

**AMENDED PROFFER STATEMENT**  
**Rezoning**

Owner's Name: Courthouse Tracts, LLC  
1201 Central Park Boulevard  
Fredericksburg, VA 22401

Project Name: 7-Eleven/Taco Bell Parcel 39-3 & 39-3A Medical Office Building

Date: ~~October 17, 2011~~ March 27, 2020

~~Rezoning Proffer Amendment~~ case  
file number: CUP \_\_\_\_\_ and CUP \_\_\_\_\_ (formerly) RC1000141

~~Tax Map Numbers~~ Property: 30-3, & 39-3A, consisting collectively of 4.04 acres, more or less and as described more particularly on the GDP (as defined below) (collectively, the "Property")

**RECITALS**

WHEREAS, on or about October 17, 2011, the Stafford County Board of Supervisors did approve the Owner's original rezoning request pursuant to Ordinance #O11-41; and

WHEREAS, Applicant desires to amend the current proffered conditions under Ordinance #O11-41 to allow the development of a fast food restaurant with drive-through and a convenience center with vehicle fuel sales, all in accordance with the below proffer amendment statement, and those certain conditional use permit applications known as CUP \_\_\_\_\_ & \_\_\_\_\_, and the GDP (as defined below), all as may be applicable; and

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

1. General Application and Effect. Subject to the terms herein, the purpose of this proffer amendment is to amend the prior approved proffers under Ordinance #O11-41 as provided in this statement and for no other purposes. The amended proffers ("Amended Proffers") provided herein will replace and supersede all prior proffers affecting the Property including the previously approved conditions under Ordinance #O11-41, and in this regard the proffers approved under Ordinance #O11-41 will thereby be void, unenforceable, and of no further legal effect upon the Stafford County Board of Supervisor's ("County") final approval of the Amended Proffers.

2. Generalized Development Plan. The Property will be developed in general accordance with the attached generalized development plan prepared by Fairbanks & Franklin, dated February 24, 2020, as revised March 26, 2020, -and titled "Parcels 39-3 & 39-3A Generalized Development Plan" ("GDP"). The County and 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 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.

~~The Applicant, on behalf of Owner, its successors and assigns, hereby agrees that the development of the Property will be in substantial conformance with the Generalized Development Plan for Stafford Medical Office Building (the "GDP") and the following proffered conditions (the "Proffers"). These Proffers are the only conditions offered in this rezoning application, and any prior Proffers on the Property are hereby superseded by these proffers and all previous proffers on the Property are hereby void and of no further force and effect.~~

~~Notwithstanding the statement of substantial conformance described above, the County and the Applicant agree that all building sizes, public road locations, private driveway and travelway locations, utility locations, and storm water management facilities shown on the GDP may be amended by the Applicant to fulfill documented requirements of tenants and occupants, 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 location of the building, parking areas, interparcel access, and entrances to and exits from the development to Route 1 and the "New Courthouse Road") shall be permitted. Where it is necessary to determine if changes are consistent with the original intent of the GDP, the same shall be referred to the County Zoning Administrator for determination thereof.~~

The following proffers apply to the Property:

**I. Land Use.**

1. All exterior sides of all commercial buildings (except for doors and windows and accent areas) shall consist of brick or split block, stone or masonry construction (natural or manufactured). Buildings shall incorporate design elements that break up wall planes facing Route 1 and Hospital Center Boulevard~~the future Courthouse Road Connector~~ both horizontally and vertically at not less than fifty (50) foot intervals. Design elements may include horizontal wall projections of not less than two feet, parapet wall projections of not less than one foot, architectural columns, awnings, balconies and roof projections, as shown on the renderings submitted with this proffer amendment application, prepared by Intrépide Design, titled “7-11 Store #1047010, Route 1 and Hospital Center Boulevard, Stafford, Virginia 22554, dated February 10, 2020, and the renderings prepared by Mark P. McCluggage, AIA, CCS, titled “Taco Bell, Tuckahoe Village, Tuckahoe, Virginia, dated May 2017.”
2. The Owner agrees that all outside storage shall be screened so as to limit, to the extent reasonably and commercially practicable, visibility of the same, from Route 1 and Hospital Center Boulevard~~the future Courthouse Road Connector~~.
3. All rooftop equipment and equipment on the ground adjacent to any building shall be screened from view from Route 1, Hospital Center Boulevard~~the future Courthouse Road Connector~~, and otherwise from public view. Roof screening shall be of the same materials or construction as the remainder of the roof, or the facade of the buildings where the facade is extended above the roofline.
4. All trash receptacles shall be screened on three sides with a masonry wall of the same color and texture as the main buildings, unadorned concrete blocks are prohibited, and be at least as high as the enclosed dumpster, utility boxes or trash receptacles. The enclosure shall also incorporate a heavy wooden or vinyl gate, however chain link fence will be prohibited.
5. The base of any monument sign shall utilize the same construction materials as the primary building.
6. Retaining walls visible from Route 1 and Hospital Center Boulevard ~~the future Courthouse Road Connector~~ shall be constructed of stone or segmental masonry blocks, or shall be faced with materials that shall be of a complimentary color to the primary building.
7. Security lighting along the back of any buildings shall be the same “cut-off” type and be attached to the building or freestanding (preferably) with a maximum height of fourteen (14) feet.

