



**PLANNING COMMISSION RESOLUTION**

**MOTION:**

**May 11, 2022**  
**Regular Meeting**  
**RES. No. 22-xxx**

**SECOND:**

**RE: PROFFER AMENDMENT #REZ2021-00021, RICHMOND STATION – LAND BAY C  
COLES MAGISTERIAL DISTRICT**

**ACTION:**

**WHEREAS**, this is a request to amend the proffers associated with #PLN2014-00316 to eliminate the required marketing period for nonresidential uses and allow up to 16 multi-family units previously approved as an option and with associated modifications; and

**WHEREAS**, the subject ±1.14-acre property is located ±200 east of the intersection of Liberia Avenue and Richmond Avenue, on the north side of Richmond Avenue, east of and abutting the City of Manassas, and is identified on County maps as GPIN 7895-29-6637; and

**WHEREAS**, the site is designated SRH, Suburban Residential High, in the Comprehensive Plan; and

**WHEREAS**, the site is currently zoned PMR, Planned Mixed Residential; and

**WHEREAS**, the Prince William County Planning Commission reviewed this item on April 13, 2022, received public comment, closed the public hearing, and deferred Proffer Amendment #REZ2021-00021, Richmond Station – Land Bay C, to a date certain of May 11, 2022, and for the Applicant to consider options for an alternative layout with additional community amenities and open space gathering area; and

**WHEREAS**, the Applicant submitted revisions/updates to further address recommended actions made by the Planning Commission’s deferral, and those revisions were presented for further consideration at the May 11, 2022 public hearing; and

**WHEREAS**, the Prince William County Planning Commission finds that public necessity, convenience, general welfare, and good zoning practice are served by recommending approval of this request;

**NOW, THEREFORE, BE IT RESOLVED** that the Prince William County Planning Commission recommends approval of Proffer Amendment #REZ2021-00021, Richmond Station – Land Bay C, subject to the proffers dated April 25, 2022.

**ATTACHMENT:** Proffer Statement, dated April 25, 2022

**Votes:**

**Ayes:**

**Nays:**

**Abstain from Vote:**

**Absent from Vote:**

**Absent from Meeting:**

**MOTION CARRIED**

Attest:

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Robbyn L. Smith  
Clerk to the Planning Commission

## PROFFER STATEMENT

**Proffer Amendment: #REZ2021-00021**

**Owner/Applicant: Richmond Station Ventures, L.C.**

**The "Property": +/-1.14 acres  
GPIN Number: 7895-29-6637  
Coles Magisterial District, Prince William County, Virginia**

**Date:**  
**February 3, 2014**  
**August 8, 2014**  
**November 12, 2014**  
**December 19, 2014**  
**May 18, 2015**  
**June 2, 2015**  
**July 24, 2015**  
**September 9, 2015**  
**May 13, 2021**  
**October 21, 2021**  
**January 30, 2022**  
**March 29, 2022**  
**April 25, 2022**

Pursuant to Section 15.2-2303 of the Code of Virginia, as amended, the undersigned hereby proffers that the use and development of the referenced Subject Property (hereinafter the "Property") shall be in strict conformance with the following conditions. Unless otherwise specified, any improvements proffered herein shall be provided at the time of development of the portion of the site adjacent to the improvement. The term "Applicant," as referenced herein, shall include within its meaning all current and future owners, successors in interest and assigns of the Property. These proffers are contingent on acceptance by the Board of County Supervisors. Upon acceptance by the Board of County Supervisors, these proffers shall supersede any and all existing proffers applicable to the property subject to this rezoning, including REZ PLN#2014-00316. In the event this rezoning is not granted as applied for by the Applicant, these proffers shall be deemed 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.

**PROFFER STATEMENT**  
**Richmond Station Proffer Amendment REZ #PLN2021-00021**  
**April 25, 2022**

When used in these proffers, the term "MZP" shall refer to the plan entitled "Richmond Station Master Zoning Plan dated October 9, 2013, last revised July 23, 2015, prepared by Smith Engineering, including eight sheets.

1. **LAND USE:**

1.1 Residential development on the Property shall not exceed 158 dwelling units, to consist of a maximum of 104 single family attached townhouses and a maximum of 54 multifamily dwellings. Provided, however, that, subject to the provisions of Proffer 1.2, an additional 16 multifamily units shall be permitted.

1.2 Non-residential development located on the Property, as identified on Land Bay C, shall consist of townhouse professional commercial/office units, comprising a total of approximately 16,000 sq. ft. of gross floor area. Land Bay C shall be designated O(L), Office Low Rise, and shall be subject to all applicable PMR regulations. Provided, however, that, upon approval of this Proffer Amendment, Land Bay C shall be designated High Density Residential (HDR), and the Applicant shall convert the commercial/professional office townhouse units to no more than sixteen (16) residential multifamily units similar to those in Land Bay A.

1.2.1 Such residential development on Land Bay C shall be developed in substantial conformance with the layout and landscaping depicted on the Concept Plan entitled "Richmond Station" dated April 25, 2022, as prepared by Urban Ltd, subject to final design and engineering concerns determined at the time of final plan review.

1.2.2. Provided that the Applicant secures approval from the appropriate governing entity and/or landowner of Landbay A, the Applicant shall develop the amenity area depicted on the Concept Plan. If the Applicant is unable to obtain such approval, the Applicant shall provide a modified amenity area, to include a play area and picnic area, entirely within the boundaries of Landbay C. In either scenario, the Applicant shall develop the amenity area at the time of development of the sixteen (16) multifamily units.

1.3 Development of the Property shall be in general conformity with Sheets 3-8 of the MZP, provided that adjustments to road locations, trails, lot lines, lot widths and depths, utility lines, stormwater facilities, lot layouts, parking

## **PROFFER STATEMENT**

### **Richmond Station Proffer Amendment REZ #PLN2021-00021**

**April 25, 2022**

locations and other features depicted on the MZP may be made during site or subdivision plan review, with approval by the Planning Director or his designee.

- 1.4 Changes from the MZP will be allowed in order to meet DCSM, VDOT, and other applicable regulations and standards necessary to gain final plan approval for this development. Additionally, changes to the MZP shall be allowed in accordance with Proffer 9.8.
- 1.5 The Property may be developed in two or more separate sections or phases.

## **2. ARCHITECTURE, SITE FURNISHINGS AND LANDSCAPING**

- 2.1 The Property shall be developed in general conformance with the architectural and site furnishing designs attached as Exhibit A. Development of the Property shall comply with these designs, the terms of any waivers that are approved as part of this zoning, and the applicable standards and requirements set forth in the Prince William County Zoning Ordinance and the Design and Construction Standards Manual ("DCSM"), or as otherwise approved by the Department of Planning, the Department of Public Works and VDOT.
- 2.2 The architectural and site furnishings designs shall be in conformance with that shown in Exhibit A; however, color changes and other minor modifications are permitted. Compliance with this proffer shall be evidenced with the submission of (i) building elevations prior to issuance of the building permit release letter for the units; and, (ii) site furnishings specifications and details included with each site plan submission.
- 2.3 Primary building materials utilized for the exterior walls of the residential and townhouse office units shall consist of a combination of real or faux brick and/or stone, vinyl, hardiplank or composite siding, and vinyl, composite or wood trim, all as generally shown on Exhibit A. Compliance with this proffer shall be evidenced with the submission of building elevations prior to issuance of the building permit release letter.
- 2.4 Tree and shrub landscaping shall be indigenous and drought tolerant.
- 2.5 Any graffiti shall be removed as soon as practicable. Graffiti shall be deemed any inscription or marking on walls, buildings or structures not permitted by the sign regulations of the Zoning Ordinance. Any graffiti

## **PROFFER STATEMENT**

### **Richmond Station Proffer Amendment REZ #PLN2021-00021**

**April 25, 2022**

shall be reported to Prince William County Police Department before removal.

- 2.6 At the time of submission of a final site or building plan to Prince William County, the Applicant shall provide the Lake Ridge Occoquan Coles Civic Association, Planning, Environment, Land Use and Transportation Committee (LOCCA-PELT) and the Mid County Civic Association of Prince William (MIDCO) with copies of the initial submission of the final site plan and the building plans for the purposes of a courtesy review. To demonstrate compliance, a copy of the cover letters to LOCCA-PELT and MIDCO shall be submitted with the final plan to the County.
- 2.7 If development of the Property includes one or more entry monument-style subdivision sign, it shall require sign permit approval and meet zoning regulations. It shall be landscaped with shrubs, flowering trees and ground cover and shall incorporate natural materials such as wood, stone and/or brick.
- 2.8 Landscaping proposed for the site shall be generally substantially as shown on sheets 7 and 8 of the MZP, and as described in Proffer 9.7 herein.
- 2.9 The Applicant shall provide a fenced dog park for residents of Land Bay B, the final location and amenities for which shall be shown on the final site/subdivision plan. The dog park shall provide space for training, waste station and benches.

