

Assessor's Parcels ~~20-130~~20AC-1-1 through 20AC-1-13  
~~13, 2016 January 27~~February 11, 2020

—————~~July~~

The Garrison at Stafford (f/k/a Stafford Village Center)  
Route 606 – Reston, LLC, Applicant

### **PROPOSED PROFFERS**

Route 606 – Reston, LLC (“the Applicant”) is the owner of Assessor’s Parcel 20AC-1-1 through 20AC-1-13 ~~20-130~~ (the “Property”). The Property was re-zoned to the P-TND Zoning District pursuant to Ordinance O15-27 adopted by the Stafford County Board of Supervisors (the “Board”) at its October 20, 2015 meeting. The Board approved such rezoning with the Proposed Proffers, originally dated October 12, 2015 and last amended on August 16, 2016 pursuant to Ordinance O16-35 (the “Proffers”). The Applicant hereby applies for this minor proffer amendment (“Amendment”) to modify the Proffers. In the event this Amendment is not approved as applied for by the Applicant, the below-described proffer amendments shall be withdrawn and are automatically be null and void and of no further force and effect. The conditions shall be deemed accepted by the Board upon approval of this Amendment. The proposed proffer amendments are as set forth below.

#### **I. Type, Style, and Density of Development.**

**A. Proffered Development.** The Applicant shall develop this Property using transect zones T-1, T-5, T-6, and SD-C, and the density, primary road, civic uses, primary commercial frontage, and vista termination shall be located and designed in substantial accord with the Regulating Plan (“RP”) dated September 29, 2015, prepared by Urban, Ltd., and the Generalized Development Plan (the “Original GDP”) dated October 13, 2015, prepared by Urban, Ltd. and/or the Generalized Development Plan – Optional Layout I, dated May 15, 2016, prepared by Urban, Ltd. (“Option 1 GDP” and together with the Original GDP, the “GDP”), except the Applicant

shall have reasonable flexibility to modify the layouts shown on the GDP (including adjustments to the location, number, and footprint of buildings and permitted building areas) as necessary to accommodate final engineering and development ordinance requirements provided such changes (1) are in general conformance with the approved GDP and proffers; (2) do not increase the overall permitted square footage or the permitted square footage of any specific category or use; (3) do not increase the maximum number of residential units; (4) do not decrease the minimum amount of open space or setbacks required to be provided on the Property; and (5) allow the construction of an additional entrance pursuant to Proffer II.B.6. The Original GDP and Option 1 GDP are distinct development plans, except that the Applicant may incorporate into the Original GDP the layout of Buildings 1, 2, and/or 3 as shown on the Option 1 GDP. The Applicant may also incorporate into Option 1 GDP the use of a Vehicle Fuel Sales facility on the Property pursuant to the Conditional Use Permit approved by the County's Board of Supervisors at its meeting on October 15, 2015 (CUP15150542).

**B. Amount of Development.** The Property shall be developed to include a mix of residential and non-residential uses (a combination of commercial retail and office uses). No more than 453 multi-family units and 500,000 square feet of non-residential uses (a combination of commercial retail and office uses) shall be developed on the Property. Of the 453 residential units, not less than ~~100~~136 units shall be constructed above first-floor commercial space; they need not be the first residential units constructed and they may be the last.

**C. Phasing of Development.** Except with respect to the aforesaid ~~100~~136 units to be constructed above first-floor commercial space, no occupancy permit for residential units on the Property shall be issued until construction has been completed on 200,000 square feet of non-residential buildings on the Property, and no occupancy permit for more than 260 residential

units on the Property shall be issued until construction has been completed on an additional 100,000 square feet (i.e. a total of 300,000 square feet) of non-residential buildings on the Property. See the Residential Phasing Chart attached hereto and made a part of these Proffers.

**D. Number of Bedrooms.** The Applicant shall construct no more than 227 two and three bedroom dwelling units on the Property; and, of those 227 dwelling units, not more than 45 dwelling units may be three bedroom units; and, all of the aforesaid 227 units may be constructed as two bedroom units. Any number of the 453 dwelling units may be constructed as any combination of studio or one bedroom dwelling units. The Applicant shall not construct any residential dwelling unit on the Property that has four or more bedrooms.

