hotel/non-retail employment gross floor area, provided that the total intensity of all combined retail commercial and free-standing restaurant uses shall not exceed 50,000 square feet of gross floor area (SFGFA).
- c. Maximum of two (2) free-standing restaurants shall be located within the project, provided that no more than one (1) free-standing restaurant may be developed before the development of the first office/hotel/non-retail employment building.
- d. Maximum of two (2) hotels shall be located within the project.

2 Maximum Development Density, Coverage and Uses

- a. **Maximum Density:** The density of development for office, business, retail, restaurant, lodging, and other permitted uses shall not exceed a floor area ratio of 0.30 FAR in relation to the gross area of the site. Parking structures are excluded from the calculation of floor area ratio. Total development within the Property shall not exceed the total density incorporated into the Traffic Impact Analysis (dated March 19, 2007) developed for the project. This total density was calculated as 379,200 square feet of gross floor area (SFGFA) for non-residential uses, exclusive of hotel and conference space.
- b. **Maximum Building Coverage:** The maximum building coverage by all buildings and parking structures within the Property shall not exceed 50% of the gross area of the site.
- c. **Uses Prohibited:** The Applicant proffers that the following land uses that are currently permitted by-right and by Conditional Use Permit in the B-2 District shall be specifically prohibited from development within the Property.

Uses permitted by right

Building material sale and storage yard and mulch sale
Car wash
Dry cleaner/laundry
Funeral home
Indoor flea market
Lumber/building/electrical/plumbing supply
Machinery sale and service
Plant and tree nursery/greenhouse
Theater with fewer than 3,500 seats

Conditional Use Permit

Automobile repair
Auto service
Boat sales
Fleet parking
Marina
Motor vehicle rental
Motor vehicle sales
Outdoor flea market
Theater with 3,500 or more seats

Other uses not permitted by right or by conditional use, but also prohibited

Adult entertainment, including adult bookstores, adult video sales and rental, and similar uses
Convenience store with gasoline sales as a secondary activity
Economy motel
Fast food restaurant
Limited service motel

3 **Design and Architectural Treatment**

- a **Coordinated Design Theme** The Applicant agrees to utilize a coordinated architectural theme and general layout of buildings that features a neo-traditional design. The elevations entitled "Centreport Gateway Elevations", dated 11/15/07 are illustrative only, yet reflect the use of various building materials and the general character of design and design coordination for the buildings to be erected on the Property.
- b **Streetscapes** The Applicant shall provide for enhanced pedestrian circulation and locate structures as close to established walkways as practicable. Street landscaping shall feature predominately shade trees. Off street parking shall be located primarily to the side of the structures, in order to permit the front of buildings to be located as close as practicable to the travelway. Other features shall include public gathering areas, such as courtyards, fountains, or gazebos. Signage shall be coordinated with building materials and colors, and lighting.

shall utilize a consistent theme or style throughout the development, and be shielded downward and directed away from adjacent residential properties

- c **Architectural.** Buildings in the development should be of "traditional" architectural themes, such as Federal, Charleston, and Georgian interpretative styling and vernacular designs, and shall include varied ornamentation, such as recesses, balconies, stoops, and breezeways. Building materials and design shall vary from building to building, but shall be predominantly brick, complemented by a mixture of glass, painted surfaces, and stucco. Parking garages shall incorporate the same types of material and design as the adjacent buildings. Windows and exterior design, including roofs, shall be distinct for given buildings and consistent with the architectural theme for the development. Standing seam roofs shall not be utilized. Heights of buildings will be established as low-to-mid rise, with building heights not to exceed four stories.
- d **Renderings.** To ensure conformity with these proffers, at the time of submission of building permit applications, renderings of proposed structures included in each application shall be simultaneously submitted to the Department of Planning and Zoning for review and approval within ten (10) days.

