

## **VOLUNTARY PROFFER STATEMENT**

Applicant: 11.684 Acres Ladysmith Rd., L.L.C.

Owner: 11.684 Acres Ladysmith Rd., L.L.C.

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

Project Name: "Jefferson Davis Highway Property"

Property: Spotsylvania County Tax Parcel 35-A-102, consisting of approximately 4.79 acres, all as shown on that certain generalized development plan ("GDP") dated September 21, 2018, entitled "Generalized Development Plan Rezoning Application Jefferson Davis Highway Property TM# 35-A-102," attached hereto and marked as Exhibit A (the "Property")

Date: April 19, 2019

Rezoning Request: From R-2 to C-3

Rezoning File No.: R18-0004

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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the Property, whether by prior proffer offers or through the impact statement accompanying this application, are hereby superseded by these Proffers.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 R18-0004 submitted by the Applicant to reclassify the Property from R-2 to C-3.

### **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, RPAs, utility locations, storm water management facilities, and dimensions of undeveloped areas shown on the GDP may be reasonably adjusted

or modified 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 C-3 zoning district. Notwithstanding the foregoing, the Applicant agrees that the following uses shall not be permitted on the Property:
- (a) Heavy equipment and specialized vehicle sale, rental and service establishment;
  - (b) Vehicle sale, rental, and ancillary service establishment, large scale;
  - (c) Building materials yard;
  - (d) Auction establishments.

### **III. Design Criteria**

- A. All buildings shall adhere to the following design criteria.
- Building materials and colors: The primary exterior building materials shall be face brick, concrete masonry units and glass, and Tilt-up Panel Construction that will correspond with adjacent conventional construction.
- Accent masonry varying from the face brick color(s) shall be permitted.
  - The use of wood or wood products is prohibited as an exterior finish or trim material.
  - The use of exterior insulation finishing systems (EIFS) shall be permitted for such architectural elements as cornices, soffits, columns, accent areas, building sign areas, etc. Colors shall be neutral and variations tonal.
  - Rear doors shall be painted the same color to match the building field color.
  - All downspouts shall be painted the same color to match the building field color.
  - All trash receptacles shall be screened on three sides with a masonry wall of the same color and texture as the main buildings and be at least as high as the enclosed dumpster, utility boxes or trash receptacles.
- B. Roofing Standards. Any metal roofing shall contain totally concealed fasteners, baseplates, and end trim. The use of asphalt, fiberglass or wood shingles is prohibited.
- C. Property Identification / Signage. No roof mounted signs shall be permitted. All detached identification signage shall be ground-mounted with brick, CMU, or

EIFS surround, internally illuminated, properly landscaped and designed in accordance with County standards.

**[AUTHORIZED SIGNATURES TO FOLLOW]**

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

WITNESS the following signatures:

**APPLICANT/OWNER:**

11.684 Acres Ladysmith Rd., L.L.C.

By: \_\_\_\_\_

Hugh A. Jones

Manager

COMMONWEALTH OF VIRGINIA

CITY/COUNTY OF Henrico, to-wit:

The foregoing instrument was acknowledged before me this 19th day of April, 2019, by Hugh A. Jones, Manager of 11.684 Acres Ladysmith Rd., L.L.C.

\_\_\_\_\_  
Notary Public

Print Name: Mizan M Kabir

My Commission Expires: 08/31/2019

Registration No. 7500516

[SEAL]



The Applicant makes these ~~R~~offers voluntarily, in support of their rezoning application.

WITNESS the following signatures:

**APPLICANT/OWNER:**

11.684 Acres Ladysmith Rd., L.L.C.

By: Linda Santini

Linda Santini,  
Manager

COMMONWEALTH OF VIRGINIA  
CITY/COUNTY OF Henrico, to-wit:

The foregoing instrument was acknowledged before me this 19<sup>th</sup> day of April, 2019, by Linda Santini, Manager of 11.684 Acres Ladysmith Rd., L.L.C.

[Signature]  
Notary Public

Print Name: Mizan M Kabir  
My Commission Expires: 08/31/2019  
Registration No. 7500516  
[SEAL]



**EXHIBIT A**

**Generalized Development Plan**