

PROFFER STATEMENT
THOMAS ADDITION
VAN METRE HOMES AT MANASSAS
REZONING APPLICATION #2022-XX
March 8, 2022

Jeffrey N. Thomas and David H. Thomas (jointly and severally) as the owners of the properties subject of this application and identified on **Exhibit A** (the “Property”), on behalf of themselves and their successors in interest (all of the foregoing parties, and their successors in interest, are hereinafter collectively referred to as the “Owner”), hereby voluntarily proffer, pursuant to Section 15.2-2303.4 of the Code of Virginia (1950), as amended, and Chapter 130, Zoning, of the Code of Ordinances, City of Manassas, Virginia (2002), as amended (the “Zoning Ordinance”), that, upon approval of Rezoning Application #2022-XX by the City Council of the City of Manassas (the “City”), development of the Property shall be in substantial conformity (as defined in Section 130-547 of the Zoning Ordinance) with the General Development Plan and Design Guidelines identified in Proffer I below and attached hereto as **Exhibit B** and **Exhibit C**, respectively, as well as this Proffer Statement (the “Proffers”) unless an amendment thereto is mutually agreed upon by the City and the Owner. Each proffer listed herein and made in connection with this application for rezoning is made voluntarily and complies with applicable law. Each proffer is reasonably related both in nature and extent to the impacts of the proposed development. No agent of the City has suggested or demanded a proffer that is unreasonable under applicable law.

Approval of Rezoning Application #2022-XX by the City amends the zoning classification of the Property from the R-2-S (Small Lots, Single Family Residential) to B-3.5 (City Center Planned) (“B-3.5”). If approved by the City, the development of the Property shall be in compliance with the B-3.5 zoning requirements listed under Section 130-304 of the Zoning Ordinance, except as modified by the zoning ordinance modifications shown on the General Development Plan and listed in **Exhibit D** (the “Zoning Modifications”), and the guidelines and standards for the design and construction of private and public facilities constructed within the City limits as set forth in the Design and Construction Standards Manual (“DCSM”), except as otherwise set forth in the DCSM waivers listed in **Exhibit E** (the “DCSM Waivers”). Upon approval of this Rezoning Application #2022-XX, the General Development Plan, Design Guidelines, Zoning Modifications, DCSM Waivers, and Proffers shall be collectively referred to as the “Approved Rezoning Documents”.

The Zoning Administrator may grant an extension to any dates or events provided in these Proffers by which time a commitment must be fulfilled if the Zoning Administrator determines that an extraordinary, unforeseeable event or circumstance beyond the control of the Owner has prevented the fulfillment of its obligations under the Approved Rezoning Documents within the stated time period and if the Owner secures fulfillment of such commitment by providing a bond or other adequate surety deemed satisfactory by the Zoning Administrator.

I. GENERAL DEVELOPMENT PLAN

The development of the Property shall be in substantial conformity with the General Development Plan (the “GDP”) hereby defined and identified as Sheets 1, 2, 4, 10, 11, 14, and 15 of the 15-sheet plan set entitled “GENERAL DEVELOPMENT PLAN (GDP), THOMAS ADDITION TO VAN METRE HOMES AT MANASSAS, REZ #2021-__, CITY OF MANASSAS, VIRGINIA” dated January 21, 2022, as revised through _____, 2022, prepared by J2 Engineers, Inc. and the design guidelines entitled “THOMAS ADDITION TO VAN METRE HOMES AT MANASSAS DESIGN GUIDELINES, MANASSAS, VIRGINIA” dated February 22, 2022, as revised through _____, 2022 (the “Design Guidelines”). The GDP and Design Guidelines shall control the general layout and configuration of development of the Property. Minor adjustments to the locations of the proposed roads and improvements shown on the GDP and Design Guidelines shall be permitted as reasonably necessary to address grading, drainage, environmental, cultural and natural features, zoning ordinance requirements, and other final engineering considerations, provided that any such adjustments shall be in accordance with Section 130-547 of the Zoning Ordinance and approved by the Zoning Administrator.

All land development applications for development of all or any portion of the Property shall identify said applications as being subject to the Approved Rezoning Documents of this Rezoning Application #2022-XX.

