

PROFFER STATEMENT

RC19 _____

Applicant/Record Owner: Burns Family Limited Partnership
Property: Tax Map Parcels 29 92B, 29 93A, 29 93C and 29 93D consisting of approximately 25.8 acres (collectively, the "Property")
Project Name: Burns Corner
Rezoning Request: From B-3, to B-2, Urban Commercial

Date: August 16, 2019

The undersigned hereby proffers that the use and development of the subject Property shall be in strict conformance with the following conditions. In the event the above-referenced rezoning is not granted as applied for by the Applicant, these proffers shall be withdrawn and are null and void. The headings of the proffers set forth below have been prepared for convenience or reference only and shall not control or affect the meaning or be taken as an interpretation of any provision of the proffers. Any improvements proffered herein below shall be provided at the time of development of the portion of the site served by the improvement, unless otherwise specified. The terms "Applicant" and "Developer" shall include all future owners and successors in interest. The proffers shall run with the Property and be binding upon all future assignees, successors, grantees or lessees therefore, except as otherwise may be specifically set forth herein.

For purposes of reference in this Proffer Statement, the "GDP" shall be that plan prepared by The Engineering Groupe entitled, "Burns Corner," dated August 16, 2019.

USE AND DEVELOPMENT

1. Generalized Development Plan – The subject Property shall be developed in general conformance with the GDP, subject to changes approved by the County in connection with site plan review.
2. For purposes of the final site plan (which will supersede the GDP after County approval), proposed parcel lines, parcel sizes, building envelopes and footprints, access points, building sizes, building locations, waste facilities, parking areas, recreational and open space areas, public road locations, private driveways, road and travelway locations, buffers, 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 address final development, engineering, and design requirements and/or compliance with federal or state agency regulations including, but not limited to, VDOT, DEQ, Army Corps of Engineers, etc., and compliance with the requirements of the County's development regulations and design standards manual.
3. Uses – All uses permitted in the B-2 zoning district shall be permitted on the Property,

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except the following uses shall be prohibited:

- a. Adult business.
- b. Car wash.
- c. Fleet parking.
- d. Funeral home.
- e. Indoor flea market.
- f. Lumber/building/electoral/plumbing supply with covered storage.
- g. Machinery sale and service.
- h. Marina.
- i. Motor vehicle sales.
- j. Place of worship.
- k. Plant and tree nursery/greenhouse.
- l. Warehouse, storage.

COMMUNITY DESIGN

4. Architecture

- a. Design Guidelines – Development on the Property shall be in general conformance with the design concepts and details set forth in the design guidelines entitled Burns Corner,” prepared by SKA Studio, dated August 16, 2019 (the “Design Guidelines”).

5. Landscaping – Landscaping shall be provided in general conformance with the GDP and as waived/modified by the County at the time of site plan review or approval.

6. Signage – The Applicant is permitted monument signs for each Landbay in the general areas shown on the GDP and in the Design Guidelines. Notwithstanding the foregoing, the Applicant shall be permitted three (3) monument signs for Land Bay 2, two (2) monument signs for Land Bay 3 and two (2) monument signs for Land Bay 4. The monument signs will be constructed in accordance with the County’s Sign Ordinance. Signage shall be in general conformance with the signage shown in the Design Guidelines or as approved as part of a conditional use permit on the Property.

TRANSPORTATION

7. Access - Access to the Property shall be provided as shown on the GDP, subject to VDOT and County approval at the time of site plan.

8. Maximum Trip Generation – The combined uses on the Property shall not exceed 21,874 average vehicle trips per day, as calculated by the 10th edition of the ITE manual. The

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Applicant shall submit a running tabulation of the vehicle trips per day for each use as part of the review of each construction plan submitted for the Property. In no case shall the Applicant be responsible for additional studies, traffic counts, or other interpretation other than the data available in the 10th edition of the ITE manual.

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