

PROFFER AMENDMENT STATEMENT

Wawa Tech Parkway
Stafford, Virginia

County: County of Stafford, Virginia

Applicant: Net Lease Development (Parcel 19U-5)

Applicant/Owner: Route 610 Investments, LLC (Parcel 19-57B)

**Applicant and Applicant/Owner are collectively referred to as “Applicant”

Owner: Union Bank & Trust (Parcel 19U-5) (“Owner”)

File No. RC19_____ (formerly RC2700545)

Property: Tax Map Parcels.: 19U-5 & 19-57B, consisting of 6.05 acres, more or less (collectively the “Property”)

Proffer Amendment Date: May 14, 2019

Zoned: B-2 (Urban Commercial)

RECITALS

WHEREAS, on or about February 19, 2008, the Stafford County Board of Supervisors did approve the Owner’s original rezoning request pursuant to Ordinance O08-22; and

WHEREAS, Applicant desires to amend the current proffered conditions under Ordinance O08-22 to allow the development of a convenience center with fuel station, all in accordance with the below proffer amendment statement and referenced generalized development plan; 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 amended proffers under Ordinance O08-22 as provided in this statement and for no other purposes. This proffer amendment statement will replace and supersede all prior proffers approved under Ordinance O08-22, and the proffers under Ordinance O08-22 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. The County and the Applicant agree that the amended proffers provided herein are the only proffered

conditions offered in this proffer amendment application, and any prior proffers in which the Property may be subject to or previously offered are hereby superseded by these proffers. Notwithstanding anything to the contrary is this proffer statement, several of the following proffers, which derive from the initial rezoning approval, may have been previously satisfied and remain applicable herein only for purposes of ensuring consistency and clarity with said prior proffer statements, except as otherwise amended hereunder.

2. Generalized Development Plan. The Property will be developed in accordance with the Generalized Development Plan (“GDP”) submitted with this proffer amendment application entitled “Generalized Development Plan for Wawa Tech Parkway”, prepared by Bohler Engineering, dated April 18, 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 Property) 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 the Property for purposes of this Section 2.
3. No buildings shall be located closer than 40 feet to any property zoned A-1.
4. The commercial retail and office portion developed on the Property shall be limited to no more than 60,000 gross square feet of total building floor area.
5. There shall be no commercial apartments developed on the Property.
6. All buildings developed on the Property shall be limited to three (3) stories above ground on the front elevation of any building and four (4) stories above ground on the rear elevation of any building.
7. All buildings shall be constructed of brick or split block, stones or masonry construction (natural or manufactured), hardiplank, or eifs. Any office buildings developed on the Property will be consistent in style and material to the existing office building located on T.M. 19U-4.
8. The Applicant for Parcel 19-57B agrees to obtain a demolition permit for existing buildings on Parcel 19-57B within one hundred eighty (180) days of the non-appealable

approval of this proffer amendment and remove said building as provided in the approved demolition permit.

9. The Applicant for Parcel 19U-5 agrees to construct a 5 foot sidewalk along Garrisonville Road. Additionally, the Applicant for Parcel 19U-5 agrees to construct a 5 foot sidewalk between the two existing CG-12s in the right turn lane island.
10. The Applicant for Parcel 19U-5 agrees to allow inter parcel connection in favor of Tax Parcel 19-57 in the approximate location shown on the GDP.
11. Use: The referenced Property will be developed for those uses shown on the GDP, which, when complete, will include the following: (i) for purposes of Parcel 19U-5, a convenience center with fuel station; and (ii) for purposes of Parcel 19-57B, an office and/or commercial retail building.
12. Entrance Improvements. Prior to the issuance of the certificate of occupancy for Parcel 19U-5, the Applicant for Parcel 19U-5 will complete the following improvements, which will be subject to VDOT and/or Stafford County approval as may be applicable:
 - (a) Garrisonville Road at Right-in Only Site Driveway:
 - i. Extend the existing westbound right-turn lane on Garrisonville Road to provide 100 feet of additional storage as shown on the GDP; and
 - ii. Construct onsite driveway with one ingress lane as shown on the GDP.
 - (b) Tech Parkway at Full-movement Site Driveway:
 - i. Construct site driveway with one ingress lane and one egress lane as shown on the GDP.

[AUTHORIZED SIGNATURES TO FOLLOW]

APPLICANT ACKNOWLEDGMENT & CONSENT

Net Lease Development, LLC
a Texas limited liability company

By: _____
Benito J. Hidalgo, Sole Member

STATE/Commonwealth of _____,
CITY/COUNTY OF _____, to wit:

The foregoing instrument was acknowledged on this the ____ day of _____,
2019, by Benito J. Hidalgo as Sole Member of Net Lease Development, LLC, a Texas limited
liability company, on behalf of the company.

Notary Public

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

APPLICANT/OWNER ACKNOWLEDGMENT & CONSENT

Route 610 Investments, LLC
a Virginia limited liability company

By: **NSCBT DEVELOPMENT, INC.**,
a Virginia corporation, its Sole Member

By: _____
Thomas J. Wack, President

STATE/Commonwealth of _____,
CITY/COUNTY OF _____, to wit:

The foregoing instrument was acknowledged on this the ____ day of _____,
2019, by Thomas J. Wack, as President of NSCBT DEVELOPMENT, INC., a Virginia
corporation, Sole Member of Route 610 Investments, LLC, a Virginia limited liability company,
on behalf of the company.

Notary Public

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

OWNER ACKNOWLEDGMENT & CONSENT

Union Bank & Trust,
a Virginia corporation

By: _____
Print Name: _____
Title: _____

STATE/Commonwealth of _____,
CITY/COUNTY OF _____, to wit:

The foregoing instrument was acknowledged on this the ____ day of _____,
2019, by _____ as _____ of Union Bank & Trust, a Virginia
corporation, on behalf of the company.

Notary Public

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