

# **DRAFT PROFFERS**

**Lovettsville Town Center  
Town Center Core  
Application of Lovettsville Square, LLC  
Proffer Amendment Application  
LVRZ 2014-0001**

May 15, 2014

Revised June 24, 2014

Revised July 29, 2014

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Pursuant to Sections 15.2-2299 through 15.2-2303 et seq., the Code of Virginia (1950), as amended, and Section 3-7 of the Zoning Ordinance Town of Lovettsville, Virginia (2011) Lovettsville Square, LLC, a Virginia limited liability company, (hereinafter, the "Applicant") is seeking approval by the Town of Lovettsville of a Proffer Amendment application of a proffered Zoning Map Amendment and Concept Plan approved on August 22, 2002, a Concept Plan Amendment approved on February 10, 2005, and a Zoning Map Amendment and Concept Plan Amendment approved on December 14, 2006, and Concept Plan Amendment (LVRZ 2008-0002 & LVZM 2008-0001) approved on January 22, 2009. The Applicant is also seeking approval by the Town to change the Town Center Core designations of the following properties also owned by the Applicant and described as: Loudoun County Tax Map and Parcel Number 9A210-126 (MCPI #369-20-2773), a portion of Loudoun County Tax Map and Parcel Number 9A211-1 (MCPI #369-20-4273) and Loudoun County Tax Map and Parcel Number 9A211-5 (MCPI #369-20-2899).

The Applicant does hereby submit the following voluntary proffers which are contingent upon approval by the Lovettsville Town Council of the Proffer Amendment application (LVRZ 2014-0001). In the event the Lovettsville Town Council approves the Proffer Amendment application (LVRZ 2014-0001) these proffers will supersede and replace and consolidate all previously approved proffers dated January 22, 2009, and approved on January 22, 2009; November 20, 2006, and approved on December 14, 2006; proffers dated October 28, 2004, and approved February 10, 2005; and Zoning Map Amendment and Concept Plan Amendment approved August 22, 2002 ("Previously Approved Proffers"), for the Subject Property and not for the property that is not subject to these proffers. The properties listed in Exhibit C, shall remain subject to the Previously Approved Proffers and not subject to the Proffers for LVRZ 2008-0002 & LVZM 2008-0001. Thereafter, these proffers shall govern and shall be the only ones applicable to the properties listed in Exhibit D.

1. Subject to final design to accommodate engineering, the Subject Property will be developed to be in substantial conformance with the plans titled "Lovettsville Town Center Concept Plan (LVRZ 2014-0001) for Town Center Planned Development District" consisting of Sheets 1, 3 through 7 of 7, dated May, 2014, and revised through \_\_\_\_\_, 2014, and prepared by Bowman Consulting Group, Ltd., which are attached and made part of these Proffers, as Exhibit A. The Applicant reserves

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FOR PROFFER AMENDMENT  
LVRZ 2014-0001**

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the right and shall be permitted to adjust the location of the lot lines, street alignments, improvements and landscaping depicted on the Concept Development Plan, Landscape Plan and Building B Parking Details Area Exhibit as may be required to accommodate and meet the requirements of the Virginia Department of Transportation, the United States Army Corps of Engineers, Environmental Protection Agency, and Virginia Department of Environmental Quality wetlands permitting processes, and final engineering considerations as determined during site plan or subdivision review.

2. The Applicant shall provide public sanitary sewer lines and public water lines for the Subject Property, as required by the Town's Subdivision Ordinance.
3. At time of the issuance of individual Zoning Permits for the dwelling units to be constructed on the Subject Property, the Applicant shall contribute to the Lovettsville Volunteer Fire & Rescue Company a cash sum of Three Hundred and Twenty Dollars (\$320.00) per residential unit.
4. As a bonded improvement to be constructed during its first development phase, the Applicant shall construct the Town Square and the site infrastructure supporting the commercial development adjacent to the Town Square on the Subject Property in substantial conformance with the Concept Development Plan.
5. The Applicant shall establish, prior to approval of the first record plat for the residential area of the Subject Property, a Homeowners' Association ("HOA"). The Applicant shall include all the single family dwelling units on the Subject Property in the HOA. Documents to form an HOA shall be submitted to and approved by the Town prior to approval of the first record plat for the Residential area of the Subject Property. The Applicant shall include in the HOA documents the creation and

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establishment of public access easements over and across all parks within the Subject Property. At the time of subdivision, including these parks, public access easements will be granted and conveyed over and across these parks in the documents creating the subdivision.

