



STAFF REPORT

PC Meeting Date:	December 15, 2021
Agenda Title:	Proffer Amendment #REZ2020-00009, Neabsco Center
District Impact:	Woodbridge Magisterial District
Requested Action:	Recommend Approval of Proffer Amendment #REZ2020-00009, Neabsco Center, subject to the proffers dated November 9, 2021
Department:	Planning Office
Case Planner:	Scott F. Meyer

EXECUTIVE SUMMARY

This is a request to amend proffers associated with #REZ1990-0070 to eliminate the ±100,000 square foot retail shopping center building on the eastern portion of the property (Lot 31A1), amend the overall layout, and to allow the development of a ±7,400 SF building on the remaining third pad site (Lot 31A2).

It is the recommendation of staff that the Planning Commission recommend approval of Proffer Amendment #REZ2020-00009, Neabsco Center, subject to the proffers dated November 9, 2021.

BACKGROUND

- A. Request: This is a request to amend proffers associated with #REZ1990-0070 to eliminate the ±100,000 square foot retail shopping center building on the eastern portion of the property (Lot 31A1), amend the overall layout, and to allow the development of a ±7,400 square foot building on the remaining third pad site (Lot 31A 2).
- B. Site Location: The ±8.08-acre subject property is located along northbound Jefferson Davis Highway (Route 1), ±350 north of the intersection of Jefferson Davis Highway (Route 1) and Neabsco Road. The property is currently addressed as 15807 Jefferson Davis Highway and is identified on County maps as GPIN 8290-87-9418.
- C. Comprehensive Plan: The site is designated NC, Neighborhood Commercial, in the Comprehensive Plan. It is also located within the Potomac Communities Revitalization Plan special planning area and the Neabsco Mills Study Area.
- D. Zoning: The site is zoned B-1, General Business, and is located within the Route 1 Highway Corridor Overlay District.
- E. Surrounding Land Uses: The property is located within a heavily traveled corridor along northbound Jefferson Davis Highway (Route 1), north and east of the intersection with Neabsco Road. The area is planned and zoned for mostly for retail/commercial uses. Two of the three pad sites subject to the original rezoning have been constructed or are under construction and include a motor vehicle fuel sales/convenience store (Wawa) and a commercial childcare facility (Everbrook Academy), located to the south and east, respectively. At the northwest corner of the site, there is a Non-Conforming Use (NCU) recertification for an existing advertising billboard, which was approved on February 3, 2020 (NCU2020-00168).

The Ferlazzo County complex is located ±800 to the southwest along southbound Route 1, and White Horse Auto Wash is located ±300 to the north along northbound Route 1. Undeveloped land that is owned by the County OWL Volunteer Fire Department is located across Neabsco Road to the south as well as an existing low-density suburban residential neighborhood.

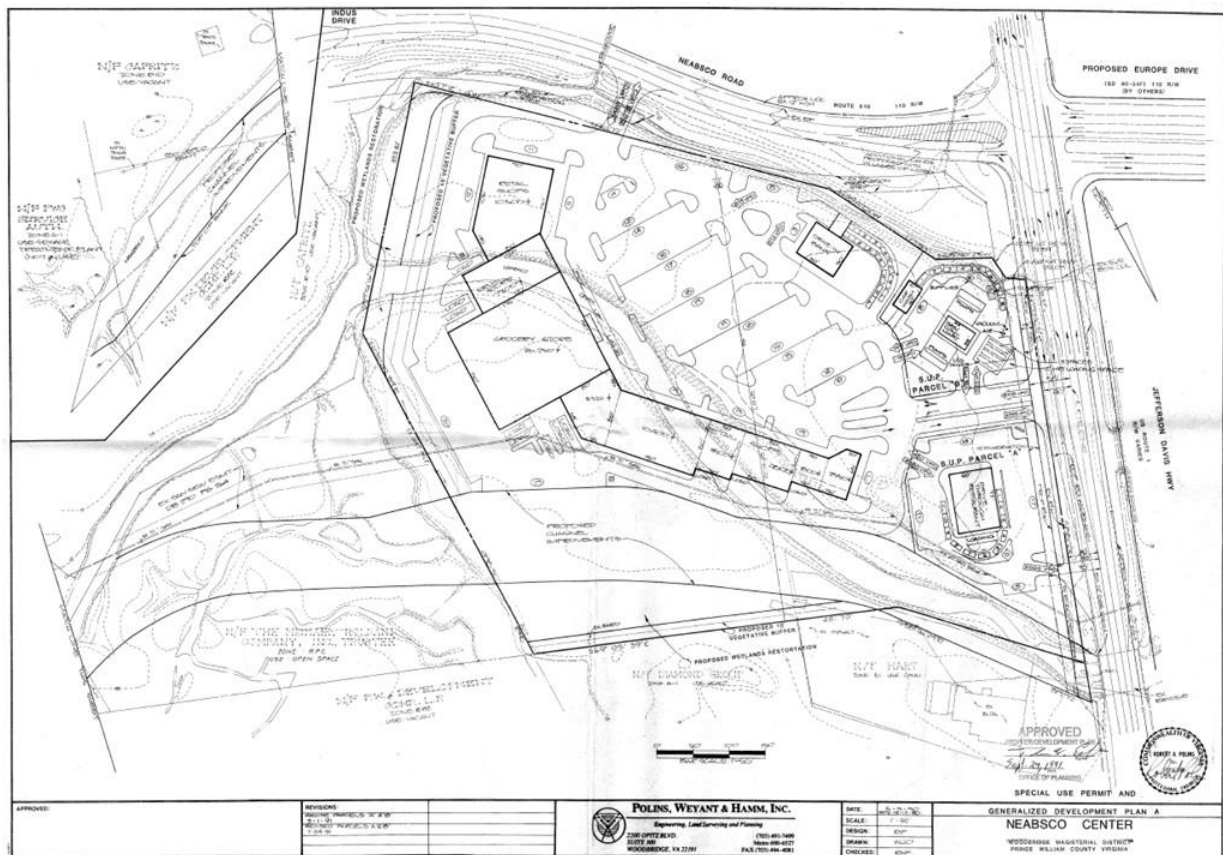
- F. Existing Conditions & Background: The property subject to this proffer amendment is identified as GPIN 8290-87-9418 and consists of ±8.08 acres. This larger parent tract is intended to be subdivided into Lots 31A1 and 31A2.

Lot 31A1 consists of ±6.73 acres and is the property originally intended to include the 100,000 square foot shopping center, which is now proposed to be eliminated. This larger tract is vacant and unimproved, covered with heavy understory and overstory growth. The parcel includes significant floodplain and Resource Protection Area (RPA) associated with Neabsco Creek, which flows through the site.

Lot 31A2 consists of 1.35 acres and is currently vacant and unimproved, but has been subject to previous land disturbance. The site also includes RPA and floodplain, which have been impacted due to previous land disturbance.

- G. Approved #REZ1990-0070: On September 24, 1991, the Board of County Supervisors approved #REZ1990-0070 to rezone 12.83 acres from the B-1 and A-1 zoning districts to the B-1 zoning district, subject to proffers. This rezoning permitted a 100,000 square foot shopping center and three stand-alone pad sites. The Generalized Development Plan (GDP) for this rezoning is excerpted below and depicts a U-shaped commercial shopping center oriented toward the intersection of Neabsco Road and Route 1. The three pad sites were noted as drive-through restaurant, drive-through bank, and gas/convenience market and were predominantly oriented along Route 1. The drive-through restaurant was noted as 4,620 gross square feet and is located within the land area now identified as Lot 31A2.

A proffered condition associated with this rezoning required a conservation easement be established on five acres identified on the GDP as open space. A conservation easement was subsequently recorded in land records on February 24, 2002.



#REZ1990-0070 Approved GDP Depicting Site Layout

Per the approved #REZ1990-0070 proffers and GDP, the shopping center was intended to be the principle use on the site. Over the site development review process, County staff has determined that a proffer amendment would be needed to modify/change/delete the approved "Shopping Center" and to allow for the development of the remaining third pad site as contemplated in the original rezoning. This Proffer Amendment is considered to be, in part, an administrative "clean-up" to allow the site to continue to develop without the previously committed retail commercial shopping center building and to update the proffers to be more relevant to the updated scope of the development.

STAFF RECOMMENDATION

Staff recommends approval of Proffer Amendment #REZ2020-00009, Neabsco Center, subject to the proffers dated November 9, 2021, for the following reasons:

- The proposed uses and intensity are more consistent with the site's NC, Neighborhood Commercial, land use designation than the uses and intensity approved as part of #REZ1990-0070.
- The proposal formally removes approved development from areas located within floodplain and Resource Protection Area (RPA) associated with Neabsco Creek, which runs through the property.

Comprehensive Plan Consistency Analysis

Long-Range Land Use: The proffer amendment is consistent with the long-range land use because it would limit the scope of commercial uses consistent with the site's NC, Neighborhood Commercial, designation. The proffer amendment also reflects that Lot 31A1, containing 6.73 acres, will never be developed and is located in a Resource Protection Area and a VDOT permanent conservation easement.

Community Input

Notice of the proffer amendment has been transmitted to property owners within 500 feet of the site. As of the date of this staff report, the Planning Office has not received any verbal or written comments on this proposal and is not aware of any opposition.

Other Jurisdiction Comments

The subject site is located outside of the required notification area of any jurisdiction.

Legal Issues

If the proffer amendment is approved, the property can be developed as proposed with a revised layout, at a reduced scale, and without the shopping center component, subject to the amended proffers. Legal issues resulting from the Planning Commission's action are appropriately addressed by the County Attorney's Office.

Timing

The Planning Commission has until March 15, 2022, which is 90 days from the first public hearing date, to take action on the proffer amendment/rezoning proposal. A recommendation to approve or deny the proffer amendment would meet the 90-day requirement.

STAFF CONTACT INFORMATION

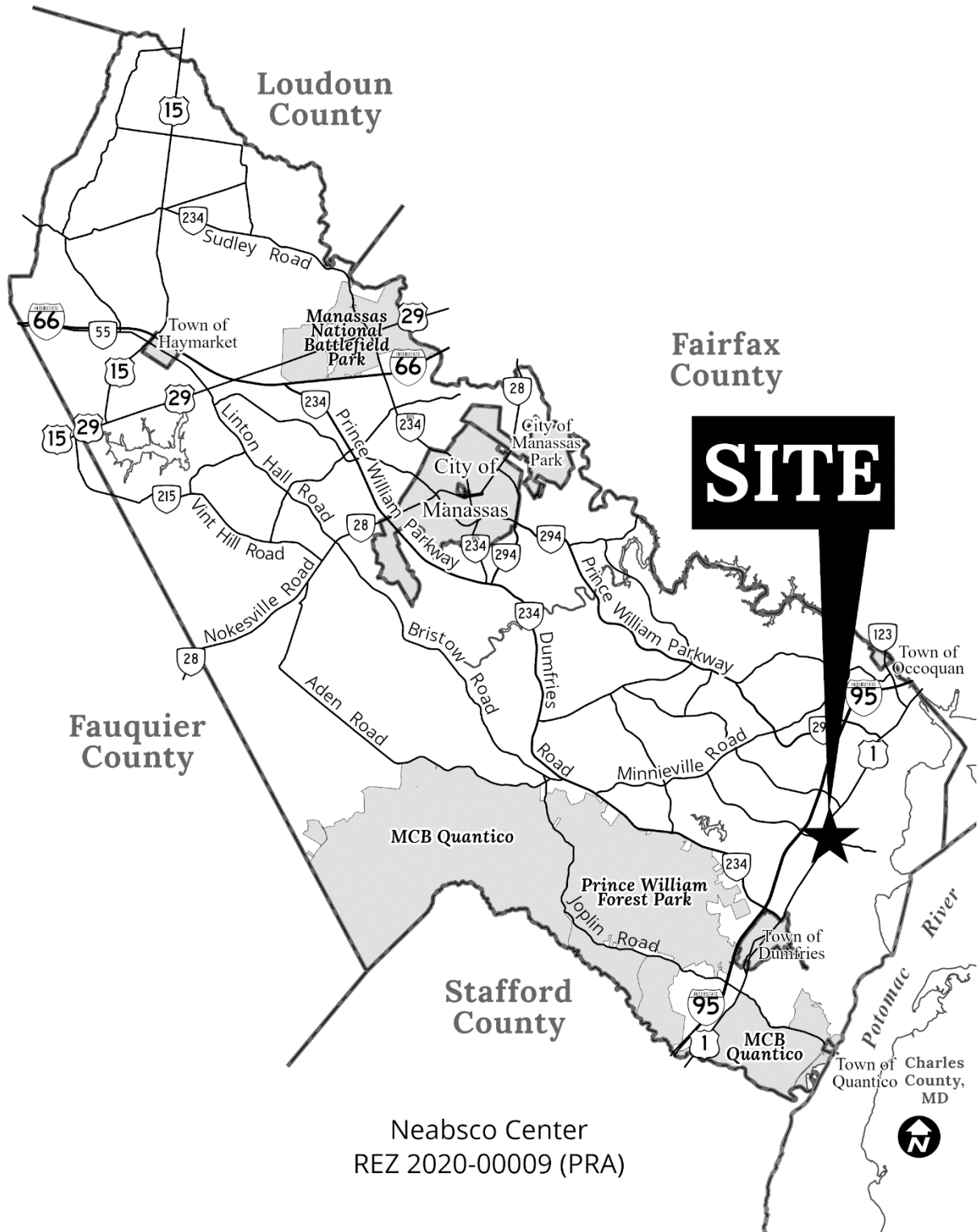
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ATTACHMENTS

