

Voluntary Proffer Statement
10726 Courthouse Road Auto
Rezoning: R16-0001

Owner/Applicant: Yonus Attai (the "Owner")

Applicant's Address: 8801 Classic Lakes Way
Nokesville, Virginia 20181

Project Name: 10726 Courthouse Road Auto

Rezoning
Request: From Residential 1 ("R-1") to Commercial 2 ("C-2")

Tax Map Parcel: 35-A-119 (the "Property")

Tax Map Parcel
Address: 10726 Courthouse Road
Fredericksburg, Virginia 22407

Original Date: May 12, 2016

Revision Date: October 17, 2016

Mr. Yonus Attai is the owner of Tax Map Parcel 35-A-119 (the "Property"), which contains approximately 2.3645 acres and is located at 10726 Courthouse Road in Spotsylvania County, Virginia. The Owner is hereby requesting approval from the Spotsylvania County Board of Supervisors (the "Board") to rezone the Property from its current zoning designation of Residential 1 (R-1) to Commercial 2 (C-2). The Owner, on behalf of himself and his successors and assigns, hereby voluntarily proffers that the use and the development of the Property shall be in conformance with the following proffers in the event that the Property is rezoned by the Board to Commercial 2 (C-2) and these proffers are approved pursuant to Section 15.2-2303 of the Code of Virginia (1950) as amended; and also pursuant to Section 23-4.6.3 of the Spotsylvania County Zoning Ordinance (the "Ordinance"). The improvements proffered herein shall be provided at the time of development of that portion of the Property adjacent to or including the improvement or other proffer requirement, unless otherwise specified herein.

I. GENERAL INFORMATION

- A. The Property shall be developed in conformance with the Generalized Development Plan ("GDP"), entitled "Rezoning/Special Use Permit, Generalized Development Plan, Courthouse Road Auto Center", dated May 3, 2016; most recently revised September 21, 2016, as prepared by Welford Engineering Associates, Inc. For the purposes of the final site plan, proposed building envelope and footprints, access points, building sizes, building locations, private driveways, road and travel way locations, utility locations, stormwater management facilities and dimensions of undeveloped areas shown on the GDP may be relocated and/or adjusted from time-to-time by the Applicant to address final development plans, engineering, unanticipated site conditions, design requirements and/or compliance with federal or state agency regulations including, but not limited to

the Virginia Department of Transportation (“VDOT”), the Virginia Department of Environmental Quality (“DEQ”), the United States Army Corps of Engineers, etc., and compliance with the requirements of the County’s development regulations and Design Standards Manual (“DSM”). Notwithstanding the foregoing, any required adjustments are subject to the approval of the County’s Zoning Administrator.

II. LAND USE

- A. The use of the Property shall be limited to the following uses permitted by-right in the C-2 zoning district subject to site plan approval:
 - 1. Assisted living facility;
 - 2. Child care center;
 - 3. Financial institution;
 - 4. Funeral home;
 - 5. Medical care facility;
 - 6. Nursing home;
 - 7. Offices; and
 - 8. Private School.
- B. The Owner hereby proffers that the use of the Property shall be limited to the following special uses subject to approval of a special use permit by the Board:
 - 1. Vehicle sale, rental and ancillary service establishments.
- C. The use of the Property as a vehicle, sales and ancillary rental establishment shall be limited to that portion of the Property located within the Primary Highway Corridor Overlay District (“HCOD”), as shown on the GDP. No improvements associated with the vehicle sales, rental and ancillary service establishment, except for open space, stormwater management facilities, best management practices, buffers or fencing, shall be permitted outside of the Primary HCOD.
- D. The construction of new buildings shall be limited to the area of the Property located within the Primary HCOD, as shown on the GDP.
- E. Any service of automobiles shall occur within buildings and shall be prohibited from occurring outside.

III. TRANSPORTATION

- A. The Property shall only have one (1) entrance onto Courthouse Road (Route 208) as shown on the GDP.
- B. The Owner shall construct a five (5’) foot wide sidewalk along the Property’s frontage on Courthouse Road in accordance with VDOT standards at a location acceptable to VDOT and Spotsylvania County.
- C. The Owner will dedicate additional right-of-way along Courthouse Road (Route 208) such that the new boundary to the property is at least seventy-five (75’) feet from the

centerline of the westbound lanes of Courthouse Road (Route 28). The area of right-of-way dedication is anticipated to be approximately 2,343 square feet.

IV. TRANSITIONAL SCREENING AND BUFFERING

- A. The Owner hereby proffers to buffer the adjacent residential uses by fencing the entire boundary of the Property, except for the Property's frontage on Courthouse Road (State Route 208), with a six (6') foot tall board-on-board fence as shown on the GDP.
- B. The Owner hereby proffers a fifteen (15') foot wide vegetated buffer between the proposed parking lot, as shown on the GDP, and Eastland United Methodist Church, Tax Map Parcels 35-A-120 and 35-A-121 consisting of a combination of deciduous and evergreen trees along with six (6') tall board on board privacy fence provided in subsection III.A above, and as shown on sheet 5 of the GDP. This buffer will be planted in accordance with Transitional Screening 1.

V. BUILDING ELEVATION

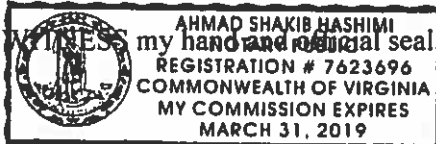
- A. The use of the Property as a vehicle sales, rental and ancillary service establishment shall adaptively reuse the existing house conforming to the building elevation provided on sheet 2 of the GDP.

SIGNATURE ON THE FOLLOWING PAGE

By: 
Yonus Attai

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF Spotsylvania, to wit:

The foregoing instrument was acknowledged before me on this 17th day of October, 2016 by Yonus Attai, as owner of Tax Map Parcel 35-A-119.





Notary Public in and for said County and State.

My Commission Expires: March 31st 2019