### 3. **WATER AND SEWER**

- 3.1 The Property shall be connected to public water and sewer systems at the Applicant's expense.

### 4. **CREATION OF HOMEOWNERS' ASSOCIATION**

- 4.1 A homeowners' association ("HOA") shall be created and shall be made responsible for the maintenance and repair of the amenities and common areas within Land Bay B, including any common open space, sidewalks and trails, buffers, landscaping, site furnishings and signs located therein. The owner(s) of Land Bays A and C shall be made responsible for the maintenance and repair of the amenities and common areas within Land Bay A and C, respectively, which maintenance and repair obligations may be shared with or assigned to one or more HOAs (or to condominium

**PROFFER STATEMENT**

**Richmond Station Proffer Amendment REZ #PLN2021-00021**

**April 25, 2022**

associations in the event that Land Bay A or C is developed as a residential condominium).

**5. PARKS AND RECREATION**

- 5.1 The Applicant shall make a contribution to the Prince William Board of County Supervisors (the "Board") for park and recreation purposes in the amount of \$3,725.00 per residential townhouse unit, payable on the issuance of an occupancy permit for each such unit.
- 5.2 The Applicant shall make a contribution to the Board for park purposes in the amount of \$2,679.00 per multi-family unit, payable on the issuance of an occupancy permit for each such unit.
- 5.3 Applicant shall construct a five foot (5') wide natural surface (wood chip, gravel or cinder) trail along the stream valley south of Public Street "A" as shown on sheet 8 of the MZP. Said natural surface trail shall be subject to any WQIA approval required and shall connect with the trail to be constructed in the Walker's Station project (PRA #PLN 2012-00331), provided that off-site connection easements are available. Said trail shall be shown on the first final site/subdivision plan for Land Bay "B," and the Applicant shall commence construction of these trails no later than the time of building permit or building permit release letter for the fifty-first (51<sup>st</sup>) residential unit in Land Bay "B" on the Property. The proposed sidewalks and trails shown on the Pedestrian Circulation and Landscape Plan (sheets 7 and 8 of the MZP) shall be open to the general public.

**6. LIBRARIES**

- 6.1 The Applicant shall make a contribution to the Board for library purposes in the amount of \$601.00 per residential townhouse unit. Monetary contributions shall be payable on the issuance of an occupancy permit for each such unit.
- 6.2 The Applicant shall make a contribution to the Board for library purposes in the amount of \$418.00 per multi-family unit, payable on the issuance of an occupancy permit for each such unit.

**7. FIRE AND RESCUE**

- 7.1 The Applicant shall make a contribution to the Board for fire and rescue purposes in the amount of \$720.00 per residential townhouse unit.

**PROFFER STATEMENT**

**Richmond Station Proffer Amendment REZ #PLN2021-00021**

**April 25, 2022**

Monetary contributions shall be payable on the issuance of an occupancy permit for each such unit.

7.2 The Applicant shall make a contribution to the Board for fire and rescue purposes in the amount of \$509.00 per multi-family unit, payable on the issuance of an occupancy permit for each such unit.

7.3 The Applicant shall make a monetary contribution to the Prince William Board of County Supervisors in the amount of \$0.61 per square foot of nonresidential gfa, excluding parking structures, to be used for fire and rescue purposes. Said contribution shall be paid prior to and as a condition of issuance of a building permit for each non-residential building constructed on the Property and the amount paid shall be based on the gfa reflected on each building permit.

8. **SCHOOLS**

8.1 The Applicant shall make a contribution to the Board for school purposes in the amount of \$11,685.00 per townhouse unit. Monetary contributions shall be payable on the issuance of an occupancy permit for each such unit.

8.2 The Applicant shall make a contribution to the Board for school purposes in the amount of \$5,033.00 per multi-family unit, payable on the issuance of an occupancy permit for each such unit.

9. **ENVIRONMENT**

9.1 The Applicant shall contribute to the Board the sum of \$75.00 per gross acre for water quality monitoring, drainage improvements, and/or stream restoration purposes within the County, such sum to be paid prior to final site or subdivision plan approval for each phase or land bay of the Project, for the acreage that is the subject of such plan.

9.2 The Applicant shall provide one hundred percent (100%) of the required stormwater quality control (BMP) measures for Land Bay "B" on-site. The Applicant shall incorporate low impact design techniques ("LID") or other innovative systems for SWM/BMP facilities, which are reasonable considering site characteristics, at the time of final plan submission for Land Bays "A" and "B", to meet all or a portion of stormwater quality and quantity requirements. LID techniques may include, but shall not be limited to: on-site infiltration, bio-retention facilities (rain gardens), open space conservation, filter strips, grass swales or trenches, rain water cisterns



## **PROFFER STATEMENT**

**Richmond Station Proffer Amendment REZ #PLN2021-00021**

**April 25, 2022**

with controlled outfall via French drains, or similar measures. The locations and specific techniques to be utilized shall be determined at the time of plan review and discussed with Watershed Management staff prior to final plan submittal.

- 9.3 To protect the Resource Protection Area (RPA), the Applicant shall provide a two-layer erosion and sediment control system (i.e., berm and silt fencing, super-silt fencing, and the like) in areas adjacent to the RPA during any land disturbance, as required by the DCSM or the Soil Erosion and Sedimentation Control Ordinance.
- 9.4 The Applicant shall use best efforts to preserve existing good quality vegetation in the perimeter buffers, as shown on the MZP. Where the existing vegetation is not preserved, the Applicant shall install supplemental landscaping, to include native ornamental grasses and perennials, in accordance with DCSM standards.
- 9.5 If structures are located in problem soil areas, the Applicant shall employ a qualified geotechnical engineer to prepare a detailed geotechnical report recommending proper construction techniques and designs for the portion of the Property containing soil Type 11B, which shall be submitted in connection with the final site plan containing said soil type. The proposed construction techniques and designs shall be consistent with Prince William County standards and commonly accepted standards for such certification.
- 9.6 As part of the site plan review and approval for Land Bay B, the Applicant shall submit a Water Quality Impact Assessment (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" as shown on Sheet 4 of the MZP that 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" 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.

**PROFFER STATEMENT**

**Richmond Station Proffer Amendment REZ #PLN2021-00021**

**April 25, 2022**

b. Restoration of those areas identified as “*Riparian Buffer Reforestation and Invasive Plant Eradication Area*” on sheets 7 and 8 of the MZP, which have been disturbed over the past years due to industrial activity and overgrown by invasive plant species. This Plan shall include one initial broad-based eradication/removal treatment and one follow-up spot treatment of invasives. This Plan 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.

- 9.7 The Applicant shall submit a Landscape Plan for approval by the Prince William Department of Public Works, with first submission of the final site plan for Land Bay B.
- 9.8 Prior to initial clearing and grading, the Applicant shall conduct an onsite walkthrough with the Watershed Management Branch in order to determine the existence of any leftover miscellaneous industrial debris not shown on the Environmental Constraints Analysis. If such leftover industrial debris is identified by the Watershed Management Branch and the Applicant, the Applicant shall be allowed to make the necessary adjustments to the limits of clearing and grading on the MZP in order to remove such material.
- 9.9 The Applicant shall record covenants, conditions and restrictions to enforce protection of the Natural Open Space areas shown on the MZP. Said covenants, conditions and restrictions shall provide the following: (i) that except for proposed or existing utilities and approved SWM facility outfalls, the natural open space shall be preserved predominantly in a natural vegetated condition, with no construction or other active use occurring, except for the disturbance and/or construction related to utilities and proposed SWM/BMP facilities outfalls (including LID outfall); and, (ii) under the direction of the County, the Applicant or an HOA may undertake initial riparian buffer restoration and invasive plant eradication activities, remove any trees and/or vegetation within the protected natural open space that would be deemed a safety hazard, be deemed invasive, and/or cause property damage.