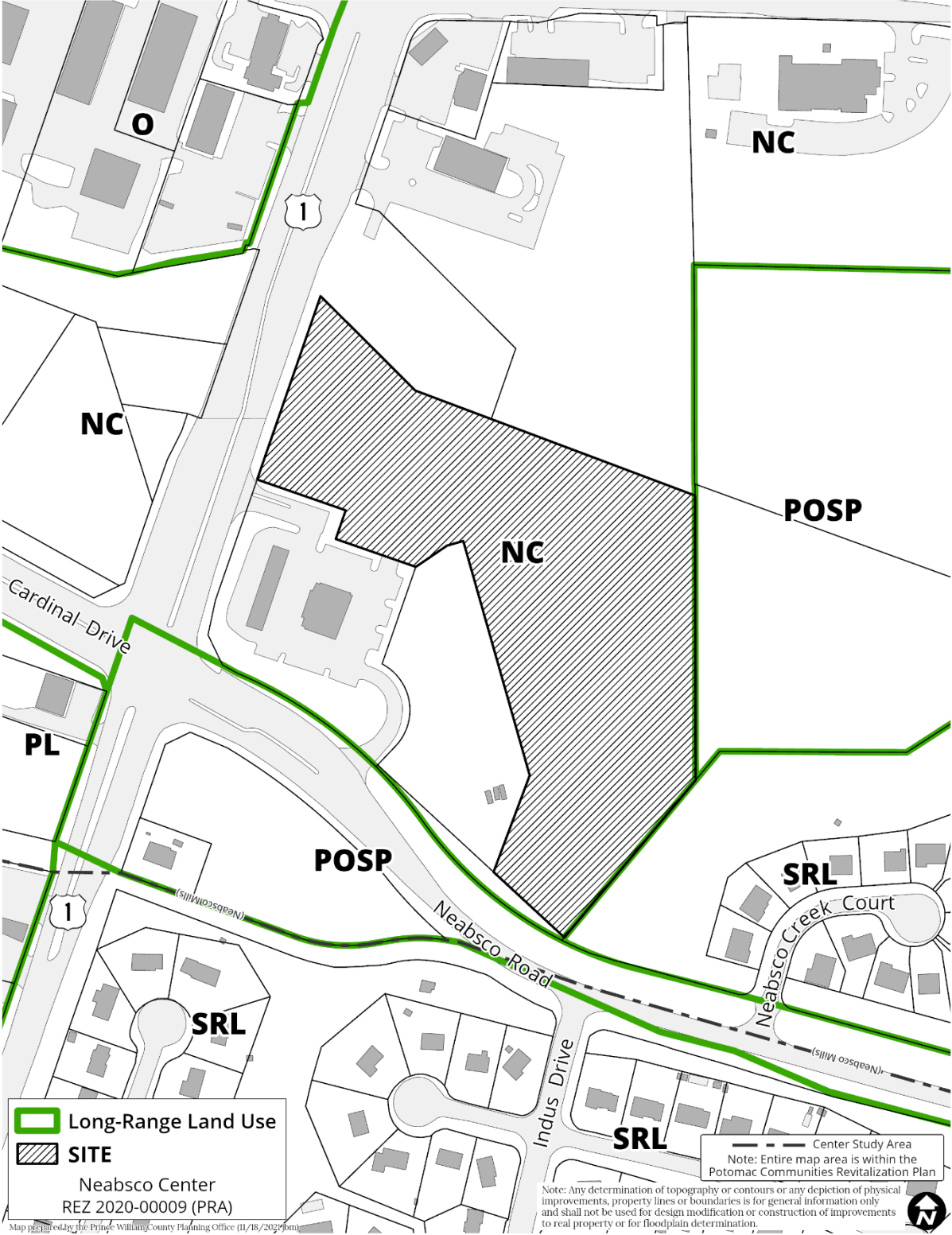
Area Maps
Staff Analysis
Marked/Redlined Proffers
Clean Proffers
Generalized Development Plan (GDP)
Landscape Plan
Existing Conditions Plan
Environmental Constraints Analysis (ECA)
Historical Commission Resolution

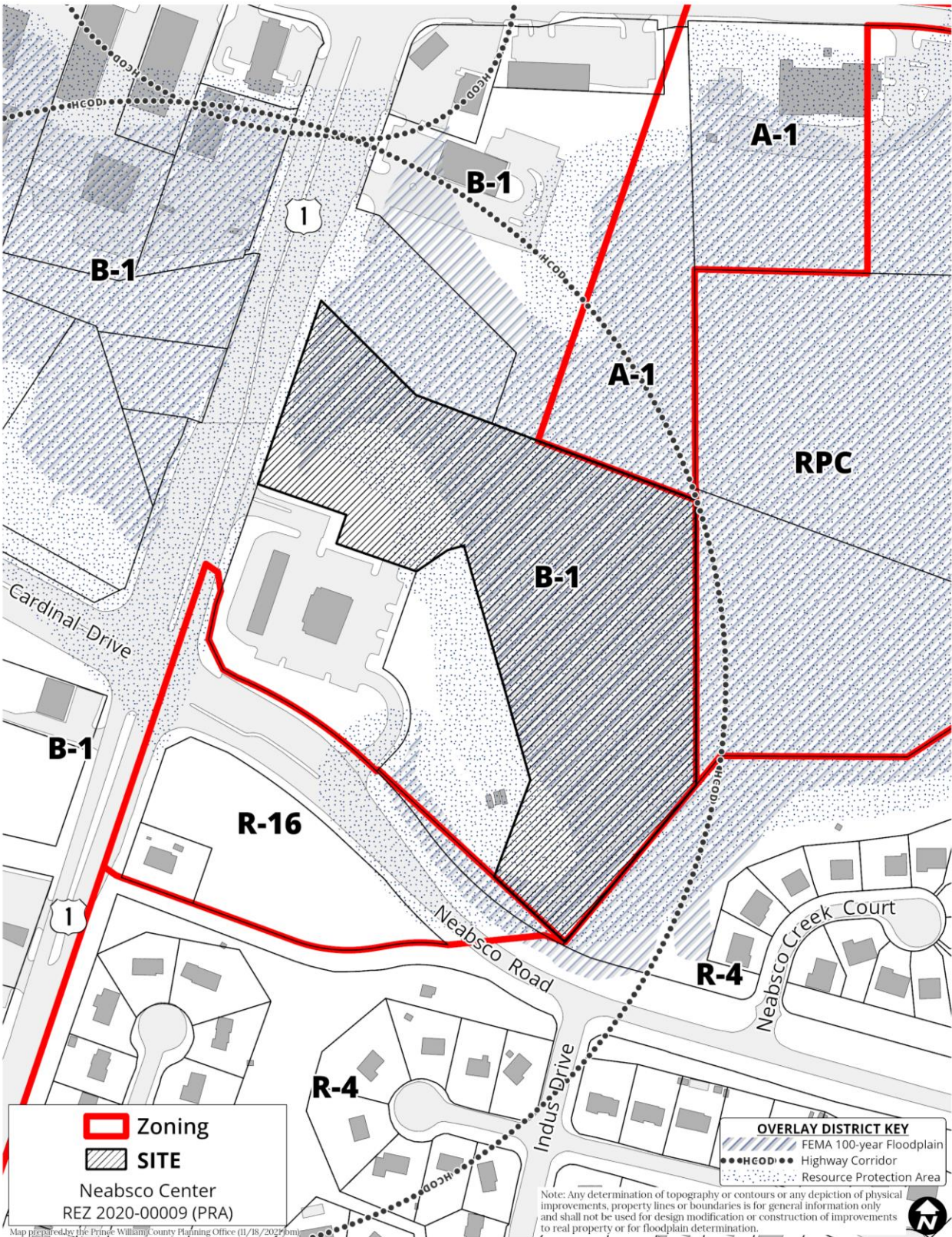
Vicinity Map



Neabsco Center
REZ 2020-00009 (PRA)







Part I. Summary of Comprehensive Plan Consistency

Staff Recommendation: APPROVAL

This summary analysis is based on the relevant Comprehensive Plan action strategies, goals, and policies. A complete analysis is provided in Part II of this report.

Comprehensive Plan Sections	Plan Consistency
Long-Range Land Use	Yes
Community Design	Yes
Cultural Resources	Yes
Environment	No
Fire and Rescue	Yes
Police	Yes
Transportation	Yes

Part II. Comprehensive Plan Consistency Analysis

The following table summarizes the area characteristics (see maps in Attachment A):

Direction	Land Use	Long-Range Land Use Map Designation	Zoning
North	Undeveloped parcel	NC	B-1, A-1
South	Vacant land; Single-family detached dwellings	NC	R-16, R-4
East	Single-family detached dwellings	POSP, SRL	R-4, RPC
West	Vacant land; Single family detached dwellings	NC	B-1

Long-Range Land Use Plan Analysis

Through wise land use planning, the County ensures that landowners are provided a reasonable use of their land while the County is able to judiciously use its resources to provide the services for residents and employers’ needs. The Long-Range Land Use Plan sets out policies and action strategies that further the County’s goal of concentrating on population, jobs, and infrastructure within vibrant, walkable, mixed-use centers serviced by transit. In addition to delineating land uses on the Long-Range Land Use Map, the Plan includes smart growth principles that promote a countywide pattern of land use that encourages fiscally sound development and achieves a high-quality living environment; promotes distinct centers of commerce and centers of community; complements and respects our cultural and natural resources, and preserves historic landscapes and site-specific cultural resources; provides adequate recreational, park, open space and trail amenities that contribute to a high quality of life for county residents; and revitalizes, protects, and preserves existing neighborhoods.

