

April 10, 2018

BY OVERNIGHT DELIVERY

Mr. Patrick White
Spotsylvania County Planning Department
9019 Old Battlefield Blvd., Suite 320
Spotsylvania, VA 22553

Re: Rezoning Application for Spectrum Partner Investments, LLC
Project: Roseland Townhomes, R17-0013

Dear Patrick:

I hope this finds you well. Enclosed please find the following original application materials for the above-referenced rezoning application:

- Fully Executed Proffer Statement.

Please feel free to contact me with any questions and/or comments.

Respectfully,



Charles W. Payne, Jr.

CWP:dpl
Encls.

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VOLUNTARY PROFFER STATEMENT

Applicant/Owner: Spectrum Partner Investments, LLC (the "Applicant")
470 Central Road, Fredericksburg, VA 22401

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: "Roseland Townhomes"

Property: Spotsylvania County Tax Parcels 24B-2-12-1 ("Parcel 1"), 24B-2-12-2 ("Parcel 2"), 24B-2-12-3 ("Parcel 3"), 24B-2-14-16 ("Parcel 16"), 24B-2-14-17 ("Parcel 17"), and 24B-2-14-18 ("Parcel 18"), consisting of approximately 1.0124 acres, known as 212, 214, 216 Hudgins Road, and three (3) unaddressed lots (collectively, the "Property")

Date: April 9, 2018

GDP: Generalized Development Plan, entitled "Roseland Townhomes Generalized Development Plan", prepared by Bowman Consulting, dated November 2017, as last revised April 9, 2018, attached hereto as Exhibit A (the "GDP")

Rezoning Request: From R-1 to MU-2

Rezoning File No.: R17-0013

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 seq. of the Code of Virginia (1950) as amended, and Section 23-4.6.3 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the Property, whether by prior proffer offers or through the impact statement accompanying this application, are hereby superseded by these Proffers.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 R17-0013 submitted by the Applicant to reclassify the Property from R-1 to MU-2 to allow development of no more than fourteen (14) single family attached units.

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 no more than fourteen (14) residential single family attached dwelling units (each individually, a "Unit", and collectively, the "Units") as shown on the GDP, and the Property shall not be developed for any other uses allowed in the MU-2 district, except for applicable accessory uses authorized under said district not to include accessory apartments. In addition, the Units may include back decks that will be located on the first floor only, all as shown on the GDP.
- C. **Covenants.** The Applicant, prior to developing the Property, shall encumber the Property with a declaration of conditions, covenants, restrictions, and easements for the purpose of (a) protecting the value and desirability of the property; (b) facilitating the planning and development of the development in a unified and consistent manner; and (c) providing for the installation, maintenance, and repair for all landscaping, on-site amenities, open space, and other common areas. The Applicant will also create a property or homeowner's association (the "HOA") as a non-stock corporation under the laws of Virginia that will provide and ensure oversight and structure for services provided, quality standards, intercampus relationships, and common area maintenance.

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. The Applicant shall dedicate ten feet (10') of right-of-way along Hudgins Road totaling approximately 1,500 square feet of a portion of the Property to widen the existing right-of-way, all in the areas generally shown on the GDP.

- B. The Applicant agrees to construct the stub road to the Property line to complete an interparcel connection to TM #24B-2-14-15, all as shown on the GDP.
- C. All right-of-way dedications and offsite easements, as shown on the GDP and/or as described herein, shall be conveyed to the County prior to or upon the final subdivision plan approval for the Project, in accordance with applicable County requirements and procedures.

IV. Open Space

As shown on the GDP, approximately 0.152 acres of the Property will be retained as open space for stormwater facilities, buffering and passive recreational purposes. The open space area shown on the GDP will be owned and maintained by the HOA.

V. Cash Proffers

- A. The Applicant will provide the following cash proffers to mitigate the project's impacts. For the purpose of calculating these cash proffers, the number of Units has been reduced from 14 to 8 to reflect the 6 by-right Units that could be developed under the existing R-1 zoning. Cash proffers are applicable to all units and will be paid on a per Unit basis of \$75.83 after the final inspection and before the County's approval of any certificate of occupancy for each Unit.

CASH AND IN-KIND PROFFERS					
	SF Detached	SF Attached	Multi-Family	Age-Restricted	TOTAL
Per Unit Cash Proffer	\$0 x 0	\$132.70 x 8	\$0 x 0	\$0 x 0	
TOTAL	\$0	\$1,061.60	\$0	\$0	\$1,061.60
LUMP SUM AND IN-KIND CONTRIBUTIONS					
PUBLIC FACILITY CATEGORY					TOTAL VALUE
Schools	\$0.00 cash per unit to Schools				\$0.00
Public Safety	\$37.88 cash per unit to Public Safety				\$303.00
Transportation	\$0.00 cash per unit to Transportation				\$0.00
Parks & Rec.	\$94.83 cash per unit to Parks & Rec.				\$758.60
TOTAL CASH & IN KIND PROFFER VALUE					\$1,061.60

PROFFERED PHASING AND TIMING	
Phase or Contribution/Dedication	Timing

<i>Cash contribution to Public Safety</i>	After the final inspection and before the County's approval of any certificate of occupancy for each Unit
<i>Cash contribution to Parks & Rec.</i>	After the final inspection and before the County's approval of any certificate of occupancy for each Unit

- B. Escalation/De-Escalation Clause. Commencing five (5) years after the approval of this rezoning application, the cash proffer for each residential single family attached unit shall be adjusted annually on January 1 to reflect any increase or decrease for the preceding year in the Consumer Price Index, U.S. City Average, All Urban Consumers (CPI-U) All Items (1982-84=100) (the "CPI") prepared and reported monthly by the U.S. Bureau of Labor Statistics of the United States Department of Labor. The adjustment shall be made by multiplying the Per Unit Contribution for the preceding year by the CPI as of December 1st in the preceding year. If the CPI-U is discontinued by the United States Department of Labor, the Marshall and Swift Building Cost Index formula shall be used as defined by Section 15.2.2303.3b of the Code of Virginia.

[AUTHORIZED SIGNATURES TO FOLLOW]

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

WITNESS the following signatures:

APPLICANT/OWNER:

SPECTRUM PARTNER INVESTMENTS, LLC, a
Virginia limited liability company

By:


Shujaat Ali, Manager

STATE OF Nebraska
CITY/COUNTY Lancaster/City of Lincoln

The foregoing was subscribed, sworn to and acknowledged before me this 17th day of April, 2018, by Shujaat Ali, Manager of Spectrum Partner Investments, LLC, on behalf of said company.


Notary Public

Print Name: Tyler Swartz
My Commission Expires: May 5, 2021
Registration No. N/A
[SEAL]

