

## **PROFFER STATEMENT**

Applicant: LID, LLC

Property Owners: LID, LLC & IWG Thornburg, LLC

Properties: Tax Map Parcels 63-A-27, 63-12-C, 63-12-D, 63-12-E, 63-A-32, 63-A-33, 63-A-37

Total Project Acreage: ± 98.33

Rezoning Request: Commercial, C-3 (14.59 acres), and  
Planned Development Housing, PDH-5 (83.74 acres)

Current Zoning: Commercial, C-3 (± 30.54 acres), and  
Agricultural A-2 (± 67.96 acres)

Project Name: Thornburg Village

Date: October 19, 2020

File No: R20-00\_\_

The undersigned does hereby agree that the development of the Property shall be in conformance with the voluntarily proffered conditions provided hereunder and said proffered conditions are being provided pursuant to Sections 15.2-2303.4, et seq. of the Code of Virginia (1950) as amended, and Section 23-4.6.3 of the Zoning Ordinance of Spotsylvania County as amended (collectively the “Proffers”). The Proffers shall supersede all other proffers made prior hereto, and thus upon the County’s approval of the Proffers, all previously approved proffers on the Property are void upon approval of the rezoning requested herein. In the event the above-referenced rezoning is not granted as applied for by the Applicant, the Proffers included in this application shall be withdrawn and are null and void. The headings of the Proffers set forth below have been prepared for convenience or reference only and shall not control or affect the meaning or be taken as an interpretation of any provision of the Proffers. Any improvements proffered herein below shall be provided at the time of development of the portion of the site adjacent to the improvement, unless otherwise specified. The terms “Applicant” and “Developer” shall include all future owners and successors in interest. The term “Property” shall mean the property that is the subject of the rezoning proposed herein.

References in this Proffer to plans and exhibits shall include the following:

Thornburg Village Generalized Development Plan for Rezoning (GDP) - prepared by The Engineering Groupe Inc., dated October 16, 2020, and consisting of the following sheets and Plan;

1.	Cover Sheet	–	Sheet 1 of 10
2.	Overall Plan	–	Sheet 2 of 10
3.	Rezoning Plan	–	Sheet 3 of 10
4.	Existing Conditions, Sheet 1	–	Sheet 4 of 10
5.	Existing Conditions, Sheet 2	–	Sheet 5 of 10
6.	General Development Plan, Sheet 1	–	Sheet 6 of 10
7.	General Development Plan, Sheet 2	–	Sheet 7 of 10
8.	Preliminary Utility Plan, Sheet 1	–	Sheet 8 of 10
9.	Preliminary Utility Plan, Sheet 2	–	Sheet 9 of 10
10.	Landscape and Open Space Plan	–	Sheet 10 of 10

## 1. LAND USE

A. 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 during the review of the final sites and/or subdivision plans to allow the Applicant/Owner to address final development design criteria, engineering and design requirements, to comply with state and federal agency regulations including, but not limited to, DHR, VDOT, DEQ, DCR, Army Corps of Engineers, and, the County's development regulations and design standards manual. Said adjustments to the GDP shall be subject to the approval of the County's Zoning Administrator during the review of the final or preliminary site/subdivision plans and in no event shall approved adjustments to the GDP relieve the Applicant/Owner from providing any of the below proffers.

### B. Mixed Use Development.

#### 1) **Commercial.**

- a. A maximum of 124,000 square feet of commercial by-right uses authorized under the Commercial Highway (C-3) Zoning District shall be constructed on the Property, unless that applicant submits a revised Traffic Impact Analysis prepared in accordance with standards required by the Virginia Department of Transportation (VDOT) and on the condition of the applicant/owner complying with VDOT access standards for the uses proposed.
- b. The commercial buildings shall be constructed primarily of brick, stucco, metal panel, siding, stone, cementitious materials and/or other equivalent materials having similar appearance to achieve the intended design quality as determined by the Applicant during the final construction design and based on the availability of materials.
- c. Facade signs advertising retail stores or services located in multi-tenant buildings shall be placed in a coordinated sign band. This sign placement requirement shall be included in the covenants for the property or the lease agreements for the tenant spaces. All sign placements shall be subject to review and approval by the landlord and such approval shall be demonstrated at the time of sign permit review.