**PROFFER STATEMENT**

**Richmond Station Proffer Amendment REZ #PLN2021-00021**

**April 25, 2022**

10. CULTURAL RESOURCES

As a condition of subdivision plan approval in the area in which artifacts have been identified, the Applicant shall curate with the County: artifacts, field records, laboratory records, photographic records, computerized data and other historical records, and any laboratory records the Applicant possesses as recovered as a result of its Phase I cultural resources investigations. All artifacts and records submitted for curation shall meet current professional standards and the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation. A curation fee identical to VDHR's curation fee shall be paid by the Applicant at the time of delivery to the County. Ownership of all records submitted for curation shall be transferred to the County with a letter of gift.

11. TRANSPORTATION

11.1 The Applicant shall make a level of service monetary contribution to the Board of County Supervisors for transportation improvements in the amount of \$15,196.00 per residential townhouse unit. Such contribution shall be paid prior to the issuance of an occupancy permit for each townhouse unit. Such contribution shall be reduced or credited by either (i) a verified construction cost estimate or (ii) the Prince William County bond policy unit pricing construction cost, or (iii) a combination of both (as determined by the County), for the public road improvements to be constructed pursuant to proffers numbered 11.3 and 11.4 herein. Said reduction or credit shall be subject to review and approval by PWCDOT and cannot exceed the total value of the transportation level of service monetary contributions outlined in Proffers 11.1 and 11.2.

11.2 The Applicant shall make a level of service monetary contribution to the Board of County Supervisors for transportation improvements in the amount of \$10,887.00 per multi-family unit. Such contribution shall be paid prior to the issuance of an occupancy permit for each multi-family unit. Such contribution shall be reduced or credited by either (i) a verified construction cost estimate or (ii) the Prince William County bond policy unit pricing construction cost or (iii) a combination of both (as determined by the County), for the public road improvements to be constructed pursuant to proffers numbered 11.3 and 11.4 herein. Said reduction or credit shall be subject to review and approval by PWCDOT and cannot exceed the total value of the transportation level of service monetary contributions outlined in Proffers 11.1 and 11.2.

**PROFFER STATEMENT**

**Richmond Station Proffer Amendment REZ #PLN2021-00021**

**April 25, 2022**

- 11.3 If allowed by the City of Manassas and subject to the Applicant obtaining: (a) all applicable governmental approvals, including those from Prince William Department of Transportation, the City of Manassas and/or the Virginia Department of Transportation ("VDOT"), and (b) any required additional temporary construction, grading and any other necessary off-site easements, the Applicant shall extend the existing southbound Liberia Avenue left turn lane onto Signal Hill Road by no more than 100 linear feet as directed by the City of Manassas. If said extension is not built by another, or a public improvement plan has not been submitted by another that commits to such extension, the Applicant shall submit a plan for the turn lane extension simultaneously with the first site/subdivision plan for the Property and, after approval, shall thereafter commence construction prior to building permit or building permit release letter for the 75th residential unit on the Property.

In the event the Applicant is not able to acquire off-site right-of-way or easements which may be required in order to provide the off-site road improvements in accordance with this Proffer, including any easements which may be required for utility relocations and stormwater management, the Applicant shall request the County to acquire the right-of-way and/or easements by means of its condemnation powers at Applicant's expense. Applicant's request shall be in writing and shall comply in all respects with the County's Eminent Domain Policy. Said request shall be made to the appropriate County agency and shall be accompanied by the following:

- (1) The names of the record owners, the property addresses, tax map parcel numbers and GPIN numbers for each landowner from whom such right-of-way and/or easements are sought.
- (2) Plats, plans and profiles showing the necessary right-of-way and/or easements to be acquired and showing the details of the proposed transportation improvements to be located on each such property.
- (3) Pursuant to Virginia Code Section 25.1-417, a determination of the value of the right-of-way and/or easements to be acquired will be based on the following:
  - (i) if the assessed value is less than \$25,000, then the value shall be determined by assessment records or other objective evidence; or

**PROFFER STATEMENT**

**Richmond Station Proffer Amendment REZ #PLN2021-00021**

**April 25, 2022**

- (ii) if the assessed value is greater than \$25,000, then the value shall be determined by an independent appraisal of the value of the right-of-way and easements to be acquired, and any and all damages to the residue of the involved property, said appraisal to be performed by an appraiser licensed in Virginia and approved by the County.
  - (4) A 60 year title search of each involved property.
  - (5) Documentation demonstrating to the County's satisfaction Applicant's good faith, best efforts to acquire the right-of-way and/or easements, at a cost of at least the value of the involved property interests.
  - (6) A letter of credit acceptable to the County, cash or equivalent (from a financial institution acceptable to the County) in an amount equal to the value of the property to be acquired, and all damages to the residue, together with an amount representing the County's estimate of its cost of condemnation proceedings, in a form permitting the County to draw on the same as necessary to effectuate the purposes hereof.
  - (7) An Agreement signed by Applicant's representative and approved by the County Attorney whereby Applicant agrees to pay all costs of the condemnation, including expert witness fees, court costs, exhibit costs, court reporter fees, attorney fees for the Office of the County Attorney, and all other costs associated with the litigation, including appeals. The Agreement shall specifically provide that in the event the property owner is awarded in the condemnation suit more than the value estimated by Applicant's appraiser, Applicant shall pay to the County the amount of the award in excess of the amount represented by the letter of credit or cash deposit within 15 days of the award.
- 11.4 Public Street "A," extending from Richmond Avenue to a roundabout, shall be a public street, as shown on the MZP, and shall be construed prior to or in conjunction with construction of units in Land Bay "B." This public street shall be connected to the private street within the Walker's Station Development via a private street, as shown on the MZP, provided that the necessary off-site easements or right-of-way and a future construction escrow to do so are first established by the Walker Station development.

**PROFFER STATEMENT**

**Richmond Station Proffer Amendment REZ #PLN2021-00021**

**April 25, 2022**

- 11.5 All internal private streets on the Property shall be designed to public street standards, pursuant to the Design and Construction Standards Manual, except for those streets that may be constructed pursuant to modifications of those standards set forth in the "PMR Modification and Waiver Booklet, Richmond Station."
- 11.6 "No Parking" or other signage limiting public street parking shall be installed, if requested at the time of final plan review by VDOT.
- 11.7 In order to minimize additional parking areas and reduce illegal on-street parking on the private streets in Land Bay B, all of the dwellings shall incorporate two car garages, and the conversion of any such garage to any use other than primarily for the parking of operable vehicles shall be prohibited. No such garage shall be converted to living space or to be used for storage or any other use, to an extent that would prevent its use for parking vehicles. However, this limitation shall not preclude temporary use of any garage by the builder/developer for sales office, construction office or storage purposes prior to residential use of the dwelling. A recorded covenant to this effect, enforceable by all property owners and/or by the homeowners association, established pursuant to proffer 4.1 herein, shall be established in conjunction with or prior to recordation of the first subdivision plat for Land Bay B.
- 11.8 Sales brochures or other literature which are provided by the initial seller of dwellings served by private streets on the property shall include information regarding HOA responsibility for maintenance, repair and replacement, including a statement that the County and VDOT do not have and will not have any responsibility for the maintenance or repair of private streets on the property.
- 11.9 Prior to the building permit issuance for the 75<sup>th</sup> residential unit, the Applicant shall have the option to either (a) install a bus shelter to enhance the existing bus stop located on northbound Liberia Avenue near its intersection with Richmond Avenue, subject to receiving all necessary approvals from the City of Manassas and PRTC, or (b) provide the monetary equivalent of the construction cost as outlined by a unit price list or contractor's estimate for others to install a bus shelter at that location. Said option shall be exercised at the Applicant's sole discretion, and shall be determined prior to site plan approval for the 75<sup>th</sup> residential unit.

**PROFFER STATEMENT**

**Richmond Station Proffer Amendment REZ #PLN2021-00021**

**April 25, 2022**

12. **AFFORDABLE HOUSING**

12.1 Applicant shall make a monetary contribution to the Prince William Board of County Supervisors in the amount of \$250.00 per new residential unit constructed on the Property to be used for the Housing Preservation and Development Fund. Said contribution shall be paid prior to and as a condition of the issuance of an occupancy permit for each unit.

13. **WAIVERS AND MODIFICATIONS**

13.1 Waivers and modifications are identified and requested pursuant to Section 32-700.25 of the Zoning Ordinance, and are summarized in the "PMR Modification and Waiver Booklet" revised through January 29, 2015. These waivers and modifications shall be deemed to be a part of these proffers.