II. PROPOSED LAND USES

A. Residential Unit Typology and Density. The Property shall be developed with a maximum of 14 residential dwellings units within three distinct typologies: a maximum of 3 single family detached dwelling units (“SFD Units”), a maximum of 6 single family attached townhome dwelling units with rear garages (“SFA-RL Units”), and a maximum of 5 single family attached townhome dwelling units with front garages (“SFA-FL Units”) (the SFA-RL Units and the SFA-FL Units are collectively referred to herein as the “SFA Units”). Each applicable record plat and site plan for the Property shall include a tabulation of the number of each type of residential units shown on said plan as well as cumulative totals of each residential unit type shown on previously approved record plats and site plans for the Property to demonstrate compliance with the aforesaid maximum number of dwelling units of each typology.

B. Other Uses. The development of the Property may also include any use permitted by-right and/or any use permitted with approval of a special use permit as listed under the B-3.5 zoning district in Table 2, Section 130-241 of the Zoning Ordinance provided any use requiring a special use permit is only permitted after the requisite special use permit for any such use shall have been approved by the City prior to establishment of such use. Any special use permit application may be filed and considered by the City without the need for an amendment to the Approved Rezoning Documents so long as the Zoning Administrator deems the application to be in substantial conformity with the Approved Rezoning Documents. However, notwithstanding the aforesaid, the following uses permitted by-right or with approval of a special use permit shall be prohibited:

1. All uses under the Assembly & Institutional Category *except an* Assembly, Place of (less than 50 persons);
2. All uses under the Commercial Category *except* Bed and Breakfast (Bed and Breakfast uses are limited to single family detached homes pursuant to Section 130-91(b)(1) of the Zoning Ordinance);
3. All uses under the Industrial Category;
4. All uses under the Accessory Category *except* Accessory Uses, Family Day Home, Home Business (Home Business uses are limited to single family detached homes pursuant to Section 130-95 of the Zoning Ordinance), and Home Occupation.

III. PROPERTY OWNERS ASSOCIATION

A. Property Owners Association(s). All residential dwelling units constructed on the Property shall be subject to one or more owners associations, each a Property Owners Association (“POA”), and shall be subject to the covenants, declarations, and related governance documents established by each POA which provide standards for the construction of all improvements and landscaping and regulations for the use of privately owned land and structures within the Property (together, the “POA Covenants”).

B. Establishment of each POA. Prior to the approval of the first record plat or site plan, whichever is first in time, for development of residential units on the Property, draft documents for the establishment of a new POA for the Property, or annexation of the Property into an existing POA, shall be prepared and submitted to the City for review and approval. The draft documents shall include the POA Covenants. The by-laws for each new POA, or the documents evidencing annexation into an existing POA, and the POA Covenants as approved by the City shall be recorded in the land records of Prince William County, Virginia prior to issuance of the first occupancy permit for a residential dwelling unit typology subject of such POA. In addition to any other requirements set forth in the Approved Rezoning Documents, the POA Covenants shall provide for the Owner, or successor developer/declarant, to have the unilateral right, without approval or consent of any other land owner, to record amendments to the POA Covenants as necessary to maintain compliance with the Approved Rezoning Documents.

C. General Responsibilities. The POA(s) shall be responsible for solid waste and snow removal, and maintenance and landscaping of all common areas, recreational facilities, storm water management facilities, private streets, and all sidewalks, trails, and street trees located within public access easements or dedicated right-of-way along the Bartow Street and Main Street frontages of the Property which are not otherwise maintained by an agency or department of the City.

D. Enforcement of Design Guidelines. The POA Covenants shall require the adherence to, and enforcement of, the Design Guidelines pursuant to Proffer IV.A. below.

E. Accessory Building, Use, or Structures. The POA Covenants shall not restrict accessory buildings, uses, or structures on individual lots recorded for SFD Units and SFA Units within the Property if such use is permitted by-right or with an approved special use permit under

the Zoning Ordinance and such building, use, or structure meets the requirements set forth in Section 130-57 of the Zoning Ordinance.

F. Garage Use and/or Conversion. The POA Covenants shall include a provision which prohibits the use of the garage for any purpose that precludes the parking of operable vehicles within the garage and conversion of the garage into habitable and/or living space. This prohibition shall not apply to any garage space that is used for a sales office during the initial construction of residential homes on the Property. Any garage space used for a sales office shall be restored to a garage space prior to the initial sale of the home which includes such garage to a third party.