4 Regional Transportation Improvements

- a **Planning and Design of Mine Road Extension.** The Applicant proffers to undertake the planning and engineering design for the full section of the proposed Mine Road Extension from the existing "elbow" of the Centreport Parkway to its proposed terminus at Enon Road within TMP 37-31A (as depicted by Segments A and B on the "Proposed Access" exhibit). This proffer is subject to the acquisition of the necessary right-of-way for the proposed road improvement at the Applicant's sole cost and expense.
- b **Construction of Segment A of the Mine Road Extension (Access to the Southern sector of the Property).** The Applicant proffers to undertake the planning, engineering design, and construction, at its sole expense, of certain transportation improvements to the proposed Mine Road Extension as depicted on the "Proposed Access" exhibit and as further described herein below.
 - i **Half-Section Construction of Segment A.** The Applicant will plan, engineer, and construct a two-lane "half-section" of the proposed ultimate four-lane parkway envisioned for the Mine Road Extension for the extent of Segment A, as depicted on the Proposed Access exhibit. This half-section to be constructed will include a two-lane, 24-foot pavement section and will meet design standards and requirements to be determined by VDOT, the County, and the Applicant. Ultimately, this section will be integrated into the full four-lane parkway planned by VDOT to connect the Mine Road Extension between Centreport Parkway and Enon Road (including both Segments A and B as depicted in the "Proposed Access" exhibit). Segment B and the other half-section

of Segment A will be constructed by VDOT and/or the County. This proffer is subject to the acquisition of the necessary right-of-way for the proposed road improvement at the Applicant's sole cost and expense.

- ii **Signalization and Turn Lanes.** Signalization of the Centreport Gateway Access Road/Mine Road Extension intersection and related turn lanes (i.e. a dedicated southbound left hand turn lane and a dedicated northbound right hand turn lane on Mine Road Extension and dedicated westbound left and right turn lanes on the proposed access road) shall be constructed in accordance with the future recommendations of the regional transportation study (see Proffer 16) to be completed in concert by the Applicant, the County, and the Virginia Department of Transportation. These improvements shall be constructed by the Applicant upon justification of traffic warrants and said turning lanes, and otherwise in accord with the requirements for signalization and lane improvements of the proposed intersection of the Virginia Department of Transportation. This proffer is subject to the acquisition of the necessary right-of-way for the proposed road improvement at the Applicant's sole cost and expense.
 - iii **Other Related Improvements.** Traffic signage, guard rails, grading, and lane striping, provided that such improvements shall be in accord with the applicable design standards and engineering requirements of the Virginia Department of Transportation and shall be consistent with the improvements described in Paragraphs 3 a and 3 b herein above.
- c **Access to Property.** The primary access to the north sector of the Property shall be via a public road connection to the existing Mountain View Road at the location as generally depicted on the Master Plan. The primary access to the south sector of the Property shall be via a public road connection to the proposed Mine Road Extension at the location as generally depicted on the Master Plan. Access to the Mine Road Extension is subject to VDOT approval.

5 **Interparcel Connectivity**

In addition to the primary entrance connection to be located via Assessor's Parcel 37-30A, the Applicant shall dedicate an additional interparcel road connection to Assessor's Parcel 45-121 at a location to be determined during site plan review. The Applicant will provide dedication of sufficient on-site right-of-way and temporary easements, as well as appropriate site grading improvements to allow for the future construction of the interconnections and necessary drainage. Upon adoption by the County of an Official Map for transportation and other public improvements that would be necessary and sufficient to implement the economic development goals for the Centreport Parkway corridor, the Applicant shall dedicate the interconnection location. The Applicant shall construct the interconnection as close to the property line as possible without requiring off-site grading and drainage easements. This interconnection shall be constructed in concert with other on-site infrastructure improvements, and shall be designed and constructed to meet VDOT state standards.

6 Pedestrian Improvements within Property

The Applicant shall provide a system of pedestrian trails and sidewalks within the Property as part of the site plan or plans for this Property which shall include pedestrian connections to adjoining properties

Sidewalks shall be a minimum of five (5) feet wide and shall be constructed of asphalt, concrete, or other permanent paving material. Pedestrian trails shall be a minimum of four (4) feet wide and shall be constructed of permeable/porous paving materials, provided that such materials may consist of concrete, asphalt or rubber pavement derivatives and may be used upon approval of the Director of Planning. The Applicant shall also construct a pedestrian bridge crossing of the existing stream at such time as the construction commences for the building labeled as the Conference Center on the Master Plan. In addition, the applicable design and construction standards of the County shall apply.