6. The Applicant shall establish, prior to approval of the first site plan for the commercial area of the Subject Property, a Commercial Owner's Association ("COA"). The Applicant shall include all the commercial and retail units on the Subject Property in the COA. Documents to form a COA shall be submitted to and approved by the Town prior to approval of the first site plan for the commercial area of the Subject Property.
7. The HOA and/or the COA shall own and maintain common areas, including the neighborhood parks, all common areas and stormwater management facilities on the Subject Property, and any special pedestrian walkways or paving enhancements located in the VDOT rights-of way that VDOT is unable to maintain pursuant to its established policies. The COA shall also be responsible for trash pickup services within the Town Center Core.
8. At the request of the Town, the Applicant will convey the Town Park and the Town Square to the Town. The Town will also have the option to request additional neighborhood park areas within the Subject Property to be conveyed by the Applicant or the HOA for use as public parks.
9. The commercial areas and the Town Square shall be developed in conformance with the general character of the "Conceptual Drawing of Town Square", which is attached as Exhibit B. Buildings in the Town Center Core shall be fully designed on all elevations to provide attractive building facades from all directions. Street lighting

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shall be consistent with the Town of Lovettsville's selection of "The Exton LED Luminaire on Meterie Cross Arm; and the Madison Ductile/Steel Posts" manufactured by Spring City Electrical Mfg. Co. of Spring City, Pennsylvania (Exhibit B-1).

- A. Building B in the Town Center Core shall be developed in substantial conformance with the character, massing, scale, materials and colors on the exhibit titled "Building "B", dated April 29, 2014, and prepared by Rounds VanDuzer Architects, which is attached as Exhibit B-2 and the materials shown on the board prepared by Rounds VanDuzer Architects, which is herein incorporated by reference as Exhibit B-3. Building B shall be designed to complement Lovettsville's Germanic heritage.

The building materials on the front and side elevation walls, at the pedestrian level shall be predominantly faced with brick, stone veneer, E.I.F.S., precast concrete and/or fiber cement siding, with the exception of the windows and doors. Storefront windows will be incorporated in building elevations adjacent to pedestrian breezeways. Building elevations shall include trellises and planters and awnings over windows and doors where appropriate.

The roof will be articulated with backlit dormers to break up long expanses of the roof and the roof pitch and parapet walls will be designed to screen the rooftop mechanicals from the streets and adjacent properties.

Within 3 months of approval of this Proffer Amendment application (LVRZ 2014-0001), the Applicant shall file a site plan for construction of Building B. Within 180 days of approval of the site plan, and issuance of required zoning and building permits, the Applicant shall commence construction of Building B and shall diligently pursue completion thereafter. Notwithstanding the

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foregoing, these performance deadlines shall be extended due to Force Majeure, or other factors outside of the Applicant's control that impede or prohibit the fulfillment of these performance deadlines. However, the Applicant shall not be required to commence construction during the months of November through February of any given year. Completion of construction of Building B shall be deemed constructed when the Certificate of Occupancy has been issued for the shell building; but not individual tenants.

10. Prior to the application for each building permit for the commercial buildings, the Applicant will submit to the Zoning Administrator for review, all building elevations and/or streetscape elevations, which shall include: sample building and roofing materials, colors, trellises, planters, lighting fixtures, sign lighting fixtures, awnings, street lights, and street furniture, such as outdoor seating and tables, benches, planters, trash receptacles and landscaping. The Zoning Administrator shall review the submitted elevations and materials for substantial conformance with Exhibit B-2 and Exhibit B-3, within a reasonable length of time (fifteen days) and upon determination by the Zoning Administrator that the building elevations and/or streetscape elevations and materials are in substantial conformance with Exhibit B-2 and Exhibit B-3 shall make a recommendation to the Town and/or County to approve the issuance of the Zoning Permit(s).

