

AMENDED PROFFER STATEMENT

Applicant/Owner: Sumner Partners LLC

~~Owner: Venture Investments, LLC~~

Property: Tax Map 44N 1 5, including approximately 1.542 ~~4917~~ acres +/-

~~Rezoning Request: Rezone from M-1 to B-2 to operate a Retail Pharmacy/Drug Store~~

Conditional Use Permit: Request for ~~Drive Through for above Pharmacy~~ Royal Farms Convenience Store with Gasoline Sales

~~Rezoning No.: RC1300191~~

~~CUP No.: CUP1300192~~

Date: September ~~17~~14, 2013 ~~2020~~

1. General Requirements.

(a) The following Amended Proffer Statement (the "proffers") ~~proffers~~ are being made pursuant to Sections 15.2-2298, et al. of the Code of Virginia (1950), as amended, and Section 28-164, et al. of the County Zoning Ordinance. The proffers provided herein are the only proffered conditions offered for the Property in this rezoning application, and any prior proffers ~~in to~~ which the Property may be subject to ~~or previously offered with the Applicant's application~~ or otherwise previously proffered are hereby superseded by these proffers, and further said prior proffers are hereby void and of no further force and effect. In addition, these proffers are conditioned upon and become effective only in the event the Applicant's Conditional Use Permit ("CUP") application to allow development of the Royal Farms convenience store and gasoline sales use on the Property (the "Royal Farms Project") rezoning application No. RC1300191 and CUP1300192 ~~are~~ is approved (including through applicable appeal periods) by the Stafford County Board of Supervisors ("County") and these proffers are accepted by the County.

(b) Subject to the terms hereunder, the Property will be generally developed in accordance with that certain generalized development plan, ~~submitted with this rezoning application~~, prepared by ~~Kimley-Horn and Associates, Inc.~~ Bowman Consulting, dated July 12, 2013, as last revised, and entitled "Walgreens Store U.S. Route 17 and Commerce Parkway, and attached hereto as "Exhibit A," which exhibit is incorporated herein by reference Generalized Development Plan" (hereinafter "GDP").

(c) All proposed parcel lines, parcel sizes, building envelopes and footprints, access points, building sizes, building locations, public road locations, private driveway, road and travel way locations, ~~interparcel connectors, RPAs and wetland areas,~~ utility locations, storm water management facilities, and dimensions of undeveloped areas shown on the GDP may be relocated and/or amended from time to time by the Applicant to fulfill requirements of final engineering, operation and design requirements and/or compliance with applicable state agency regulations including, but not limited to, VDOT, DEQ, etc., and in compliance with the requirements of the ~~county's~~ County's development regulations and design standards manual and any matters of record. Changes consistent with the original general intent of the GDP shall be permitted, except where it is necessary to determine if any of the aforesaid changes are consistent with the original intent of the GDP, such changes shall be referred to the County Zoning Administrator for determination thereof, as may be applicable.

(d) These proffers shall run with the Property and be binding upon all future assignee, successors, grantees, or lessees thereof, except as may be otherwise specifically set forth herein.

2. Architecture & Materials: The architecture and design of the buildings for the Royal Farms Project ~~for purposes of this rezoning~~ will be in general conformance with ~~prior rezoning of the Walgreens at Cool Spring Rd., RC 1200061, O12-28 (R),~~ the Royal Farms Elevations, prepared by Ratcliffe Architects, and as generally depicted on attached and attached hereto as "Exhibit AB", which exhibit is incorporated herein by reference.

3. Transportation. The Applicant agrees to provide the following transportation proffers:

- ~~• A full right turn lane and taper going east from Rt. 17 into the site, as shown on the GDP.~~
- Applicant shall construct a right-in only drive off of Route 17 to provide access to the site Property and the proposed cross access point to the adjoining parcel, as shown on the GDP.
- Applicant shall construct a 5' wide concrete sidewalk network along Route 17 and Commerce Parkway only in the areas as generally shown on the GDP.
- Applicant shall provide traffic signal timings and proposed phasing for the intersection of Route 17 and Commerce Parkway for build out conditions.
- Applicant shall install a northbound right-turn overlap phase with a new five-section doghouse traffic signal head at the Commerce Parkway approach to the Route 17 and Commerce Parkway intersection. In addition, the Applicant will provide 5' wide concrete sidewalks along the private drive area only in the areas as generally shown on the GDP, subject to the approval of the adjoining property owner who owns this private drive.
- ~~• Applicant agrees to provide a pedestrian crossing from the subject site across Commerce Parkway to the 7-11 site as generally shown on the GDP, all subject to VDOT approval. The Applicant agrees to paint the crossing across Commerce Parkway and provide appropriate ground signage, but will not provide any electronic or light signal.~~

4. Lighting. For purposes of any ~~outside~~ parking lot lighting, the Applicant will provide “down-lighting” techniques not to exceed 1.0 foot candles at the ~~property~~ Property line or so as not to intrude upon the adjacent properties. All lighting fixtures should be cut-off style and not exceed 20 feet in height.

5. Prohibited Uses. The Applicant agrees, as consideration for this application, to prohibit the following uses on the Property as described under Section 28-35 for B-1 and B-2 District uses:

- A. Indoor flea market
- B. Plant and tree nursery
- C. Adult business
- D. Outdoor flea market
- E. School, vocational
- F. Automotive repair
- G. Boat sales
- H. Fleet parking
- I. Motor vehicle sales

6. Buffering & Screening. The Applicant will provide landscaping improvements and buffer areas as shown on the GDP.

~~7. Sprinkler System. The Applicant will provide a sprinkler system for the subject building in accordance with applicable state building codes.~~

~~87.~~ CPTED Measures. The Applicant agrees, to the maximum extent possible, that trees and shrubs will be oriented so as to not interfere with the Property’s lighting or site-sight distance. Trees shall be limbed up to six (6) to eight (8) feet and shrubs shall be no taller than 36 inches.

[SIGNATURE TO FOLLOW ON NEXT PAGE]

SUMNER PARTNERS LLC

By: _____
Steven Klebanoff, President

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 Steven Klebanoff, in his capacity as President of Sumner Partners LLC, 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 _____ 2020.

Notary Public

Print name: _____
My Commission Expires: _____
Registration No.: _____