**II. Transportation.**

**A. Access.** The Property shall be served by one full signalized entrance on Garrisonville Road, one full, non-signalized entrance on Highpointe Boulevard, and two right-in/right-out non-signalized entrances on Garrisonville Road, as shown on the RP.

**B. Road Improvements.** The Applicant shall construct the following transportation improvements to serve the Property:

**1. Main Site Entrance on Garrisonville Road “MSE/GR” at its intersection with Travis Lane:**

**(a) Turn Lanes.** The Applicant shall construct one (1) eastbound right-turn lane at the Property’s entrance that will extend continuously to serve as one (1) eastbound right-turn lane into the easternmost entrance on Garrisonville Road, as described at Proffer II.B.3 below; two (2) westbound left-turn lanes into the Property’s entrance; and one (1) westbound right-turn lane onto Travis Lane in accordance with County and VDOT standards. Said improvements shall be constructed before the issuance of the first occupancy permit for the Property.

**(b) Traffic Signalization.** The Applicant will install a traffic signal at the MSE/GR, when warranted by VDOT but not earlier than completion of the road improvements described in II.B.1(a). Except as otherwise specified herein, such work will be completed in accordance with all VDOT and Stafford County design standards.

**2. Western Right-in/Right-Out Entrance on Garrisonville Road.** The Applicant shall construct one (1) eastbound right-in/right-out turn lane into the Property's main site entrance in accordance with County and VDOT standards. Said improvement shall be constructed no later than the issuance of the first occupancy permit for the Property.

**3. Eastern Right-in/Right-Out Entrance on Garrisonville Road.** The Applicant shall construct one (1) eastbound continuous right-in turn lane extending from the main site entrance to the Property's eastern right-in/right-out entrance in accordance with County and VDOT standards. Said improvement shall be constructed no later than the issuance of the first occupancy permit for the Property. If permitted by VDOT, the lane to be constructed by the Applicant pursuant to II.B.2 and this II.B.3 shall be one continuous lane along Garrisonville Road extending from the western right-in entrance, through the main site entrance, to the eastern right-out exit.

**4. Intersection of Garrisonville Road/Onville Road.** Upon VDOT's request, the Applicant shall have the one-time obligation to optimize the signal phasings/timings for the existing traffic signal at the intersection of Garrisonville Road and Onville Road; provided however, the Applicant shall not be required to undertake such signal optimization until after the improvements identified for the MSE/GR at II.B.1 are completed.

**5. Intentionally omitted.**

**6. Connection to Highpointe Boulevard.** Except as otherwise set forth below in Proffer II.B.6 and Proffer II.B.7 below, the Applicant shall connect the road serving the rear of the Property to Highpointe Boulevard (the “Highpointe Connection”) before the issuance of the occupancy permit for more than 400,000 square feet of non-residential development on the Property. Notwithstanding the foregoing, if the Applicant determines that all required right-of-way has been obtained in order to construct the Highpointe Connection, then the Applicant shall make such connection before the issuance of the occupancy permit for more than 300,000 square feet of non-residential development on the Property. Each roadway extending from Garrisonville Road through the Property to the Highpointe Connection shall be constructed and maintained as a private road.

**7. Right-of-Way for Highpointe Connection; Alternate Access.** At any time after the Applicant determines that right-of-way must be acquired to make the Highpointe Connection, the Applicant shall diligently pursue the purchase of such right-of-way. The Applicant shall be responsible for the payment of the acquisition of the Highpointe Connection right-of-way except for any portion of the right-of-way dedicated to the County or to VDOT by the applicable landowner, and except for any portion of the right-of-way reserved for the County’s, or VDOT’s, use. If after using commercially reasonable efforts to acquire the right-of-way to construct the Highpointe Connection, the Applicant is unable to acquire such right-of-way, the Applicant shall request the County and/or VDOT to acquire the right-of-way by means of its condemnation powers. Such request shall be accompanied by the following: (a) the names of the record owners, the property addresses, tax map parcel numbers for each landowner from who such right-of-way is sought, (b) plats and plans showing the necessary right-of-way to be acquired and showing the details of the proposed transportation improvements to be located on each such

property, (c) a 60-year title search of each involved property, and (d) documentation demonstrating that the Applicant has taken commercially reasonable efforts to acquire the right-of-way.

