

THORBURN ESTATES
Voluntary Proffer Statement
May 24, 2017

Voluntary Proffer Statement

Rezoning Case # R16-0004

**APPLICANTS: CATHERINE T. NEALE
 REBECCA T. ACORS**

PROJECT: THORBURN ESTATES

**Tax Map Parcels 21-A-60F, 21-A-60G,
And 21-A-95**

ADDRESS:

**GENERALLY LOCATED ON SOUTH SIDE OF CHANCELLOR ROAD, EAST OF
ASHBY DRIVE**

Spotsylvania County, Virginia

May 24, 2017

PROPOSED PROFFERS

Catherine T. Neale and Rebecca T. Acors (collectively, the “Applicant” and “Owners”) are seeking Proffer Amendments of Tax Map Parcels 21-A-60F, 21-A-60G, and 21-A-95 (the “Property”) as further detailed in Section I below, containing approximately 171 acres from RU, Rural District, to R-2, Residential 2. These proffered conditions are the only conditions offered on these Proffer Amendments (the “Proffers”). Any prior proffered conditions on the Property are hereby superseded by these Proffers, and any and all previous proffers on the Property are hereby void and of no further force or effect. The Applicant proffers that the use and development of the subject Property shall be in conformance with the following proffered conditions, provided the Spotsylvania County (the “County”) Board of Supervisors (the “Board”) approves the subject Proffer Amendments application (the “Proffer Amendments Application”). In the event the Proffer Amendments Application is not approved as applied for by the Applicant, the below described Proffers shall be withdrawn and are automatically null and void

and of no further force and effect. The Proffers shall be deemed accepted by the Board upon approval of the Proffer Amendments Application and the expiration of the 30-day period following the Board's approval and confirmation that no litigation has been filed challenging the approval of the Proffer Amendments Application.

Whenever the terms of the Proffers refer to the affirmative obligations of the Applicant to make improvements to the Property or the public roads, the term "Applicant" shall refer to the owner(s) of the Property at the time of the initial development of the Property, their successors and assigns.

I. LAND USE AND GENERALIZED DEVELOPMENT PLAN

A. GDP. The Applicant shall develop this project in conformance with the "Thorburn Estates Generalized Development Plan" ("GDP"), prepared by SDI (Sullivan, Donahoe & Ingalls) dated June 23, 2014 and revised April 3, 2017 attached hereto as "Exhibit A" except that interior streets, public utilities, lot lines, open space areas, and stormwater management may be reconfigured through minor modifications in accordance with final engineering requirements, environmental constraints, and subdivision design.

B. Development. The development of the Property shall consist of a maximum of 59 single family detached dwellings and open space. Each dwelling shall contain a minimum of 2,800 finished square feet.

II. TRANSPORTATION

A. Access. The Property shall be served by one primary entrance on Chancellor Road as generally shown on the GDP.

B. Turn Lane. The Applicant shall construct one (1) east bound right turn lane on Chancellor Road from the northwestern corner of the Property to the Property's entrance in conformance with the Chancellor Road Entrance Plan, attached hereto as "Exhibit B," subject to VDOT approval.

C. Interparcel Connection. The Applicant shall dedicate right-of-way and design one (1) interparcel connection to adjacent parcels in accordance with VDOT standards in the areas as generally shown on the GDP to provide interparcel access to adjoining lots.

D. Right-of-Way Dedications. The Applicant shall dedicate 25' right-of-way on Chancellor Road as generally shown on the GDP at the time of record plat approval.

E. Off-Site Transportation Improvements ("Improvements").

(1) Improvements to Old Plank Road/Chancellor Road Intersection. The Applicant shall make Improvements to the Old Plank Road/Chancellor Road intersection, consistent with direction from, and as approved by, VDOT. Unless otherwise directed by VDOT and the County, the Applicant shall widen Chancellor Road between Old Plank Road and Chancellor Pond Lane such that one (1) additional northbound turning lane on Chancellor Road onto Old Plank Road is created, and the Applicant shall construct one (1) dedicated westbound left turn lane from Old Plank Road onto Chancellor Road, with a painted median. All work shall be constructed in accordance with VDOT and County standards. The total cost of Improvements, including the cost of engineering, relocation of utilities and acquisition of right-of-way, shall not exceed \$971,664.

(2) Timing of Construction and Completion of Off-Site Transportation

Improvements.

a) Road Improvement Infrastructure Plan. The Applicant shall submit the complete 100% Road Improvement Infrastructure Plan for the Improvements to VDOT for approval within twelve (12) months from the date of approval of the Proffers by the Board.

b) Processing of Road Improvement Infrastructure Plan. The Applicant shall respond to all VDOT road construction review comments within 30 days, and all utility relocation comments within 90 days. Response is defined as providing a written comment response letter, providing a timeline for submission of revised plan, and adhering to the aforesaid time frame, if needed.

c) Approval of Road Improvement Infrastructure Plan. The Applicant shall obtain VDOT approval of the Road Improvement Infrastructure Plan within twelve (12) months from the date of its submission to VDOT.

d) Completion of Construction. The Improvements shall be Substantially Complete, as defined by VDOT, and open for public use within two (2) years from the date of VDOT approval of the complete 100% Road Improvement Infrastructure Plan.

e) Additional Time. Notwithstanding the requirements of subsection d), above, if the construction of the Improvements is at least 90% complete, as determined by VDOT two (2) years after VDOT approves the Road Improvement Infrastructure Plan, the Applicant shall be entitled to an additional six (6) months to complete construction.

(3) Cash Payment.

a) Amount of Cash Payment. The Applicant shall pay to the County the principal sum of Nine Hundred Seventy-One Thousand Six Hundred Sixty-Four Dollars (\$971,664) ("Cash Payment") if the Applicant fails to complete the Improvements in accordance with Subsection E. (2), above. Said cash payment shall include interest calculated at the rate of four percent (4%) on the principal on an annual basis (simple interest), from the date of approval of the Proffers by the Board, which may be utilized by the County to fund the Improvements. The cash payment plus accrued interest may also be used to fund other road improvements within the County as may be determined by the Board.

b) Timing of Cash Payment.

(i) Submission of Road Improvement Infrastructure Plan. In the event that the Applicant fails to timely submit the Road Improvement Infrastructure Plan in accordance with Proffer II E. (2) a), above, the Applicant shall pay to the County the Cash Payment plus accrued interest within two (2) years of the date of the adoption of the Proffers, or immediately upon the issuance of the occupancy permit for the 30th dwelling unit, whichever comes first.

(ii) VDOT Approval of Road Infrastructure Plan. In the event that the Applicant fails to obtain approval of the Road Improvement Infrastructure Plan in accordance with Proffer II E. (2) c), above, the Applicant shall pay to the County the Cash Payment plus accrued interest within two (2) years of the date of the adoption of the Proffers or immediately upon the issuance of the occupancy permit for the 30th dwelling unit, whichever comes first.

(iii) Completion of Construction. The Applicant shall complete construction of the Improvements within four and one-half (4 ½) years from the date of the Board's approval of the Proffers or remit the Cash Payment plus accrued interest to the County.

(iv) Notwithstanding Subsection II E. (3) b) (iii), the County, at its sole discretion, may require the Applicant to pay a sum less than the full amount of the Cash Payment plus accrued interest if the construction of the Improvements is not complete within four and one-half (4 ½) years from the date of approval of the Proffers by the Board.

III. WATER AND SEWER

A. Public Water. The subject Property shall be served by public water.

B. Private Septic System. All dwelling units on the Property shall be served by a private septic system located on each lot.

IV. ESTABLISHMENT OF HOA AND MAINTENANCE OF COMMON AREAS

Pursuant to Virginia Code Section 55-508 et. seq., the Applicant shall establish a Homeowners Association for the Property. Future maintenance of all easements, open space, buffers, stormwater and drainage facilities, cemeteries, and other common areas, shall be performed by the Thorburn Estates Homeowners Association ("HOA") or other group as may be established by the HOA.

V. LIGHTING

A. Limitations on Residential Outdoor Lighting. All outside lighting serving a dwelling located upon any residential lot within the Property (other than standard porch or entrance lights which are affixed to the dwelling structure) shall be limited to low voltage, low intensity lighting that shall be directed downward and away from adjacent residential units.

B. Dark Skies Technology. In the event that the trail or any common area is lighted, all such exterior lighting shall be consistent with applicable guidelines and practices of

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“Dark Skies” technology. These guidelines and practices shall include down directed lighting and light shields to minimize skyward light impacts.

[Signatures appear on the following pages]

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REBECCA T. ACORS,
Applicant and Owner

Name: Rebecca T Acors

Title: applicant, owner

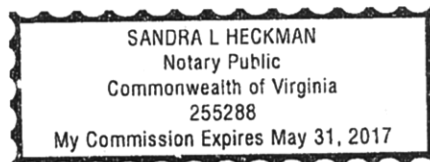
COMMONWEALTH OF VIRGINIA
COUNTY SPOTSYLVANIA, to-wit:

I, the undersigned, a Notary Public in and for the county and state aforesaid, do hereby certify that Rebecca T. Acors, whose name is signed to the foregoing document, has personally acknowledged the same before me in my aforesaid jurisdiction.

GIVEN under my hand and seal this 25th day of May, 2017.

Sandra L Heckman
Notary Public

My Commission Expires: 5-31-2017



THORBURN ESTATES
Voluntary Proffer Statement
May 24, 2017

CATHERINE T. NEALE,
Applicant and Owner

Name: Catherine T. Neale

Title: applicant, owner

COMMONWEALTH OF VIRGINIA
COUNTY SPOTSYLVANIA, to-wit:

I, the undersigned, a Notary Public in and for the county and state aforesaid, do hereby certify that Catherine T. Neale, whose name is signed to the foregoing document, has personally acknowledged the same before me in my aforesaid jurisdiction.

GIVEN under my hand and seal this 25th day of May, 2017.

Sandra L Heckman
Notary Public

My Commission Expires: 5-31-2017

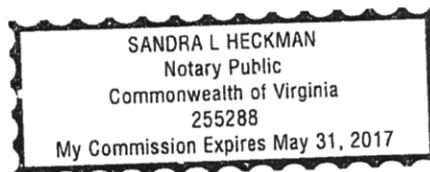


EXHIBIT A

**SINGLE FAMILY DETACHED
CHANCELLOR MAGISTERIAL DISTRICT
SPOTSYLVANIA COUNTY, VIRGINIA
REZONING CASE NO.: # R14-0008
EXHIBIT A**

CATHERINE T. NEALE AND REBECCA T. ACCORSI
c/o JIM ACCORSI
1171 CENTRAL PARK BLVD. SUITE 200
FREDERICKSBURG, VA 22401
PHONE: 540-735-9176
FAX: 540-735-9165

CATHERINE T. NEALE AND REBECCA T. ACCORSI
c/o JIM ACCORSI
1171 CENTRAL PARK BLVD. SUITE 200
FREDERICKSBURG, VA 22401
PHONE: 540-735-9176
FAX: 540-735-9165

[illegible]

LEUNG AND HEALY, P C
ATTN: H CLARE LEUNG
P O BOX 445
CARLSVILLE, VA 22461

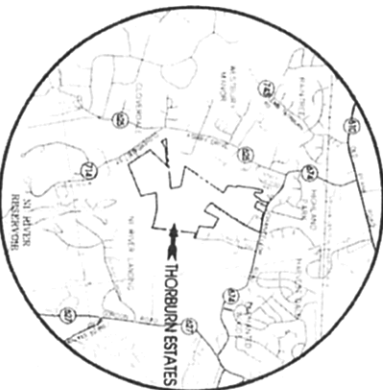
LEUNG AND HEALY, P C
ATTN: H CLARE LEUNG
P O BOX 445
CARLSVILLE, VA 22461

[illegible]

ONE TO SEVEN FRODO BAGGINS OF ROSSBACH AND SOUTHWEST SOLES (P&S), WITH SPORTS VARIETY CARRYING IT TO FIVE. THE COMPANY REPORTED THAT THE SECTOR, BUILDERS AND CONTRACTORS BEHIND THAT P&S SOLD SOME SOLES AS WELL AS OTHER SOLES THAT PRODUCED A 1% OF A MILE PERCENT ON THE PRODUCTION EXTENSIVE BECAUSE IT TO BRING THE SOLE AND 7% UP TO AN ACCEPTABLE LEVEL TO SUSTAIN ANY FORM OF FLAME GROWTH MAY BE REQUIRED.

SEE TO & SAM SPURWAY, SHEET 6.

EXHIBIT A



VICINITY MAP



ZONING AND SITE DATA

SHEET INDEX

Sheet No.	Title
1	COVER SHEET
2	NOTES AND DETAILS
3	EXISTING CONDITIONS
4	GENERALIZED DETAILING PLAN
5	GENERALIZED LANDSCAPE PLAN
6	CONCRETE/STONE/MAINTENANCE PLAN

[illegible]

TOTAL NUMBER OF LOTS = 59

ZONING MAP AMENDMENT RU TO R2
TAX MAP 21 ((A)) PARCELS 60F, 60G & 95

THORBURN ESTATES
CHANCELLOR MAGISTERIAL DISTRICT
SPOTSYLVANIA COUNTY, VIRGINIA

COVER SHEET

SDI SULLIVAN
DONAHOE &
INGALLS

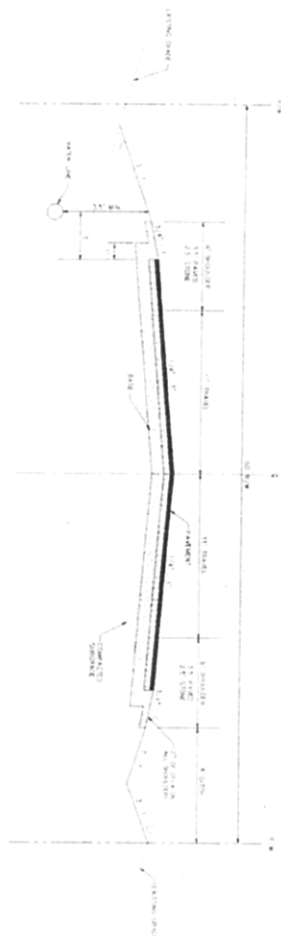
ENGINEERS, LAND PLANNERS & SURVEYORS
P. O. BOX 614
10720 COLUMBIA DRIVE
FREDERICKSBURG, VIRGINIA 22404
TELEPHONE (404) 898-5878

DATE	REVISIONS
8-04-16	PER COUNTY & ZOT COMMENT
10-26-16	PER COUNTY & ZOT COMMENT
11-16-16	REMOVED PER FANCY COMMENT
6-1-2017	REMOVED BAYLINE AND TRAIL



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TYPICAL SECTION



50' RIGHT OF WAY

CLASS: 10-400 (90)
11-72 OF 50-9-54, 27 OF 30-11-0 61 OF 2-4, BOLD
CLASS 5: (60-1000, 400)
12 OF 20-2-54, 27 OF 10-11-0 0 OF 2-1A BOLD
REMARKS FOR AGE ONLY: TO BE KEPTED WITH S.F. 5.00
PLANTING CLASSIFICATION
S.F. 0-4 = ONE-WALLED SLOPE SLOPE LOCAL CLASSIFICATION
PROPOSED TREATMENT: SLOPE LOCAL WITH COLLAR OR PINING WITH APPROVAL

AREA SUMMARY

59 LOTS	158.581 AC
CEMETERY PARCEL D	1.1237 AC
PARCELS A, B, C (COMMON)	0.4658 AC
R/W DEC.	11.0348 AC
TOTAL	171.2114 AC

IMPERVIOUS RATIO ESTIMATE

TOTAL AREA OF LAND DISTRICT = 67 AC
 ESTIMATED AREA OF LAND DISTRICT = 67 AC
 ESTIMATE FOR 200' ONE TO BE REVEALED WITH THE SITE PLAN

RUN-OFF ESTIMATE

THE TOTAL GROSSAGE LESS TO POINT OF ANALYSIS
WAS CALCULATED AS \$18 AC ±

PhC-ECM(20%)
T = 100 °C, 5 h, 2000 rpm → 101.31 g

[illegible]

GENERAL NOTES

- [illegible]

ZONING MAP AMENDMENT RU TO R2
TAX MAP 21 ((A)) PARCELS 60F, 60G & 95


THORBURN ESTATES
CHANCELLOR MAGISTERIAL DISTRICT
SPOTSYLVANIA COUNTY, VIRGINIA

NOTES AND DETAILS

SDI SULLIVAN
DONAHOE &
INGALLS

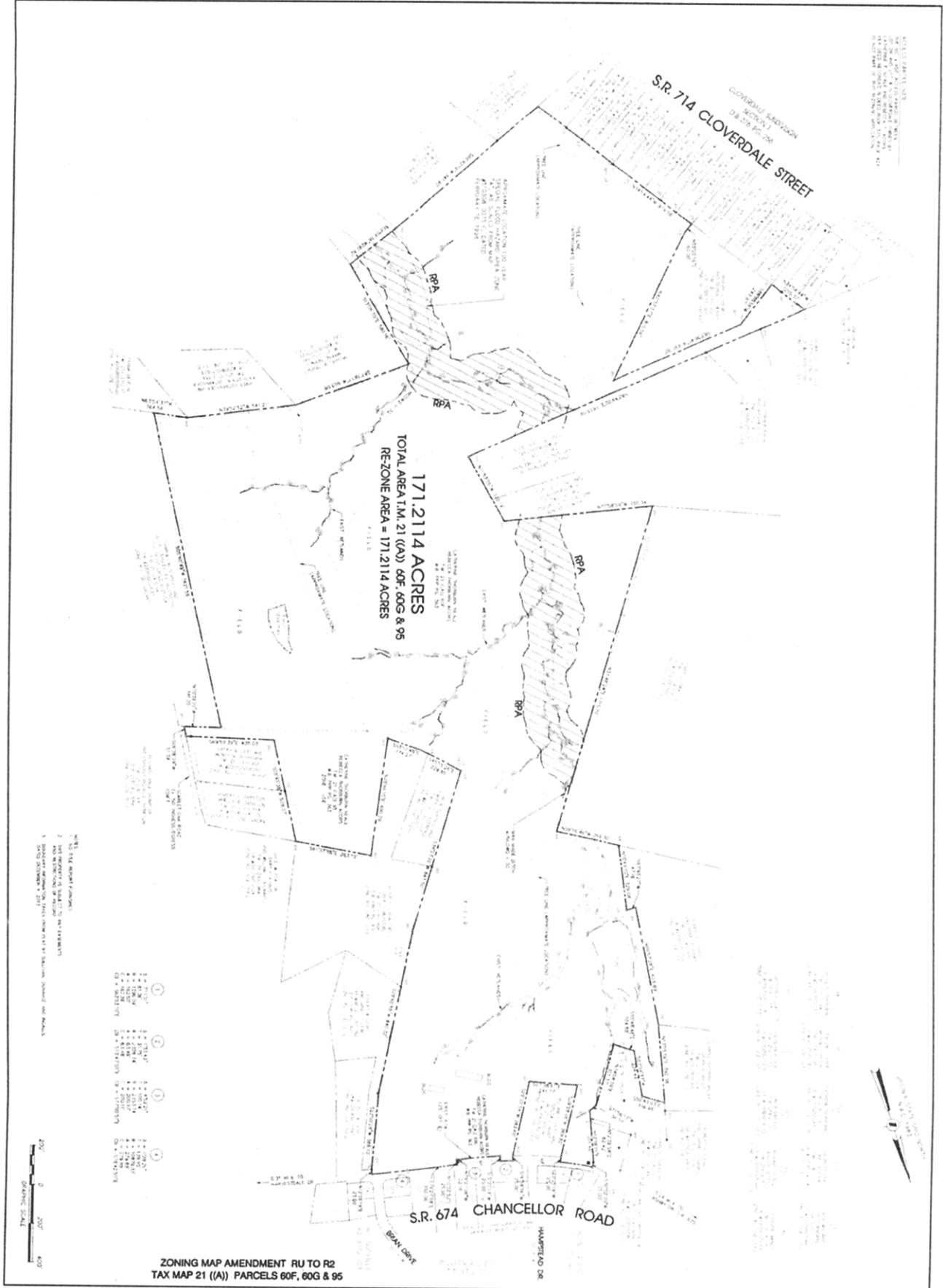
ENGINEERS, LAND PLANNERS & SURVEYORS
P. O. BOX 614
10720 COLUMBIA DRIVE
FREDERICKSBURG, VIRGINIA 22404
TELEPHONE 540-898-5878

DATE	REVISIONS
8-14-14	PER COUNTY & USDT COMMENTS
9-16-14	PER COUNTY & USDT COMMENTS
11-19-14	REVISED WATER PRICES SUBMITTED
4-3-2017	REVISED WATERLINE AND TRAIL



COMMONWEALTH OF VIRGINIA
 RICHARD W. FURNER
 Lt. Gov. 2015
 2017





ZONING MAP AMENDMENT RU TO R2
 TAX MAP 21 (A) PARCELS 60F, 60G & 95

THORBURN ESTATES
 CHANCELLOR MAGISTERIAL DISTRICT
 SPOTSYLVANIA COUNTY, VIRGINIA

EXISTING CONDITIONS

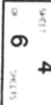
SDI SULLIVAN
 DONAHUE &
 INGALLS

ENGINEERS, LAND PLANNERS & SURVEYORS
 P.O. BOX 814
 10723 COLUMBIA DRIVE
 FREDERICKSBURG, VIRGINIA 22404
 TELEPHONE: 540-899-5876

DATE	REVISIONS
8-24-11	REV COUNTY & ZONING COMMENTS
8-24-11	REV COUNTY & ZONING COMMENTS
8-24-11	REV COUNTY & ZONING COMMENTS
8-24-11	REV COUNTY & ZONING COMMENTS
8-24-11	REV COUNTY & ZONING COMMENTS



SHEET
 6
 OF
 6



CRCS	WOLF
DEAN	SEN
APP	PRF
JOB NO	13-50-0-022
DATE	6-23-2014
SCALE	1" = 200'

THORBURN ESTATES
CHANCELLOR MAGISTERIAL DISTRICT
SPOTSYLVANIA COUNTY, VIRGINIA

GENERALIZED DEVELOPMENT PLAN
LAYOUT

SDI SULLIVAN
DONAHOE &
INGALLS

ENGINEERS, LAND PLANNERS & SURVEYORS
P. O. BOX 614
10720 COLUMBIA DRIVE
FREDERICKSBURG, VIRGINIA 22404
TELEPHONE: 540-898-1878

DATE	REVISIONS
8-04-14	PER COUNTY & USPT COMMENT
9-26-14	PER COUNTY & USPT COMMENT
10-19-14	REMOVED INTER-PARCEL CONNECTION
4-5-2017	REMOVED WATERLINE AND TRAIL







ZONING MAP AMENDMENT RU TO R2
TAX MAP 21 ((A)) PARCELS 60F, 60G & 95

THORBURN ESTATES
CHANCELLOR MAGISTERIAL DISTRICT
SPOTSYLVANIA COUNTY, VIRGINIA

CONCEPTUAL STORMWATER
MANAGEMENT PLAN

SDI SULLIVAN
DONAHOE &
INGALLS

ENGINEERS, LAND PLANNERS & SURVEYORS
P. O. BOX 634
10720 COLUMBIA DRIVE
FREDERICKSBURG, VIRGINIA 22404
TELEPHONE 540-898-5878

DATE	REVISIONS
8-04-14	PER COUNTY & SDOT CORRAL
9-26-14	PER COUNTY & SDOT CORRAL
11-19-14	REVISED INTER PAVES CORRAL
4-9-2017	REMOVED WATERLINE AND TRAIL



EXHIBIT B