13.2 The PMR side setback requirement for Housing Type "G" shall be reduced to sixteen (16) feet, applicable to Land Bay C only.

14. **ESCALATOR CLAUSE**

14.1 Any monetary contributions set forth in this Proffer Statement which are paid to the Board after 18 months from the date of an unappealable approval of this rezoning application shall be adjusted in accordance with the Urban Consumer Price Index ("CPI-U"), as published by the United States Department of Labor. At the time such contributions are paid, they shall be adjusted by the percentage change in the CPI-U from that date 18 months after unappealable rezoning to the most recently available CPI-U to the date the contributions are actually paid, subject to a cap of 6% per year, non-compounded.

SIGNATURES ON THE FOLLOWING PAGE

**PROFFER STATEMENT**

**Richmond Station Proffer Amendment REZ #PLN2021-00021**

**April 25, 2022**

**Richmond Station Ventures, L.C.**

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

#5232217v1



**PROFFER STATEMENT**

**Richmond Station Proffer Amendment REZ #PLN2021-00021**

**April 25, 2022**

**PROFFER EXHIBIT A**

SITE FURNISHINGS



SITE FURNISHINGS

**PROFFER STATEMENT**

**Richmond Station Proffer Amendment REZ #PLN2021-00021**

**April 25, 2022**



BUILDING ELEVATIONS – LANDBAY 'A'



BUILDING ELEVATIONS – LANDBAY 'A'  
and LANDBAY 'C'



**PROFFER STATEMENT**  
**Richmond Station Proffer Amendment REZ #PLN2021-00021**  
**April 25, 2022**



BUILDING ELEVATIONS – LANDBAY 'B'



BUILDING ELEVATIONS – LANDBAY 'B'

**PROFFER STATEMENT**  
**Richmond Station Proffer Amendment REZ #PLN2021-00021**  
**April 25, 2022**



†Illustrates architectural character only.



# UPDATE MEMO

<b>PC Meeting Date:</b>	May 11, 2022
<b>Agenda Title:</b>	Proffer Amendment #REZ2021-00021, Richmond Station – Land Bay C
<b>District Impact:</b>	Coles Magisterial District
<b>Requested Action:</b>	Recommend Approval of Proffer Amendment #REZ2021-00021, Richmond Station – Land Bay C, subject to proffers dated April 25, 2022
<b>Department:</b>	Planning Office
<b>Case Planner:</b>	Scott F. Meyer

## Summary of Planning Commission Public Hearing

At the April 13, 2022 Public Hearing, the Planning Commission reviewed the above-referenced proposal and received public testimony. There were two (2) individuals present who spoke in opposition and expressed concerns about the lack of amenities/open space for the community, need for playground areas, minimal onsite parking, and a sense of overall distrust towards the builder/developer. The speakers also expressed the expectation that the undeveloped area of Land Bay C would not be developed, but rather be converted to a park or common open space area.

The Planning Commission closed the public hearing for Proffer Amendment #REZ2021-00021, Richmond Station – Land Bay C. The application was deferred to a date certain of May 11, 2022. The Applicant was asked by the Commission to consider options for an alternative layout, and possibly a reduction in density, with additional community amenities and open space/activity gathering area.

## Applicant Updates

On April 26, 2022, the Applicant submitted a follow-up response letter and information package to the Planning Office to address the Planning Commission concerns and issues raised at the April 13<sup>th</sup> Public Hearing.

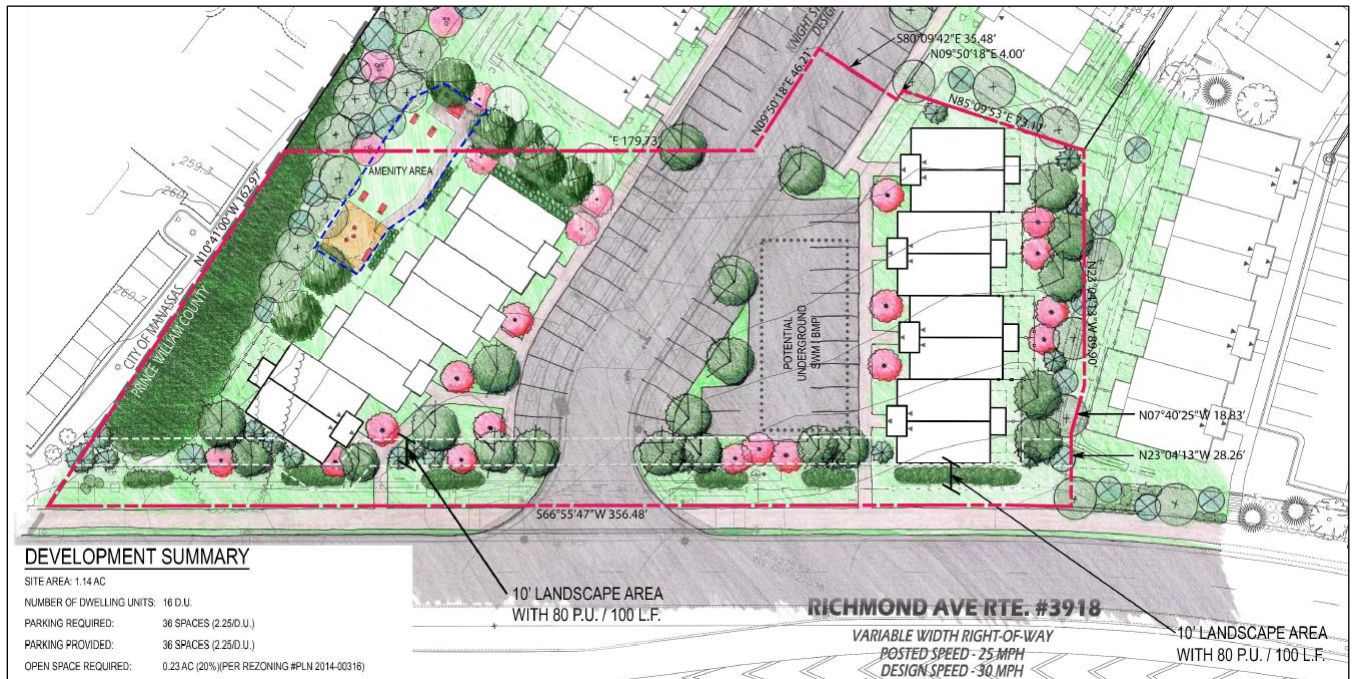
In response to the comments received, the Applicant has agreed to provide an amenity/activity area, in connection with the development of the 16 multi-family units in Land Bay C. As proposed, the new amenity area will encompass approximately 1,300 square feet, to include a play structure, lawn play area, and picnic area to be located behind the proposed multi-family units located on the western side of Knight Station Way in an area that was previously noted as common open space with landscaping. The proposed number of multi-family dwelling units is unchanged at sixteen (16).



A revised Proffer Statement and updated Concept Layout Plan have been provided for consideration by the Planning Commission. A comparison of the site layout considered at the last Planning Commission meeting versus the revised layout is shown below.



(Concept Plan, presented at 4/13/22 Planning Commission meeting)



(Concept Plan, revised and to be considered at 5/11/22 Planning Commission meeting)

### **Staff Conclusions & Recommendation**

A full staff review has not been completed due to timing constraints. That being said, the latest amendments incorporate a public and community amenity into the site layout, consistent with the guidance provided by the Planning Commission. As previously noted, the proposed multi-family unit count of sixteen (16) and the general building orientation for Land Bay C has not changed.

Staff maintains its previous recommendation of approval for Proffer Amendment #REZ2021-00021, Richmond Station – Land Bay C, subject to the revised proffers dated April 25, 2022.

### **Timing Contingencies**

The Planning Commission has until July 12, 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 request would meet the 90-day requirement.

On April 13, 2022, the Planning Commission opened the public hearing, received community feedback, closed the hearing, and deferred consideration of the proposal to a date certain of May 11, 2022, to which the Applicant has agreed.