G. Parking of Non-Residential Vehicles. The POA covenants shall include a provision which prohibits the parking of commercial vehicles, boats, trailers, trucks with more than two (2) axles, buses, and recreational vehicles on the Property. The covenant shall not preclude the parking of commercial vehicles of home improvement and/or maintenance and service personnel on the Property when such parking is temporary for the purpose of providing such services or the parking of construction vehicles on the Property during the initial development of the Property.

IV. SITE DESIGN

A. Design Guidelines. The Design Guidelines shall govern the site design, landscaping and architectural theme of all improvements constructed on the Property. The Design Guidelines provide for the regulation of street frontages, landscaping, streetscapes, parking, public spaces, street furniture, and building architecture (“Design Guideline Elements”). Prior to the approval of each site plan for the Property or building permit for a residential dwelling unit typology to be constructed on the Property, the Owner shall provide written documentation describing the manner in which the site plan submittal (as to site design features) or building permit (as to building architecture) is in substantial conformance with the Design Guidelines. The written documentation shall include elevations, sections, and/or other graphics demonstrating conformity with the various Design Guideline Elements. Conformance with this Proffer shall be subject to review and approval by the City’s Zoning Administrator prior to the approval of such site plan or building permit. The Owner may make minor amendments to the Design Guidelines provided that any such amendment does not alter the basic character and intent of the Design Guidelines and such amendment is approved by the Zoning Administrator. Where there is a conflict between the Design Guidelines and the GDP or these Proffers, the GDP and Proffers shall govern.

B. Site Lighting. All exterior lighting on the Property shall conform to the Lighting Standards set forth in Article 9 of the DCSM. The Owner shall depict lighting details on each site plan submitted for the Property. This lighting provision does not apply to any lighting provided for streets and sidewalk/trails constructed within the adjacent public street right of ways or exterior signage lighting which shall be provided in conformance with the signage standards listed in Article IV of the Zoning Ordinance.

C. Perimeter Landscape Buffers. The Owner shall include the design and location of adjoining perimeter buffers required by the Zoning Ordinance, with any Zoning Modifications approved herewith, on the first site plan for the construction of residential dwelling units on the

Property adjacent to each adjoining parcel. The buffer materials shall be installed concurrently with the site improvements for said residential dwelling units, but in no event later than issuance of the occupancy permit for the first dwelling unit adjacent to each adjoining parcel.

D. Trails, Sidewalks and Associated Amenities. The Owner shall design and construct the trails, sidewalks and associated amenities shown on the Approved Rezoning Documents at no public cost. Segments of such trails, sidewalks and associated amenities shall be designed and included on each site plan for the onsite infrastructure adjacent thereto and shall be constructed concurrently with such adjacent onsite infrastructure. All trails, sidewalks and associated amenities shown on the Approved Rezoning Documents shall be designed as noted on such documents, constructed, and available for pedestrian use no later than approval of the 14th cumulative occupancy permit for residential dwelling units constructed on the Property

E. Open Space. The Owners shall maintain an accounting of the open space to be provided on the Property as designated on Sheet 11 of the GDP. Each applicable record plat and site plan for the Property shall include a tabulation showing the total area of open space to be provided on the Property, the total area of open space provided on said plat or plan, the total area of open space provided on previously approved record plats and site plans for the Property, and the total area of open space to be provided on future plats and plans to demonstrate compliance with the Approved Rezoning Documents.

F. Tree Canopy. The landscape plan for the proposed development of the Property shall provide for tree preservation and new landscaping which, in combination with the tree preservation and tree canopy provided with the approved Rezoning Application #2021-01, Van Metre Homes at Manassas, shall meet the Zoning Ordinance minimum tree canopy requirement of fifteen percent (15%) of the collective site area of the Property and the land subject of the aforesaid approved rezoning application. In meeting this requirement, approved Rezoning Application #2021-01 provided for a minimum of 55,000 square feet of the require tree canopy to be a tree canopy credit associated with donation of a public park parcel to the City of Manassas. Each applicable record plat and site plan for the Property shall include a tabulation showing the cumulative total area of required tree canopy, the aforesaid tree canopy credit, the cumulative total area of tree canopy provided on said plat or plan, the area of tree canopy provided on previously approved record plats and site plans for the Property, and the tree canopy area to be provided on future plats and plans to demonstrate compliance with the aforesaid tree canopy requirement.