The site is designated NC, Neighborhood Commercial, in the Comprehensive Plan and is located within the Development Area of the County. The site is currently zoned B-1, which is not noted within the Comprehensive Plan as an implementing zoning district for areas designed NC. Notwithstanding this discrepancy, this proffer amendment proposes a reduction in development intensity via the elimination of the larger 100,000 square foot shopping center. This reduction in intensity is consistent with the intent of the NC designation to provide smaller scale, neighborhood serving commercial uses with less than 120,000 square feet of non-residential uses. The following table summarizes the land use patterns/densities intended within the NC designation:

Long-Range Land Use Map Designation	Intended Uses and Densities
Neighborhood Commercial (NC)	The purpose of the Neighborhood Commercial classification is to provide commercial areas to serve surrounding residential neighborhoods. NC designated areas shall be planned and developed in a comprehensive, coordinated manner. NC projects shall not be nearer than one mile from any other NC area or project, or any GC or Convenience Retail (CR) area or project. The site orientation of an NC project shall be toward surrounding neighborhoods, with project access from primary neighborhood-serving roadways, rather than from roadways serving pass-through/pass-by traffic. Pedestrian access to and from the surrounding neighborhood, where appropriate, shall be encouraged. Primary uses in the NC classification are the retail and retail service uses permitted in the B-2, Neighborhood Business, zoning district, and/or mixed-use buildings that combine retail/retail service uses on the first floor only and residential uses on no more than two additional floors, with a special use permit. In order that the neighborhood-serving function of NC uses can be maintained, maximum NC project size shall be 15 acres and the maximum size of non-residential uses shall be 120,000 gross square feet, with no single use (other than a grocery store, general store, or drug store) to be larger than 12,000 gross square feet.

Proposal's Strengths

- **Comprehensive Plan Land Use:** The subject site is currently designated as NC, Neighborhood Commercial. The proposed proffer amendment to reduce the development intensity and allow for one additional pad site is compatible with the intent of the NC designation to allow smaller scale, community serving uses.
- **Use Limitations:** All other permitted uses in the B-1 zoning district shall be allowed, except the following: Funeral chapel, funeral home, mortuary, crematorium, tattoo parlor (as a retail service), motor vehicle impoundment yard, motor vehicle towing, commercial parking, truck stop related facilities, range, shooting (indoor), and self-storage center.

Proposal's Weaknesses

- **Lot 31A2 Zoning Consistency:** Proffer 1 identifies the following retail uses for the pad site on Lot 31A2: drug store, home-improvement center, hardware store, retail store and shop, automated teller machines (ATMs), restaurant, delicatessen, drive-in restaurant, drive-in banks, financial institutions, and automotive parts retail facility, and all other retail uses permitted in the B-1 zoning district and these proffers.
 - Although staff can support the majority of the above-noted uses, Zoning Ordinance Section 32-400.07 stipulates, in part, that drive-through uses must either be depicted on a Master Zoning Plan, or on the Generalized Development Plan of a rezoning; or identified on a special use permit plan. At this time, a drive-through option has not been included on the GDP, and a special permit plan has not been submitted. Furthermore, and as will be discussed subsequently in this report, approximately half of the pad site is located within the Resource Protection Area (RPA), constraining development options. The introduction of a drive-through use, with the required parking and stacking, will result in additional impervious area that cannot be accommodated without additional impacts to the RPA. As such, staff recommends that the option for drive-through uses be removed from Proffer 1.

On balance, this application is found to be consistent with the relevant components of the Long-Range Land Use Plan, although staff recommends that the option for drive-through uses be eliminated from the proffers.

Community Design Plan Analysis

An attractive, well-designed County will attract quality development, instill civic pride, improve the visual character of the community and create a strong, positive image of Prince William County. The Community Design Plan sets out policies and action strategies that further the County's goals of providing quality development and a quality living environment for residents, businesses and visitors, and creating livable and attractive communities. The Plan includes recommendations relating to building design, site layout, circulation, signage, access to transit, landscaping and streetscaping, community open spaces, natural and cultural amenities, stormwater management, and the preservation of environmental features.

This proffer amendment proposes to eliminate an approved 100,000 square foot shopping center within located within the existing Resource Protection Area (RPA) and floodplain and proposes a single pad site within the remaining undeveloped area. The pad site will consist of a 7,400 square foot structure with 39 parking spaces located adjacent to and north of an existing Wawa. The use of the building is not identified, and the specific footprint is not proffered, suggesting it is subject to future modification. The site is constrained both from an access and site circulation perspective, and approximately half of the site is located within the RPA. All of these constraints will limit building placement and use options.

Proposal's Strengths

- **HCOD Buffer:** The Applicant includes a 20-foot Highway Corridor Overlay District (HCOD) landscape buffer along the site's Route 1 frontage to include six (6) shade trees, twelve (12) ornamental trees, and forty (40) shrubs.
- **Building Architecture:** As proffered, the façade of any building on the property that is facing and within 200 feet of Route 1 shall be constructed of brick, stone, cementitious siding, architectural concrete masonry unit (e.g., regal stone, split face, precision ground face), pre-cast concrete panels or architectural metal paneling, but not plain concrete block or combination thereof. EIFS (Exterior Insulation and Finish System) may be used as a secondary building material on facades. Other materials may also be used, if approved by the Planning Director or designee.

Proposal's Weaknesses

- **Parking Spaces:** The number of parking spaces is noted by Proffer 1 as the minimum required for the remaining site to be developed. Given the site constraints and existing of on-site RPA, this proffer should note the **maximum** number of parking spaces as 39 spaces.
- **Building Layout:** Although Proffer 1 states Lot 31A2 will be developed in substantial conformance with the GDP with regards to access, buffering, limits of disturbance and landscaping, it also states that the layout of the buildings and pad sites are not proffered, but are submitted to assist in conceptualizing the layout. As will be discussed in more detail in the environmental section of this report, approximately half of Lot 31A2 is located within the Resource Protection Area (RPA) associated with Neabsco Creek, which will constrain development options for the site. Portions of the parking and building are situated within the RPA. As such, adherence to a specific development envelope is essential to limit further impacts to the RPA.

On balance, this application is found to be consistent with the relevant components of the Community Design Plan.

Cultural Resources Plan Analysis

Prince William County promotes the identification, evaluation, and protection of cultural resource sites throughout the County, as well as the tourism opportunities these sites present. The Cultural Resources Plan recommends identifying, preserving, and protecting Prince William County's significant historical, archaeological, architectural, and other cultural resources – including those significant to the County's minority communities – for the benefit of all of the County's citizens and visitors. To facilitate the identification and protection of known significant properties that have cultural resource values worthy of preservation, the land use classification County Registered Historic Site (CRHS) is used in the Comprehensive Plan. The Plan includes areas of potentially significant known but ill-defined or suspected pre-historic sites, Civil War sites, historic viewsheds, landscapes or areas of potential impact to important historic sites, and encourages the identification, preservation, protection, and maintenance of all cemeteries and/or gravesites located within the County.

The County Archeologist has indicated that there are no archaeological and historic sites or graves recorded on the project area. The project area has been previously disturbed, exhibits a low potential for finding cultural resources, and no further studies are recommended.

Proposal's Strengths

- No Further Studies Required: The Historical Commission reviewed this proposal at its December 10, 2019 meeting and determined that no further work was needed. (The resolution is attached at the end of this staff report.) The County Archaeologist concurs with the Commission's findings.

Proposal's Weaknesses

- None identified.

On balance, this application is found to be consistent with the relevant components of the Cultural Resources Plan.

Environment Plan Analysis

Prince William County has a diverse natural environment, extending from sea level to mountain crest. Sound environmental protection strategies will allow the natural environment to co-exist with a vibrant, growing economy. The Environment Plan sets out policies and action strategies that further the County's goal of preserving, protecting and enhancing significant environmental resources and features. The Plan includes recommendations relating to the incorporation of environmentally sensitive development techniques, improvement of air quality, identification of problematic soil issues, preservation of native vegetation, enhancement of surface and groundwater quality, limitations on impervious surfaces, and the protection of significant viewsheds.

The ±8.08-acre subject site includes 6.73 acres identified on the GDP as Lot 31A1 and 1.35 acres identified as Lot 31A2. Lot 31A1 includes the 100,000 square foot shopping proposed to be eliminated as part of this proffer amendment, and Lot 31A2 is a pad site proposed to be retained and constructed with a commercial retail use.



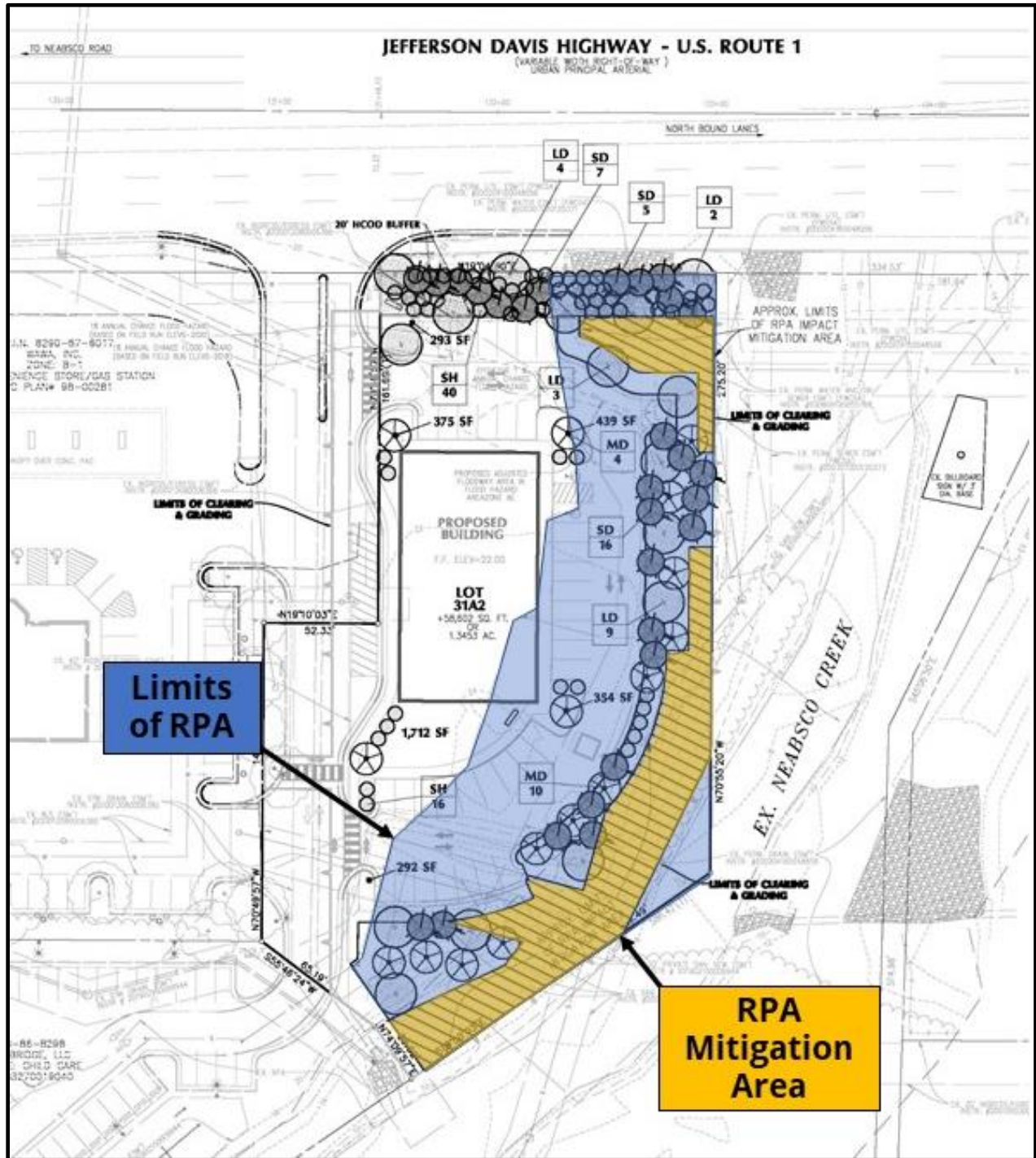
Graphic depicting Lots 31A1 and 31A2 as well as locations of RPA and floodplain.