If the necessary right-of-way to make the Highpointe Connection is not obtained within twelve (12) months after the Applicant provides the preceding information, then the Applicant shall have the right to provide an alternative entrance into the Property from either the eastern property line, or the western line through abutting parcels in lieu of the Highpointe Connection (and the completion of such entrance shall be deemed to have satisfied the condition necessary for the Applicant to obtain occupancy permits for more than 400,000 square feet of non-residential development on the Property).

**C. Intentionally omitted.**

**D. Right-of-Way Dedication.** The Applicant shall dedicate right-of-way along the Property's frontage on Garrisonville Road that is required to construct the Applicant's road improvements in Proffers II.B.1 through II.B.3 above. Such dedication shall occur after the issuance of all required governmental approvals related to the work for such road improvements and before any such work is commenced.

**E. Transit Stop.** The Applicant shall design and construct a location for a pull-off area sufficient to allow local bus service on the Property, with bench seating, if and when requested to do so by Stafford County and or the operator of the regional bus service, provided that such request is made no later than the issuance of the occupancy permit for more than 400,000 square feet of non-residential uses.

**F. Construction of Off-Site Sidewalk.** The Applicant shall design and construct a sidewalk that extends from the area of the Property abutting Highpointe Boulevard to a point

within the developed portion of the Property to connect to the sidewalk located on one side of Highpointe Boulevard, before the issuance of the occupancy permit for more than 400,000 square feet of non-residential development on the Property. The sidewalk shall be constructed in a location determined by the Applicant, and the width of the sidewalk shall be constructed in accordance with VDOT standards. In addition, the Applicant shall design and construct an extension of such sidewalk that connects to the existing sidewalk on Highpointe Boulevard if the neighboring property owners, VDOT, or Stafford County provide the right-of-way necessary for such work at no cost to the Applicant. If and when constructed, the offsite portion of the sidewalk shall be constructed to have the same width as the existing sidewalk on Highpointe Boulevard. Except as a one-year building's warranty, the Applicant will not be required to maintain the off-site portion of the sidewalk after the Applicant completes the sidewalk in conformance with County approved plans.

**G. Relocation of County Pond.** The Applicant acknowledges that as part of the County's "Garrisonville Road Widening Project" the County plans to construct a stormwater retention pond and related stormwater utility improvements on the northwest corner of the Property (collectively, the "County Pond"). If the County Pond is constructed on the Property, the Applicant reserves the right to relocate the County Pond to any other location on the Property as the Applicant deems appropriate. The relocated County Pond: (i) shall have the capacity to satisfy the requirements of the Applicant's development project and the County Pond; and, (ii) may be in any form that complies with applicable law, including, without limitation, a replacement pond, underground stormwater chambers or any combination thereof. At any time after the relocated County Pond is completed and accepted by the County for operation, the Applicant shall grant the County an easement to allow the transfer of water to, and the storage of

water in, the relocated County Pond. Maintenance of the relocated County Pond shall be governed by the Stormwater Management Agreement with the County and shall otherwise comply with all legal requirements.

**III. Building Height.** No building located on the Property shall exceed five (5) floors or sixty (60) feet in height, as measured at the midpoint of the northernmost side of such building. . The first floor shall not include basements, lower levels, or underground parking garages.

**IV. Design Standards.** In order to provide for a harmonious, compatible and appealing design of the overall development, the primary exterior material for all buildings (except for doors, windows, and ornamentation), streetscapes, signage, and landscaping shall be designed in accordance with the Neighborhood Design Standards dated June 8, 2015.

**V. Utilities.**

**A. Public Utilities.** The Property shall be served by public water and sewer.

**B. Water and Sewer Distribution Systems Studies.** The Applicant shall fund and provide one (1) water and one (1) sewer distribution systems study of the waterlines and sewer proposed for the project. The purpose of the studies is to identify the utility improvements needed to achieve domestic water service, fire flow and sewer goals based on the County's Water and Sewer Master Plan, including the size of the improvements and the date when the improvements must be constructed.

