

PROFFER AMENDMENT STATEMENT

Wawa at Port Aquia
Stafford, Virginia

County: County of Stafford, Virginia

Applicant/Owner: Port Aquia, LLC (Owner of Parcel 21U-1-1) (“Applicant”)

Owner: Port Aquia North, LLC (Owner of Parcel 21U-1-2)

File No. RC19 (formerly RC)

Property: Tax Map Parcels 21U-1-1 & 21U-1-2, consisting of 8.7042 acres, more or less (collectively the “Property”)

Proffer Statement

Date: January 8, 2020

Zoned: B-2 (Urban Commercial)

RECITALS

WHEREAS, on or about April 21, 1992, the Stafford County Board of Supervisors did approve the Owner’s original rezoning request pursuant to Ordinance 092-34(R); and

WHEREAS, Applicant desires to amend the current proffered conditions under Ordinance 092-34(R) to allow the development of a convenience center with vehicle fuel sales, all in accordance with the below proffer amendment statement, conditional use permit application CUP , and referenced generalized development plan as may be applicable; and

WHEREAS, it is the purpose of this proffer amendment statement to provide the following amended proffers:

1. General Application & Effect. Subject to the terms herein, the purpose of this proffer amendment statement is to amend the prior approved proffers under Ordinance 092-34(R) as provided in this statement and for no other purposes. This proffer amendment statement will replace and supersede all prior proffers affecting the Property including previously approved conditions under Ordinance 092-34(R), and in this regard the proffers approved under Ordinance 092-34(R) will thereby be void, unenforceable and of no further legal effect upon the Stafford County Board of Supervisor’s (“County”) final approval of this proffer amendment statement and underlying application. Notwithstanding anything to the contrary is this proffer statement, several of the following proffers, which derive from Ordinance 092-34(R), may have been previously satisfied and remain applicable herein

only for purposes of ensuring consistency and clarity with said prior proffer statement, except as otherwise amended hereunder.

2. Generalized Development Plan. Tax Map Parcel 21U-1-1 (Tax Map Parcel 21U-1-2 is not being developed at this time) will be developed in accordance with the Generalized Development Plan (“GDP”) submitted with this proffer amendment application entitled “Wawa at Port Aquia,” prepared by Fairbanks & Franklin, dated November 7, 2019, as last revised November 14, 2019. The County and the Applicant further agree that all parcel lines, parcel sizes, building envelopes, building sizes, public road locations, private driveway, parking areas, and travel way locations, utility locations, storm water management facilities, and dimensions of undeveloped areas shown on the GDP may be amended or adjusted by the Applicant to fulfill requirements of final engineering and design and/or compliance with state agency regulations including, but not limited to, VDOT, DEQ, etc., and compliance with the requirements of the County’s development regulations and design standards manual. Changes consistent with the original intent of the GDP (the original intent of the GDP providing only for the general development of the Tax Map Parcel 21U-1-1) will be permitted. Where it is necessary to determine if changes are consistent with the original intent of the GDP, the same will be referred to the County Zoning Administrator for determination thereof. Notwithstanding all of the foregoing, all final site and construction plans approved by the county subsequent to the approval of the GDP shall supersede and govern the development of Tax Map Parcel 21U-1-1 for purposes of this Section 2.

The following proffers apply to the ~~Commercial portion (approximately 9.75 acres) of the parcel~~ Property:

- ~~1. LAND USE. The uses permitted on the property shall be those by right uses in the B-2, General Commercial, zoning district with the exception of:~~

Light Warehousing	Nursery/Greenhouse
Broadcast Stations	Lumber & Building Supply
Plumbing/Electrical Supply	Machinery Sales & Service
Auto Sales & Service	Dance Halls
Travel Trailer Parks	Wholesaling
Commercial Kennels	

SITE CONFIGURATION.

- ~~The applicant~~ Applicant shall hereby dedicate for public use 80 feet from the centerline along US-~~4~~ 1 ~~for future widening of the road~~, all as shown on the ~~adopted Stafford County Transportation Plan. Transfer of~~ GDP. The aforesaid dedication shall be transferred via fee simple title, free and clear of any liens or encumbrances and shall be made to the appropriate government agencies ~~within one hundred twenty (120) days of reclassification,~~ prior to or upon final site plan approval for the development of Tax Map Parcel 21U-1-1.

2. The ~~site~~overall development of the Property shall be limited to no more than two (2) free standing pad sites. Pad sites consist of structures within the proposed development that are in proximity to but not adjoined to the primary commercial structure.
- ~~3.—All pad sites shall utilize internal traffic flow systems in accordance with the Stafford County Guidelines for Development, dated July 13, 1989.~~
- ~~4.—There shall be no curb cuts permitted for any drive through establishments on any state maintained roadway.~~
- ~~5.—No slopes over twenty five percent (25%) shall be disturbed.~~
3. ~~6.—~~Any portion of the ~~subject property~~Property located within the one hundred year floodplain will be left in a natural and undisturbed state to the extent most practical.
- ~~7.—Acceleration, deceleration and left turn lanes shall be provided at major entrances in accordance with the Stafford County Guidelines for Development, dated July 13, 1989.~~

BUFFERING.