### **Attachments** (as provided, following this memo)

- Draft 4/13/22 Planning Commission Resolution
- Applicant Response & Update Letter (dated April 26, 2022)
- Updated Redline Proffer Statement (dated April 25, 2022)
- Revised Concept Layout (dated April 25, 2022)



**PLANNING COMMISSION RESOLUTION**

**MOTION: FONTANELLA**

**April 13, 2022**

**SECOND: BROWN**

**Regular Meeting  
RES. No. 22-42**

**RE: PROFFER AMENDMENT #REZ2021-00021, RICHMOND STATION – LAND BAY C  
COLES MAGISTERIAL DISTRICT**

**ACTION: DEFERRAL TO DATE CERTAIN OF MAY 11, 2022**

**WHEREAS**, this is a request to amend the proffers associated with #PLN2014-00316 to eliminate the required marketing period for nonresidential uses and allow up to 16 multi-family units previously approved as an option and with associated modifications; and

**WHEREAS**, the subject ±1.14-acre property is located ±200 east of the intersection of Liberia Avenue and Richmond Avenue, on the north side of Richmond Avenue, east of and abutting the City of Manassas, and is identified on County maps as GPIN 7895-29-6637; and

**WHEREAS**, the site is designated SRH, Suburban Residential High, in the Comprehensive Plan; and

**WHEREAS**, the site is currently zoned PMR, Planned Mixed Residential; and

**WHEREAS**, the Prince William County Planning Commission duly ordered, advertised, and held a public hearing on April 13, 2022, at which time public testimony was received and the merits of the above-referenced case were considered; and

**WHEREAS**, the Prince William County Planning Commission finds that public necessity, convenience, general welfare, and good zoning practice are served by the deferral of this request;

**NOW, THEREFORE, BE IT RESOLVED** that the Prince William County Planning Commission does hereby close the public hearing and defer Proffer Amendment #REZ2021-00021, Richmond Station – Land Bay C, to a date certain of May 11, 2022, and for the Applicant to consider options for an alternative layout with additional community amenities and open space gathering area.



**Votes:**

**Ayes:** Berry, Brown, Fontanella, Gordy, McPhail, Moses-Nedd, Kuntz, Perry

**Nays:** None

**Abstain from Vote:** None

**Absent from Vote:** None

**Absent from Meeting:** None

**MOTION CARRIED**

Attest:

  
\_\_\_\_\_  
Robbyn L. Smith  
Clerk to the Planning Commission

April 26, 2022

Scott Meyer  
Department of Planning  
Prince William County  
5 County Complex Court  
Suite 210  
Prince William, VA 22192

**RE: Proffer Amendment #REZ2021-00021, Richmond Station, Land Bay C**

Dear Scott:

This memo serves to update both the Planning Commission and the Planning Office on the above-referenced application. Included with this memo are a revised Proffer Statement and revised Concept Plan, discussed in more detail below.

As you know, at the public hearing on April 13, 2022, the Planning Commission voted to defer this matter to May 11, 2022, to allow the Applicant to review options for a potential amenity area. I am pleased to advise that the Applicant has agreed to develop an amenity area in connection with the development of the 16 multifamily units on Landbay C.

To recall, the future development of 16 multifamily units on Landbay C was approved in connection with REZ #PLN2014-0316. To be clear, if this Application does not go forward, then, in approximately four years, the Applicant need only show that Landbay C was unsuccessfully marketed for commercial/office development and file a by-right site plan for these 16 multifamily units. **A by-right site plan will neither require nor include the robust landscaping detail and the proposed amenity area that the Applicant has agreed to provide with this Application.**

The purpose of the subject Application is simply to request approval for a shortened timeframe for development of these units, given the lack of any marketable interest for commercial/office development of the subject property since the original rezoning.

The impacts of these 16 multifamily units have been offset by the existing proffers, which include cash contributions at prior levels of service---nearly double the amount of cash

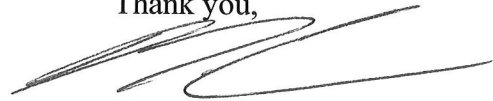
contributions for new multifamily units<sup>1</sup>. Moreover, this rezoning included major community enhancements, such as the clean-up, restoration, and reforestation of Russia Branch, which is considered one of the County's success stories for private environmental stewardship.

Following the public meeting, the Applicant reviewed the comments from both the Planning Commission and the homeowners very closely and has agreed to provide an amenity area, while still preserving the approved density and its associated proffered contributions. The new amenity area will encompass approximately 1,300 square feet, to include a play structure, lawn play area and picnic area.

In order to provide a quality activity area that will serve homeowners within the community at large, the proposed amenity area will necessitate encroachment into Landbay A. Accordingly, the Applicant has proffered that that development of this amenity will require approval from the appropriate governing entity and/or landowner of Landbay A. Since the future multifamily development of Landbay C will be integrated into the exiting multifamily development of Landbay A, and the amenity area will service this residential community, we do not anticipate an issue securing such approval. In the event the Applicant is unable to secure such approval, however, the proffer will also provide for a modified amenity area within the entirety of Landbay C.

We hope that these revisions will address concerns raised by the Planning Commission as well as members of the existing community. We look forward to updating the Planning Commission at the upcoming meeting on May 11. Of course, please do not hesitate to contact me with any questions related to this update.

Thank you,



Noah B. Klein

cc: David Bryant

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<sup>1</sup> The total per-unit cash contribution for multifamily units under REZ#PLN2014-0316 = \$19,776; the total per-unit cash contribution for multifamily units under current rezoning application #REZ2016-00026, recommended for approval by the Planning Commission = \$10,095.

## PROFFER STATEMENT

**Proffer Amendment: #REZ2021-00021**

**Owner/Applicant: Richmond Station Ventures, L.C.**

**The "Property": +/-1.14 acres  
GPIN Number: 7895-29-6637  
Coles Magisterial District, Prince William County, Virginia**

**Date:**  
February 3, 2014  
August 8, 2014  
November 12, 2014  
December 19, 2014  
May 18, 2015  
June 2, 2015  
July 24, 2015  
September 9, 2015  
May 13, 2021  
October 21, 2021  
January 30, 2022  
March 29, 2022  
[April 25, 2022](#)

Pursuant to Section 15.2-2303 of the Code of Virginia, as amended, the undersigned hereby proffers that the use and development of the referenced Subject Property (hereinafter the "Property") shall be in strict conformance with the following conditions. Unless otherwise specified, any improvements proffered herein shall be provided at the time of development of the portion of the site adjacent to the improvement. The term "Applicant," as referenced herein, shall include within its meaning all current and future owners, successors in interest and assigns of the Property. These proffers are contingent on acceptance by the Board of County Supervisors. Upon acceptance by the Board of County Supervisors, these proffers shall supersede any and all existing proffers applicable to the property subject to this rezoning, including REZ PLN#2014-00316. In the event this rezoning is not granted as applied for by the Applicant, these proffers shall be deemed 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.

## **PROFFER STATEMENT**

**Richmond Station Proffer Amendment REZ #PLN2021-00021**

**April 25~~March 29~~, 2022**

When used in these proffers, the term "MZP" shall refer to the plan entitled "Richmond Station Master Zoning Plan dated October 9, 2013, last revised July 23, 2015, prepared by Smith Engineering, including eight sheets.

1. **LAND USE:**

- 1.1 Residential development on the Property shall not exceed 158 dwelling units, to consist of a maximum of 104 single family attached townhouses and a maximum of 54 multifamily dwellings. Provided, however, that, subject to the provisions of Proffer 1.2, an additional 16 multifamily units shall be permitted.
- 1.2 Non-residential development located on the Property, as identified on Land Bay C, shall consist of townhouse professional commercial/office units, comprising a total of approximately 16,000 sq. ft. of gross floor area. Land Bay C shall be designated O(L), Office Low Rise, and shall be subject to all applicable PMR regulations. Provided, however, that, upon approval of this Proffer Amendment, Land Bay C shall be designated High Density Residential (HDR), and the Applicant shall convert the commercial/professional office townhouse units to no more than sixteen (16) residential multifamily units similar to those in Land Bay A.

1.2.1 Such residential development on Land Bay C shall be developed in substantial conformance with the layout and landscaping depicted on the ~~C~~Concept ~~P~~Plan entitled "Richmond Station" dated April 25, 2022~~October 18, 2021~~, as prepared by Urban Ltd.,—subject to final design and engineering concerns determined at the time of final plan review.

1.2.2. Provided that the Applicant secures approval from the appropriate governing entity and/or landowner of Landbay A, the Applicant shall develop the amenity area depicted on the Concept Plan. If the Applicant is unable to obtain such approval, the Applicant shall provide a modified amenity area, to include a play area and picnic area, entirely within the boundaries of Landbay C. In either scenario, the Applicant shall develop the amenity area at the time of development of the sixteen (16) multifamily units.