**C. Utility Improvements.** The funding of construction of the utility improvements necessary to serve the Property shall be borne by the Applicant, except that the Applicant shall not be responsible for the funding of any upgrade to the existing sanitary sewer trunk (located on the Property and on the parcel immediately to the west of the Property) serving the Property. To the extent the Applicant funds the construction of any applicable utility improvement, the



Applicant shall be entitled to receive pro-rata credits and reimbursements for any utility improvement contained within the County's Water and Sewer Master Plan, or any improvement that is oversized or provides capacity that exceeds what is needed to serve the Property.

**VI. Environmental Protection.** The Applicant shall utilize two-tiered erosion control fences during all construction and/or site preparation work near slopes equal to or greater than twenty-five percent (25%) that adjoin Critical Resource Protection Area.

**VII. High-Rise Construction Standards.** The Applicant shall design and construct all buildings that have more than five floors (as measured from the slab of the first floor) to the standards of high-rise structures provided in the Virginia Construction Code.

**VIII. Supplemental Buffer on Eastern Property Line.** Where the development on the Property utilizes less than a 50 foot buffer along that portion of the eastern boundary line of the Property bordering the residential subdivision (not the commercial use), and after soliciting the advice of abutting residents, the Applicant shall install any one or more of fence(s), screening, berms, or landscaping within such buffer. Where the development on the Property utilizes a buffer of 50 feet or more along the same portion of the boundary line, the Applicant shall install any one or more of fence(s), screening, berms, or landscaping in the buffer areas where mature trees have been removed.

**IX. Use Standards.** The following uses shall not be permitted on the Property:

- A. Any use which emits an obnoxious odor which can be smelled outside.
- B. An operation primarily used as a storage warehouse operation and any assembling, manufacturing, distilling, refining, smelting, agricultural or mining operation.

C. Any mobile home park, trailer court, labor camp, junkyard, or stockyard provided, however, this prohibition shall not be applicable to the temporary use of construction trailers during periods of construction, reconstruction or maintenance.

D. Any dumping, disposing, incineration or reduction of garbage provided however, this prohibition shall not be applicable to dumpsters and garbage compactors located near the rear of the buildings on the Property.

E. Any fire sale or bankruptcy sale (unless pursuant to a court order).

F. Any mortuary or funeral home.

G. Any establishment selling or exhibiting pornographic materials or which sells illegal drug-related paraphernalia or which exhibits either live or by other means to any degree nude dancers.

X. **Disclosure to Purchasers of Residential Units.** The Applicant shall provide written notice to all buyers and lessees of residential units of the presence and resultant potential noise from the Quantico Military Base.

XI. **Garrisonville Road Special Service District.** The Applicant shall agree that each parcel within the Property containing a commercial retail building shall be added and taxed in the Garrisonville Special Service District at the time that the first occupancy permit is issued for non-residential development on the relevant parcel. Any such tax shall be based solely on non-residential buildings, and not on any residential building, located on each such relevant parcel.

XII. **Cash Contribution.** The Applicant shall pay a cash proffer of \$6,000 per residential dwelling unit at the time of issuance of the occupancy permit for each unit. The per unit payment shall be payable to the Board of Supervisors for school purposes.

**RESIDENTIAL PHASING CHART**

Number of stand-alone* residential units that can be <u>built</u>	Number of stand-alone* residential units that can be <u>occupied</u>	Commercial Square Footage
0	0	<200,000
<del>100136</del> <u>353317</u>	260	200,000 – 299,000
<u>353317</u>	<u>353317</u>	300,000+

\*An additional ~~100136~~ residential units (required over commercial) can be built and occupied at any time.

Route 606-Reston LLC

By: \_\_\_\_\_  
Geoffrey W. Pence, Manager

COMMONWEALTH/STATE OF \_\_\_\_\_  
CITY/COUNTY OF \_\_\_\_\_, to-wit:

I, the undersigned, a Notary Public in and for the County and State aforesaid, do hereby certify that Geoffrey W. Pence, in his capacity as Manager of Route 606 - Reston LLC has signed the foregoing document, and has personally acknowledged the same before me in my aforesaid jurisdiction for the corporation.

GIVEN under my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, ~~2016~~2021.

\_\_\_\_\_  
Notary

My Commission Expires: