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County Administrator

August 30, 2019

Mr. Chris Hornung, P.E.
Vice President, Operations
Rappahannock Development Group
1016 Charles Street
Fredericksburg, VA 22401

SUBJECT: *Application 19152813; Tax Map Parcel Nos. 52-1, 44W-H and 44W-J; Zoning Administrator Determination*

Dear Mr. Hornung:

This letter is in response to your attached request for a Zoning Administrator Determination dated June 14, 2019, regarding "Recreational Business Campus Open Space." This determination will be based on the current Zoning Ordinance regulations. Please see the response to your request below to each of your seventeen (17) requests.

1. Is the definition of "open space ratio" in the Stafford County Zoning Ordinance as follows? *Open space ratio (OSR). The percentage of the total gross area of a parcel that is open space and not impervious surface.*

Yes, per County Code Sec. 28-25.

2. Is the definition of "open space" in the Stafford County Zoning Ordinance as follows? *Undeveloped land or water left in undisturbed, open condition or developed as a landscaped area or buildings, streets or parking lots, used primarily for resource protection or recreational purposes. This includes lands used for normal agricultural activities and left in cultivation.*

Yes, per County Code Sec. 28-25.

3. Is the minimum open space ratio (gross for district) in Stafford County's Recreational Business Campus zoning district 0.55?

Yes.

4. Is the minimum open space ratio (executive housing) in Stafford County's Recreational Business Campus zoning district 0.50?

Yes.

5. Is the minimum open space ratio (retirement housing) in Stafford County's Recreational Business Campus zoning district 0.25?

Yes.

6. Is the minimum open space ratio (net on site) in Stafford County's Recreational Business Campus zoning district 0.25?

The minimum net on site open space ratio for non-residential uses in the RBC Recreational Business Campus Zoning District is 0.25.

7. Section 28-39(i)(14)- Performance Standards in RBC districts requires that a "preliminary concept plan identifying land use pods, minor arterial streets, primary travel lanes, open space areas, common areas, pedestrian access, major stormwater management concept plans, etc." Reference is made to the attached memorandum from William C. Shelly, Stafford County Director of Planning, to the Stafford County Planning Commission with the subject *Common Areas, Open Space and Pedestrian Access Plans-Celebrate Virginia Project; Silver Companies, Applicant*, dated May 2, 2001 (the "Open Space Plan Documents"). Did the Open Space Plan Documents represent the initial common area, pedestrian access, and open space plans for the Celebrate Virginia project as required by Section 28-29(i)(14) of the Zoning Ordinance and was this plan approved by the Stafford County Planning Commission?

Sec. 28-39(i)(14)a. of the County Code requires that a preliminary concept plan for projects in the RBC Recreational Business Campus Zoning District shall be approved by the Planning Commission prior to issuance of any building permits. The Planning Commission approved a Preliminary Concept Plan for Open Space, Common Area, and Pedestrian Access Plans (Open Space Plan) for Celebrate Virginia pursuant to County Code Sec. 28-39 (i)(14)a. on May 23, 2001 (hereafter "Celebrate Virginia Open Space Plan").

8. Did Mr. Shelly's memo to the Planning Commission state the following in regard to how the Celebrate Virginia North Recreational Business Campus district would maintain a total of 55 percent open space? *Individual development sites would be required to maintain a minimum of 25 percent open space in landscaped areas and lawn.*

You correctly quote the second sentence of the "Open Space Plan" paragraph on page 2 of the memorandum from William C. Shelly, Director of Planning to the Planning Commission dated May 2, 2001. The Zoning Administrator cannot speak for Mr. Shelly in regards to the context in which the statement was made or if such statement was made to indicate how Celebrate Virginia North Recreational Business Campus would maintain a total of 55 percent open space.

9. Did Mr. Shelly's memo identify the following three types of land uses that would have open space? ...common open space, land use pod open space and golf course open space."

You correctly cite a partial quote from the fifth sentence of the "Open Space Plan" paragraph on page 2 of the memorandum from William C. Shelly, Director of Planning to the Planning Commission dated May 2, 2001. The Zoning Administrator cannot speak for Mr. Shelly in regards to the context in which the statement was made.