- A. The Applicant shall construct the clock tower at its own expense to accommodate up to a three faced clock and a glockenspiel mechanism which shall be installed by others. The clock tower shall be designed and constructed to support the necessary equipment. Access to the upper portions of the clock tower shall be provided to allow efficient access for routine maintenance.

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11. The Greenbelt area as identified on the Concept Development Plan shall remain natural and undisturbed with the exception of the installation of plant materials and utilities and minor grading during construction.
  
12. As determined by the Town during site plan review for the commercial components of Lovettsville Town Center, a reduction in parking may be allowed to enhance pedestrian movements through the Subject Property and reduce impervious area.
  
13. Pedestrian Trails shall be provided to allow for access to the common open space areas owned by the COA or the HOA and to any Town-owned parks within the Subject Property as shown in the Lovettsville Town Center, Concept Development Plan.
  
14. A public street connection to Woodbriar Drive from the Subject Property, as shown on the Concept Development Plan, shall be made unless the Applicant is directed to the contrary by the Town prior to approval of the first preliminary subdivision plan. The public street connection from the Subject Property to Church Street, as shown on the Concept Development Plan, may be deleted if deemed infeasible by the Applicant or the Town at time of preliminary subdivision plan review.
  
15. The Applicant shall provide the following recreational facilities within the Neighborhood Park 4 as shown on the Landscape Plan, Sheet 4 of 7: One (1) children's play area with playground equipment. At the time of construction of these recreational facilities, the Applicant shall provide a fence around the Neighborhood Park 4 to keep children safe from vehicular traffic.
  
16. The following lots as shown on the Concept Development Plan, Sheet 3 of 7 shall be constructed with rear loaded garages off of the alley: Lots 1 through 13, 18 through

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20, 40 through 43, 54 through 56; and 208 through 212. The following lot as shown on the Concept Development Plan, Sheet 3 of 7 shall be constructed with a side loaded garage off of Town Center Drive: Lot 39.

17. No Zoning Permits shall be issued for residential Lots 207 through 212, until such time as the first Occupancy Permit has been issued for Building B.

The undersigned owners of the Subject Property do hereby voluntarily proffer the conditions stated above which conditions shall be binding on the Subject Property which is subject to the Proffer Amendment application and shall have the affect specified in Section 15.2-2297, et seq. of the Code of Virginia (1950), as amended. These proffers shall be binding upon the heirs, executors, administrators, assigns and successors in interest of the Applicant. The undersigned hereby warrants that all of the owners of a legal interest in the Subject Property have signed the Proffer Statement, that he/she has full authority to bind the Subject Property to these conditions and that the Proffers are entered into voluntarily. The undersigned is the authorized signature of the Applicant and owners of the Subject Property, which are the subject of this Proffer Amendment application.

**EXHIBITS A, B, B-1, B-2, B-3, C, D & E ATTACHED HERETO**

[SIGNATURE PAGES FOLLOWS THIS PAGE]

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**LOVETTSVILLE SQUARE, LLC, a Virginia  
limited liability company**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: Manager & Authorized Agent

COMMONWEALTH OF VIRGINIA,  
CITY/COUNTY OF \_\_\_\_\_, to wit:

I, the undersigned Notary Public, in and for the jurisdiction aforesaid, do hereby certify that \_\_\_\_\_ as \_\_\_\_\_, of Lovettsville Square, LLC, as set forth above, whose name is signed to the foregoing Proffers, appeared before me and personally acknowledged the same in my jurisdiction aforesaid.

