

PROFFER STATEMENT

Applicant's Name: SH Development Company, Inc. ("Applicant")

Applicant's Address: 1201 Central Park Blvd.
Fredericksburg, VA 22401

Rezoning Case #: R17-0001

Proposed Zoning: C-2

Project Name: Spotswood Furnace Commercial Development

Tax Map Parcels: 12B-3-A, 12100 Spotswood Furnace Rd. (containing approximately 0.53 acres);
12B-A-3, unaddressed and abutting immediately west of 12B-3-A (containing approximately 2.05 acres);
12B-A-5, 12228 Spotswood Furnace Rd. (containing approximately 0.42 acres);
12B-A-6, 12224 Spotswood Furnace Rd. (containing approximately 0.31 acres);
Collectively referred to herein as the "Property"

Dated: 3/17/2017
Revised: 5/18/2017
Revised: 5/30/2017

I. GENERAL INFORMATION

SH Development Company, Inc., referred to herein as Applicant, in its capacity as attorney-in-fact for Lorace S Coe, owner of Tax Map Parcels 12B-A-5 & 12B-A-6, William L or Christine T Jones, owner of Tax Map Parcel 12B-A-3, and Donna Pemberton Jones, owner of Tax Map Parcel 12B-3-A, voluntarily proffers the following proffered conditions ("Proffers") for the property described above (the "Property"). In the event the Board of Supervisors of Spotsylvania County (hereinafter the "County") approves these Proffers for the Property, any and all previous proffers for the Property shall be superseded, void, and of no further force and effect, and the development of the Property shall be in conformance with the Proffers, pursuant to Section 15.2-2303 of the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 Zoning Ordinance of Spotsylvania County (1995 amended) (the "Ordinance") in addition to the regulations provided by County Code and government regulations. The Proffers shall, if at all, only be deemed accepted and enforceable by the County upon the expiration of the statutory 30-day appeal period following the Board of Supervisors' approval of R17-0001.

The development of the Property shall be in conformance with the Convenience Store with Fueling Generalized Development Plan for Rezoning ("GDP") by Fairbanks & Franklin dated August 29, 2016, last revised May 9, 2017 and the Architectural Drawings dated March 2nd, 2017. The Property may be used for any by-right Commercial 2 (C-2) uses not expressly prohibited by the Proffers. The Property will conform to the Architectural Elevations provided herein so long as the Property is used as a convenience store and fuel dispensing service. Notwithstanding the statement of substantial conformance, all building envelopes, building sizes, building locations, public or private road locations, driveway locations, utility locations, and stormwater management facilities shown on the GDP are subject to modification and/or change due to requirements of final engineering and/or compliance with governmental regulations including, but not limited to, USACE, DEQ, VDOT, VDHR, etc.

II. LAND USE

A. The Property shall not be used for any of the following uses:

- 1) Amusement arcades;
- 2) Billiard & pool hall;
- 3) Contractor's offices and shops;
- 4) Repair service establishment;
- 5) Funeral home;
- 6) Furniture or carpet store;
- 7) Hospital and nursing home;
- 8) Hotels, motels;
- 9) Indoor athletic facilities;
- 10) Places of worship;
- 11) Repair service establishments;
- 12) Theaters.

III. DEVELOPMENT OF PROPERTIES

- A. The maximum height of any building located on the Property shall not exceed 40 feet.
- B. The Applicant shall construct a 35' wide landscaped transitional bufferyard in accordance with Spotsylvania County's Type 2 transitional bufferyard standards along the common property line with Tax Map Parcel 12B-A-5A. Substitution of shrubs in lieu of trees shall be permitted within the Buffer Substitution Area shown on the GDP.

IV. Utilities

- A. The Applicant shall connect to an existing 12" water main along Route 3 and shall extend an 8" sanitary sewer line from Chancellor Elementary School to the property as depicted in the GDP.

V. TRANSPORTATION

- A. The Applicant shall construct an interparcel access and record a vehicular access easement for the benefit of Tax Map 12B-A-3A between Spotswood Furnace Road and Tax Map Parcel 12B-A-3A as shown on the GDP.
- B. Prior to the issuance of an occupancy permit, the Applicant shall construct improvements to Spotswood Furnace Road as shown on the GDP to include:
 - 1) a northbound left turn lane into the Property;
 - 2) a southbound right turn lane beginning at the exit of the Property to Spotswood Furnace Road and continuing to the intersection with Route 3;
 - 3) modifications to the Route 3 median to allow for the proposed Spotswood Furnace Road southbound lane configuration (double left turn lanes, thru right turn lane);
 - 4) a pedestrian crosswalk across Spotswood Furnace Road across from Riverbend High School as shown on the GDP, to include advanced warning/notification devices and signage subject to VDOT approval.
 - 5) a pedestrian crosswalk across Spotswood Furnace Road at the intersection of Spotswood Furnace Road and Route 3.
- C. Prior to the issuance of an occupancy permit, the Applicant shall extend the existing eastbound left turn lane of Route 3 to northbound Spotswood Furnace Road as shown on Exhibit A, subject to VDOT approval.

VI. LIGHTING

- A. Prohibited Lighting
 - 1) Flashing, revolving or intermittent lighting visible from the Property's boundaries or street.
 - 2) High intensity lights, such as, but not limited to, outdoor search lights, lasers or strobe lights unless used as part of a security system.
- B. Any electronic readerboard signage must have the capability to auto dim and shall not exceed 0.3 footcandles above ambient lighting conditions.

SH DEVELOPMENT COMPANY, Inc.

By:

B. Judson Honaker, Jr.

Its: President

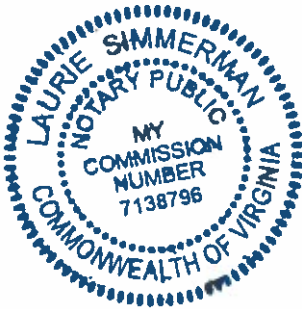
STATE OF VIRGINIA

CITY/COUNTY OF Fredericksburg, to wit:

The foregoing document was acknowledged before me this 12th day of June, 2017, by B. Judson Honaker, Jr., President of SH Development Company, Inc., a Virginia corporation.

My Commission 7138796 expires on 4/30/19
(Reg. #) (Date)

[SEAL]



Laurie Simmerman
Notary Public

Laurie Simmerman
Printed Name