

PROFFER STATEMENT

RE: #REZ2019-00039 Ashley Business Park LLC
Owner/Applicant: Ashley Business Park LLC
Property: G.P.I.N: 7597-03-1361 (the "Property")
Approximately 1.236 acres Gainesville Magisterial District
M-2, Light Industrial to M/T, Industrial/Transportation

Date: October 2, 2019

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 In the event the above-referenced rezoning is not granted as applied for by the Applicant, these proffers shall be withdrawn and are null and void.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

For purposes of reference in this Proffer Statement, the "GDP" shall be that plan prepared by Ross-France, entitled "Ashley Business Park" - Generalized Development Plan" dated April 19, 2019 and revised through October 2, 2019.

USES & SITE DEVELOPMENT

1. The Property, consisting of approximately 1.236 acres, shall be developed in accordance with the M/T Zoning District and in substantial conformance with the GDP, subject to minor changes approved by the County in connection with final site plan review. The foregoing shall not preclude subdivision or consolidation of the Property with one internal private or public street into the Property, the final design and location of which shall be shown on the final site plan, in accordance with the Design and Construction Standards Manual ("DCSM").
2. All uses permitted in the M/T zoning district shall be permitted on the Property, except that an asphalt/concrete plant shall be prohibited.

COMMUNITY DESIGN

3. The Applicant shall construct a ten-foot wood or composite fence in the location on the Property shown on the GDP.
4. The Applicant shall remove any graffiti from the building(s) on the Property. Graffiti shall be deemed any inscription or marking on walls, buildings, or structures not permitted by the sign regulations in Section 32-250.21 et. seq. of the Zoning Ordinance. Any graffiti is to be reported to the Prince William County Police Department before removal.
5. Any freestanding sign on the Property shall be along Cushing Road and shall be monument style, with a masonry base. The sign shall be a maximum of eight feet (8') in height, with ground level landscaping at the base.
6. The height of any building, or equipment stored, on the Property shall not exceed three-hundred fifty-five feet above mean sea level (355ft above mean sea level). This shall not apply to any equipment used during construction on the Property.

7. If cranes are stored on the Property, they shall be stored in a lowered position. This shall not apply to any cranes used during construction on the Property.
8. Muted colors shall be used for any buildings constructed on the property. Building facades facing county registered historic site Manassas Battlefield Park that are visible from viewshed anchors as identified in the Manassas Battlefields Viewshed plan shall be non-reflective and dark green or dark brown in color. The planning Director may approve other colors provided the applicant demonstrates the materials will facilitate the ability for the building façade to blend into the tree line.

TRANSPORTION

9. Access to the Property shall be provided from Cushing Road as shown on the GDP.

FIRE AND RESCUE

10. The Applicant shall contribute to the Board of County Supervisors the sum of \$0.61 per square foot of gross building floor area (excluding any structured parking facilities) for fire and rescue purposes. Said contribution shall be paid prior to and as a condition of the approval of each building permit for a building, excluding any structured parking facilities, on the Property.
11. In connection with the submission of a site plan for any use on the Property which involves the storage of hazardous materials, a "Spill Contingency Plan", in accordance with Prince William County requirements, shall be submitted to the Fire Marshal for approval.

ENVIRONMENT

12. Stormwater Management and/or Best Management Practices shall be provided on-site, in accordance with the DCSM.
13. The Applicant shall contribute to the Board of County Supervisors the sum of \$75.00 per acre for the County to conduct water quality monitoring, stream restoration projects, and/or drainage improvements. Said contribution shall be paid prior to and as a condition of the approval of the site plan.
14. The Applicant shall limit clearing and grading on the Property to within those areas depicted on the GDP, subject to minor revisions in accordance with final engineering considerations at the time of site plan review and approval. No clearing or improvements shall be made outside of the limits of clearing and grading without County approval, with the exception of: (a) the removal of noxious vegetation, such as poison ivy, poison oak, etc., as well as dead, dying or hazardous trees; and (b) the installation and maintenance of any existing or required utilities.
15. The Applicant shall provide landscaping as depicted on the GDP; provided, however:
 - (a) The Applicant may satisfy buffer requirements in accordance with DCSM Section 802.11D.

WATER AND SEWER

16. The Property shall be served by public sanitary sewer and water, which is at the Property. Any water and sewer infrastructure needed to serve the development of the Property shall be at the Applicant's/owner/s expense.

FLOOR AREA RATIO

17. The maximum Floor Area Ratio on the Property shall be 0.50.

MODIFICATIONS/WAIVERS

18. In accordance with Section 32-250.32(4) of the Prince William County Zoning Ordinance, the following waivers are granted/approved:
- (a) Waiver of the Fifty-Foot (50') buffer from the Prince William Parkway required by Section 1004.01, Table 10-1 of the DCSM. In lieu of said Fifty-Foot (50') Buffer, the Applicant shall provide a twenty-foot (20') undisturbed buffer adjacent to the Prince William Parkway in accordance with the buffer standards set forth in Section 802.12 of the DCSM as shown on the GDP.
 - (b) Waiver of the Fifteen Foot (15') buffer required between the Property and adjacent GPIN 7497-94-6000 required by Sections 802.10 and 802.11 of the DCSM as shown on the GDP.

MISCELLANEOUS


19. In the event the monetary contributions set forth in the Proffer 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 as stated herein. Any monetary contributions set forth in this Proffer Statement which are paid to the Board after eighteen (18) months following the 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 6 percent (6%) per year, non-compounded.

[SIGNATURES APPEAR ON FOLLOWING PAGES]

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SIGNATURE PAGE



Ashley Business Park LLC

