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March 13, 2024

VIA FIRST-CLASS MAIL,
AND E-MAIL: spatrick@comptonduling.com

Sherman Patrick, Esquire
Compton & Duling
12701 Marblestone Drive
Woodbridge, Virginia 22192

Re: PWCC and Sweetspire

Dear Mr. Patrick:

We represent Prince William County Center Owners Association (PWCC), and we have addressed this letter to you in your capacity as counsel for KCG Development.

The purpose of this letter is to inform you and your client about the strong objections held by the Board of Directors regarding your client's development plan known as Sweetspire.

That development plan involves, among three other parcels, Geographic Parcel Identification Number 8193-01-2294. For brevity purposes, we'll refer to that parcel as 2294 or Landbay A of PWCC. It is the largest of the four parcels involved in this matter.

The title of Parcel 2294 is planned for commercial use and is subject to the Declaration of Covenants of PWCC as Landbay A. Section 8.6 of the Declaration states that no owner can rezone, amend the proffers affecting their property, or subdivide their property without the prior written approval of the Board of Directors.

Your client hasn't even asked for approval of the Board of Directors of PWCC for its proposed rezoning, much less obtained it.

Any change in the zoning of Parcel 2294 from commercial to residential will have a drastic and negative impact upon PWCC, financial and otherwise. Furthermore, the residential development plan is much more intense, dense, and wholly inconsistent with the original development plan for PWCC, as expressed in the Special Use Permit and as approved by Prince William County in 2001.

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Due to the high density of the initial development plan, the property had to go through the Special Use Permit process wherein the County staff and leadership undertook a heightened form of review and a careful calibration of the number of commercial and residential uses within PWCC before approving that Special Use Permit. As a condition of the grant, the Special Use Permit established a maximum number of residential units within PWCC at 687.

Your client's proposed development of Sweetspire, if carried out, would cause a violation of that maximum. Per Section 15.4(b) of the Declaration, the members of PWCC are protected against expansion of the number of the residential units within PWCC by more than 10%. If any such plan is proposed, the entire membership of PWCC must vote to approve it by a vote of approval of at least 67%.

The outcome of any such vote would be problematic because the Board of Directors has already received multiple concerns from existing members of PWCC about how the residential use proposed by your client will be far more intensive than a commercial use, and, therefore, it will cause PWCC to incur more costs and lose multiple quality of life factors.

Those concerns of the Board and membership are about more residential density (in an already dense community, as reflected by the need for a Special Use Permit), more vehicles on its private streets, more trash, more pressures about parking, more common area usage and deterioration, more dogs/usage of their dog waste stations, more stormwater, and more work for their porter service.

While the Board is concerned about all these issues, it is particularly concerned about the parking issue because it is the understanding of the Board that KCG needs an "overflow parking plan" to comply with the requirements regarding the number of parking spaces. KCG is reportedly working on an overflow parking plan with the commercial owner of Landbay B for the use of 15-20 parking spaces dedicated to Sweetspire. Under Section 7.6 of the Declaration, transactions of this type cannot be consummated without the prior approval of the Board of Directors. Again, your client hasn't even asked for this approval from the Board of Directors of PWCC, much less obtained it.

Residents have expressed worries to the Board of Directors about all the congestion that would follow from such an intense new development and how the local schools in the area will be negatively impacted by the onslaught of new students.

The proposed proximity of a three-story apartment building towering over the existing homes on Cavallo Way and Half Moon Court will also create a jarring architectural incompatibility for those owners, as well as a complete loss of privacy due to the inadequate buffers proposed by your client's plan.

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With respect to the other three parcels subject to the proposed rezoning, these parcels were declared as “additional land” for submission to the Declaration of PWCC. They have not yet been so submitted. Since your client intends to develop these parcels as an integrated whole, it’s unclear whether your client intends to request an annexation of these parcels to the terms of the Declaration. If so, an annexation constitutes a material amendment which requires prior notice to the entire ownership and approval, in writing, by owners entitled to cast at least 67% of the total number of votes. This issue has yet to be addressed, much less resolved, by you and your client, and yet is it a necessary and fundamental issue for this transaction. For example, the road serving the parcels your client wishes to develop is private and is not eligible for acceptance into the state street system. All responsibility for maintenance of the road that the tenants of your client would use, including snow removal, is the responsibility of PWCC.

It is primarily for these reasons that the Board of Directors objects to your client’s developmental plan and its intent to rezone property within PWCC.

I welcome your response to these concerns.

Sincerely,

REES BROOME, PC

By:



Juan R. Cardenas

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