Neabsco Creek bisects the property and runs adjacent to the shared property line separating Lots 31A1 and 31A2. Floodplain and Resource Protection Area (RPA) associated with Neabsco Creek occupy the vast majority of the Lot 31A1 as well as approximately one half of the proposed Lot 31A2 pad site. Land disturbance has occurred on the Lot 31A2 pad site, but the remainder of the Lot 31A1 property is largely unimproved, covered with heavy understory and overstory growth. An existing permanent conservation easement is located on Lot 31A1 and precludes the development of the approved shopping center.

A large portion of the proposed Lot 31A2 parking lot and a portion of the building are located within the RPA. Although the Applicant has designated an RPA impact mitigation area along the northern and eastern boundaries of Lot 31A2 in the areas closest to Neabsco Creek, this area is relatively small when compared to the actual RPA located on the property. Further, the Applicant has opted to provide 39 parking spaces whereas only 30 are required. The additional impervious area associated with these excess parking spaces represent additional unnecessary impacts to the RPA. Further, the proffers are written to provide additional flexibility in the building/site layout. In this instance, specificity in the building/parking layout is important to ensure impacts to the RPA are minimized.

Staff Analysis

It is staff's recommendation that encroachments into the RPA be minimized as much as possible to avoid unnecessary impacts. Staff recommends that the building footprint be relocated outside of the RPA, and staff further recommends that the number of parking spaces be reduced to the minimum required by the Zoning Ordinance.



Graphic depicting boundaries of the RPA (in blue) and proposed mitigation area (in orange)

Water Quality

A \$75 per acre (± 8.08 acres) monetary contribution to the Board of County Supervisors for water quality monitoring, stream restoration, and/or drainage improvements has been proffered. Such contribution shall be made prior to and as a condition of final site/subdivision plan approval with the amount to be based on the acreage reflected on the plan. This is a standard contribution amount, and is not intended to offset the on-site impacts to the RPA.

Proposal's Strengths

- Lot 31A1: Neabsco Creek flows through Lot 31A1, and the site includes associated RPA and floodplain which occupy the majority of the land area. The proposal to eliminate the 100,000 square foot shopping center will ensure that land area located within the RPA and floodplain will be preserved.

Proposal's Weaknesses

- Lot 31A2: Approximately half of the Lot 31A2 pad site is located within the RPA. The GDP depicts a portion of the building footprint as well as a significant amount of the parking area within the RPA. The proffers note that the building footprint is not proffered, subject to change, and the parking spaces, already in excess of that required by the Zoning Ordinance, is noted as the minimum to be provided.
- RPA Mitigation: The GDP designates an RPA mitigation area. However, this area is disproportionate to the proposed impacts, specifically the building footprint and excess parking. Staff does not find the mitigation area sufficient to offset the impacts to the RPA.

On balance, this application is found to be inconsistent with the relevant components of the Environment Plan. Staff acknowledges that the approved #REZ1990-0070 GDP provides for development within the land area now identified as Lot 31A2. However, staff recommends that the scope of the development be defined and limited to avoid any unnecessary impacts to the RPA.

Fire and Rescue Plan Analysis

Quality fire and rescue services provide a measure of security and safety that both residents and businesses have come to expect from the County. The Fire and Rescue Plan sets out policies and action strategies that further the County's goal of protecting lives, property, and the environment through timely, professional, humanitarian services essential to the health, safety, and well-being of the community. The Plan includes recommendations relating to siting criteria, appropriate levels of service, and land use compatibility for fire and rescue facilities. The Plan also includes recommendations to supplement response time and reduce risk of injury or death to County residents, establishment of educational programs, such as cardio-pulmonary resuscitation (CPR) training, automatic external defibrillators (AED), and encourage installation of additional fire protection systems – such as sprinklers, smoke detectors, and other architectural modifications.

The first due Fire & Rescue station is the River Oaks Station #23. The property is located within the 4.0-minute travel time radius for fire and basic life support, and within the 8.0-minute travel time radius for advanced life support services. The most recent FY2021 figures indicate that Fire & Rescue Station #23 responded to approximately 4,943 incidents. Station #23 has a workload capacity of 6,000 incidents; as such, it is operating within capacity.

Proposal's Strengths

- Inside 4.0 Minute Travel Time: The site is located inside the recommended 4.0-minute travel time for fire suppression and basic life support.
- Inside 8.0-Minute Travel Time: The site is located within the 8.0-minute travel time for advanced life support services.
- Station #23 Workload: The responses per tactical unit from the station are within the station's recommended capacity.
- Fire and Rescue Contribution: As proffered, the Applicant agrees to contribute a monetary contribution for fire and rescue purposes of \$0.61 per square foot of any new building area to be constructed prior to the issuance of any building permits.

Proposal's Weaknesses

- None identified.

On balance, this application is found to be consistent with the relevant components of the Fire and Rescue Plan.

Police Plan Analysis

Residents and businesses expect a high level of police service for their community. This service increases the sense of safety and protects community investments. The Police Plan is designed to promote Prince William County's public safety strategic goal to continue to be a safe community, reduce criminal activity, and prevent personal injury and loss of life and property, as well as to ensure effective and timely responses throughout the County. This Plan encourages funding and locating future police facilities to maximize public accessibility and police visibility as well as to permit effective, timely response to citizen needs and concerns. The Plan recommends educational initiatives, such as Neighborhood and Business Watch, and Crime Prevention through Environmental Design (CPTED), which encourages new development to be designed in a way that enhances crime prevention. The Plan also encourages effective and reliable public safety communications linking emergency responders in the field with the Public Safety Communications Center.

At this time, the Police Department does not believe this application will create a significant impact on calls for service.

The Applicant should coordinate with the Police Department as the site develops, and apply the various Crime Prevention Through Environmental Design (CPTED) principles, which can be found at the following: <https://www.pwcva.gov/assets/documents/police/002035.pdf>.

Proposal's Strengths

- **No Significant Impact**: The Police Department has reviewed the proposal and does not believe it will result in a significant impact on calls for Police service.
- **Crime Prevention through Environmental Design Strategies**: As proffered, the Applicant will coordinate with the Police Department prior to and at site development, in order to apply the various Crime Prevention Through Environmental Design (CPTED) strategies. In order to monitor and maintain onsite security, the applicant shall utilize onsite security practices, such as, but not limited to, interior/exterior mounted surveillance cameras, an alarm system, onsite lighting, or other methods, as needed. Compliance shall be demonstrated on the final site plan and/or applicable building plans.

Proposal's Weaknesses

- None identified.

On balance, this application is found to be consistent with the relevant components of the Police Plan.

Transportation Plan Analysis

Prince William County promotes the safe and efficient movement of goods and people throughout the County and surrounding jurisdictions by providing a multi-modal approach to traffic circulation. The Transportation Plan sets out policies and action strategies that further the County's goal of creating and sustaining an environmentally friendly, multi-modal transportation system that meets the demands for intra- and inter-county trips, is integrated with existing and planned development, and provides a network of safe, efficient, and accessible modes of travel. The Plan includes recommendations addressing safety, minimizing conflicts with environmental and cultural resources, maximizing cost effectiveness, increasing accessibility of all travel modes, minimizing projected trip demand, and providing sufficient network capacity. Projects should include strategies that result in a level of service (LOS) of "D" or better on all roadway_corridors and intersections, reduce traffic demand through transportation demand management strategies, dedicate planned rights-of-way, provide and/or fund transit infrastructure, pedestrian and bicycle pathways, and improved and coordinated access to transit facilities.

This proffer amendment does not fundamentally change the points of access approved as part of #REZ1990-0070. The approved GDP depicts access to the shopping center and three pad sites via Neabsco Road and Route 1. The Neabsco Road access currently exists as a full movement intersection. The Route 1 access exists as a right-in/right-out. The remaining pad site will access Route 1 from an internal drive aisle. The internal drive aisle averages 2,889 vehicle trips per day. The third pad site is estimated to generate 415 vehicle trips per day. The Virginia Department of

Staff Analysis

Transportation (VDOT) traffic counts for the segment of Route 1 and Neabsco Road adjacent to the site are 42,000 and 5,900 average daily trips, respectively.

The following summary table provides the latest Virginia Department of Transportation (VDOT) annual average daily traffic counts and Prince William County Travel Demand model levels of service (LOS) information in the vicinity of the site.

Roadway Name	Number of Lanes	2019 VDOT Annual Average Traffic Count	Travel Demand Model 2015 Daily LOS
Jefferson Davis Highway (Route 1)	6	42,000 AADT	B
Neabsco Road	4	5,900 AADT	B

The elimination of the approved 100,000 square foot shopping center will significantly reduce trip generation compared to the proposed development. Therefore, a full Traffic Impact Analysis (TIA) was not required. The Applicant did, however, submit a weekday AM and PM right-turn lane warrant analysis in support of a request to waive the right-turn lane requirement from Route 1. The DCSM requires a right-turn lane for access from roadways classified as Category VI and above. Because there was insufficient existing right-of-way available to construct a new right-turn lane on Route 1, this waiver was approved by the County Department of Transportation on January 7, 2021.

Proposal's Strengths

- **Site Access:** As shown on the GDP, the site will be accessed from Jefferson Davis Highway (Route 1) via an existing right-in/right-out by means of an existing internal drive aisle.
- **Bicycle Rack:** The Applicant will provide one inverted U-bicycle rack as part of development of the proposed pad site.

Proposal's Weaknesses

- **Internal Drive Aisle Access:** There are concerns that vehicles accessing the site from Route 1 will attempt to utilize the westernmost access closest to Route 1, which is intended as a right-out access only from Route 1. Transportation staff recommends the western entrance be designed and constructed as right-turn out-only. The Applicant has proposed to extend the existing concrete median to preclude such access from Route 1 as well as install "no U-turn signage," which will only partially address the issue.

On balance, this application is found to be consistent with the relevant components of the Transportation Plan.

Strategic Plan

This section of the report is intended to address the project's alignment with the outcomes provided within the County's Strategic Plan. The 2021-2024 Strategic Plan was developed through extensive community input, research of county policies and services and interviews with the Board to collect input on strategic priorities for the County over the next 4 years. The Plan envisions Prince William County as a diverse community striving to be healthy, safe, and caring with a thriving economy and a protected natural environment. In an effort to implement this vision, the Strategic Plan Team developed seven strategic focus areas to guide Board actions: "Health, Wellbeing & Human Services," "Safe and Secure Community," "Resilient Economy," "Quality Education & Workforce Development," "Environmental Conservation," "Sustainable Growth," and "Transportation and Mobility." It is important to note that no single area is viewed as more critical than another. Rather, each are interrelated and have a direct impact on each other. Collectively, these goal areas impact the quality of life in all facets of the community issues raised during the review of the proposal, which are not directly related to the policies, goals, or action strategies of the Comprehensive Plan, but which are materially relevant to the County's responsibilities in considering land use issues. The aspects of the proposal applicable to the Strategic Plan are as follows:

- **Resilient Economy**: The proposed rezoning is favorably aligned with the County's Resilient Economy objective to continue efforts to preserve and expand the commercial tax revenue base. The rezoning will result in an increased assessed tax value and commercial tax base.
- **Transportation & Mobility**: The proposed rezoning is favorably aligned with the County's Transportation & Mobility objective to improve multi-modal options by proffering bike racks upon redevelopment.

Materially Relevant Issues

This section of the report is intended to identify issues raised during the review of the proposal, which are not directly related to the policies, goals, or action strategies of the Comprehensive Plan, but which are materially relevant to the County's responsibilities in considering land use issues. The materially relevant issues in this case are as follows:

- The conclusions of this report are predicated on the assumption that the 100,000 square foot shopping center on Lot 31A1 will be eliminated, and the land area will be preserved in perpetuity as open space. However, the land area is not included as part of the Generalized Development Plan (GDP), and the proffers do not explicitly say that the property will not be developed. Although the permanent conservation easement provides significant predictability in terms of intent, both the GDP and the proffers should include a firm commitment that the property will be maintained as open space. As such, staff recommends that the land area of Lot 31A1 be physically delineated on the GDP with a notation stating the area as open space. Staff further recommends that the proffers explicitly state that Lot 31A1 will be retained as open space. This will eliminate any future ambiguity regarding the intent for development on Lot 31A1.