10. Are residential land use pods that have subsequently been developed within the Celebrate Virginia North Recreational Business Campus district included within "individual development sites" as identified in the OpenSpace Plan Documents?

The Celebrate Virginia Open Space Plan referenced identified land use pods as having open space. That plan did not identify individual development sites. It identified the location and approximate acre of land use pods and acreage required to meet minimum open space ratio requirements.

11. Did the Open Space Plan Documents submitted by the Applicant and approved by the Planning Commission provide for the 25 percent open space required within "individual development sites" (also referred to as "land use pod open space") to count towards meeting the open space ratio (gross for district) requirement of 0.55?

The Celebrate Virginia Open Space Plan identified a minimum 25 percent open space required as 133.84 acres for land use pods. Land use pod open space was one of the open space types used to calculate the district open space being provided. The reported district open space was 662.57 acres or 56.6 percent which exceeds the minimum 0.55 minimum district open space ratio.

12. Have all subsequent modifications to the Celebrate Virginia North Recreational Business Campus Open Space Plan reviewed by Stafford County as part of a Recreational Business Campus zoning actions also identified open space required within "individual development sites" (also referred to as "land use pod open space") to count towards meeting the open space ratio (gross for district) requirement of 0.55?

There has been no further revision to the approved Celebrate Virginia Open Space Plan or approval of a new Open Space Plan.

13. Did the Stafford County subdivision agent, or its designee, review all subsequent site plans for development projects within the Recreational Business Campus district for compliance with the Open Space Plan Documents, any subsequent modifications thereof, or any applicable County open space requirements, including the open space ratios listed in items 2-4 above?

Site plans and subdivision plans are reviewed for compliance with all applicable County Code requirements.

14. Did any development projects within the Recreational Business Campus district approved by the Stafford County subdivision agent, or its designee not meet the requirements of the Open Space Plan Documents, any subsequent modifications thereof, or any applicable County open space requirements, including the open space ratios listed in items 2-4 above?

This constitutes a request for a zoning verification and is not a subject of zoning determination. Please submit a separate application for each plan for which such verification is requested.

15. If a development project within the Recreational Business Campus district was approved by the Stafford County subdivision agent and did not meet the requirements of the Open Space Plan Documents, any subsequent modifications thereof, or any applicable County open space requirements, including the open space ratios listed in items 2-4 above, can the County require other landowners within the Celebrate Virginia North Recreational Business Campus to provide additional open space to offset any deficiency in open space ratio requirements, either on site or gross for district, resulting from the County's failure to require approved development projects to meet minimum open space requirements?

Site plans and subdivision plans are required to be to be approved in accordance with applicable County Codes. Any variation of the minimum open space standards would require granting of a variance from the Board of Zoning Appeals.

16. Have any changes been made to Stafford County's open space requirements since the approval of the Open Space Plan Documents and approved modifications thereof that would result in any limitation of open space within "individual development sites" (also referred to as "land use pod open space") counting towards meeting the Recreational Business Campus open space ratio (gross for district) requirement of 0.55?

Yes, Ordinance O03-03, which was adopted on July 1, 2003 and Ordinance O15-03, which was adopted June 2, 2015.

17. Landowners within the Celebrate Virginia North development have relied in good faith upon the approval of the Open Space Plan Documents as a significant affirmative governmental act prior to acquiring land and agreeing to be subject to Community Development Authority assessments reimburse bondholders for the cost of project infrastructure. If the response to 15 above is yes, are the landowners within the Celebrate Virginia North development vested in the Open Space Plan Documents and approved modifications thereof and therefore not subject to any subsequent changes

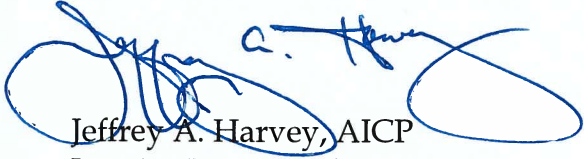
Letter To: Chris Hornung
August 30, 2019
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in Stafford County's open space requirements that would result in any limitation of open space within "individual development sites" (also referred to as "land use pod open space") counting towards meeting the Recreational Business Campus open space ratio (gross for district) requirement of 0.55?