V. TRANSPORTATION

A. Internal Site Circulation (Private). The Owner shall design and construct internal site circulation in the form of private streets in the locations, and pursuant to the minimum design standards, shown on the Approved Rezoning Documents. All private streets shall be maintained by a POA established pursuant to Proffer III above.

B. Bartow Street. The Owner shall, at no public cost and subject to City approval, design, bond, and construct/reconstruct Bartow Street from Main Street westerly along the Property's boundary to the westerly terminus of the Property's frontage along Bartow Street as shown on the GDP. Said improvements shall include a two-lane roadway, a concrete trail/sidewalk

(10 feet wide) on the south side of said roadway, parallel parking where possible along the north side of said roadway, and a concrete sidewalk (5 feet wide) adjacent to the parallel parking – all within the existing Bartow Street right of way (50 feet wide) as shown on Section 2, Sheet 4 of the GDP. The Owner shall design said improvements, submit and pursue approval of same, and bond the construction thereof prior to approval of the first record plat or site plan, whichever is first in time, for construction of residential dwelling units on the Property. The aforesaid Bartow Street improvements shall be open to traffic, but not necessarily accepted for maintenance by the City, prior to the issuance of the first occupancy permit for a residential dwelling unit newly constructed on the Property.

C. Main Street. The Owner shall, at no public cost, dedicate the necessary right of way, permanent utility easements, and temporary construction easements required for the construction of the Main Street improvements as shown on Section 4, Sheet 4 of the GDP upon request by the City. Further, the Owner shall, at no public cost and subject to City approval, design, bond, and construct the concrete trail/sidewalk (six feet wide) along the west side of the Main Street roadway adjacent to the easterly boundary of the Property as shown on Section 4, Sheet 4 of the GDP. The Owner shall design said improvements, submit and pursue approval of same, and bond the construction thereof prior to approval of the first record plat or site plan, whichever is first in time, for construction of the SFD Units fronting Main Street on the Property. The aforesaid Main Street improvements shall be open for pedestrian use, but not necessarily accepted for maintenance by the City, prior to the issuance of the first occupancy permit for said SFD Units fronting on Main Street.

D. Off-Site Right-of-Way and Easement Acquisition. The Owner shall make good faith efforts to acquire any off-site right-of-way and/or easements necessary for the road or pedestrian improvements identified in these Proffers. The Owner shall advise the City of such acquisition efforts and shall, to the best of its ability, attempt to acquire such off-site rights-of-way and/or easements without the need for eminent domain proceedings. Where right-of-way and/or easements necessary for such proffered road or pedestrian improvements cannot be obtained despite such good faith efforts, including through: (i) voluntary donation or proffer to the City, or (ii) purchase by the Owner at a fair market value, the Owner shall request that the City acquire such right-of-way and/or easements by appropriate eminent domain proceedings by the City, with all costs associated with the eminent domain proceedings to be borne by the Owner, including, but not limited to, land acquisition costs and appraisal fees. The initiation of such eminent domain proceedings shall be solely at the discretion of the City.

If any necessary off-site right-of-way and/or easements cannot be acquired by the Owner and the City chooses not to exercise its right of eminent domain to acquire said right-of-way and/or easement, the Owner shall be released from the obligations to acquire such off-site right-of-way and/or easement and released from the obligations of the proffer for which said right-of-way or easement is needed. Except as otherwise set forth in these proffers, if the City chooses to defer the exercise of its right of eminent domain to acquire any necessary off-site right-of-way or easements, the Owner's obligation to complete the improvements identified in the associated proffer shall be likewise deferred until the said off-site right-of-way is available.

VII. PARKS AND RECREATION

A. Capital Contribution. The Owner shall contribute to the City a one-time cash contribution in the amount of \$115.00 for each residential dwelling unit constructed on the Property, which contribution shall be used by the City to support capital improvements relating to parks and recreation services within the City. This per-unit contribution shall be calculated at the time of approval of the building permit for construction of each residential dwelling unit on the Property and shall be payable prior to the issuance of the occupancy permit for said dwelling unit.

VIII. EMERGENCY SERVICES

A. Public Safety Contribution. The Owner shall contribute to the City a one-time cash contribution in the amount of \$1,187.00 for each residential dwelling unit constructed on the Property, which contribution shall be used by the City to support capital improvements relating to police services within the City. This per-unit contribution shall be calculated at the time of approval of the building permit for construction of each residential dwelling unit on the Property and shall be payable prior to the issuance of the occupancy permit for said dwelling unit.