8. Parking light fixtures shall be the “cut-off” variety, directing its light down from a hidden source. Parking lot light poles shall not exceed sixteen (16) feet in height.
9. Inasmuch as the Applicant customarily prohibits the uses stated below in its covenants and restrictions, the Applicant agrees and proffers that the Property shall not be used for any of the uses stated below, and agrees and proffers to record certain covenants and restrictions on the use of the Property that prohibit the following uses:
  - I. Any use which emits an obnoxious odor which can be smelled outside the building.
  - ~~II. Any use which emits a noise or sound which can be heard outside the building.~~
  - ~~III.~~II. Any business in which the primary use is a storage facility of any type.
  - ~~IV.~~III. Building material sale or storage yard.
  - ~~V.~~IV. Lumber/building/electrical/plumbing supply business.
  - ~~VI.~~V. Machinery sale or service.
  - ~~VII.~~VI. Printing, publishing, engraving.
  - ~~VIII.~~VII. Any business primarily engaged in assembly, manufacturing, distilling, refining or smelting.
  - ~~IX.~~VIII. Pawn shop.
    - ~~X.~~IX. Second-hand store of any type.
    - ~~XI.~~X. Theater.
    - ~~XII.~~XI. Any church or religious use of any type.
    - ~~XIII.~~XII. Drug rehab center.
    - ~~XIV.~~XIII. Refuge center.
    - ~~XV.~~XIV. Any clinic or other facility for the termination of pregnancies.
    - ~~XVI.~~XV. Any planned parenthood facility.
    - ~~XVII.~~XVI. Any fire sale, tent sale, disaster or liquidation sale.
    - ~~XVIII.~~XVII. Any central laundry.
      - ~~XIX.~~ Any use involving the sale, repair or display of motor vehicles or recreational vehicles or the sale of accessories associated with any of the foregoing or the sale of motor fuel, lubricants or motor vehicle parts.
      - ~~XX.~~XVIII. Any mortuary, crematorium or funeral home.

~~XXI.~~ ~~XIX.~~ Any massage parlor except licensed massage therapists.

~~XIX.~~

~~XX.~~ ~~XX.~~ Any adult or pornographic book store, sex shop or any establishment selling or exhibiting pornographic materials or drug-related paraphernalia.

~~XXII.~~

10. The Owner shall provide the Stafford County Historical Commission with an architectural survey, including photo documentation, of the existing structure on parcel 39-3 prior to demolition.

## II. Fire.

11. NFPA 14 standpipe system shall be installed in all buildings greater than two (2) stories as measured from the lowest level of fire department access. A building sprinkler system shall be installed in accordance with NFPA 13 guidelines.

## III. Transportation.

~~12.~~ Subject to VDOT and County approval of final engineering plans, the Owner shall modify the existing traffic signal at Route 1 and Hospital Center Boulevard to accommodate the proposed entrance in accordance with VDOT requirements. The modified traffic signal shall include emergency vehicle pre-emption.

~~13.~~ Subject to VDOT and County approval of final engineering plans, Owner shall construct a northbound left turn lane on Route 1 and a southbound right-turn lane on Route 1 with 100 feet of storage and 100 feet of taper due to the limited property frontage, and a 200-foot eastbound right-turn taper on Hospital Center Boulevard prior to the issuance of a final occupancy permit for any building within the Property. All entrance improvements shall be constructed in accordance with VDOT requirements.

~~14.~~ Subject to VDOT and County approval of final engineering plans, Owner shall construct a site driveway with one ingress and one egress lane on Hospital Center Boulevard at the right-in/right-out driveway and a site driveway with one ingress lane and one egress lane on Route 1 at the right-in/right-out driveway. All entrance improvements shall be constructed in accordance with VDOT requirements.

~~15.~~ Subject to VDOT and County approval of final engineering plans, the Owner shall dedicate right-of-way along Route 1 to Stafford County as shown on the GDP. The width of the right-of-way shall be in accordance with VDOT and Stafford County requirements for right-of-way widths along Route 1.

1565. Subject to VDOT and County approval, the Owner shall construct a 5' wide sidewalk along Route 1 across the Property frontage. The sidewalk shall be constructed within the right-of-way dedication area described above.

1676. The Owner shall provide interparcel access from the proposed parking lot to parcel 39-10.

#### IV. Landscaping.

17. 178. Subject to VDOT and County approval of final engineering plans, the Owner shall provide frontage landscaping improvements consistent with the Stafford County Master Redevelopment Plan for the Courthouse Area.

18. -189. The Owner shall construct screening along the Route 1 frontage to block headlight glare from parking areas. The screening shall extend along not less than 75% of the property frontage. Screening shall consist of a combination of landscaped berms, hedges, and architectural or structural retaining walls extending not less than 2' above the elevation of the adjacent parking areas. The Owner shall install 25% more landscaping within the Route 1 street buffer than required by County Code.

#### V. Exhibits and Illustrations.

~~19. These Proffers refer to the GDP which is being used to illustrate certain proffers, and to show the general parcel and internal travelway configuration. Subject to adjustments for final engineering and to comply with the requirements of the applicable Stafford County Ordinances and VDOT regulations and standards, development of the Property shall be in substantial conformance with the GDP. Building locations shown on the GDP are for illustrative purposes only. Except for the GDP attached to these Proffers, any plan submitted as part of the rezoning application, or as part of the rezoning process, shall be deemed illustrative only, and such plan shall not be deemed to be proffered. Should there be a conflict between the GDP and these Proffers, then these Proffers shall govern.~~

Courthouse Tracts, LLC

\_\_\_\_\_  
Name: B. Judson Honaker, Jr.  
Title: Manager

COMMONWEALTH OF VIRGINIA  
CITY/COUNTY OF \_\_\_\_\_

I, the undersigned, a Notary Public in and for the County and State aforesaid, do hereby certify that B. Judson Honaker, Jr., whose name as Manager of Courthouse Tracts, LLC, has personally acknowledged the same before me in my aforesaid jurisdiction for the corporation.

GIVEN under my hand and seal this \_\_\_\_ day of \_\_\_\_, 2020.

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

Print Name: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

Registration No. \_\_\_\_\_

[SEAL]