Staff Analysis

- It is important to note that the subject site has previously been cited with a Property Code Enforcement violation for parking and storing vehicles onsite. Portions of the property have also been used for construction equipment storage/staging. At the time of writing this staff report, all previous issues have been abated and adequately addressed.

Agency Comments

The following agencies have reviewed the proposal and their comments have been summarized in relevant comprehensive plan chapters of this report. Individual comments are in the case file in the Planning Office:

- PWC Planning Office: Archaeologist, Case Planner, GIS, Zoning Administration,
- PWC Fire Marshal's Office
- PWC Historical Commission
- PWC Police / Crime Prevention
- PWC Public Works – Environmental Services / Property Code / Watershed Management
- PWC Transportation
- Virginia Department of Transportation (VDOT)

PROFFER AMENDMENT SUMMARY OF SUBMISSION: REZ#90-70

Proffer Amendment #REZ2020-00009, Neabsco Center

General Property Information:

GPIN: 8290-97-2015
8290-87-6017 Lot A (WaWa, Inc. – Not Subject to this Proffer Amendment)
8290-87-9418 Lot 31A (8.0752 Acres)
Lot 31A1-not subject to this Proffer (6.7299 Acres);
Lot 31A2-subject property (1.3453 Acres)
8290-86-8298 Lot 31B (Everbrook Academy – Not Subject to this Proffer Amendment)

Acreage: ~~+/- 10.0332 acres~~
8290-87-6017: 2.403 Acres (WaWa Inc.)
8290-87-9418: 8.0752 Acres
Lot 31A1 6.7299 Acres - undisturbed
Lot 31A2 1.3453 Acres – scope of the development area
8290-86-8298: 1.9601 Acres (EC LCG Woodbridge, LLC)
Total Acreage: +/- 12.4383 Acres

Parcel Info: 15807 Jefferson Davis Highway, Woodbridge, VA 22191

Comprehensive Plan

Land Use Classification: NC (Neighborhood Commercial)

Zoning: B-1, General Business

Purpose of Proffer:

Amendment: 1. Update GDP (~~January 28, 2020~~~~October 13, 2021~~November 9, 2021)
2. Proffer to an updated layout
3 pad sites
1. WaWa (Existing)
2. Everbrook Academent (~~Current Plan~~Existing)
3. New Use
3. Amend contributions
Transportation
4. Vacate shopping center concept
5. Vacate relocation of Neabsco Creek

Applicants: Robert B. Hart, Trustee of The Susan Hart Revocable Living Trust
Dated July 27, 2018

Property: 15807 Jefferson Davis Highway, Woodbridge, VA 22191

GPIN: ~~8290-97-2015~~8290-87-9418

Date: ~~September 10, 2019~~~~May 5, 2020~~~~May 21, 2020~~ January 5, 2021~~June 15, 2021~~~~October 14, 2021~~November 9, 2021

1st AMENDED PROFFER STATEMENT

RE Case #: ~~RE #90-70~~
Proffer Amendment #REZ2020-00009, Neabsco Center

Applicants/
Owners: ~~The Michael Rolband Company, Inc., Trustee; MRC
Neabsco Shopping Center Limited Partnership; Robert B. Hart
And Susan L. Hart~~
Robert B. Hart, Trustee of The Susan Hart Revocable Living Trust Dated
July 27, 2018

Property: ~~12.82 +/-8.0752 Acres~~ located on the northwest corner of U.S. Route 1 at its intersection with Route 610 (Neabsco Road); 1.3453 Acres is the scope of the development area (Lot 31A2); 6.7299 Acres will be undisturbed

GPIN: 8290-87-9418: Lot 31A1 (6.7299 acres) and Lot 31A2 (1.3453 acres) totaling 8.0752 acres

Date: ~~July 24, 1991~~
~~September __, 2019~~ ~~April __, 2020~~ ~~May 21, 2020~~ January 5, 2021 ~~June 15, 2021~~ October 14, 2021 November 9, 2021

The undersigned Owners and Applicants for ~~himself as trustee~~ ~~themselves~~, ~~his~~ ~~their~~ successors or Assigns (collectively the "Applicant") hereby state that he is and will be ~~be~~ in ~~substantial~~ strict accordance and conformance with the following proffers or development conditions and that these Amended Proffers shall supersede any and all other proffers made prior hereto on all or any part of the subject Property by Applicant or others. In the event the above referenced rezoning is not granted as applied for by Applicant, then these proffered conditions shall be deemed withdrawn and automatically null and void. (This Proffer Amendment is

amending the proffers for just the ~~8.0752~~ 1.3453 acre portion of the original property, Lot 31A2. The remaining portions (WaWa, the Everbrook Academy, and Lot 31A1) will still be regulated by REZ1990-0070). The headings of the proffers set forth below have been prepared for convenience of reference only and shall not control or affect the meaning nor shall the headings be taken as an interpretation of any provision of the proffers.

1. **Generalized Development Plan**

The Generalized Development Plan (GDP) shall be the plan prepared by Ross-France, entitled "Neabsco Center (Lot 31A2)" and revised and updated through November 9, 2021~~October 13, 2021~~ December 18, 2020 (hereinafter "GDP").

The Applicant has developed and the County has approved ~~he Applicant or its successor/assignee shall develop Lot 31A2 as a retail use in substantial conformance with the GDP, including the access, buffering, limits of disturbance and landscaping, subject to minor changes approved by Prince William County in connection with the final site plan review. As noted above, Lot 31A2 is the scope of the development area, and Lot 31A1 shall be left undisturbed as part of a VDOT conservation easement, a community retail shopping center on the Property to be known as "Neabseo Center". Neabseo Center~~ Said retail use which may include a single commercial retail use, including, but not limited to one or more of the following: ~~grocery convenience store; drug store; home-improvement center; hardware store; retail store and shop; automated teller machines (ATMs); restaurant; delicatessen; drive-in restaurant; convenience stores/quick service food store; ear wash; service station/motor vehicle fuel sales; drive-in banks; financial institutions; automotive parts retail facility;~~ and any and all other retail uses as permitted in the B-1 zoning district and these proffers. **However, no matter which use is ultimately placed on the Property known as**

Lot 31A2, the Applicant will not exceed any further encroachments beyond what it has indicated on the GDP.

The layout of the buildings and pad sites on the GDP are not proffered but are submitted solely to assist in conceptualizing the ~~retail center~~ layout of the ~~three~~ pad sites. ~~The main retail shopping center building shall, however, be oriented as generally shown on the submitted Generalized Development Plan dated July 24, 1991. The development of this site shall not exceed 100,000 gross s.f., and no more than a total of three (3) free standing pad sites, which site shall be permitted on this Property site provided and subject to the fact notes that are shown on the submitted Generalized Development Plan, specifically the parking depicted on the GDP should be maintained as a minimum for the remaining site to be developed a total not to exceed twenty five (25%) percent of the total required parking spaces for the site shall be permitted at the rear of the freestanding pad buildings and/or the main shopping center building and any required fast food stacking spaces shall be permitted to be located as shown on the Generalized Development Plan which location results in said stacking being in front of and/or along the side of loading and dumpster areas. The parking area permitted under the approved GDP is being reduced by more than 100 parking spaces.~~

The façade of any building on the Property that is facing and within 200 feet of US Route 1 shall be constructed of brick, stone, cementitious siding, architectural concrete masonry unit (e.g. regal stone, split face, precision ground face), pre-cast concrete panels or architectural metal paneling, but not plain concrete block or a combination thereof. EIFS (Exterior Insulation and Finish System) may be used as secondary building material on facades. Other materials may be used, if approved by the Planning director or his/her designee.

The limits of clearing and grading shall be in strict conformance with the GDP, with the understanding that the Applicant may need to exceed the limits of clearing and grading in order to facilitate removal of foreign materials if so required by the WQIA. To the extent that necessary, Applicant will minimize encroachment into the Chesapeake Bay RPA buffer.

2. Uses

All uses permitted in the B-1 zoning district shall be allowed except for the following:

- a. Funeral chapel
- b. Funeral home
- c. Mortuary
- d. Crematorium
- ~~_____ e. Outdoor storage without screening or fencing~~
- e. Tattoo parlor, as a retail service
- f. Motor vehicle impoundment yard
- ~~_____ g. Motor vehicle towing~~
- ~~_____ h. Commercial parking~~
- ~~_____ i. Truck stop related facilities~~
- ~~_____ j. Range, shooting (indoor)~~
- ~~_____ k. Self-storage center~~

3. Landscaping

The landscaping plans, to be submitted at the time of site plan review, which plans shall be in substantial conformance with these Proffers and shall specifically include:

~~a. Wetland plantings as described in U.S. Army Corps of Engineers Permit No. 89-1264-08.~~

~~b. Vegetative buffer area plantings that maximize wildlife food values as described in U.S. Army Corps of Engineers Permit No. 89-1264-0~~

~~e. Willow Oaks, 2" Diameter at Breast Height (DBH) at 30' on center along the east side of U.S. Route 1. This proffers shall not preclude clustering of the total number of oaks required whether for aesthetic, safety or sign distance issues.~~

~~d. The significant use of eypress and Austrian pine in addition to the more typical use of white pine in areas where evergreen vegetation is planned.~~

~~e. Traffic islands shall be landscaped where practicable and walkway material shall be placed in islands to assist pedestrian travel through parking areas where logical pedestrian paths are interrupted by traffic islands.~~

a. The specific landscaping plans shall be fully developed at the time of the Water Quality Impact Assessment ("WQIA"), which is required for any proposed development in an RPA, and as a condition of site development; the landscaping plans shall be in substantial conformance with the development standards and the obligations of the DCSM, Zoning Ordinances and created in this Proffer Statement.

1. As part of the site plan review and approval for Lot 31A2, the Applicant shall submit a WQIA for review and approval by the Watershed Management Branch and County Arborist. The WQIA shall provide details and specifications for the following:

a. "Soil Remediation Areas" shall be depicted on the submission of the WQIA such that it shall provide a minimum depth of 3' of clean soil (to include a minimum of 6" of clean topsoil) with a soil pH between 5.5 and 6.5, to be planted as part of

the “Riparian Buffer Reforestation and Invasive Plant Eradication Areas.” The topsoil shall contain less than 5% by volume of cinders, stones, slag, coarse fragments, sticks, roots, trash, or other materials larger than 1 ½ inch in diameter and shall not contain gravel, but shall contain a minimum of 5% natural fine organic matter, such as leaf mold, peat moss, etc. A geotechnical analysis shall be provided to demonstrate fulfillment of this Proffer.

b. Restoration of those areas identified as “Riparian Buffer Restoration and Invasive Plant Eradication Area” on the WQIA submission, which have been disturbed because of VDOT and other activity, not attributable to the Applicant. This WQIA submission shall include one initial broad-based eradication/removal treatment and one follow-up spot treatment of invasives. This WQIA submission shall also include random planting of a mixture of 6’ to 8’ (planting height) overstory shade trees, 18” to 24” (planting height) overstory and understory tree seedlings, shrubs, riparian herbaceous seed mix and ground cover. The overstory and understory trees shall be planted at a cumulative density of 450 plants per acre. Implementation of the Riparian Buffer Reforestation and Invasive Plant Eradication activities may be phased or segmented to correspond with the timed development of the Property.

b.f. Required interior landscaping shall be used and clustered wherever possible to help screen the backs of any retail buildings visible from Route One. The exact extent and nature of landscaping and screening will be addressed during the WQIA and site development. To the extent applicable, as determined during the WQIA and site development processes, the Applicant will remove foreign materials and ensure compaction at the surface with replacement of soils suitable for planting such that a minimum depth of planting media of 2 feet is achieved; further, Applicant will replant material if a minimum survival rate is not

achieved after 2 growing seasons; the Applicant will work with the RPA administrator in the Watershed Management Branch, to the extent applicable, to ensure compliance with this 1st Amended Proffer.

eg. Native riparian buffer vegetation will be restored to both the southern and northern sides of Neabsco Creek to be maintained in perpetuity. Such measures will be described in greater detail during the WOIA phase.

d. To facilitate adequate expansion of trees and shrub roots to support healthy plants, all landscape areas, parking lot islands and buffers, which have been subject to pavement and/or compaction shall have, prior to planting: a) all foreign materials (asphalt, concrete, rock, gravel, debris, etc.) removed and the soil loosened to a depth of a minimum of 3', and b) a top dressing of 4" to 6" of clean topsoil provided. This topsoil shall be a loam, sandy loam, clay loam, silt loam, or sandy clay loam. The topsoil shall not be a mixture of or contain contrasting textured subsoils. The topsoil shall contain less than 5% by volume of cinders, stones, slag coarse fragments, sticks, roots, trash, or other materials larger than 1" in diameter and shall not contain gravel. The topsoil shall contain a minimum of 5% natural fine organic matter, such as leaf mold, peat moss, etc.

~~4. Conservation Easement~~

~~Upon approval of site plan, the Owner shall provide a Conservation Easement to Prince William County. Said easement shall cover the approximately five acres of open space designated on the GDP in the Northwest area of the site. This Conservation Easement shall accomplish the following:~~

~~a. Preserve this area as open space in perpetuity.~~

~~b. Allow citizens of Prince William County to travel in boats and canoes through this area, to observe fowl and other wildlife, and to fish (but not hunt with any type of weapon, including bow and arrow).~~

~~c. Allow the Prince William Park Authority to construct and maintain a walking path through this area.~~

45. Lighting

Lighting shall be in substantial conformance with these Proffers. Interior, on-site, free-standing parking lot lighting shall be provided by low pressure sodium vapor light sources, unless prohibited by local, state or utility guidelines or regulations in effect at the time of site plan submission, contained in "shoe box" type fixtures with a prism type lens focused downward. Said lighting fixtures may be mounted on poles no higher than 16' within 200' of Neabsco Road and 20' elsewhere.

56. Signage—Signage shall be in substantial conformance with these Proffers and as approved by Prince William County and in accordance with an existing sign agreement as depicted on the GDP.

Except as modified below or as currently existing, the Applicant shall be permitted any and all signage allowed by applicable County sign regulations:

a. **Entry Signs** on Route 1 and Neabsco Road shall be of a "monument" style with a maximum height of 10 feet. The architecture of said signs shall either be similar to that of the monument for Harbors of Newport or shall include "pilings" for a nautical theme. The entry sign on Route 1 shall be located on the 20'x20' Sign Easement, as denoted on the plan.

b. **Pad Signage** may be of a distinctive style based upon the trade style of each user's corporate image.

e. ~~Center Signage shall be consistent in size, design and complementing in color selections, with the understanding that individual businesses have distinctive corporate logos and signage that must be accommodated. Said signage may be lighted at night with either backlighting or with fixtures integrated into the signage design. Said lettering shall be mounted with a channel system.~~

d. ~~Pendant Signs shall be provided under the canopy of the shopping center.~~

67. **Transportation**

a. **Route 1:** The following improvements shall be provided;

1. ~~The Applicant shall provide the construction of the transportation improvements shown on the Transportation Phasing Plan prepared by Polins, Weyant & Hamm and attached hereto as Exhibit A. The construction of the improvements shall occur in accordance with the phasing schedule shown on Exhibit A. All said improvements shown on Exhibit A can be constructed within existing VDOT right of way or within right of way proffered to be dedicated to, or contracted to be dedicated to Prince William County and the Applicant shall have no obligations to acquire any additional right of way. The Applicant **has submitted** a waiver of the transportation requirements to dedicate a right turn lane along the frontage of the property, as well as other applicable waivers to be consistent with the development of the site.~~

2. ~~Frontage shall be dedicated (if not already done so) to provide right of way for 55 feet from the center line.~~

3. ~~Upon construction of either the second freestanding pad site or access for the main shopping center buildings onto Neabseo Road, whichever occurs earlier, the owner shall construct a raised traffic island median (maximum two feet in width) preventing left turns into the site from traffic heading south on Route One and restricting traffic to Right In/Right out at the main shopping~~

~~center entrance onto Route 1. Full turning movements at the main entrance on Route 1 shall be permitted until the raised median is constructed. In conjunction with the Applicant's road construction activities on Route 1, the Applicant agrees when applicable to add additional traffic signals at Route 1 and Neabseo Road to accommodate the additional lanes and turning movements proposed/allowed by Applicant's road improvement construction.~~

24. In addition to the ~~main shopping center~~ entrance access, the North pad site shall be permitted to also have access to Route 1 via a restricted Right Out only access point.

~~5. In addition to the dedication provided for in subparagraph (2), above, the Applicant agrees to reserve an additional fifteen foot (15') wide right of way reservation strip along the property frontage on Route 1. Said reservation is made specifically contingent on and subject to the County and VDOT allowing and permitting the Applicant to use said reservation strip for any and all purposes until time of dedication including curb, gutter, sidewalks, landscaping, open space, public utility and temporary uses including signage. Furthermore, said reservation is contingent upon the County approving all site plans for any buildings, parking areas and other improvements with building setbacks measured from the fifty five foot dedication line only as proposed in subparagraph (2) above and not from this reserved area.~~

37. The Applicant agrees to provide a minimum of one (1) inverted-U bicycle parking on-site, built to APBP standards.

b. **Neabseo Road:** ~~The following improvements shall be provided~~

~~1. The construction of only those additional road improvements to widen Neabseo Road to four lanes from Route 1 to the site's entrance onto Neabseo Road as specifically shown on Exhibit A.~~

~~2. The Applicant shall contribute the sum of Twenty Five Thousand Dollars (\$25,000) toward the cost of new traffic signals at this site's entrance onto Neabseo Road. Said contribution shall be paid at the time of issuance of the first occupancy permit for the main shopping center building.~~

78. **Environmental**

~~a. Gas Station/Convenience Market/Car Wash~~

~~1. In order to protect surface and ground water resources from the runoff of oil, petroleum, and grease from the subject property, all stormwater runoff from paved surfaces on the subject pad area of the Property shall be conveyed through one oil/grit separator prior to discharge into the storm drainage system. The oil/grit separator shall be designed and installed substantially in conformance with the methods recommended by the Metropolitan Washington Council of Governments (COG) in Chapter 8 of the 1987 publication entitled *Controlling Urban Runoff: A Practical Manual for Planning and Designing Urban BMPs*.~~

~~2. All Underground Storage Tanks (USTs) providing storage for petroleum products or by products shall be designed and constructed with all applicable regulations promulgated at the time of installation by all local, state, and federal agencies having jurisdiction over this installation, including but not limited to the United States Environmental Protection Agency and the Virginia State Water Control Board.~~

ab. **Wetlands, Vegetative Buffers and Fishery Resources**

~~This Property may be developed in two Phases. Phase I consists of the front portion of the site currently zoned B-1 and planned for free-standing pads as shown on the GDP. Phase II is the remainder of the site. When Phase II is developed, the wetland restoration area, new wetland areas, vegetative buffers and fishery resource improvements will be constructed. These areas are depicted~~

~~on the GDP and more specifically described in U.S. Army Corps of Engineers Permit No. 89-1264-08 to assure Prince William County of the successful implementation of these environmental and water quality improvement measures, the Application shall:~~

The Applicant proffers that the required corrective measures shall be employed as required in coordination of the components of the final site plan and required WQIA and RPA mitigation plan.

Further, the Applicant agrees to proffer a monetary contribution in the amount of \$75.00 per acre to conduct water quality monitoring, stream restoration projects and/or drainage improvements.

Said contribution shall be paid as a condition of the approval of the site plan and shall be based on the gross acreage of the Property.

~~1. Submit written reports that assess the success and failures of the wetland and vegetative buffer planting plan. These reports shall be submitted 4 to 6 weeks after planting is completed, and one, three, and five full growing seasons after the wetlands are established. The reports must include the following:~~

~~a. Rezoning case number and Applicant's name.~~

~~b. A summary of the work accomplished.~~

~~c. 35 mm ground photographs of the mitigation site.~~

~~d. The percent survival of the vegetation established and all corrective measures planned to control undesirable species.~~

~~2. Resprig or reseed the vegetation if less than 75% of the vegetation is not established and healthy after two full growing seasons.~~

~~3. Follow sediment and erosion control measures consistent with those contained in the standards and criteria of the Virginia Sediment and Erosion Control Handbook during construction.~~

~~4. Record the requirements of the mitigation described in U.S. Army Corps of Engineers Permit No. 89-1264-08 with any deed transferring title of this Property so that all future Property Owners are informed as to these requirements.~~

~~5. Provide a low flow fish channel within the newly created channel and place Class I riprap randomly, no more than five feet apart, within the new stream bed (not within the low flow channel).~~

16. If necessary, the buffers and vegetation shall be addressed at the time of the WQIA and shall be in substantial conformance with these Proffers.

27. Applicant shall provide perimeter fencing as a trash guard for debris as a measure to prevent waste from entering Neabsco Regional Park.

89. Fire and Rescue Contribution

The Applicant agrees to contribute agrees to a monetary contribution for fire and rescue purposes of \$0.61 per square foot of any new building area to be constructed prior to issuance of building permit(s). Further, Applicant agrees to have adequate turnaround areas and fire lanes as required ~~required contribute the sum of Five Thousand Dollars (\$5,000.00)~~ Said amounts shall be contributed to the Prince William County Board of Supervisors for fire and rescue purposes for the Neabsco area at the time of issuance of the first occupancy building permit(s) for the subject Property~~main retail shopping building.~~

940. Police

The Applicant shall coordinate with the PWC Police Department prior to and at site development, in order to apply the various Crime Prevention Through Environmental Design (CPTED) strategies. In order to monitor and maintain onsite security, the Applicant shall utilize onsite security practices, such as, but not limited to, interior and/or exterior mounted surveillance

cameras, an alarm system, onsite lighting, or other methods, as needed. Compliance shall be demonstrated on the final site plan and/or applicable building plans.

1010. **Contribution Escalator—**

In the event the monetary contributions set forth in this Proffer Amendment Statement are paid to the Prince William County Board of County Supervisors (“Board”) within eighteen (18) months of the approval of this rezoning, as applied for by the Applicant, said contributions shall be in the amounts stated herein. Any monetary contributions set forth in this Proffer Statement which are paid to the Board after eighteen (18) months following approval of this rezoning shall be adjusted in accordance with the Urban Consumer Price Index (“CPI-U”) published by the United States Department of Labor, such that at the time contributions are paid they shall be adjusted by the percentage change in the CPI-U from that date eighteen (18) months after the approval of this rezoning to the most recently available CPI-U to the date the contributions are paid, subject to a cap of six percent (6%) per year, noncompounded. ~~The Applicant's monetary contributions provided for in Proffers 7(ab) (2) and 89 above, remain fixed for a period of eighteen (18) months from the date of rezoning approval of the subject Property by the Board of Supervisors. Thereafter the contributions provided for in Proffers 7(b) (2) and 9, above shall be adjusted to account for inflationary effects during the period of time following the approval of the rezoning by the Prince William Board of Supervisors. The contribution amount for said proffers will be adjusted by the percentage charge in the Consumer Price Index for all Urban Consumers (CPI-U) as calculated from the period which is eighteen (18) months from the date of zoning approval by the Board of County Supervisors to the date of payment, or five percent (5%) per year, whichever is less.~~

Owners/Applicants:

Robert B. Hart, Trustee of The Susan Hart Revocable Living Trust Dated July 27, 2018

~~Robert B. Hart, Individually and as Executor of the Susan L. Hart Revocable Trust date~~

~~The Michael Rolband Company, Inc., Trustee~~

By: _____
Michael S. Rolband, President

~~MRC Neabseo Shopping Center Limited Partnership,~~

~~By The Michael Rolband Company, Inc., its General Partner~~

By: _____
Michael S. Rolband, President

Exhibit:

- A. ~~Transportation Phasing Plan~~ **Generalized** Development Plan (Dated: ~~April 23, 2019~~ December 18, 2020 ~~October 13, 2021~~ November 9, 2021)

PROFFER AMENDMENT SUMMARY OF SUBMISSION

Proffer Amendment #REZ2020-00009, Neabsco Center

General Property Information:

GPIN: 8290-87-6017 Lot A (WaWa, Inc. – Not Subject to this Proffer Amendment)
8290-87-9418 Lot 31A (8.0752 Acres)
 Lot 31A1-not subject to this Proffer (6.7299 Acres);
 Lot 31A2-subject property (1.3453 Acres)
8290-86-8298 Lot 31B (Everbrook Academy – Not Subject to this Proffer Amendment)

Acreage: 8290-87-6017: 2.403 Acres (WaWa Inc.)
8290-87-9418: 8.0752 Acres
 Lot 31A1 6.7299 Acres - undisturbed
 Lot 31A2 1.3453 Acres – scope of the development area
8290-86-8298: 1.9601 Acres (EC LCG Woodbridge, LLC)
Total Acreage: +/- 12.4383 Acres

Parcel Info: 15807 Jefferson Davis Highway, Woodbridge, VA 22191

Comprehensive Plan

Land Use Classification: NC (Neighborhood Commercial)

Zoning: B-1, General Business

Purpose of Proffer:

- Amendment:
- 1. Update GDP (November 9, 2021)
 - 2. Proffer to an updated layout
 - 3 pad sites
 - 1. WaWa (Existing)
 - 2. Everbrook Academent (Existing)
 - 3. New Use
 - 3. Amend contributions
 - Transportation
 - 4. Vacate shopping center concept
 - 5. Vacate relocation of Neabsco Creek
-

Applicants: Robert B. Hart, Trustee of The Susan Hart Revocable Living Trust
Dated July 27, 2018

Property: 15807 Jefferson Davis Highway, Woodbridge, VA 22191

GPIN: 8290-87-9418

Date: November 9, 2021

1st AMENDED PROFFER STATEMENT

RE Case #: Proffer Amendment #REZ2020-00009, Neabsco Center

Applicants/
Owners: Robert B. Hart, Trustee of The Susan Hart Revocable Living Trust Dated July 27, 2018

Property: +/-8.0752 Acres located on the northwest corner of U.S. Route 1 at its intersection with Route 610 (Neabsco Road); 1.3453 Acres is the scope of the development area (Lot 31A2); 6.7299 Acres will be undisturbed

GPIN: 8290-87-9418: Lot 31A1 (6.7299 acres) and Lot 31A2 (1.3453 acres) totaling 8.0752 acres

Date: November 9, 2021

The undersigned Owners and Applicants for himself as trustee, successors or Assigns (collectively the "Applicant") hereby state that he is and will be in strict accordance and conformance with the following proffers or development conditions and that these Amended Proffers shall supersede any and all other proffers made prior hereto on all or any part of the subject Property by Applicant or others. In the event the above referenced rezoning is not granted as applied for by Applicant, then these proffered conditions shall be deemed withdrawn and automatically null and void. (This Proffer Amendment is amending the proffers for just the 1.3453-acre portion of the original property, Lot 31A2. The remaining portions (WaWa, the Everbrook Academy, and Lot 31A1) will still be regulated by REZ1990-0070). The headings of the proffers set forth below have been prepared for convenience of reference only and shall not

control or affect the meaning nor shall the headings be taken as an interpretation of any provision of the proffers.

1. Generalized Development Plan

The Generalized Development Plan (GDP) shall be the plan prepared by Ross-France, entitled "Neabsco Center (Lot 31A2)" and revised and updated through November 9, 2021 (hereinafter "GDP").

The Applicant or its successor/assignee shall develop Lot 31A2 as a retail use in substantial conformance with the GDP, including the access, buffering, limits of disturbance and landscaping, subject to minor changes approved by Prince William County in connection with the final site plan review. As noted above, Lot 31A2 is the scope of the development area, and Lot 31A1 shall be left undisturbed as part of a VDOT conservation easement. Said retail use may include a single commercial retail use, including, drug store; home-improvement center; hardware store; retail store and shop; automated teller machines (ATMs); restaurant; delicatessen; drive-in restaurant; drive-in banks; financial institutions; automotive parts retail facility; and any and all other retail uses as permitted in the B-1 zoning district and these proffers. However, no matter which use is ultimately placed on the Property known as Lot 31A2, the Applicant will not exceed any further encroachments beyond what it has indicated on the GDP.

The layout of the buildings and pad sites on the GDP are not proffered but are submitted solely to assist in conceptualizing the layout of the pad sites. The development of this site shall not exceed pad sites, which site shall be permitted on this Property provided and subject to the notes that are shown on the submitted Generalized Development Plan, specifically the parking depicted on the GDP should be maintained as a minimum for the remaining site to be developed.

The parking area permitted under the approved GDP is being reduced by more than 100 parking spaces.

The façade of any building on the Property that is facing and within 200 feet of US Route 1 shall be constructed of brick, stone, cementitious siding, architectural concrete masonry unit (e.g. regal stone, split face, precision ground face), pre-cast concrete panels or architectural metal paneling, but not plain concrete block or a combination thereof. EIFS (Exterior Insulation and Finish System) may be used as secondary building material on facades. Other materials may be used, if approved by the Planning director or his/her designee.

The limits of clearing and grading shall be in strict conformance with the GDP, with the understanding that the Applicant may need to exceed the limits of clearing and grading in order to facilitate removal of foreign materials if so required by the WQIA. To the extent that necessary, Applicant will minimize encroachment into the Chesapeake Bay RPA buffer.

2. Uses

All uses permitted in the B-1 zoning district shall be allowed except for the following:

- a. Funeral chapel
- b. Funeral home
- c. Mortuary
- d. Crematorium
- e. Tattoo parlor, as a retail service
- f. Motor vehicle impoundment yard
- g. Motor vehicle towing
- h. Commercial parking
- i. Truck stop related facilities

- j. Range, shooting (indoor)
- k. Self-storage center

3. Landscaping

The landscaping plans, to be submitted at the time of site plan review, which plans shall be in substantial conformance with these Proffers and shall specifically include:

a. The specific landscaping plans shall be fully developed at the time of the Water Quality Impact Assessment (“WQIA”), which is required for any proposed development in an RPA, and as a condition of site development; the landscaping plans shall be in substantial conformance with the development standards and the obligations of the DCSM, Zoning Ordinances and created in this Proffer Statement.

1. As part of the site plan review and approval for Lot 31A2, the Applicant shall submit a WQIA for review and approval by the Watershed Management Branch and County Arborist. The WQIA shall provide details and specifications for the following:

a. “Soil Remediation Areas” shall be depicted on the submission of the WQIA such that it shall provide a minimum depth of 3’ of clean soil (to include a minimum of 6” of clean topsoil) with a soil pH between 5.5 and 6.5, to be planted as part of the “Riparian Buffer Reforestation and Invasive Plant Eradication Areas.” The topsoil shall contain less than 5% by volume of cinders, stones, slag, coarse fragments, sticks, roots, trash, or other materials larger than 1 ½ inch in diameter and shall not contain gravel, but shall contain a minimum of 5% natural fine organic matter, such as leaf mold, peat moss, etc. A geotechnical analysis shall be provided to demonstrate fulfillment of this Proffer.

b. Restoration of those areas identified as “Riparian Buffer

Restoration and Invasive Plant Eradication Area” on the WQIA submission, which have been disturbed because of VDOT and other activity, not attributable to the Applicant. This WQIA submission shall include one initial broad-based eradication/removal treatment and one follow-up spot treatment of invasives. This WQIA submission shall also include random planting of a mixture of 6’ to 8’ (planting height) overstory shade trees, 18” to 24” (planting height) overstory and understory tree seedlings, shrubs, riparian herbaceous seed mix and ground cover. The overstory and understory trees shall be planted at a cumulative density of 450 plants per acre. Implementation of the Riparian Buffer Reforestation and Invasive Plant Eradication activities may be phased or segmented to correspond with the timed development of the Property.

b. Required interior landscaping shall be used and clustered wherever possible to help screen the backs of any retail buildings visible from Route One. The exact extent and nature of landscaping and screening will be addressed during the WQIA and site development. To the extent applicable, as determined during the WQIA and site development processes, the Applicant will remove foreign materials and ensure compaction at the surface with replacement of soils suitable for planting such that a minimum depth of planting media of 2 feet is achieved; further, Applicant will replant material if a minimum survival rate is not achieved after 2 growing seasons; the Applicant will work with the RPA administrator in the Watershed Management Branch, to the extent applicable, to ensure compliance with this 1st Amended Proffer.

c. Native riparian buffer vegetation will be restored to both the southern and northern sides of Neabsco Creek to be maintained in perpetuity. Such measures will be described in greater detail during the WQIA phase.

d. To facilitate adequate expansion of trees and shrub roots to support healthy plants, all landscape areas, parking lot islands and buffers, which have been subject to pavement and/or

compaction shall have, prior to planting: a) all foreign materials (asphalt, concrete, rock, gravel, debris, etc.) removed and the soil loosened to a depth of a minimum of 3', and b) a top dressing of 4" to 6" of clean topsoil provided. This topsoil shall be a loam, sandy loam, clay loam, silt loam, or sandy clay loam. The topsoil shall not be a mixture of or contain contrasting textured subsoils. The topsoil shall contain less than 5% by volume of cinders, stones, slag coarse fragments, sticks, roots, trash, or other materials larger than 1" in diameter and shall not contain gravel. The topsoil shall contain a minimum of 5% natural fine organic matter, such as leaf mold, peat moss, etc.

4. **Lighting**

Lighting shall be in substantial conformance with these Proffers. Interior, on-site, free-standing parking lot lighting shall be provided by low pressure sodium vapor light sources, unless prohibited by local, state or utility guidelines or regulations in effect at the time of site plan submission, contained in "shoe box" type fixtures with a prism type lens focused downward. Said lighting fixtures may be mounted on poles no higher than 16' within 200' of Neabsco Road and 20' elsewhere.

5. **Signage**—Signage shall be in substantial conformance with these Proffers and as approved by Prince William County and in accordance with an existing sign agreement as depicted on the GDP.

Except as modified below or as currently existing, the Applicant shall be permitted any and all signage allowed by applicable County sign regulations:

a. **Entry Signs** on Route 1 and Neabsco Road shall be of a "monument" style with a maximum height of 10 feet. The architecture of said signs shall either be similar to that of the monument for Harbors of Newport or shall include "pilings" for a nautical theme. The entry sign on Route 1 shall be located on the 20'x20' Sign Easement, as denoted on the plan.

b. **Pad Signage** may be of a distinctive style based upon the trade style of each user's corporate image.

6. **Transportation**

a. **Route 1:** The following improvements shall be provided;

1. The Applicant has submitted a waiver of the transportation requirements to dedicate a right turn lane along the frontage of the property, as well as other applicable waivers to be consistent with the development of the site.

2. In addition to the entrance access, the North pad site shall be permitted to also have access to Route 1 via a restricted Right Out only access point.

3. The Applicant agrees to provide a minimum of one (1) inverted-U bicycle parking on-site, built to APBP standards.

7. **Environmental**

a. **Wetlands, Vegetative Buffers and Fishery Resources**

The Applicant proffers that the required corrective measures shall be employed as required in coordination of the components of the final site plan and required WQIA and RPA mitigation plan. Further, the Applicant agrees to proffer a monetary contribution in the amount of \$75.00 per acre to conduct water quality monitoring, stream restoration projects and/or drainage improvements. Said contribution shall be paid as a condition of the approval of the site plan and shall be based on the gross acreage of the Property.

1. If necessary, the buffers and vegetation shall be addressed at the time of the WQIA and shall be in substantial conformance with these Proffers.

2. Applicant shall provide perimeter fencing as a trash guard for debris as a measure to prevent waste from entering Neabsco Regional Park.

8. Fire and Rescue Contribution

The Applicant agrees to contribute to a monetary contribution for fire and rescue purposes of \$0.61 per square foot of any new building area to be constructed prior to issuance of building permit(s). Further, Applicant agrees to have adequate turnaround areas and fire lanes as required. Said amounts shall be contributed to the Prince William County Board of Supervisors for fire and rescue purposes for the Neabsco area at the time of issuance of the first occupancy building permit(s) for the subject Property.

9. Police

The Applicant shall coordinate with the PWC Police Department prior to and at site development, in order to apply the various Crime Prevention Through Environmental Design (CPTED) strategies. In order to monitor and maintain onsite security, the Applicant shall utilize onsite security practices, such as, but not limited to, interior and/or exterior mounted surveillance cameras, an alarm system, onsite lighting, or other methods, as needed. Compliance shall be demonstrated on the final site plan and/or applicable building plans.

10. Contribution Escalator—

In the event the monetary contributions set forth in this Proffer Amendment Statement are paid to the Prince William County Board of County Supervisors (“Board”) within eighteen (18) months of the approval of this rezoning, as applied for by the Applicant, said contributions shall be in the amounts stated herein. Any monetary contributions set forth in this Proffer Statement

which are paid to the Board after eighteen (18) months following approval of this rezoning shall be adjusted in accordance with the Urban Consumer Price Index (“CPI-U”) published by the United States Department of Labor, such that at the time contributions are paid they shall be adjusted by the percentage change in the CPI-U from that date eighteen (18) months after the approval of this rezoning to the most recently available CPI-U to the date the contributions are paid, subject to a cap of six percent (6%) per year, non-compounded.

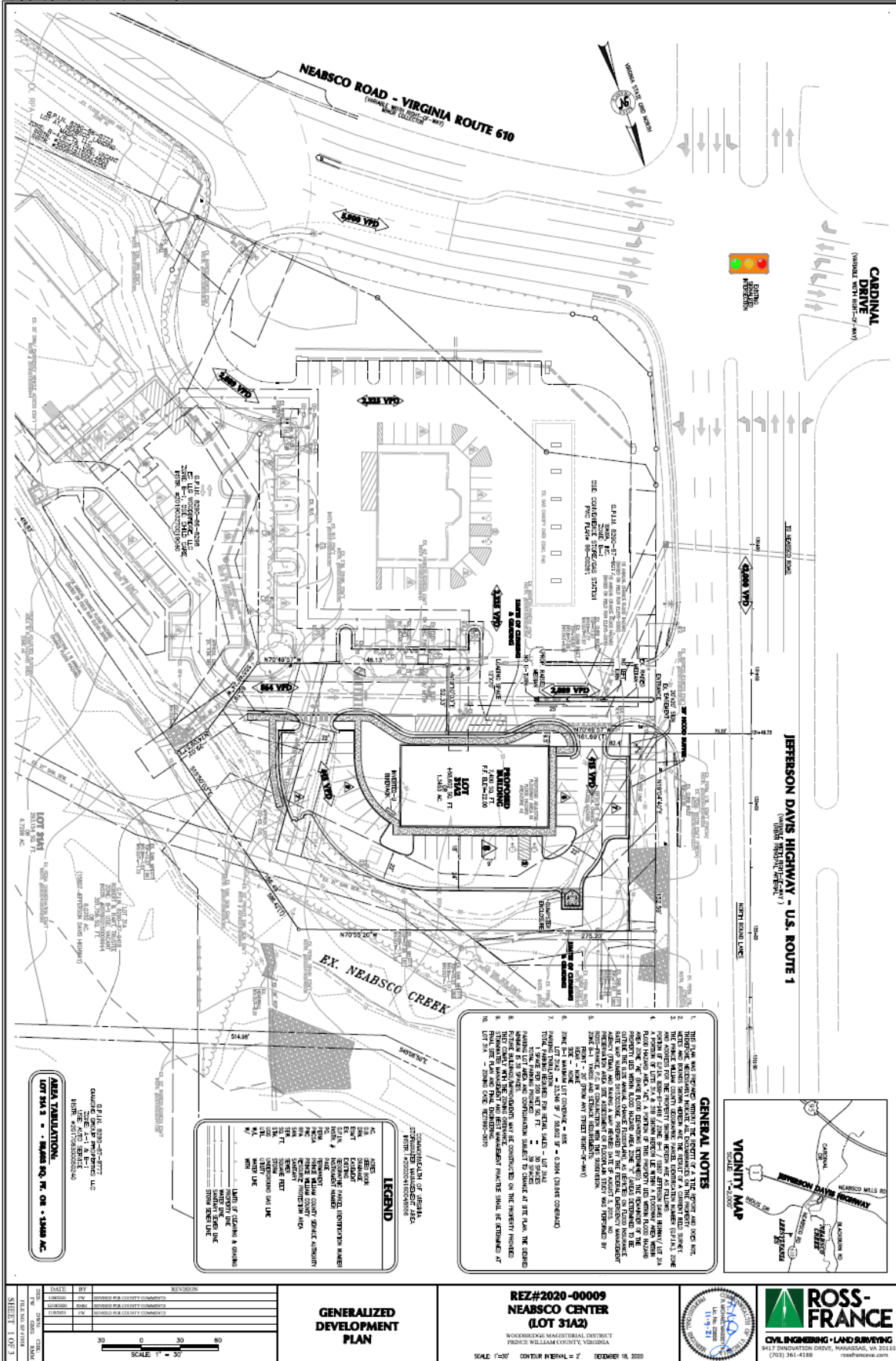
Owners/Applicants:

Robert B. Hart, Trustee of The Susan Hart Revocable Living
Trust Dated July 27, 2018

Exhibit:

- A. Generalized Development Plan (Dated: November 9, 2021)

Generalized Development Plan (GDP)



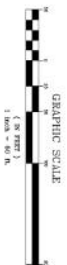
Environmental Constraints Analysis (ECA)



LEGEND

- SITE BOUNDARY
- LIMITS OF RESPONSE AREA BOUNDARY
- APPROXIMATE LIMITS OF RESPONSE AREA BOUNDARY (NOT SHADDED)
- PROJECT WETLAND COLOR CHANGE RESPONSE AREA BOUNDARY (NOT SHADDED)
- FEMA 100 YEAR FLOODPLAIN (NOT SHADDED)
- FLOODED AREA (NOT SHADDED)
- EXISTING WETLANDS (SHADDED)
- HEADWATERS (SHADDED)
- OLD BLUFF ROAD

- ENVIRONMENTAL CONSTRAINTS ANALYSIS EXISTING CONDITIONS NOTES:**
- The site boundary and its location is based on a map provided by the client. The site boundary is shown in black on the map.
 - The limits of response area boundary is based on the FEMA 100 Year Floodplain and the Flooded Area. The limits of response area boundary is shown in gray on the map.
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ENVIRONMENTAL CONSTRAINTS ANALYSIS			
Environmental Analysis	Scale: 1" = 80'	North	0.45"
Sheet No. 1	1/10/20		

REVISIONS			
No.	Date	Description	App. By

DATE: August, 2019 SCALE: 1" = 80' C.I.: 7

ENVIRONMENTAL CONSTRAINTS ANALYSIS
EXISTING CONDITIONS
Prepared For: EZ One Means, LLC
NEABSCO CENTER
Prince William County, Virginia
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3300 N. Highway, Branch Drive • Suite 100
Gainesville, Virginia 20155
Phone: 703-678-5600 • Fax: 703-678-7611
www.wetlandsolutions.com

Environmental Constraints Analysis (ECA)

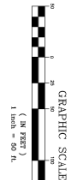


LEGEND

- SITE BOUNDARY
- LIMITS OF PERTINENCE LOT BOUNDARY
- APPROXIMATE LIMITS OF FEDERAL STREAM (NOT SURVEYED)
- PRINCE WILLIAM COUNTY AERIAL REDZONE
- PROTECTION AREA BOUNDARY
- FEMA MAPPED 100 YEAR FLOODPLAIN
- PROPOSED FEMA IMPACT 100 YEAR FLOODPLAIN BASED ON FEMA REGIONAL LETTER OF MAP REVISION (LOR) APPROVAL
- PROPOSED IMPROVED SWIMCES
- UNBUILT BASED AREAS

- ENVIRONMENTAL CONSTRAINTS ANALYSIS NOTES:**
1. The site boundary and the redzone based on data provided by Tom Ryan. From the aerial as a basis of the environmental constraints analysis.
 2. The proposed building footprint was approved by Prince William County on September 20, 2018 under name "NEABSCO CENTER".
 3. A Wetland Impact Assessment was performed and incorporated into the Final Site Plan (FSP) on 08/03/2019. The "Temporary Wetland - Route 1" was approved on February 12, 2020.
 4. The Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map, Panel 141502000E, dated as of 08/01/2018.
 5. The water of the U.S. (i.e., surface water) is shown outside of the 400-foot wide, 100-year flood plain.
 6. The water of the U.S. (i.e., surface water) is shown outside of the 400-foot wide, 100-year flood plain.
 7. The water of the U.S. (i.e., surface water) is shown outside of the 400-foot wide, 100-year flood plain.
 8. The proposed preliminary construction shows approximately 1.06 acres of the 100-year flood plain to be impacted by the proposed project. The remaining 1.06 acres of the 100-year flood plain is shown as "UNBUILT BASED AREAS".

Existing and Proposed Impervious and Unimproved Areas			
Existing Impervious Areas	Proposed Impervious Areas	Proposed Unimproved Areas	Total
Square Feet	Square Feet	Square Feet	Square Feet
106,425	4,282	157,073	3,177
		503,071	4,980



REVISIONS		
No.	Date	Description

DATE: August, 2019 SCALE: 1" = 50' CL: 1/2"

ENVIRONMENTAL CONSTRAINTS ANALYSIS
 PROPOSED CONDITIONS
 Prepared For: EZ Cruz Marina, LLC
NEABSCO CENTER
 Prince William County, Virginia
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Historical Commission Resolution

HISTORICAL COMMISSION RESOLUTION

MOTION: VAN DERLASKE December 10, 2019
Regular Meeting
SECOND: BURGESS Res. No. 19-058
RE: LAND DEVELOPMENT RECOMMENDATIONS
ACTION: APPROVED

WHEREAS, the Prince William County Historical Commission seeks to identify, preserve and protect historic sites and structures in Prince William County; and

WHEREAS, the Prince William County Historical Commission's review of pending land development applications assists in determining the necessity for cultural resource surveys and other research and evaluations; and

WHEREAS, the Prince William County Historical Commission believes that the identification, preservation and protection of historic sites and structures throughout Prince William County is well served by this action;

NOW, THEREFORE, BE IT RESOLVED, that the Prince William County Historical Commission does hereby recommend to the Prince William County Planning Commission the action(s) noted for the following properties:

Table with 3 columns: Case Number, Name, Recommendation. Rows include REZ2020-00009 (Neabsco Center Proffer Amendment), SUP2020-00014 (Station Metro Express Auto Wash), and SUP2020-00015 (Kelly's Ridge Car Wash).

Votes:

Ayes: by acclamation

Nays: none

Absent from Vote: none

Absent from Meeting: Basler, Cunard, Davis, Duley, Johns

MOTION CARRIED

ATTEST: [Signature] Secretary to the Commission