GIVEN under my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Notary Public

My Commission expires: \_\_\_\_\_  
Notary Registration number: \_\_\_\_\_

**EXHIBIT A**  
**LOVETTSVILLE TOWN CENTER**  
**LVRZ 2014-0001**

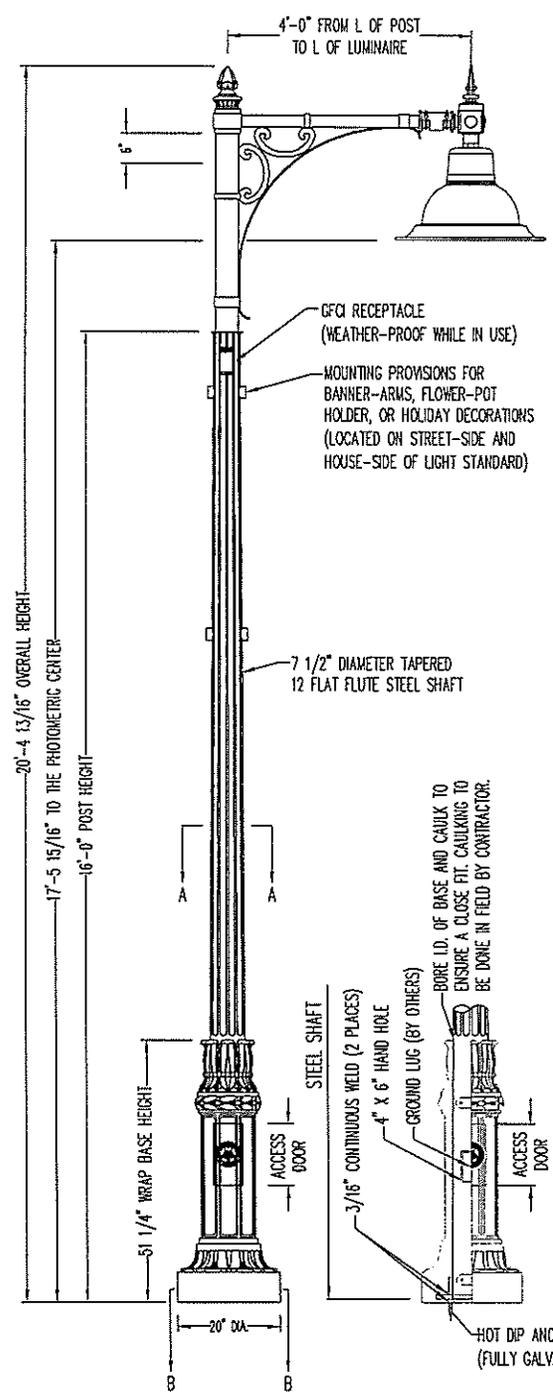
**LOVETTSVILLE TOWN CENTER**  
**CONCEPT PLAN**

**FOR**

**TOWN CENTER PLANNED DEVELOPMENT DISTRICT**

**Prepared by Bowman Consulting, File Number 1532-D-ZP-004**  
**Dated May 2014**  
**Revised July 29, 2014**

This drawing is property of Spring City Elect. Mfg. and is loaned to the recipient with the understanding that it shall not be copied, duplicated, passed on to unauthorized parties, nor used for any purpose other than that for which it is specifically furnished except with Spring City's written permission.



**LUMINAIRE SPECIFICATIONS**

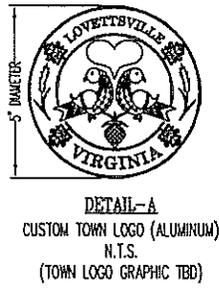
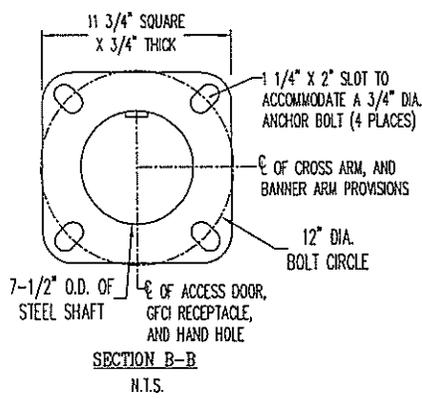
STYLE:	EXTON
HEIGHT:	7'-4 1/8"
WIRE:	2'-4" DIAMETER
MATERIAL:	CAST ALUMINUM ALLOY ANSL 35A, PER A.S.T.M. B26-85 WITH 12 GAUGE, 1100-0 SPIN SHADE
GLASS:	CLEAR GLASS LENS
FINISH:	POWDER COAT - SEMI GLOSS BLACK
LAMPING:	100 WATT CREE LED SYSTEM
VOLTAGE:	ELECTRONIC WIRE AT 120 VOLTS
COLOR TEMPERATURE:	3700K COLOR TEMP.
OPTICAL SYSTEM:	CROSSFIRE REFRACTIVE TYPE II (ASYMMETRIC) DISTRIBUTION
CATALOG NO.:	ALUM-1100/0/0/2-27-00-11-010-1028-10-01

