

VOLUNTARY PROFFER STATEMENT

Applicant: B-Farms Development, LLC
1109 Charles Street, Fredericksburg, VA 22401

Owner: Jean Masten Kelly and Joyce A. Taylor (collectively, the “Owner”)

(Applicant & Owner are hereafter known collectively as the “Applicant”)

Representative: Charles W. Payne, Jr., Hirschler Fleischer;
725 Jackson Street, Suite 200, Fredericksburg, VA, 22401
Phone: (540) 604-2108; Fax (540) 604-2101; Email: cpayne@hf-law.com

Project Name: “Regency Crossing Townhomes”

Property: Spotsylvania County Tax Parcel 12-A-69J, an unaddressed lot, consisting of approximately 2.69 acres (the “Property”)

Date: August 6, 2018

GDP: Generalized Development Plan, entitled “Regency Crossing Townhomes”, prepared by Sullivan, Donahoe & Ingalls, dated May 1, 2018, as last revised August 6, 2018, attached hereto as Exhibit A (“GDP”)

Rezoning Request: From R-1 to R-8

Rezoning File No.: R18-0007

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, as described herein, and the following proffered conditions (“Proffers”) pursuant to Sections 15.2-2303 and 15.2-2303.4, 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the Property, whether by prior proffer offers or through the impact statement accompanying this application, are hereby superseded by these Proffers.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 (“County”) full and final approval of rezoning application R18-0007

submitted by the Applicant to reclassify the Property from R-1 to R-8 to allow development of no more than twenty-one (21) 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, access points, private driveway and travelway locations, utility locations, parking areas, storm water management facilities, mailbox locations, waste location 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 fulfilling 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's Zoning Administrator, 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 twenty-one (21) 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 secondary uses allowed under the R-8 district, except for applicable accessory uses authorized under said district.
- 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 generally (a) protecting the value and desirability of the property; (b) facilitating the planning and development of the development in a unified and consistent manner; (c) providing for the inspection, installation, maintenance, and repair for all fencing, landscaping, on-site amenities, stormwater management facilities, open space, and other common areas; and (d) creating covenants pertaining to animals, including a limitation of two dogs under 30 pounds per Unit, which are not to be left outside alone when the Unit is unoccupied. 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. Open Space

As shown on the GDP, approximately 1.4 acres of the Property will be retained as open space for stormwater management facilities, buffering and preservation of natural areas. The open space area shown on the GDP will be owned and maintained by the HOA.

IV. Recreational Amenities

The Applicant will install and construct a tot lot in the general location shown on the GDP.

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 21 to 20 to reflect the 1 by-right Unit 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 \$154.19 each (\$3,238.00 divided by 21 Units = \$154.19 per Unit) 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	\$161.90 x 20	\$0 x 0	\$0 x 0	
TOTAL	\$0	\$3,238.00	\$0	\$0	\$3,238.00
LUMP SUM AND IN-KIND CONTRIBUTIONS					
PUBLIC FACILITY CATEGORY					TOTAL VALUE
Schools	\$0.00 cash per unit to Schools				\$0.00
Public Safety	\$75.95 cash per unit to Public Safety				\$1,519.00
Transportation	\$0.00 cash per unit to Transportation				\$0.00
Parks & Rec.	\$85.95 cash per unit to Parks & Rec.				\$1,719.00
TOTAL CASH & IN KIND PROFFER VALUE					\$3,238.00

PROFFERED PHASING AND TIMING	
Phase or Contribution/Dedication	Timing
Cash contribution to Public Safety	After the final inspection and before the County's approval of any certificate of occupancy for each Unit
Cash contribution to Parks & Rec.	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 single family attached residential 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.

VI. Additional Proffers

- A. Applicant will provide the same architectural features as are on the front façade for the exterior side walls of the Units on Lots 1 & 7, as well as the rear side of the Units on Lots 1 through 7.

[AUTHORIZED SIGNATURES TO FOLLOW]

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

WITNESS the following signatures:

APPLICANT:

B-Farms Development, LLC, a
Virginia limited liability company

By: Lafayette Crossing Development, Inc., a
Virginia corporation, Its Manager

By: Melvin L. Garrison, III
Melvin L. Garrison, III, President

Date: 8/10/18

COMMONWEALTH OF VIRGINIA
CITY OF FREDERICKSBURG

The foregoing was subscribed, sworn to and acknowledged before me this 10th day of August, 2018, by Melvin L. Garrison, III, President of Lafayette Crossing Development, Inc., a Virginia corporation, Manager of B-Farms Development, LLC, a Virginia limited liability company, on behalf of said company.

Betty J. Miller
Notary Public

Print Name: Betty J. Miller
My Commission Expires: 8/31/2022
Registration No. 4060695
[SEAL]




OWNER:


Jean Masten Kelly

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF Spotsylvania

The foregoing was subscribed, sworn to and acknowledged before me this 17 day of August, 2018, by Jean Masten Kelly.


Notary Public


Print Name: TANVEER QURESHI
My Commission Expires: 11-30-2022
Registration No. 7550232
[SEAL]



TANVEER QURESHI
NOTARY PUBLIC 7550232
COMMONWEALTH OF VIRGINIA


MY COMMISSION EXPIRES NOVEMBER 30, 2022

OWNER:


Joyce A. Taylor

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF Spotsylvania

The foregoing was subscribed, sworn to and acknowledged before me this 17 day of August, 2018, by Joyce A. Taylor.


Notary Public

Print Name: TANVEER QURESHI
My Commission Expires: 11-30-2022
Registration No. 7550232
[SEAL]



TANVEER QURESHI
NOTARY PUBLIC 7550232
COMMONWEALTH OF VIRGINIA

MY COMMISSION EXPIRES NOVEMBER 30, 2022

EXHIBIT A

Generalized Development Plan

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