



August 7, 2024

SENT BY FIRST CLASS & CERTIFIED MAIL

Ms. Jonelle Cameron
Walsh Colucci Lubeley and Walsh, PC
4310 Prince William Parkway, Suite 300
Woodbridge, VA 22192

SI NVA02H LLC
1700 Broadway Suite 1750
Denver, CO 80290

Re: Zoning Verification and Proffer Determination Case # ZNR2024-00206
Property Address: 10145 Linton Hall Road, Bristow, VA 20136 (the "Property")
Acreage: 70.4741 acres; **GPIN:** 7595-54-7896
Zoning District: PBD, Planned Business District

To Whom It May Concern:

This is in response to the application that you filed on June 11, 2024, requesting a zoning verification and proffer determination for the above referenced Property on behalf of the property owner, SI NVA02H, LLC. More specifically, you have requested confirmation that: 1) the FAR designated for Land Bay 2 (0.29 FAR) is designated for all of Land Bay 2 and not on a percentage of each subdivided parcel; and 2) that in the event that portions of the Property were dedicated to Prince William County for a public purpose, that dedicated acreage is not deducted from the FAR calculation of the Property.

Zoning Verification for the Property:

1. The Property is zoned PBD, Planned Business District, and is subject to the proffers approved by the Prince William County Board of Supervisors on November 26, 2019, as part of rezoning case #REZ2019-00034 (copy attached). The Property is regulated by part 404 of the Prince William County Zoning Ordinance:
(https://www.municode.com/library/va/prince_william_county/codes/code_of_ordinances?nodeId=CH32ZO).
2. The Property is not subject to any variances, nonconforming uses, or special use permits.
3. The Property is located within the Airport Safety Overlay District.

4. Based on our records, which are complaint based, there are no zoning enforcement actions pending on the Property. However, no inspections of the Property have been conducted to determine if any violations exist.

Background

The Property is zoned PBD, Planned Business District, and is subject to the proffers approved for Rezoning #REZ2019-00034 by the Prince William County Board of Supervisors on November 26, 2019 (copy attached). The Property is regulated by part 404 of the Prince William County Zoning Ordinance. As outlined in the proffers, the Property is zoned PBD, with O(H), Office High-Rise zoning regulations for the land bay designation.

Your request asks for: 1) confirmation that the FAR designated for Land Bay 2 (0.29 FAR) is designated for all of Land Bay 2 and not on a percentage of each subdivided parcel; and 2) that in the event that portions of the Property were dedicated to Prince William County for a public purpose, that acreage is not deducted from the FAR calculation of the Property.

Proffer #3.b states:

Land Bay 2 – The floor area ratio in Land Bay 2 shall not exceed .019

Subsequent to the rezoning approval for the Property, the applicant requested and received approval for a minor modification #MOD2022-00011, dated April 28, 2022. As part of that minor modification, the applicant was approved for an FAR increase of 0.1 FAR permissible through Section 32-700.30.6(c)(vii) resulting in a final FAR of 0.29.

Definitions & Applicable Sections of Zoning Ordinance

32-700.30.6(c) – For the purpose of this section, minor modifications shall be determined to conform with the adopted proffers when the modification meets one or more of the following criteria:

(vii) – Changes in a building's minimum floor area ratio (FAR) specified in an adopted proffered condition, so long as the building's gross floor area is increased or reduced by no more than 0.1 FAR and so long as the maximum gross floor area is not increased beyond the maximum gross floor area prescribed in the zoning district standards.

Sec. 32-400.04.2 – In calculating the permitted FAR for the site, the total area of the lot shall not be reduced by the area to be dedicated for public street or other public purposes.

Proffer Analysis

Pursuant to Rezoning #REZ2019-00034, the approved proffers committed to 0.19 FAR in Land Bay 2. However, Section 32-700.30.6(c)(vii), does permit minor modifications to FAR up to a 0.1 FAR increase, and the applicant has successfully been approved for a 0.1 FAR increase. Additionally, there are no proffers prohibiting minor modification using Section 32-700.30.6(c)(vii).


Determination

Based on the above referenced background information and analysis of the relevant sections of the Zoning Ordinance and approved documents of Rezoning #REZ2019-00034, the FAR designated in REZ2019-00034 for Land Bay 2 is applicable to the land bay as a whole and not as a percentage of each subdivided parcel. Furthermore, the property is eligible for application of Section 32-400.04.2. of the Zoning Ordinance provided any land dedication is for public street or other public purposes. Development of the Property is subject to site plan approval, including but not limited to compliance with all proffered conditions of Rezoning #REZ2019-00034 and local and state regulations/requirements. This determination is based on regulations that are in effect on the date of this letter, which are subject to change. Should you have any questions, please feel free to contact this office. State law mandates the following paragraph to be included in all determinations rendered by the Zoning Administrator.

The Zoning Ordinance allows that anyone aggrieved by a proffer determination of the Zoning Administrator may appeal the decision to the Board of County Supervisors (BOCS). An appeal must be filed within 30 days of receipt of this letter with the clerk to the board and the zoning administrator. The BOCS will schedule and advertise a public hearing to consider an appeal within 30 days unless there is no regular meeting scheduled, in which case the BOCS shall act at its next regular meeting. The determination contained within this letter shall be final if an appeal is not filed within 30 days of receipt of this letter. The application fee and the appeal application form is available on our web page at the following link:

<https://www.pwcva.gov/assets/2021-06/Application%20for%20an%20Appeal.pdf>

Sincerely,


Alexander Stanley
Principal Planner Zoning Administration

Attachment

cc: Joyce Fadeley, Department of Development Services, Land Development Division Chief