**CROSS ARM SPECIFICATIONS**

STYLE:	METRIE
HEIGHT:	41 13/16"
WIRE:	48" FROM C OF POST TO C OF LUMINAIRE
MATERIAL:	ALUMINUM PIPE WITH CAST ALUMINUM ORNAMENTATION
FINISH:	POWDER COAT - SEMI GLOSS BLACK
CATALOG NO.:	ALUMTR-15-01-0101-01

**LAMP POST SPECIFICATIONS**

STYLE:	MADISON
HEIGHT:	16'-0"
BASE:	20" DIAMETER WRAP BASE
MATERIAL:	7 1/2" DIAMETER, 12 FLUTE, STEEL MONOTUBE CONSTRUCTION
SHAFT:	2 FEET (WRAP AROUND) HEAVY WALL CAST DUCTILE IRON PER A.S.T.M. B18 GR40 15-15-12
BASE:	POWDER COAT - SEMI GLOSS BLACK
FINISH:	POWDER COAT - SEMI GLOSS BLACK
ACCESS DOOR:	LOCATED IN BASE TO CONDUIT WITH HAND HOLD IN STEEL SHAFT
GROUND STUD PROVISIONS:	1/4"-20 SQUARE NUT WELDED TO HOSE OF SHAFT OPPOSITE HAND HOLE TO ACCOMMODATE GROUND STUD (GROUND STUD SUPPLIED BY OTHERS)
ANCHOR BOLTS:	(1) 3/4" DIA. X 2" LONG + 3" HOOK (FULLY GALVANIZED W/ 2 NUTS + 2 WASHER PER BOLT)
BOLT PROJECTION:	3" REQUIRED
TORQUE:	4" DIA. X 18" HIGH
CATALOG NO.:	SP262-20-15-00-10-01/1000-10-02M-323/200-01