This constitutes a request for a vesting determination and is not subject of a zoning determination. Such will be answered pursuant to a separate application for a vesting determination.

This determination may be appealed to the Board of Zoning Appeals within thirty (30) days from receipt of this letter, in accordance with Sec. 15.2-2311 of the Code of Virginia, or this decision shall be final and un-appealable. You may obtain the BZA appeal application at <https://staffordcountyva.gov/DocumentCenter/View/3700/Appeal-Application>. The fee for such an application is \$616.50.

Sincerely,



Jeffrey A. Harvey, AICP
Interim Zoning Administrator

JAH:dk

Attachment



June 14, 2019

Mr. Jeff Harvey, Planning Director
Susan W. Blackburn, Zoning Administrator
Stafford County Department of Planning & Zoning
P.O Box 339
Stafford, Virginia 22555

RE: Request for Determination
Recreational Business Campus Open Space

Dear Mr. Harvey and Ms. Blackburn,

On behalf of Celebrate Virginia Warehouse & Flex Space I, LLC, Celebrate Virginia Warehouse & Flex Space II, LLC and Celebrate Preservation Holdings, LLC, all landowners within the Celebrate Virginia North development, I am requesting your formal determination on the following:

1. Is the definition of "open space ratio" in the Stafford County Zoning Ordinance as follows?
Open space ratio (OSR). The percentage of the total gross area of a parcel that is open space and not impervious surface.
2. Is the definition of "open space" in the Stafford County Zoning Ordinance as follows?
Undeveloped land or water left in undisturbed, open condition or developed as a landscaped area or buildings, streets or parking lots, used primarily for resource protection or recreational purposes. This includes lands used for normal agricultural activities and left in cultivation.
3. Is the minimum open space ratio (gross for district) in Stafford County's Recreational Business Campus zoning district 0.55?
4. Is the minimum open space ratio (executive housing) in Stafford County's Recreational Business Campus zoning district 0.50?
5. Is the minimum open space ratio (retirement housing) in Stafford County's Recreational Business Campus zoning district 0.25?
6. Is the minimum open space ratio (net on site) in Stafford County's Recreational Business Campus zoning district 0.25?
7. Section 28-39(i)(14) – Performance Standards in RBC districts requires that a "preliminary concept plan identifying land use pods, minor arterial streets, primary travel lanes, open space areas, common areas, pedestrian access, major stormwater management concept plans, etc." Reference is made to the attached memorandum from William C. Shelly, Stafford County Director of Planning, to the Stafford County Planning Commission with the subject *Common Areas, Open Space and Pedestrian Access Plans* –

Celebrate Virginia Project; Silver Companies, Applicant, dated May 2, 2001 (the "Open Space Plan Documents"). Did the Open Space Plan Documents represent the initial common area, pedestrian access, and open space plans for the Celebrate Virginia project as required by Section 28-29(i)(14) of the Zoning Ordinance and was this plan approved by the Stafford County Planning Commission?

8. Did Mr. Shelly's memo to the Planning Commission state the following in regard to how the Celebrate Virginia North Recreational Business Campus district would maintain a total of 55 percent open space?

Individual development sites would be required to maintain a minimum of 25 percent open space in landscaped areas and lawn.

9. Did Mr. Shelly's memo identify the following three types of land uses that would have open space?

...common open space, land use pod open space and golf course open space."