2) **Residential.**

- a. The areas indicated on the GDP for Single Family Detached, Single Family Attached, and Multifamily development may vary due to final engineering and design considerations. As a result, boundary locations for clusters of dwelling types may be adjusted, and maximum densities, and acreage allocated to a particular dwelling type area may increase or decrease by as much as 10%. Similarly, the internal road alignment, building, parking and off-site or on-site stormwater management improvements and off-site road improvements may vary in accordance with final engineering and design considerations at the time of site/subdivision plan reviews provided that the total number of dwelling units overall shall not exceed the amounts stated herein.
- b. Single Family Detached.
  - i. A maximum of 162 single family detached (SFD) residential units shall be constructed on the Property.
  - ii. The maximum building height for SFD units shall be 35 feet.

iii. The minimum front and rear setbacks shall be 25 feet.

iv. The minimum side yard setbacks shall be 6 feet.

c. Single Family Attached.

i. A maximum of 212 single family attached (SFA) residential units shall be constructed on the Property.

ii. The maximum building height for SFA units shall be 50 feet.

iii. The minimum front and rear setbacks shall be 18 feet.

iv. The minimum side yard setbacks for end units shall be 10 feet.

## 2. TRANSPORTATION

A. Access. The Property shall be served by two (2) primary entrances in the locations generally shown on the GDP. These two primary entrances include: (i) one right-of-way signalized entrance on Jefferson Davis Highway (Route 1); and (ii) one right-in, right-out entrance on Morris Road (Route 606).

B. Interparcel Connections. The Applicant shall dedicate right-of-way and/or easements needed to construct the necessary interparcel connections from the Property to adjacent parcels in accordance with VDOT and County standards in the areas as shown on the GDP for purposes of providing interparcel access to adjoining lots.

C. Pedestrian Connectivity. A network of sidewalks shall be provided throughout the community and shall include the interconnection of destinations within the mixed use area by sidewalks adjacent to parking areas and along private streets as indicated on the GDP. A 10-foot wide shared-use path shall be provided along the site frontage within the right-of-way of Jefferson Davis Hwy.

## 3. COMMUNITY DESIGN

A. Landscaping. Landscaping provided on the Property shall be in general conformance with the "Landscape and Open Space" and shall include, but not limited to, native species appropriate to the location and climate of the area; landscaping shall be drought resistant or as approved by the County.

- B. Maintenance and Administration of Private Property. The Applicant shall establish one or more homeowners' association(s) for the Properties zoned Single Family Detached and Single Family Attached.
  
- C. Homeowners Association Duties and Responsibilities. The homeowners' association(s) ("HOA") shall be responsible for the administration of covenants, and design guidelines, the collection of fees for the operation and maintenance responsibilities of the association, and for the maintenance of common areas and improvements including private roads, buffers, fencing, the entrance features, and the amenity area on the Property, and for the provision of services such as snow removal, refuse collection, mowing and landscaping.

#### **4. ENVIRONMENT**

The Applicant agrees to preserve a minimum of 30 acres of open space subject to necessary installation and construction of the Project's development features/ improvements, such as stormwater management facilities, utilities, trails, roads, passive recreational improvements and other features/improvements shown on the GDP.

#### **5. MONETARY CONTRIBUTION TO ADDRESS PUBLIC SERVICE IMPACT**

To address the impact of the proposed development on public safety facilities, the Applicant shall provide a per unit monetary contribution of \$16.05 per single family detached dwelling unit and \$12.75 per single family attached dwelling unit to Spotsylvania County prior to the issuance of each building permit for each dwelling unit.

#### **6. ESCALATION/DE-ESCALATION CLAUSE**

Commencing five (5) years after the approval of this rezoning application, the cash proffer for each 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 (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 1 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.

[Signatures on following pages]

Proffer Statement  
Thornburg Village  
October 19, 2020

LID, LLC  
a Virginia limited liability company

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

COMMONWEALTH OF VIRGINIA:

County of \_\_\_\_\_

Subscribed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ in my  
county and state aforesaid, by the aforementioned principal.

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires: \_\_\_\_\_

IWG Thornburg, LLC  
a Virginia limited liability company

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

COMMONWEALTH OF VIRGINIA:

County of \_\_\_\_\_

Subscribed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ in my  
county and state aforesaid, by the aforementioned principal.

Proffer Statement  
Thornburg Village  
October 19, 2020

NOTARY PUBLIC

My Commission Expires: \_\_\_\_\_