**Spring City Electrical Mfg. Co.**

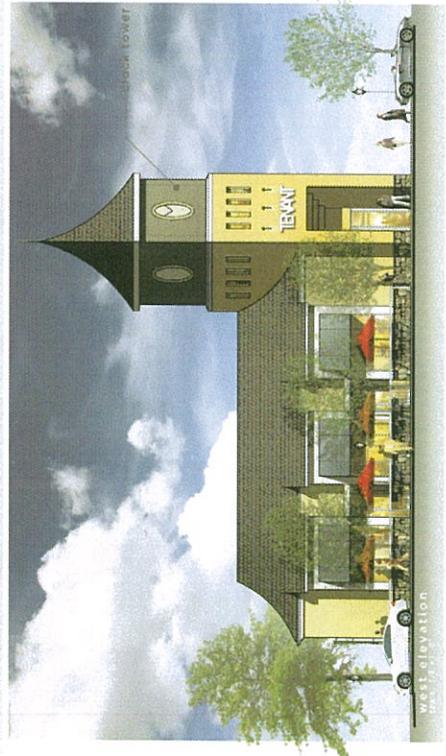
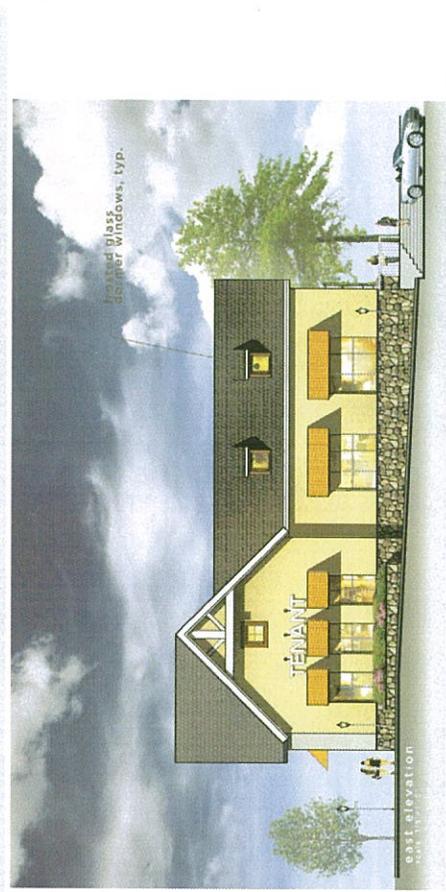
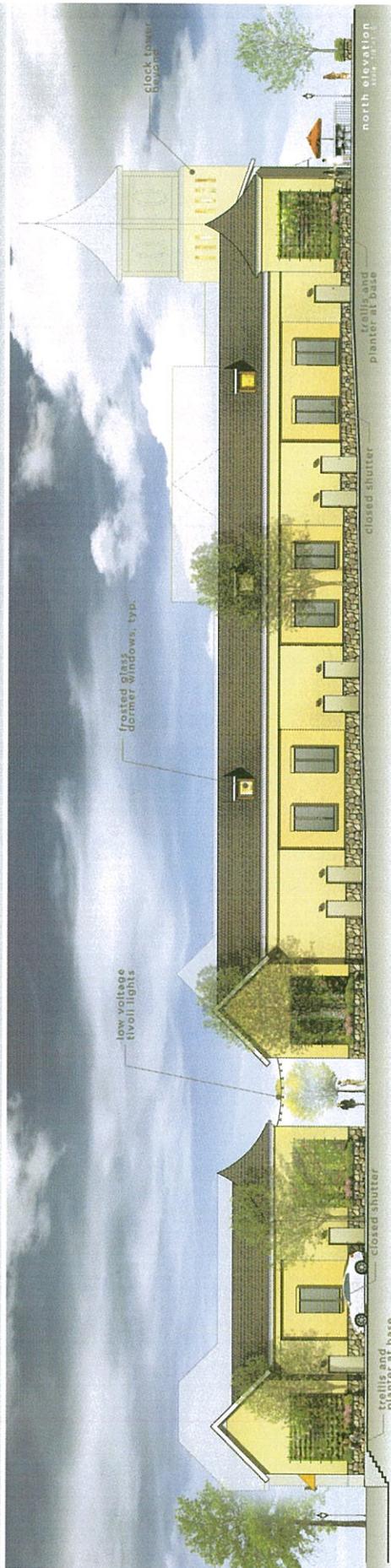
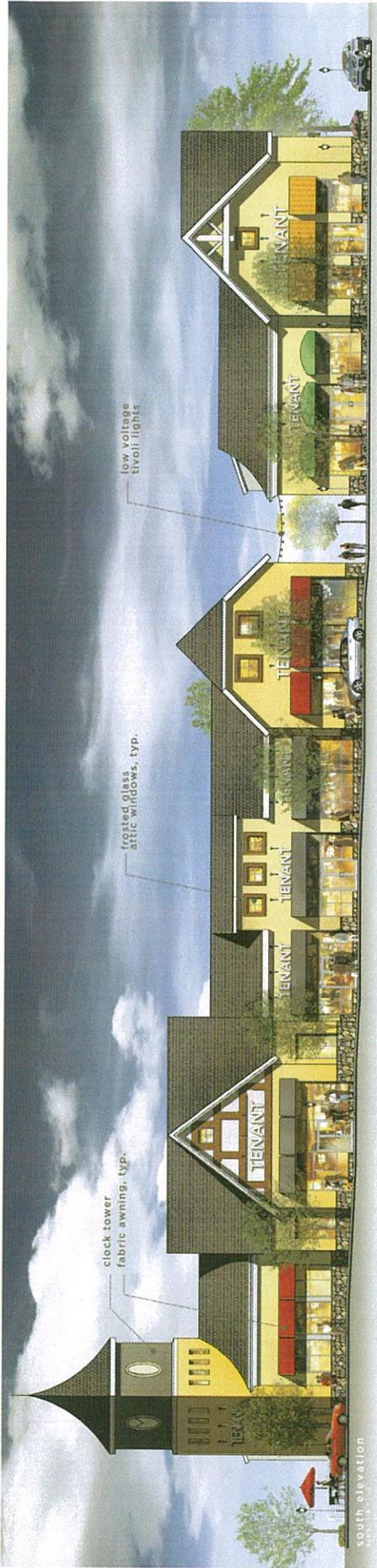
HALL AND MAIN STREETS - P.O. BOX 19 - SPRING CITY, PA. 19475  
 PHONE (610) 948-4000 - FAX (610) 948-5577 - WWW.SPRINGCITY.COM

DESCRIPTION	THE EXTON LED LUMINAIRE ON METRIE CROSS ARM; AND THE MADISON DUCTILE/STEEL POSTS		
CUSTOMER	LOVETTSVILLE, VIRGINIA		
JOB	EAST BROADWAY STREETSCAPE		
SCALE	DRAWN BY:	DATE	DRAWING NO.
N.T.S.	R.P.F.	04-10-14	S102563



**Exhibit B**  
**Conceptual Drawing of Town Square**

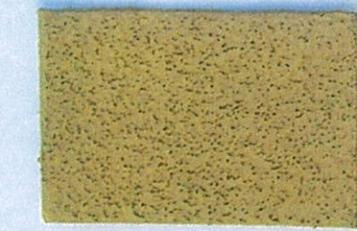
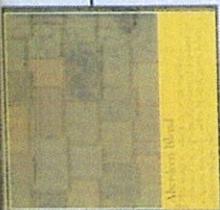








OF



E.I.F.S - Dryvit  
#142 Spectrum Brown



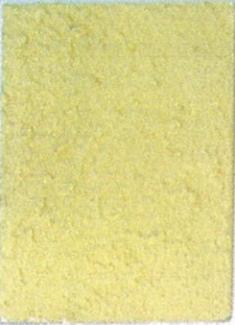
E.I.F.S - Dryvit  
#427 Dark Copper



E.I.F.S - Dryvit  
#117 Colonial Tan



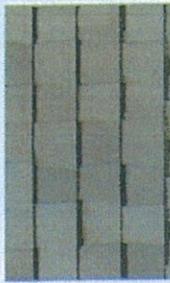
E.I.F.S - Dryvit  
#103 Natural White



E.I.F.S - TEXTURE



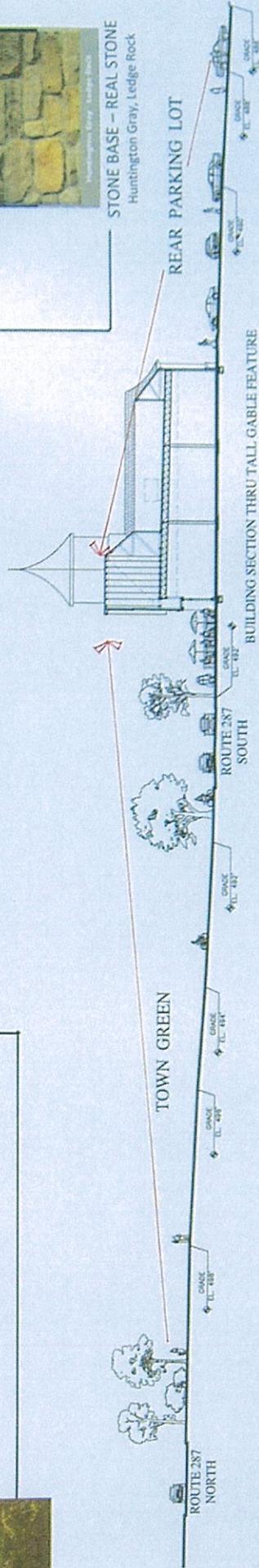
TIVOLI LIGHTS



ASPHALT SHINGLE ROOF  
CERTAINTED LANDMARK  
Moire Black



STONE BASE - REAL STONE  
Huntington Gray, Ledge Rock



LOVETTSVILLE SQUARE  
BUILDING 'B'  
TOWN OF LOVETTSVILLE  
LOUDOUN COUNTY, VIRGINIA  
PROJECT NUMBER: 2012011.11

Exhibit B-3

TAIL  
RG PIKE SUITE 620  
GINIA 22182



ARCHITECT  
REGISTERED ARCHITECT  
10000  
DATE: 06-13-

Date: 06-13-



**EXHIBIT D**  
**LOVETTSVILLE TOWN CENTER**  
**LVRZ 2014**

Parcels subject to the applications.

<b>Tax Map/Parcel</b>	<b>MCPI</b>	<b>Tax Map/Parcel</b>	<b>MCPI</b>
9A210-136	369-10-0125	9A210-109	369-20-1715
9A210-130	369-10-0345	9A210-124	369-20-1886
9A210-135	369-10-0420	9A210-108	369-20-2110
9A210-129	369-10-0950	9A210-125	369-20-2379
9A210-131	369-10-1039	9A210-102	369-20-2552
9A210-132	369-10-1433	9A210-126	369-20-2773
9A210-128	369-10-1554	9A211-5	369-20-2899
9A210-A1	369-10-1692	9A210-103	369-20-3047