- ~~1.—A Class C Bufferyard shall be provided to any adjacent residential uses in accordance with the Stafford County Guidelines for Development, dated July 13, 1989.~~
- ~~2.—A Class C street buffer shall be installed along the frontage of US-1.~~
1. ~~3.—~~The maintenance of all vegetation, berms or fencing of buffer areas located on the Property shall be the responsibility of the ~~property owners, heirs or~~Applicant or its assigns.
2. ~~4.—~~Where filling and grading occur within a buffer area causing natural vegetation to be disturbed, the ~~owner~~Applicant shall provide supplemental plantings as determined by the ~~Zoning Administrator~~Planning Department.

AESTHETICS/ARCHITECTURE.

- ~~1.—The entire project shall be architecturally compatible with the established Stafford County Guidelines for Development, dated July 13, 1989.~~
1. ~~2.—~~All mechanical systems, including those located on rooftops, shall be screened from view at the ~~property~~Property line.
2. ~~3.—~~All dumpster pad sites on Tax Map Parcel 21U-1-1 shall be located in the area(s) depicted on the GDP and screened ~~by solid wood, board on board fencing or brick walls six feet (6') to seven feet (7') in height with a gate and located as unobtrusively as reasonably possible.~~as shown on the renderings prepared by Cuhaci & Peterson, titled "Wawa W50 FB M VA v.2019.01 – Store 8679," and dated November 11, 2019, submitted with this proffer amendment application.
- ~~4.—Not less than seven percent (7%) of the parking areas shall be devoted to landscaping.~~

~~5. Any landscaping located near commercial entrances onto state-maintained roads shall not exceed two feet (2') in height to prevent obstruction of sight distance.~~

~~LIGHTING.~~

~~1. Lighting necessary for the purposes of security for the building and construction equipment during construction periods shall be of such a nature that, it will not adversely affect the health, safety and welfare of the occupants and their families residing in the nearby dwelling units.~~

~~2. All lighting to serve parking areas and travelways on the property shall be directed downward and inward away from adjacent uses and public roads not to exceed twenty feet (20') in height.~~

SIGNAGE.

~~1. The site shall be limited to one free standing general advertisement sign and applicable facade signs.~~

~~1.~~ ~~2.~~ All free-standing signs shall be monument style business signs, constructed of brick, wood or similar materials compatible with the development of the ~~site~~Property.

~~2.~~ ~~3.~~ Facade signs utilized on store fronts shall be of coordinated color, size, materials and design.

~~UTILITIES.~~

~~1. All structures shall be served by public water and sewer.~~

OPEN BURNING.

~~1.~~ ~~1.~~ Any burning of debris waste on-site shall be conducted in an open pit incinerator (not to exclude trench burners, air curtain and over draft incinerators). Open burning shall not be conducted within five hundred feet (500') from any occupied building. Burning operations shall be limited to daylight hours of weekdays, to exclude weekends and holidays.

STORMWATER MANAGEMENT.

~~1.~~ ~~1.~~ All stormwater management shall be designed and constructed in accordance with Best Management Practices criteria. Such facilities shall be maintained by the ~~property owner~~Applicant or assigns.

[AUTHORIZED SIGNATURES TO FOLLOW]

APPLICANT ACKNOWLEDGMENT & CONSENT

Port Aquia, LLC

a Virginia limited liability company

By: _____
Chastain W. Collins, Manager

STATE OF VIRGINIA,
CITY/COUNTY OF _____, to wit:

The foregoing instrument was acknowledged on this the _____ day of _____, 20____,
by Chastain W. Collins, Manager of Port Aquia, LLC, a Virginia limited liability company, on
behalf of the company.

Notary Public

My Commission Expires: _____
Registration No.: _____
[Seal]

OWNER ACKNOWLEDGMENT & CONSENT

Port Aquia North, LLC
a Virginia limited liability company

By: _____
Chastain W. Collins, Manager

STATE OF VIRGINIA,
CITY/COUNTY OF _____, to wit:

The foregoing instrument was acknowledged on this the _____ day of _____, 20____,
by Chastain W. Collins, Manager of Port Aquia North, LLC, a Virginia limited liability company,
on behalf of the company.

Notary Public

My Commission Expires: _____
Registration No.: _____
[Seal]

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Style change	
Format change	
Moved deletion	
Inserted cell	
Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

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