B. Emergency Vehicle Access. The Owner shall provide all-weather, gravel compacted access for emergency vehicles, acceptable to the City Fire Marshall, to all portions of the Property within the time frames established by the City Fire Marshal.

IX. ENVIRONMENT

A. Low Impact Development (LID). The Owner shall provide a minimum of one (1) Low Impact Development ("LID") Best Management Practice to treat stormwater from the Property. Such LID practice may include, but shall not be limited to, water quality swales, bioretention facilities/rain gardens, sheet flow to vegetated buffers, permeable pavement for parking spaces, or any alternative LID practice proposed by the Owner and deemed by the City to be acceptable. The location of the LID practice(s) shall be shown on the first site plan for the Property. The LID practice shall be installed concurrently with the adjacent onsite infrastructure shown on the site plan but in no event later than approval of the 14th cumulative occupancy permit for residential dwelling units constructed on the Property.

X. SUSTAINABILITY

A. Green Building Practices. All residential dwelling units to be constructed on the Property shall be designed to meet the certification requirements under one of the following programs, or an alternative third-party program and certification that achieves the substantive intent of the programs identified below, to be selected by the Owner, in its sole discretion.

1. ENERGY STAR®. Certification in accordance with the National Green Building Standard using the ENERGY STAR® Qualified Homes path for energy performance, as demonstrated through documentation submitted to the City from a home energy rater certified through the Home Innovation Research Labs that demonstrates that

each residential dwelling unit has attained the certification prior to the issuance of the occupancy permit for said residential dwelling unit;

2. Earth Craft. Certification in accordance with the Earth Craft House Program, as demonstrated through documentation provided to the City prior to the issuance of the occupancy permit for each residential dwelling unit; or

3. NAHB National Green Building Program. Certification in accordance with the National Association of Home Builders (NAHB) National Green Building Program, Bronze level, as demonstrated through submission of a copy of the “Green Certificate” issued by NAHB in accordance with its “Green Certificate Program” prior to issuance of the occupancy permit for each residential dwelling unit.

XI. SEVERABILITY

Any portion of the Property may be the subject of a future amendment to the Approved Rezoning Documents, an application for a Special Use Permit, Zoning Modification, and/or Variance, or any other zoning or land use application without the joinder and/or consent of the owners of other land areas within the Property, provided that (i) such application is compatible with these Proffers, (ii) that the approval of such application would have no material, adverse impact upon any other land within the Property or the performance of any of these Proffers by the owners of the other land within the Property, (iii) that such application complies with the relevant Zoning Ordinance and Virginia Code provisions, (iv) that such application includes a proffer audit outlining the status of each commitment in these Proffers, and (v) that such application shall not be approved by the City unless the application has been presented and considered at such public meetings or hearings as required by law.

XII. ESCALATOR

Unless otherwise specified, all cash contributions enumerated in these Proffers shall be subject to an annual adjustment based on the Consumer Price Index for all urban consumers (CPI-U), 1982-1984=100 (not seasonally adjusted), as published by the Bureau of Labor Statistics, U.S. Department of Labor, for the Washington-Baltimore, DC-MD-VA-WV Consolidated Metropolitan Statistical Area with a base year of 2021. The first such adjustment shall occur on January 1, 2023, and change effective each January 1 thereafter.

The undersigned hereby warrant that all owners with any legal interest in the Property have signed this Proffer Statement, that no signature from any additional party is necessary for these Proffers to be binding and enforceable in accordance with their terms, that they, together with the others signing this document, have full authority to bind the Property to these conditions, and that the Proffers are entered into voluntarily.

(SIGNATURE PAGES FOLLOW)

OWNERS:

JEFFREY N. THOMAS

COMMONWEALTH OF VIRGINIA

COUNTY OF _____, to wit:

I, the undersigned Notary Public, in and for the jurisdiction aforesaid, do hereby certify that Jeffrey N. Thomas, whose name is signed to the foregoing instrument, appeared before me and personally acknowledged the same in my jurisdiction aforesaid.

GIVEN under my hand and seal this _____ day of _____, 2022.

Notary Public

My Commission Expires: _____

Notary Registration # _____

DAVID H. THOMAS

COMMONWEALTH OF VIRGINIA

COUNTY OF _____, to wit:

I, the undersigned Notary Public, in and for the jurisdiction aforesaid, do hereby certify that David H. Thomas, whose name is signed to the foregoing instrument, appeared before me and personally acknowledged the same in my jurisdiction aforesaid.