- 1.3 Development of the Property shall be in general conformity with Sheets 3-8 of the MZP, provided that adjustments to road locations, trails, lot lines, lot widths and depths, utility lines, stormwater facilities, lot layouts, parking

## **PROFFER STATEMENT**

**Richmond Station Proffer Amendment REZ #PLN2021-00021**

**April 25~~March 29~~, 2022**

locations and other features depicted on the MZP may be made during site or subdivision plan review, with approval by the Planning Director or his designee.

- 1.4 Changes from the MZP will be allowed in order to meet DCSM, VDOT, and other applicable regulations and standards necessary to gain final plan approval for this development. Additionally, changes to the MZP shall be allowed in accordance with Proffer 9.8.
- 1.5 The Property may be developed in two or more separate sections or phases.

### **2. ARCHITECTURE, SITE FURNISHINGS AND LANDSCAPING**

- 2.1 The Property shall be developed in general conformance with the architectural and site furnishing designs attached as Exhibit A. Development of the Property shall comply with these designs, the terms of any waivers that are approved as part of this zoning, and the applicable standards and requirements set forth in the Prince William County Zoning Ordinance and the Design and Construction Standards Manual ("DCSM"), or as otherwise approved by the Department of Planning, the Department of Public Works and VDOT.
- 2.2 The architectural and site furnishings designs shall be in conformance with that shown in Exhibit A; however, color changes and other minor modifications are permitted. Compliance with this proffer shall be evidenced with the submission of (i) building elevations prior to issuance of the building permit release letter for the units; and, (ii) site furnishings specifications and details included with each site plan submission.
- 2.3 Primary building materials utilized for the exterior walls of the residential and townhouse office units shall consist of a combination of real or faux brick and/or stone, vinyl, hardiplank or composite siding, and vinyl, composite or wood trim, all as generally shown on Exhibit A. Compliance with this proffer shall be evidenced with the submission of building elevations prior to issuance of the building permit release letter.
- 2.4 Tree and shrub landscaping shall be indigenous and drought tolerant.
- 2.5 Any graffiti shall be removed as soon as practicable. Graffiti shall be deemed any inscription or marking on walls, buildings or structures not permitted by the sign regulations of the Zoning Ordinance. Any graffiti



## **PROFFER STATEMENT**

**Richmond Station Proffer Amendment REZ #PLN2021-00021**

**April 25~~March 29~~, 2022**

shall be reported to Prince William County Police Department before removal.

- 2.6 At the time of submission of a final site or building plan to Prince William County, the Applicant shall provide the Lake Ridge Occoquan Coles Civic Association, Planning, Environment, Land Use and Transportation Committee (LOCCA-PELT) and the Mid County Civic Association of Prince William (MIDCO) with copies of the initial submission of the final site plan and the building plans for the purposes of a courtesy review. To demonstrate compliance, a copy of the cover letters to LOCCA-PELT and MIDCO shall be submitted with the final plan to the County.
- 2.7 If development of the Property includes one or more entry monument-style subdivision sign, it shall require sign permit approval and meet zoning regulations. It shall be landscaped with shrubs, flowering trees and ground cover and shall incorporate natural materials such as wood, stone and/or brick.
- 2.8 Landscaping proposed for the site shall be generally substantially as shown on sheets 7 and 8 of the MZP, and as described in Proffer 9.7 herein.
- 2.9 The Applicant shall provide a fenced dog park for residents of Land Bay B, the final location and amenities for which shall be shown on the final site/subdivision plan. The dog park shall provide space for training, waste station and benches.

### 3. WATER AND SEWER

- 3.1 The Property shall be connected to public water and sewer systems at the Applicant's expense.

### 4. CREATION OF HOMEOWNERS' ASSOCIATION

- 4.1 A homeowners' association ("HOA") shall be created and shall be made responsible for the maintenance and repair of the amenities and common areas within Land Bay B, including any common open space, sidewalks and trails, buffers, landscaping, site furnishings and signs located therein. The owner(s) of Land Bays A and C shall be made responsible for the maintenance and repair of the amenities and common areas within Land Bay A and C, respectively, which maintenance and repair obligations may be shared with or assigned to one or more HOAs (or to condominium

**PROFFER STATEMENT**

**Richmond Station Proffer Amendment REZ #PLN2021-00021**

**April 25~~March 29~~, 2022**

associations in the event that Land Bay A or C is developed as a residential condominium).

5. **PARKS AND RECREATION**

- 5.1 The Applicant shall make a contribution to the Prince William Board of County Supervisors (the "Board") for park and recreation purposes in the amount of \$3,725.00 per residential townhouse unit, payable on the issuance of an occupancy permit for each such unit.
- 5.2 The Applicant shall make a contribution to the Board for park purposes in the amount of \$2,679.00 per multi-family unit, payable on the issuance of an occupancy permit for each such unit.
- 5.3 Applicant shall construct a five foot (5') wide natural surface (wood chip, gravel or cinder) trail along the stream valley south of Public Street "A" as shown on sheet 8 of the MZP. Said natural surface trail shall be subject to any WQIA approval required and shall connect with the trail to be constructed in the Walker's Station project (PRA #PLN 2012-00331), provided that off-site connection easements are available. Said trail shall be shown on the first final site/subdivision plan for Land Bay "B," and the Applicant shall commence construction of these trails no later than the time of building permit or building permit release letter for the fifty-first (51<sup>st</sup>) residential unit in Land Bay "B" on the Property. The proposed sidewalks and trails shown on the Pedestrian Circulation and Landscape Plan (sheets 7 and 8 of the MZP) shall be open to the general public.

6. **LIBRARIES**

- 6.1 The Applicant shall make a contribution to the Board for library purposes in the amount of \$601.00 per residential townhouse unit. Monetary contributions shall be payable on the issuance of an occupancy permit for each such unit.
- 6.2 The Applicant shall make a contribution to the Board for library purposes in the amount of \$418.00 per multi-family unit, payable on the issuance of an occupancy permit for each such unit.

7. **FIRE AND RESCUE**

- 7.1 The Applicant shall make a contribution to the Board for fire and rescue purposes in the amount of \$720.00 per residential townhouse unit.



**PROFFER STATEMENT**

**Richmond Station Proffer Amendment REZ #PLN2021-00021**

**April 25~~March 29~~, 2022**

Monetary contributions shall be payable on the issuance of an occupancy permit for each such unit.

- 7.2 The Applicant shall make a contribution to the Board for fire and rescue purposes in the amount of \$509.00 per multi-family unit, payable on the issuance of an occupancy permit for each such unit.
- 7.3 The Applicant shall make a monetary contribution to the Prince William Board of County Supervisors in the amount of \$0.61 per square foot of nonresidential gfa, excluding parking structures, to be used for fire and rescue purposes. Said contribution shall be paid prior to and as a condition of issuance of a building permit for each non-residential building constructed on the Property and the amount paid shall be based on the gfa reflected on each building permit.

8. **SCHOOLS**

- 8.1 The Applicant shall make a contribution to the Board for school purposes in the amount of \$11,685.00 per townhouse unit. Monetary contributions shall be payable on the issuance of an occupancy permit for each such unit.
- 8.2 The Applicant shall make a contribution to the Board for school purposes in the amount of \$5,033.00 per multi-family unit, payable on the issuance of an occupancy permit for each such unit.

9. **ENVIRONMENT**

- 9.1 The Applicant shall contribute to the Board the sum of \$75.00 per gross acre for water quality monitoring, drainage improvements, and/or stream restoration purposes within the County, such sum to be paid prior to final site or subdivision plan approval for each phase or land bay of the Project, for the acreage that is the subject of such plan.
- 9.2 The Applicant shall provide one hundred percent (100%) of the required stormwater quality control (BMP) measures for Land Bay "B" on-site. The Applicant shall incorporate low impact design techniques ("LID") or other innovative systems for SWM/BMP facilities, which are reasonable considering site characteristics, at the time of final plan submission for Land Bays "A" and "B", to meet all or a portion of stormwater quality and quantity requirements. LID techniques may include, but shall not be limited to: on-site infiltration, bio-retention facilities (rain gardens), open space conservation, filter strips, grass swales or trenches, rain water cisterns

## **PROFFER STATEMENT**

**Richmond Station Proffer Amendment REZ #PLN2021-00021**

**April 25~~March 29~~, 2022**

with controlled outfall via French drains, or similar measures. The locations and specific techniques to be utilized shall be determined at the time of plan review and discussed with Watershed Management staff prior to final plan submittal.

