

**PROPOSED PROFFER AMENDMENT**

Little Falls Run, L.C. ("the Applicant") is the owner of Assessor's Parcel 45-165 (the "Property"). The Property was re-zoned with proffers to B-2, Urban Commercial and R-1, Suburban Residential pursuant to Ordinance O04-16 adopted by the Stafford County Board of Supervisors (the "Board") at its September 7, 2004 meeting. ~~The Board approved such rezoning with the Proposed Proffers, dated (the "Proffers").~~ The Applicant hereby applies for this proffer amendment ("Amendment") to modify the portion of the Proffers applicable to the commercial area. 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event this Amendment is not approved as applied for by the Applicant, the below-described proffer amendments shall be withdrawn and are automatically be null and void and of no further force and effect.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.

~~The Applicant will provide for turn, acceleration and deceleration lanes at entrance to subdivision as shown on the Generalized Development Plan ("GDP") dated October 17, 2003, as revised July 30, 2004, prepared by H. Aubrey Hawkins Associates, Ltd. The entrance on Cambridge Street (US-1) shall be limited to a right in/right out movement. The Applicant further agrees to complete full intersection improvements at Cambridge Street (US-1) and Truslow Road, including, signalization if VDOT warrants are met. If VDOT does not approve or authorize the referenced intersection and/or installation of a signal at Cambridge Street (US-1) and Truslow Road, the Applicant shall pay to the County the cost of such signal, which funds may be utilized by the County for any transportation related purpose.~~

~~2. The Applicant shall construct the spine road through the subdivision in the approximate location and configuration shown on the GDP.~~

~~3. The Applicant shall dedicate and convey to the Virginia Department of Transportation (VDOT) the property necessary for turn lanes into the property.~~

~~4. The Applicant shall dedicate and convey to VDOT up to forty feet (40') of right-of-way for the widening of Cambridge Street (US-1), if required.~~

~~5. The Applicant shall dedicate and convey to VDOT up to twenty feet (20') of right-of-way for the widening of Truslow Road, if required.~~

~~6. The residential portion of the property will be developed as a Cluster subdivision.~~

7.1. **Open Space.** The Applicant shall provide and maintain the open space and landscaping shown in general conformance with the Generalized Development Plan (GDP) prepared by Bowman Consulting Group, Ltd. dated March 21, 2018 in order to provide an attractive appearance for the Property and provide an attractive buffer for the adjoining residential community.

2. **Buffer Strip for Cambridge Street (US-1).** The Applicant shall provide and maintain a buffer strip ~~fifty twenty-five~~ feet (250') in width ~~consisting of the currently existing vegetation~~ as shown on the GDP along Cambridge Street (US-1).

3. **Buffer Strip for Drew Middle School.** The Applicant shall ~~maintain~~ provide and maintain a buffer strip ~~fifty twenty-five~~ feet (50'25') in width with an six foot (6') fence as shown on the GDP.

~~consisting of the currently existing vegetation along the property line with Drew Middle School. In addition, the Applicant shall provide a row of six-foot Leland Cypress, eight feet (8') on-center along this property line.~~

~~93. The Applicant shall maintain a buffer strip fifty feet (50') in width consisting of the currently existing vegetation along the property line with Assessor's Parcel 45-220E. The Applicant shall maintain a buffer strip of fifty feet (50') in width increasing to 105 feet in width at the northeast corner, along the property line with Assessor's Parcel 45-220. Along any portion of the buffer where no trees currently exist, the Applicant will provide a double row of six foot white pines or other evergreens eight feet (8') on center, and board-on-board or chain link fence seven feet (7') in height.~~

~~10. The Applicant shall maintain a strip of fifty feet (50') in width consisting of the currently existing vegetation along Truslow Road, screening as necessary along the west side of Truslow Road. The Applicant shall install screening from traffic on any property adjacent to the Truslow Road entrance, if per 11~~

**4. Allowable Uses.** The B-2 portion of the property will be used for commercial retail space not to exceed 300,000 square feet, which shall be defined to include: Warehousing, mini storage, and the accessory use of automobile leasing appropriately limited to allow for rental of "U-Haul" or similar trucks and trailers, subject to approval of a Conditional Use Permit by the Board . No other uses shall be constructed on the Property unless the Property Owner submits a Transportation Study in accordance with County and VDOT standards that documents that any additional transportation impact have been fully mitigated.