GIVEN under my hand and seal this _____ day of _____, 2022.

Notary Public

My Commission Expires: _____

Notary Registration # _____

EXHIBIT A

The Property is defined as all those certain lots, tracts or parcels of real estate known as 9608 and 9610 Main Street and referenced on City of Manassas Tax Maps as Parcels 101/01 00/ 127/ / and 101/01 00/ 126/ /, respectively, and, based on the land areas shown on existing real estate tax records, containing approximately 56,746 square feet of land located in the City of Manassas, Virginia. The Property is more particularly described as follows:

9608 MAIN STREET (TAX MAP PARCEL 101/01 00/ 127/ /):

BEGINNING AT THE NORTHWESTERLY CORNER OF THE LAND HEREIN DESCRIBED, BEING A COMMON CORNER WITH THE LAND OF ZIGLER, AND BEING ON THE SOUTHERLY RIGHT-OF-WAY OF MAIN STREET (A VARIABLE WIDTH RIGHT-OF WAY); THENCE DEPARTING ZIGLER AND RUNNING WITH SAID MAIN STREET THE FOLLOWING COURSE AND DISTANCE:

S 21°00'33" E, A DISTANCE OF 88.03' TO A POINT, BEING A CORNER TO THE OTHER LAND OF THOMAS; THENCE DEPARTING MAIN STREET AND RUNNING WITH THE OTHER LAND OF THOMAS THE FOLLOWING COURSE AND DISTANCE:

S 67°36'37" W, A DISTANCE OF 405.21' TO A POINT, BEING IN THE LINE OF THE LAND OF THE CITY OF MANASSAS; THENCE LEAVING THE OTHER LAND OF THOMAS AND RUNNING WITH THE LAND OF THE CITY OF MANASSAS, THEN LOT 2, BLOCK C OF THE HOLMES HEIGHTS SUBDIVISION AND THEN LOT 3, BLOCK C OF THE HOLMES HEIGHTS SUBDIVISION THE FOLLOWING COURSE AND DISTANCE:

N 21°18'49" W, A DISTANCE OF 88.02' TO A POINT, BEING IN THE LINE OF LOT 3, BLOCK C OF THE HOLMES HEIGHTS SUBDIVISION AND BEING A CORNER WITH THE LAND OF ZIGLER; THENCE LEAVING THE LINE OF LOT 3 AND RUNNING WITH THE LAND OF ZIGLER THE FOLLOWING COURSE AND DISTANCE:

N 67°36'37" E, A DISTANCE OF 405.68' TO THE POINT OF BEGINNING,
HAVING AN AREA OF 35,679 SQUARE FEET, 0.81908 ACRES OF LAND.

9610 MAIN STREET (TAX MAP PARCEL 101/01 00/ 126/ /):

BEGINNING AT THE NORTHEASTERLY CORNER OF THE LAND HEREIN DESCRIBED, BEING ON THE SOUTHERLY RIGHT-OF-WAY OF MAIN STREET (A VARIABLE WIDTH RIGHT-OF-WAY), AND BEING ON THE WESTERLY RIGHT-OF-WAY OF BARTOW STREET (A 50' RIGHT-OF-WAY); THENCE DEPARTING MAIN STREET AND RUNNING WITH SAID BARTOW STREET THE FOLLOWING COURSE AND DISTANCE:

S 67°35'49" W, A DISTANCE OF 404.94' TO A POINT, BEING ON THE WESTERLY RIGHT-OF-WAY OF SAID BARTOW STREET AND A CORNER WITH THE LAND OF THE CITY OF MANASSAS; THENCE DEPARTING BARTOW STREET AND RUNNING WITH THE LAND OF THE CITY OF MANASSAS THE FOLLOWING COURSE AND DISTANCE:

N 21°18'49" W, A DISTANCE OF 52.06' TO A POINT, BEING A CORNER TO THE OTHER LAND OF THOMAS; THENCE LEAVING THE LAND OF THE CITY OF MANASSAS AND RUNNING WITH THE OTHER LAND OF THOMAS THE FOLLOWING COURSE AND DISTANCE:

N 67°36'37" E, A DISTANCE OF 405.21' TO A POINT, BEING ON THE SOUTHERLY RIGHT-OF-WAY OF SAID MAIN STREET; THENCE LEAVING THE OTHER LAND OF THOMAS AND RUNNING WITH MAIN STREET THE FOLLOWING COURSE AND DISTANCE:

S 21°00'33" E, A DISTANCE OF 51.98' TO THE POINT OF BEGINNING,
HAVING AN AREA OF 21,067 SQUARE FEET, 0.48363 ACRES OF LAND

EXHIBIT B
Concept Development Plan

EXHIBIT C
Design Guidelines

EXHIBIT D

Listing of Zoning Ordinance Modifications

Modification 1

Sec. 130-304(d)(1)b: “Maximum setback: No building wall shall be located more than 22 feet from the back of curb of any street, unless a courtyard designed to provide for a park, landscaping, or preservation of existing trees, or other significant view shed or unique element is agreed upon and accepted at the time of rezoning or special use permit approval.”

Modification: Increase maximum allowed setback of 22 feet from the back of curb of any street to 36 feet from the back of curb of any street. The requirement as modified would be:

“Maximum setback: No building wall shall be located more than 36 feet from the back of curb of any street, unless a courtyard designed to provide for a park, landscaping, or preservation of existing trees, or other significant view shed or unique element is agreed upon and accepted at the time of rezoning or special use permit approval.”

Modification 2

Sec. 130-304(d)(4): A landscaped area of 25 feet shall be provided when any B-3.5 project abuts any “R” district line. However, such area may be reduced, if the residential property owner agrees to such a reduction, either by means of providing an enhanced opaque screening or the acquisition of an offsite easement as evidenced by the recording of an agreement between the B-3.5 owner and the adjoining “R” district property owner(s).

Modification: Permit a reduction of the 25-foot minimum perimeter landscape area where the proposed B-3.5 development abuts any “R” district to a minimum of zero feet (0’) in certain areas where additional landscaping and screening are provided to achieve an opaque screening, – all as more specifically described on Sheet 4 of the GDP.

Modification 3

Sec. 130-304(c)(2)c: No single purpose residential use structure shall be constructed with a height of less than 35 feet or two stories, whichever is less.

Modification: Permit a single purpose 2-story residential structure designated for single family detached use to be constructed with a minimum height of 25 feet.

EXHIBIT E

Listing of DCSM Waivers

Waiver 1 (Main Street and Bartow Street Intersection):

Sec. 9-330.4 A: “When deemed necessary by a traffic study or by the City, a protected left turn lane shall be required at all roadway intersections where the traffic count on those roadways exceeds 5000 vehicles per day. The required turn lanes and tapers shall be designed in accordance with VDOT and AASHTO standards (see Table 9-6).”

Waiver:

The current No Build Average Annual Daily Traffic (“AADT”) volume on Main Street is 5,150 vehicles per day and the projected Build AADT volume on Main Street is 5,750 vehicles per day per the Van Metre Homes at Manassas Traffic Impact Analysis previously submitted to the City of Manassas concurrently with Rezoning Application #2021-01. A left turn lane warrant analyses for the referenced intersection was completed using the charts in VDOT’s Roadway Design Manual, Appendix F. Based on this analysis, a protected left turn lane is not warranted at the intersection of Main Street and Bartow Street even though the AADT volume exceeds 5,000 vehicles per day. Therefore, the Owner shall not be required to construct a protected left turn lane at the intersection of Main Street and Bartow Street.

Waiver 2 (Main Street and Bartow Street Intersection):

Sec. 9-330.4 B: “A right turn lane and taper shall be required at all intersections of urban section streets that carry in excess of 5000 vehicle trips per day...”

Waiver:

The current No Build Average Annual Daily Traffic (“AADT”) volume on Main Street is 5,150 vehicles per day and the projected Build AADT volume on Main Street is 5,750 vehicles per day per the Van Metre Homes at Manassas Traffic Impact Analysis previously submitted to the City of Manassas concurrently with Rezoning Application #2021-01. A right turn lane warrant analyses for the referenced intersection was completed using the charts in VDOT’s Roadway Design Manual, Appendix F. Based on this analysis, a right turn lane is not warranted at the intersection of Main Street and Bartow Street even though the AADT volume exceeds 5,000 vehicles per day. Therefore, the Owner shall not be required to construct a right turn lane at the intersection of Main Street and Bartow Street.