10. Are residential land use pods that have subsequently been developed within the Celebrate Virginia North Recreational Business Campus district included within "individual development sites" as identified in the Open Space Plan Documents?
11. Did the Open Space Plan Documents submitted by the Applicant and approved by the Planning Commission provide for the 25 percent open space required within "individual development sites" (also referred to as "land use pod open space") to count towards meeting the open space ratio (gross for district) requirement of 0.55?
12. Have all subsequent modifications to the Celebrate Virginia North Recreational Business Campus Open Space Plan reviewed by Stafford County as part of a Recreational Business Campus zoning actions also identified open space required within "individual development sites" (also referred to as "land use pod open space") to count towards meeting the open space ratio (gross for district) requirement of 0.55?
13. Did the Stafford County subdivision agent, or its designee, review all subsequent site plans for development projects within the Recreational Business Campus district for compliance with the Open Space Plan Documents, any subsequent modifications thereof, or any applicable County open space requirements, including the open space ratios listed in items 2-4 above?
14. Did any development projects within the Recreational Business Campus district approved by the Stafford County subdivision agent, or its designee not meet the requirements of the Open Space Plan Documents, any subsequent modifications thereof, or any applicable County open space requirements, including the open space ratios listed in items 2-4 above?
15. If a development project within the Recreational Business Campus district was approved by the Stafford County subdivision agent and did not meet the requirements of the Open Space Plan Documents, any subsequent modifications thereof, or any applicable County open space requirements, including the open space ratios listed in items 2-4 above, can the County require other landowners within the Celebrate Virginia North Recreational Business Campus to provide additional open space to offset any deficiency in open space ratio requirements, either on site or gross for district, resulting from the County's failure to require approved development projects to meet minimum open space requirements?
16. Have any changes been made to Stafford County's open space requirements since the approval of the Open Space Plan Documents and approved modifications thereof that would result in any limitation of open space within "individual development sites" (also referred to as "land use pod open space") counting towards meeting the Recreational Business Campus open space ratio (gross for district) requirement of 0.55?
17. Landowners within the Celebrate Virginia North development have relied in good faith upon the approval of the Open Space Plan Documents as a significant affirmative governmental act prior to acquiring land and agreeing to be subject to Community Development Authority assessments to

reimburse bondholders for the cost of project infrastructure. If the response to 15 above is yes, are the landowners within the Celebrate Virginia North development vested in the Open Space Plan Documents and approved modifications thereof and therefore not subject to any subsequent changes in Stafford County's open space requirements that would result in any limitation of open space within "individual development sites" (also referred to as "land use pod open space") counting towards meeting the Recreational Business Campus open space ratio (gross for district) requirement of 0.55?

Thank you for your time and consideration. If you have any questions or would like to discuss this matter, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'CHH', with a stylized flourish at the end.

Chris Hornung, P.E.
Vice President, Operations
Rappahannock Development Group

Cc: Richard Stuart

Attachment

15

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COUNTY ADMINISTRATOR
C. M. WILLIAMS, JR.

May 2, 2001

MEMORANDUM TO: Stafford County Planning Commission

FROM: William C. Shelly *WCS*
Director of Planning

SUBJECT: *Common Areas, Open Space and Pedestrian Access Plans –
Celebrate Virginia Project; Silver Companies, Applicant*

ATTACHMENTS:

1. Common Areas and Pedestrian Access Plan Map and Narrative
2. Open Space Plan Map and Narrative

ISSUE:

Consider Common Areas, Pedestrian Access and Open Space Plans for the Celebrate Virginia project in accordance with Section 28-29 (i) (14) of the Zoning Ordinance.

BACKGROUND:

Section 28-39 (i) (14) of the Zoning Ordinance requires that the Planning Commission approve preliminary concept plans for developments zoned as Recreational Business Campus (RBC). The preliminary concept plans would identify land use pods, minor arterial streets, primary travel lanes, open space areas, common areas, pedestrian access, major stormwater management concept plan and a traffic impact study. No building permits could be issued for the project until the Planning Commission reviews and approves these plans. A Land Use Pod Plan and the location of minor arterial streets was approved by the Planning Commission on October 6, 1999. At the June 6, 2000, meeting, the Planning Commission approved the Major Stormwater Management Concept Plan. The applicant has submitted the Transportation Impact Statement to be considered at the same meeting as the common areas, pedestrian access and open space plans. Once those plans are approved, the applicant can proceed with development of the property.

Memorandum to: Stafford County Planning Commission

Page 2

May 2, 2001

Common Areas and Pedestrian Access Plan:

The plan depicts construction of ten common areas throughout the project and a bicycle and pedestrian trail located along the proposed Celebrate Virginia Parkway. The proposed trail would be eight feet in width. Pedestrian trails would be constructed such that they link common areas and individual office and retail parcels. The pedestrian trail located along Celebrate Virginia Parkway would be constructed with the initial phase of development. Other trails linking common areas and office and retail parcels would be constructed as the project builds out. Three common areas are anticipated to be constructed by the applicant. Those common areas would be oriented to passive recreational uses such as walking trails with benches, tables, and other landscaped features. An interpretive trail connecting historic sites would be located within POD G of the project. Construction of the three common areas would likely occur before the project is 25%, 50% and 75% complete respectively. The other seven common areas would be constructed with individual office uses.

Open Space Plan:

Table 3.1 of the Zoning Ordinance requires that an RBC zoning district maintain a total of 55 percent open space. Individual development sites would be required to maintain a minimum of 25 percent open space in landscaped areas and lawn. The Open Space Plan calls for a total of 662.57 acres or 56.6 percent of the site. The Plan identified three types of land uses that would have open space. They were common open space, land use pod open space and golf course open space. The common open space would generally be areas comprised of floodplains, Critical Resource Protection Areas and steep slopes. Those areas would likely remain undisturbed or used for passive recreation because of environmental constraints and cost prohibitive nature to develop them. The golf course is estimated to be 80 percent open space. This is more than likely a conservative figure. It is unlikely that the golf course would have more than 63 acres of impervious area associated with it. A running tabulation of open space would be required when reviewing all applications for site development plans within the project.

RECOMMENDATION:

The staff recommends that the Planning Commission approve the Common Areas, Pedestrian Access and Open Space Plans for the project. Staff notes that the plans are very general in nature. The project has a 20 to 30 year build-out period. At this point in time in the project development, it would be very difficult to develop detailed plans since all of the proposed buildings and development sites have not been designed within the project.

WCS:JH:ek

Attachments (2)

Celebrate Virginia North

Common Area & Pedestrian Access Plan Narrative

The Recreation Business Campus (RBC) Zoning Ordinance, adopted July 13, 1999, requires Planning Commission approval of a preliminary concept plan depicting common areas and pedestrian access prior to the issuance of any building permits. The RBC Ordinance requires that common areas be constructed throughout the project. It further states, "Common areas shall include amenities such as pedestrian and bicycle trails, picnic tables, benches, fountains, band stands and/or other similar features." The attached plan entitled "Common Area & Pedestrian Access Plan", dated December 15, 2000, was prepared by CMSS Architects for the Celebrate Virginia Project. Celebrate Virginia is a proposed Corporate Office Campus and Golf Resort whose purpose is to provide a campus environment for corporate offices with all the desired amenities to attract corporate offices to Stafford County. Components such as common areas, bike trails, pedestrian friendly access within and between building sites, and open space are critical in attracting office tenants and employees to Celebrate Virginia.

Build out of the Celebrate Virginia Project is expected to take 20-30 years. However, the infrastructure for Celebrate Virginia, consisting of a 6-lane parkway with traffic signals, water and sewer utilities, stormwater management, landscaping, signage, street lighting and pedestrian and bike trails, will be constructed up front, before any sites are occupied with office users. This infrastructure includes the construction of an 8' wide pedestrian and bike trail along the project spine road, as depicted on the attached plan. The trail will serve as the backbone of the pedestrian access throughout the project. As each office parcel is developed, the pedestrian access internal to the office parcel will be designed to connect to the project pedestrian and bike trail and to adjacent common areas and office and retail parcels.

Just as the developer is proposing amenities that will attract corporate office users, office users will construct amenities within office parcels in order to attract and keep employees. Amenities such as benches, picnic tables, fountains, nature viewing platforms, decks, and recreational facilities such as volleyball and horseshoe courts are anticipated within each office site. In addition to the common areas constructed within office parcels, the developer will construct 3 project-oriented common areas as the project develops. The types of project-oriented common areas proposed for the Celebrate Virginia project include: stations along the pedestrian and bike trail with landscaped areas and features such as fountains, picnic tables and benches; landscaped walking trails along water features, fountains within water features, and an interpretive trail connecting existing historical sites within Pod G.