**5. Access.** There shall be only one entrance to the commercial area from Cambridge Street ~~at~~ in general conformance with the location shown on the GDP. ~~main entrance to the subdivision.~~

~~12.6.~~ **Architectural Design.** The exterior façade of the walls of all buildings in the commercial ~~space~~ area will be designed and built with ~~will have only~~ brick, stone, hardi-plank,

vinyl, and glass exteriors walls in order to be compatible with the adjacent Southgate subdivision. The garage doors of the self-service units and partitions on the interior of the commercial area will be oriented so as not be visible from Cambridge Street or from the residential subdivision.

**137. Lighting.** The light fixtures in the commercial space parking areas will be of the cut-off type, projecting light generally downward and away from residential areas, and will be no taller than thirty-five feet (35’).

**148. Shielding of Equipment.** The refuse disposal areas, heating and air-conditional units, delivery areas, and any other non-aesthetic support areas will be completely screened from Cambridge Street (US-1) and the residential areas.

**9. Hours of Operation.** The business shall be open 24 hours per day, seven days per week.

~~15. The Applicant will provide a sidewalk from the property to Drew Middle School.~~

~~16. The Applicant shall provide the following recreational amenities: a nature reserve with trail systems; a tot lot, show as “Recreation Area” on the GDP, which shall be equipped according to County guidelines; and a multi-purpose playing field shown as “Open Space, Recreation Area” on the GDP. The location of either the tot lot or the playing field may be altered if the County determines another site to be more appropriate for those purposes and so notifies the Applicant prior to the approval of a preliminary subdivision plan.~~

~~17. The Applicant will provide for a strong property owner’s association to insure compliance with the residential covenants. The Applicant shall install equipment based on current Park and Recreation guidelines that is suitable for the playground depicted on the GDP.~~

~~18. The Applicant shall pay to the County the sum of Thirty Five Thousand Dollars (\$350,000) to be used for fire and rescue services, payable by the issuance of a building permit for the 40<sup>th</sup> residential unit.~~

~~19. The Applicant agrees to pay the sum of Six Thousand Dollars (\$6,000) per unit, payable at issuance of the building permit for each residential unit (except for those referenced at Proffer #22). The per unit contribution shall be allocated to transportation in the amount of Five Hundred Dollars (\$500) and schools in the amount of Five Thousand Five Hundred Dollars (\$5,500).~~

~~20. The Applicant agrees that no more than ten percent (10%) of the residential units shall be served by pipe stem access.~~

~~21. The Applicant agrees that development of the residential portions of the Property shall proceed generally from the east to the west.~~

~~22. The Applicant agrees to pay the sum of Twenty Thousand Three Hundred Ninety-nine Dollars (\$20,399) per residential unit for each unit located in the 3.54 acres indicated on the GDP as "Commercial to Residential" payable at issuance of the building permit. The per unit payment shall, until paid, be subject to annual increases, with notice to the Applicant to be calculated on a yearly basis commencing one year after the date of rezoning. Such increases shall be calculated by multiplication of the Consumer Price Index of the Department of Labor Statistics for the current year by the original per unit cash proffer amount.~~

~~The per unit contribution shall be allocated based on the following categories or subcategories:~~

<del>Transportation</del>	<del>\$ 3,656</del>
<del>Parks and Recreation</del>	<del>\$ 8,989</del>

~~\_\_\_\_\_ Schools \_\_\_\_\_ \$15,179~~

~~\_\_\_\_\_ Libraries \_\_\_\_\_ \$ 407~~

~~\_\_\_\_\_ Fire and Rescue \_\_\_\_\_ \$ 268~~

~~\_\_\_\_\_ The Applicant agrees to designate and dedicate one (1) finished lot to the County, or the County's designee for use in the Bringing Occupational Opportunities to Students program. The Applicant shall not be required to pay a cash proffer, as referenced above, for the lot so designated. The Applicant shall pay water and sewer connection fees and pro-rata fees and may retain easements reasonably necessary for the development of the subdivision. The designation of the referenced lot shall be made by the Applicant at the time of final plat recordation for the first section of residential units.~~

LITTLE FALLS RUN, L.C.

By: \_\_\_\_\_  
Ivan M. Cowger

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

I, the undersigned, a Notary Public in and for the County and State aforesaid, do hereby certify that Ivan M. Cowger, in his capacity as \_\_\_\_\_ of Little Falls Run, L.C. has signed the foregoing document and has personally acknowledged the same before me in my aforesaid jurisdiction for the company.

GIVEN under my hand and seal this \_\_\_\_\_ day of March, 2018.

\_\_\_\_\_  
Notary Public

My Commission Expires: