

## **VOLUNTARY PROFFER STATEMENT**

Applicant: Eldrick's LLC  
4907 Jefferson Davis Highway, Fredericksburg, VA 22408

Owner: John X. Lucente

(Applicant & Owner are hereafter known collectively as the "Applicant")

Representative: Charles W. Payne, Jr., Hirschler Fleischer, 725 Jackson Street,  
Ste 200, Fredericksburg, VA, (540) 604-2108;  
Fax (540) 604-2101; email: cpayne@hf-law.com

Project Name: "Terry Industrial Park"

Property: Spotsylvania County Tax Parcel 49B-1-5, consisting of approximately  
1.9998 acres, known as 8332 Jefferson Davis Highway (collectively, the  
"Property")

Date: November 20, 2017

GDP: Generalized Development Plan, entitled "Generalized Development Plan  
Plan #: R17-0008 Terry Industrial Park", prepared by Bowman  
Consulting, dated May 2017, as last revised September 27, 2017, attached  
hereto as Exhibit A (the "GDP")

Rezoning Request: From RU to I-2

Rezoning File No.: R17-0008

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### **I. General Information**

The Applicant, its successors and assigns, hereby agrees that the development of the Property, subsequent to approval of the rezoning application to which these proffers are attached, will be in conformance with the GDP and the following proffered conditions (the "Proffers") pursuant to Sections 15.2-2303, et al. of the Code of Virginia (1950) as amended, and Section 23-4.6.3, et al. of the Zoning Ordinance of Spotsylvania County (1995) as amended. The Proffers are the only conditions offered in this rezoning application, and any prior proffers affecting the Property, whether by prior proffer offers or through the impact statement accompanying this application, are hereby superseded by these Proffers. All previous proffers associated with the Property, whether of record or not, are hereby void and of no further force and effect. The Proffers will be effective only upon Spotsylvania County's (the "County") full and final approval of rezoning application R17-0008 submitted by the Applicant to reclassify the Property from RU to I-2 to allow development of an office with outdoor storage yard.

## II. Land Use

- A. **General Development.** The Property will be developed in conformance with the GDP. Notwithstanding the foregoing, all parcel lines, parcel sizes, building envelopes, building sizes, public road locations, private driveway and travelway locations, utility locations, storm water management facilities, and dimensions of undeveloped areas shown on the GDP may be reasonably adjusted for purposes of the final site or subdivision plans to allow the Applicant to address final development, engineering and design requirements, fulfill compliance with state and federal agency regulations including, but not limited to, DHR, VDOT, DEQ, DCR, Army Corps., etc., and compliance with the requirements of the County's development regulations and design standards manual. Notwithstanding the foregoing, any said adjustments to the GDP shall be subject to the approval of the County, and in no event shall approved adjustments to the GDP relieve the Applicant from providing any of the below proffers.
- B. **Use.** The Property shall be developed solely for purposes of developing permitted uses under the County's I-2 zoning district, all as generally shown on the GDP. Notwithstanding the foregoing, the Applicant agrees that the following uses shall not be permitted on the Property:
- (1) Animal shelter;
  - (2) Feed mill;
  - (3) Industry, type II;
  - (4) Lumberyards;
  - (5) Outdoor sports and recreation, commercial;
  - (6) Transportation facilities;
  - (7) Abattoir;
  - (8) Adult oriented business;
  - (9) Airport, public or private;
  - (10) Automobile graveyard;
  - (11) Bus station/depot/terminal;
  - (12) Civic and sports arena;
  - (13) Correctional facilities;
  - (14) Crematory or crematorium;
  - (15) Drive-in motion picture theaters;
  - (16) Heliport;
  - (17) Helistop;
  - (18) Industry, type III;
  - (19) Junkyards;
  - (20) Landfill;
  - (21) Motor freight terminals;
  - (22) Public utility, heavy;
  - (23) Railroad station/depot/terminal;
  - (24) Railway yard;

- (25) Recycling plant;
- (26) Sawmill;
- (27) Truck stop; and
- (28) Wood by-products recycling center.

### **III. Transportation**

The Applicant, subject to necessary County and VDOT approvals for the development of the project, agrees to provide the following transportation proffers, all as generally shown on the GDP:

- A. Dedicate approximately 4,239.03 square feet (+/-) of right of way area along Route 1 in the area designated on the GDP.
- B. Interparcel connection(s) in the general areas shown on the GDP.
- C. All right of way dedications shown on the GDP and described herein shall be conveyed to the County upon the final site plan approvals for the project, in accordance with applicable County requirements and procedures.
- D. Applicant agrees to prohibit tractor trailer traffic onto and from the Property during the hours of 7:00 a.m. to 8:00 a.m. and 2:00 pm to 3:00 p.m. Monday through Friday when County public schools within one mile of the Property are open, except there shall be no hourly limitations during the weekends or when said schools are closed during the week or for holidays and summer recess.

[AUTHORIZED SIGNATURES TO FOLLOW]

The Applicant makes these proffers voluntarily, in support of their rezoning application.

WITNESS the following signatures:

**APPLICANT:**

**Eldrick's LLC**, a Virginia limited liability company

By: [Signature]  
Kendrick Terry, Manager

Date: 11/21/17

COMMONWEALTH OF VIRGINIA  
CITY/COUNTY OF Fredericksburg

The foregoing was subscribed, sworn to and acknowledged before me this 21 day of November, 2017, by Kendrick Terry, Manager of Eldrick's LLC, a Virginia limited liability company, on behalf of said company.

Print Name: Courtney B. Howard  
My Commission Expires: 5-31-2020  
Registration No. 349801  
[SEAL]

Courtney B. Howard  
Notary Public



**OWNER:**

  
\_\_\_\_\_  
JOHN X. LUCENTE

STATE OF MARYLAND

CITY/COUNTY OF Baltimore

The foregoing was subscribed, sworn to and acknowledged before me this 21<sup>st</sup> day of November, 2017, by John X. Lucente.

  
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Notary Public

Print Name: Anthony V.D. Ferdinand Jr  
My Commission Expires: 2/12/2018  
Registration No. 38103  
[SEAL]

**EXHIBIT A**

**Generalized Development Plan**

See attached GDP, entitled "Generalized Development Plan Plan #:R17-0008 Terry Industrial Park", prepared by Bowman Consulting, dated May 2017, as last revised September 27, 2017.

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