The first project-oriented common area will be constructed upon the development of 25% of the RBC District. The second and third project-oriented common areas will be constructed upon the development of 50% and 75% of the RBC District, respectively. As each of these milestones is reached, the developer will have a better understanding of the dynamics of the project and the location of the office tenants, and will be able to determine the best locations for the common areas. The symbols shown on the plan therefore do not represent the exact location of common areas, but serve as a general guideline for the distribution of these areas throughout the project.

-  OFFICE DISTRICT
-  COMMERCIAL DISTRICT
-  OFFICE/RESORT DISTRICT
-  RESORT DISTRICT
-  COMMON AREA (SEE NOTE BELOW)
-  PEDESTRIAN &
BIKE TRAIL (SEE NOTE BELOW)
-  PEDESTRIAN ACCESS WAYS SHALL BE
DESIGNED TO CONNECT CLUSTERS OF
BUILDINGS TO COMMON AREAS & RETAIL AREAS
WITH EACH LAND USE POD AS INDICATED. (SEE NOTE BELOW)
-  INTERPRATIVE TRAILS SHALL BE CONSTRUCTED
CONNECTING HISTORICAL SITES IN POD G. (SEE NOTE BELOW)

NOTE: THE SYMBOLS SHOWN DO NOT REPRESENT THE EXACT LOCATION, HOWEVER
THIS FEATURE WILL BE PROVIDED IN EACH POD AS SHOWN.



Celebrate Virginia North

Open Space Plan Narrative

The Recreation Business Campus (RBC) Zoning Ordinance, adopted July 13, 1999, requires Planning Commission approval of a preliminary concept plan depicting the project open space areas prior to the issuance of any building permits. The attached plan entitled "Open Space Plan", dated December 15, 2000, was prepared by CMSS Architects for the Celebrate Virginia Project. The Celebrate Virginia RBC District consists of 1170.16 acres. The RBC Ordinance requires that a minimum of 55% of the gross District area be open space (643.59 acres).

The Open Space Plan identifies 3 land use classifications: Open Space, Land Use Pods, and Golf Areas. 273.97 acres of Open Space areas are shown on the plan. Open Space refers to the project preservation areas, including a vegetated buffer along the Rappahannock River, buffers along the existing stream channels and steep slopes within the District, and areas that will be utilized as stormwater management facilities.

535.37 acres of the RBC District has been designated as Land Use Pods. These areas are proposed for development in accordance with the allowed uses in the RBC Ordinance. Obviously, the final configuration of each land use pod cannot be determined at this time, however, each of these areas will be required to maintain a minimum of 25% on-site open space ratio in accordance with the RBC Ordinance. Therefore, a minimum of 25% of the 535.37 acres, or 133.84 acres, will be open space.

318.45 acres of the RBC District has been designated as Golf Area. This area will consist of golf courses, driving ranges, clubhouses, parking lots, and other amenities. The developer has established a minimum open space requirement of 80% (254.76 acres) for the Golf Area.

The total open space provided on the Open Space Plan is 662.57 acres, which exceeds the District requirement of 643.59 acres. The purpose of the Open Space Plan is to serve as a guideline for meeting the overall District open space requirement. Buildout of the Celebrate Virginia Project is expected to take 20-30 years. As the project develops, minor modifications to the location of open space may be necessary. The final open space boundaries will therefore be determined on a site-by-site basis as they are developed.

The RBC Ordinance requires that any future material change in the Open Space Plan will require approval of Planning Commission. A material change is defined as any decrease in the gross amount of open space by more than 10%.

TOTAL RBC DISTRICT AREA = 1170.16 ACRES

TOTAL DISTRICT OPEN SPACE REQUIRED = 643.59 ACRES (56%)
 PROVIDED = 662.57 ACRES (56.6%)

OPEN SPACE  273.97 ACRES

LAND USE POD  535.37 ACRES (MIN. 25% OPEN REQUIRED)
 = 133.84 ACRES

GOLF AREA  318.45 ACRES (80% OPEN)
 = 254.76 ACRES

NOTE: THIS PLAN IS CONCEPTUAL IN NATURE AND THE FINAL
 OPEN SPACE BOUNDARIES WILL BE DETERMINED ON A SITE
 BY SITE BASIS AS THEY ARE DEVELOPED.