7 Utility Improvements and Easements

The Applicant proffers to design and construct on-site (water, sewer and drainage) improvements adequate and sufficient to provide urban services to the subject Property at its sole expense and shall dedicate such utilities to the County upon request by the County's Utilities Department.

The Applicant agrees to upgrade and oversize the capacity and construct on-site utilities and off-site utilities (water and sewer) as may be necessary and sufficient to serve both the subject Property and other properties in the immediate service area as may be identified by the County, provided that the County shall facilitate and approve a pro-rata share cost reimbursement plan in accord with Virginia enabling statutes whereby the Applicant understands that it will be reimbursed on a pro-rata basis by other property owners at such time as future development or redevelopment plans and building permits are approved by the County pursuant to County policy.

8 Site Perimeter Buffers and Clearing Limits

The Applicant shall prepare a landscape master plan with the first final site plan for the entire development. The Applicant shall introduce a mix of coniferous (evergreen) and deciduous trees for screening purposes. The number of trees, specific specimens, tree size and tree placement shall be subject to County approval with the final site plan.

9 Retaining Walls

Any planned retaining walls shall be constructed at least twenty (20) feet outside the limits of the CRPA zone, provided that the County staff may waive this

requirement where it can be demonstrated by the Applicant to the satisfaction of the County that the retaining walls will not contribute to future adverse impacts on the existing environmental conditions of the Property

10 Acidic Soils

If acidic soils are encountered on the Property, the Applicant shall retain a qualified geotechnical engineer and soils consultant to determine the extent of such soils and to recommend a plan and establish practices to neutralize any potential adverse environmental effect that may be caused by acidic soils. Such plan and practices shall consider the feasibility of adding topsoil or other forms of soil treatment.

The recommended program for soil treatment shall be submitted to and approved by the County. The recommendations of this program shall be supported by a geotechnical engineering study that shall be submitted with the first plan of development for any land disturbing activity on the Property.

11 Groundwater Pollution Mitigation Measures

The Applicant shall retain a qualified geotechnical engineer and environmental consultant to perform a technical study, at its sole expense, to assess, test, and determine the extent of groundwater pollutant impacts that may be associated with the development of the subject project. Such plan and practices shall consider the feasibility of any recommended forms of treatment. The program for groundwater pollution mitigation shall be accompanied by a geotechnical study and shall be submitted to and approved by the County with the application for the first final site plan for the Property.

This proffer does not preclude the requirement for the Applicant to fulfill all necessary permitting requirements of the Virginia Department of Environmental Quality and the Corps of Engineers.

12 Fire Equipment Access and Sprinklers

All final site plans shall ensure that adequate access is provided for fire equipment, with the governing criteria that access shall be within one hundred fifty (150) feet of all sides of all buildings, provided that such requirement may be waived in individual cases at the discretion of County building and fire officials in concert with the integration of other fire protection measures.

Fire protection sprinklers shall be provided in all buildings in accord with NFPA 13 standards. Defibrillators shall be provided in all buildings.

13 CPTED Standards

The site shall be designed to incorporate CPTED standards, to the extent feasible, including but not limited to parking garages, trails, and commercial sites such as banks

14 Clearing Limits

The clearing limits of the site shall be depicted on the final site plan and shall be physically delineated on the site with orange safety fencing prior to grading plan approval and as otherwise required by the County

15 Centreport Parkway Sector Plan, Corridor Design Guidelines, Transportation Plan and Official Map

The Applicant proffers to provide a maximum of \$100,000 to fund and assist the County in any efforts to prepare a comprehensive sector plan for the geographical area that bounds the Centreport Parkway. The purpose of this plan would be to establish recommendations for a comprehensive plan amendment to address a future land use plan, a regional transportation plan, corridor design guidelines, zoning regulations and an Official Map for transportation and other public improvements that would be necessary and sufficient to implement the goal for the economic development corridor serving the Stafford County Airport

The regional transportation plan for the study area and Official Map for infrastructure improvements shall evaluate and designate appropriate locations for inter-parcel public street access within the study area and shall include one or more locations for public road access to tracts adjoining the Property. The study shall also include an investigation of the feasibility of the extension of the Berea Parkway and Mine Road

SC JAH mz