- 9.3 To protect the Resource Protection Area (RPA), the Applicant shall provide a two-layer erosion and sediment control system (i.e., berm and silt fencing, super-silt fencing, and the like) in areas adjacent to the RPA during any land disturbance, as required by the DCSM or the Soil Erosion and Sedimentation Control Ordinance.
- 9.4 The Applicant shall use best efforts to preserve existing good quality vegetation in the perimeter buffers, as shown on the MZP. Where the existing vegetation is not preserved, the Applicant shall install supplemental landscaping, to include native ornamental grasses and perennials, in accordance with DCSM standards.
- 9.5 If structures are located in problem soil areas, the Applicant shall employ a qualified geotechnical engineer to prepare a detailed geotechnical report recommending proper construction techniques and designs for the portion of the Property containing soil Type 11B, which shall be submitted in connection with the final site plan containing said soil type. The proposed construction techniques and designs shall be consistent with Prince William County standards and commonly accepted standards for such certification.
- 9.6 As part of the site plan review and approval for Land Bay B, the Applicant shall submit a Water Quality Impact Assessment (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" as shown on Sheet 4 of the MZP that 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" 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.

**PROFFER STATEMENT**

**Richmond Station Proffer Amendment REZ #PLN2021-00021**

**April 25~~March 29~~, 2022**

b. Restoration of those areas identified as “*Riparian Buffer Reforestation and Invasive Plant Eradication Area*” on sheets 7 and 8 of the MZP, which have been disturbed over the past years due to industrial activity and overgrown by invasive plant species. This Plan shall include one initial broad-based eradication/removal treatment and one follow-up spot treatment of invasives. This Plan 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.

- 9.7 The Applicant shall submit a Landscape Plan for approval by the Prince William Department of Public Works, with first submission of the final site plan for Land Bay B.
- 9.8 Prior to initial clearing and grading, the Applicant shall conduct an onsite walkthrough with the Watershed Management Branch in order to determine the existence of any leftover miscellaneous industrial debris not shown on the Environmental Constraints Analysis. If such leftover industrial debris is identified by the Watershed Management Branch and the Applicant, the Applicant shall be allowed to make the necessary adjustments to the limits of clearing and grading on the MZP in order to remove such material.
- 9.9 The Applicant shall record covenants, conditions and restrictions to enforce protection of the Natural Open Space areas shown on the MZP. Said covenants, conditions and restrictions shall provide the following: (i) that except for proposed or existing utilities and approved SWM facility outfalls, the natural open space shall be preserved predominantly in a natural vegetated condition, with no construction or other active use occurring, except for the disturbance and/or construction related to utilities and proposed SWM/BMP facilities outfalls (including LID outfall); and, (ii) under the direction of the County, the Applicant or an HOA may undertake initial riparian buffer restoration and invasive plant eradication activities, remove any trees and/or vegetation within the protected natural open space that would be deemed a safety hazard, be deemed invasive, and/or cause property damage.

10. CULTURAL RESOURCES

**PROFFER STATEMENT**

**Richmond Station Proffer Amendment REZ #PLN2021-00021**

**April 25~~March 29~~, 2022**

As a condition of subdivision plan approval in the area in which artifacts have been identified, the Applicant shall curate with the County: artifacts, field records, laboratory records, photographic records, computerized data and other historical records, and any laboratory records the Applicant possesses as recovered as a result of its Phase I cultural resources investigations. All artifacts and records submitted for curation shall meet current professional standards and the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation. A curation fee identical to VDHR's curation fee shall be paid by the Applicant at the time of delivery to the County. Ownership of all records submitted for curation shall be transferred to the County with a letter of gift.

**11. TRANSPORTATION**

- 11.1 The Applicant shall make a level of service monetary contribution to the Board of County Supervisors for transportation improvements in the amount of \$15,196.00 per residential townhouse unit. Such contribution shall be paid prior to the issuance of an occupancy permit for each townhouse unit. Such contribution shall be reduced or credited by either (i) a verified construction cost estimate or (ii) the Prince William County bond policy unit pricing construction cost, or (iii) a combination of both (as determined by the County), for the public road improvements to be constructed pursuant to proffers numbered 11.3 and 11.4 herein. Said reduction or credit shall be subject to review and approval by PWCDOT and cannot exceed the total value of the transportation level of service monetary contributions outlined in Proffers 11.1 and 11.2.
- 11.2 The Applicant shall make a level of service monetary contribution to the Board of County Supervisors for transportation improvements in the amount of \$10,887.00 per multi-family unit. Such contribution shall be paid prior to the issuance of an occupancy permit for each multi-family unit. Such contribution shall be reduced or credited by either (i) a verified construction cost estimate or (ii) the Prince William County bond policy unit pricing construction cost or (iii) a combination of both (as determined by the County), for the public road improvements to be constructed pursuant to proffers numbered 11.3 and 11.4 herein. Said reduction or credit shall be subject to review and approval by PWCDOT and cannot exceed the total value of the transportation level of service monetary contributions outlined in Proffers 11.1 and 11.2.
- 11.3 If allowed by the City of Manassas and subject to the Applicant obtaining:
  - (a) all applicable governmental approvals, including those from Prince

**PROFFER STATEMENT**

**Richmond Station Proffer Amendment REZ #PLN2021-00021**

**April 25~~March 29~~, 2022**

William Department of Transportation, the City of Manassas and/or the Virginia Department of Transportation ("VDOT"), and (b) any required additional temporary construction, grading and any other necessary off-site easements, the Applicant shall extend the existing southbound Liberia Avenue left turn lane onto Signal Hill Road by no more than 100 linear feet as directed by the City of Manassas. If said extension is not built by another, or a public improvement plan has not been submitted by another that commits to such extension, the Applicant shall submit a plan for the turn lane extension simultaneously with the first site/subdivision plan for the Property and, after approval, shall thereafter commence construction prior to building permit or building permit release letter for the 75th residential unit on the Property.

In the event the Applicant is not able to acquire off-site right-of-way or easements which may be required in order to provide the off-site road improvements in accordance with this Proffer, including any easements which may be required for utility relocations and stormwater management, the Applicant shall request the County to acquire the right-of-way and/or easements by means of its condemnation powers at Applicant's expense. Applicant's request shall be in writing and shall comply in all respects with the County's Eminent Domain Policy. Said request shall be made to the appropriate County agency and shall be accompanied by the following:

- (1) The names of the record owners, the property addresses, tax map parcel numbers and GPIN numbers for each landowner from whom such right-of-way and/or easements are sought.
- (2) Plats, plans and profiles showing the necessary right-of-way and/or easements to be acquired and showing the details of the proposed transportation improvements to be located on each such property.
- (3) Pursuant to Virginia Code Section 25.1-417, a determination of the value of the right-of-way and/or easements to be acquired will be based on the following:
  - (i) if the assessed value is less than \$25,000, then the value shall be determined by assessment records or other objective evidence; or
  - (ii) if the assessed value is greater than \$25,000, then the value shall be determined by an independent appraisal of the value of the right-of-way and easements to be acquired, and any

**PROFFER STATEMENT**

**Richmond Station Proffer Amendment REZ #PLN2021-00021**

**April 25~~March 29~~, 2022**

and all damages to the residue of the involved property, said appraisal to be performed by an appraiser licensed in Virginia and approved by the County.

- (4) A 60 year title search of each involved property.
  - (5) Documentation demonstrating to the County's satisfaction Applicant's good faith, best efforts to acquire the right-of-way and/or easements, at a cost of at least the value of the involved property interests.
  - (6) A letter of credit acceptable to the County, cash or equivalent (from a financial institution acceptable to the County) in an amount equal to the value of the property to be acquired, and all damages to the residue, together with an amount representing the County's estimate of its cost of condemnation proceedings, in a form permitting the County to draw on the same as necessary to effectuate the purposes hereof.
  - (7) An Agreement signed by Applicant's representative and approved by the County Attorney whereby Applicant agrees to pay all costs of the condemnation, including expert witness fees, court costs, exhibit costs, court reporter fees, attorney fees for the Office of the County Attorney, and all other costs associated with the litigation, including appeals. The Agreement shall specifically provide that in the event the property owner is awarded in the condemnation suit more than the value estimated by Applicant's appraiser, Applicant shall pay to the County the amount of the award in excess of the amount represented by the letter of credit or cash deposit within 15 days of the award.
- 11.4 Public Street "A," extending from Richmond Avenue to a roundabout, shall be a public street, as shown on the MZP, and shall be construed prior to or in conjunction with construction of units in Land Bay "B." This public street shall be connected to the private street within the Walker's Station Development via a private street, as shown on the MZP, provided that the necessary off-site easements or right-of-way and a future construction escrow to do so are first established by the Walker Station development.
- 11.5 All internal private streets on the Property shall be designed to public street standards, pursuant to the Design and Construction Standards Manual, except for those streets that may be constructed pursuant to modifications

**PROFFER STATEMENT**

**Richmond Station Proffer Amendment REZ #PLN2021-00021**

**April 25~~March 29~~, 2022**

of those standards set forth in the "PMR Modification and Waiver Booklet, Richmond Station."

- 11.6 "No Parking" or other signage limiting public street parking shall be installed, if requested at the time of final plan review by VDOT.
- 11.7 In order to minimize additional parking areas and reduce illegal on-street parking on the private streets in Land Bay B, all of the dwellings shall incorporate two car garages, and the conversion of any such garage to any use other than primarily for the parking of operable vehicles shall be prohibited. No such garage shall be converted to living space or to be used for storage or any other use, to an extent that would prevent its use for parking vehicles. However, this limitation shall not preclude temporary use of any garage by the builder/developer for sales office, construction office or storage purposes prior to residential use of the dwelling. A recorded covenant to this effect, enforceable by all property owners and/or by the homeowners association, established pursuant to proffer 4.1 herein, shall be established in conjunction with or prior to recordation of the first subdivision plat for Land Bay B.
- 11.8 Sales brochures or other literature which are provided by the initial seller of dwellings served by private streets on the property shall include information regarding HOA responsibility for maintenance, repair and replacement, including a statement that the County and VDOT do not have and will not have any responsibility for the maintenance or repair of private streets on the property.
- 11.9 Prior to the building permit issuance for the 75<sup>th</sup> residential unit, the Applicant shall have the option to either (a) install a bus shelter to enhance the existing bus stop located on northbound Liberia Avenue near its intersection with Richmond Avenue, subject to receiving all necessary approvals from the City of Manassas and PRTC, or (b) provide the monetary equivalent of the construction cost as outlined by a unit price list or contractor's estimate for others to install a bus shelter at that location. Said option shall be exercised at the Applicant's sole discretion, and shall be determined prior to site plan approval for the 75<sup>th</sup> residential unit.

12. **AFFORDABLE HOUSING**

- 12.1 Applicant shall make a monetary contribution to the Prince William Board of County Supervisors in the amount of \$250.00 per new residential unit constructed on the Property to be used for the Housing Preservation and



**PROFFER STATEMENT**

**Richmond Station Proffer Amendment REZ #PLN2021-00021**

**April 25~~March 29~~, 2022**

Development Fund. Said contribution shall be paid prior to and as a condition of the issuance of an occupancy permit for each unit.

13. **WAIVERS AND MODIFICATIONS**

13.1 Waivers and modifications are identified and requested pursuant to Section 32-700.25 of the Zoning Ordinance, and are summarized in the "PMR Modification and Waiver Booklet" revised through January 29, 2015. These waivers and modifications shall be deemed to be a part of these proffers.

13.2 The PMR side setback requirement for Housing Type "G" shall be reduced to sixteen (16) feet, applicable to Land Bay C only.

14. **ESCALATOR CLAUSE**

14.1 Any monetary contributions set forth in this Proffer Statement which are paid to the Board after 18 months from the date of an unappealable approval of this rezoning application shall be adjusted in accordance with the Urban Consumer Price Index ("CPI-U"), as published by the United States Department of Labor. At the time such contributions are paid, they shall be adjusted by the percentage change in the CPI-U from that date 18 months after unappealable rezoning to the most recently available CPI-U to the date the contributions are actually paid, subject to a cap of 6% per year, non-compounded.

SIGNATURES ON THE FOLLOWING PAGE



**PROFFER STATEMENT**

**Richmond Station Proffer Amendment REZ #PLN2021-00021**

**April 25~~March 29~~, 2022**

**Richmond Station Ventures, L.C.**

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

[#5229445v1](#)

**PROFFER STATEMENT**

**Richmond Station Proffer Amendment REZ #PLN2021-00021**

**April 25~~March 29~~, 2022**

**PROFFER EXHIBIT A**

SITE FURNISHINGS



SITE FURNISHINGS

**PROFFER STATEMENT**

**Richmond Station Proffer Amendment REZ #PLN2021-00021**

**April 25~~March 29~~, 2022**



BUILDING ELEVATIONS – LANDBAY 'A'



BUILDING ELEVATIONS – LANDBAY 'A'  
and LANDBAY 'C'



**PROFFER STATEMENT**

**Richmond Station Proffer Amendment REZ #PLN2021-00021**

**April 25~~March 29~~, 2022**



BUILDING ELEVATIONS – LANDBAY 'B'



BUILDING ELEVATIONS – LANDBAY 'B'

**PROFFER STATEMENT**

**Richmond Station Proffer Amendment REZ #PLN2021-00021**

**April 25~~March 29~~, 2022**



†Illustrates architectural character only.

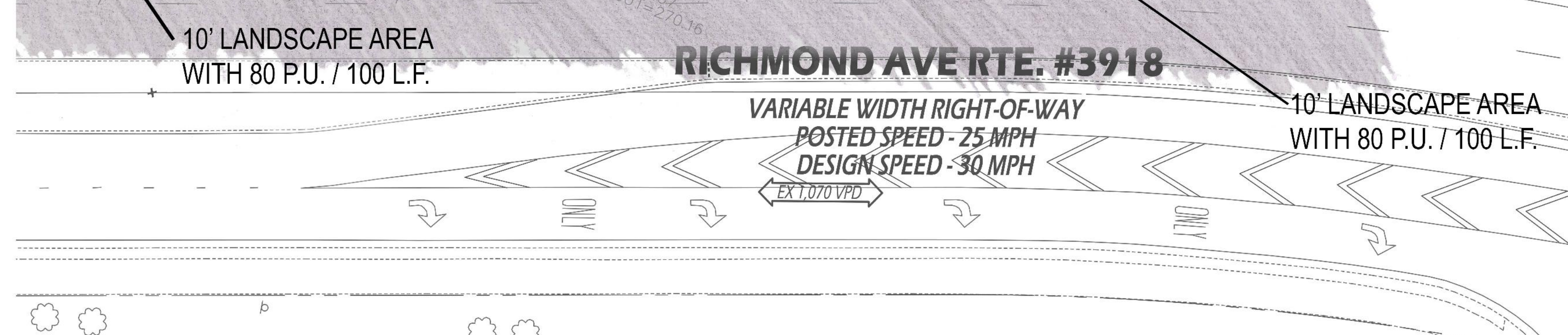




**DEVELOPMENT SUMMARY**

SITE AREA: 1.14 AC  
 NUMBER OF DWELLING UNITS: 16 D.U.  
 PARKING REQUIRED: 36 SPACES (2.25/D.U.)  
 PARKING PROVIDED: 36 SPACES (2.25/D.U.)  
 OPEN SPACE REQUIRED: 0.23 AC (20%)(PER REZONING #PLN 2014-00316)  
 OPEN SPACE PROVIDED: 0.49 AC (43%)  
 AMENITY AREA: AN AMENITY AREA CONSISTING OF A PICNIC AREA AND AN APPROXIMATELY 1,300 SF PLAY AREA WITH A MINIMUM OF THREE PLAY ACTIVITIES WILL BE PROVIDED IN ACCORDANCE WITH THE PROFFERS. THE PLAY AREA MAY INCLUDE A CLIMBING STRUCTURE, ACTIVITY PANELS, PLAY LAWN, CORNHOLE, OR SIMILAR ACTIVITIES. FINAL LAYOUT SHALL BE SUBJECT TO DESIGN AT THE TIME OF SITE PLAN.

**CONCEPTUAL LAYOUT**



NOTE: ALL PROPOSED LANDSCAPING FOR LANDBAY C SHALL BE COMPOSED OF SPECIES NATIVE TO VIRGINIA.



**RICHMOND STATION**

Prince William County, VA