9A210-133	369-10-1827	9A210-104	369-20-3443
9A210-127	369-10-2159	9A210-A10	369-20-3522
9A2-1-3	369-10-2192	9A210-105	369-20-3838
9A211-3	369-10-2939	9A210-106	369-20-3932
9A211-4	369-10-4715	9A211-1	369-20-4273
9A211-2	369-10-5745	9A210-107	369-20-4527
9A211-OUT	369-10-6028	9A210-73	369-29-5251
9A2-4-3	369-18-3950	9A2-1-1	369-29-5447
9A2-1-2A	369-18-8786	9A210-97	369-29-5840
9A2-4-2A	369-19-2554	9A210-A5	369-29-6166
9A210-143	369-19-7659	9A210-98	369-29-6234
9A210-142	369-19-7954	9A210-99	369-29-6630
9A210-141	369-19-8349	9A210-A8	369-29-6681
9A210-B	369-19-8633	9A210-D	369-29-6913
9A210-3	369-19-8886	9A210-100	369-29-6925
9A210-139	369-19-9040	9A210-90	369-29-7004
9A210-138	369-19-9435	9A210-101	369-29-7220
9A210-155	369-19-9504	9A210-89	369-29-7508
9A210-137	369-19-9730	9A210-88	369-29-8113
9A210-113	369-20-0040	9A210-115	369-29-8139
9A210-120	369-20-0211	9A210-116	369-29-8434
9A210-112	369-20-0335	9A210-A7	369-29-8558
9A210-121	369-20-0605	9A210-117	369-29-8829
9A210-111	369-20-0729	9A210-118	369-29-9124
9A210-122	369-20-0998	9A210-119	369-29-9419
9A210-C2	369-20-1111	9A210-114	369-29-9645
9A210-123	369-20-1392	9A2-4-1	370-48-6381
9A210-110	369-20-1421		

**EXHIBIT C**  
**LOVETTSTVILLE TOWN CENTER**  
**LVRZ 2014**

Parcels not subject to these applications.

<b>Tax Map/Parcel</b>	<b>MCPI</b>	
9A210-156	369-10-0496	
9A210-157	369-10-0802	
9A210-134	369-10-0815	
9A210-158	369-10-1109	
9A210-144	369-19-7264	
9A210-5	369-19-7602	
9A210-4	369-19-8493	
9A210-140	369-19-8644	
9A210-1	369-19-9474	
9A210-2	369-19-9785	
9A210-74	369-29-5755	
9A210-91	369-29-6400	
9A210-A9	369-29-9476	