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June 3, 2020

*Sent via e-mail: sfennell@spotsylvania.va.us
& FedEx Overnight*

Shannon D. Fennell
Spotsylvania County Planning Department
9019 Old Battlefield Blvd., Suite 320
Spotsylvania, VA 22553

Re: Revised Proffers – Legends of Chancellorsville
Project: Legends of Chancellorsville, R19-0012

Dear Ms. Fennell:

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

- Response Letter to County Comments; and
- Proffer Statement (clean and redlined versions).

Below is our response to the May 26, 2020, Staff Comments regarding the above-referenced matter. Please consider this response as a supplement to the pending application referenced above. Feel free to contact me if you have any questions regarding our responses.

Proffer Comments:

1. The Applicant/Owner lines on page 1 of the Proffer clean and redlined copies do not match.

Applicant Response: Please see revised Proffer Amendment Statement and redline of Proffer Amendment Statement.

2. In the Applicant/Owner line on page 1 of the Proffer, “or” should be changed to “and” in the clause which reads, “Chancellorsville Investment Company, LLC, or its assigns and successors.”

Applicant Response: Please see revised Proffer Amendment Statement.

3. In Section I, please remove the phrase “and its successors and/or assigns,” as this has already been defined.

Applicant Response: Please see revised Proffer Amendment Statement.

4. In Section II.A, please delete the defined term “Proffer,” as all of the proffers listed are encompassed in the “Amended Proffers” definition.

Applicant Response: Please see revised Proffer Amendment Statement.

5. In Section II.A, please capitalize the first letter of each of the words “Zoning Ordinance,” “Subdivision Ordinance,” and “Design Standards Manual.”

Applicant Response: Please see revised Proffer Amendment Statement.

6. In Section II.A, please replace the last two sentences with the following: “Notwithstanding the foregoing, any material 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 Amended Proffers.”

Applicant Response: Please see revised Proffer Amendment Statement.

7. Please accurately renumber the list under Section III in the redlined version of the Proffer Amendment Statement

Applicant Response: Please see revised redline of Proffer Amendment Statement.

8. Please revise the first sentence in Section III.2 to correct the typographical error in the redlined version.

Applicant Response: Please see revised redline of Proffer Amendment Statement.

9. Please define “DBH” in Section III.2.

Applicant Response: Please see revised Proffer Amendment Statement. “DBH” means “diameter at breast height.”

10. Under Section III.2, specify at what point in development “no trees shall be cleared, damaged, or destroyed in any manner prior to the approval of an early clearing and grading site plan that identifies the tree saved area.”

Applicant Response: Please see revised Proffer Amendment Statement.

11. Add a comma after the word “thickness” in Section III.3. Also, identify whether any other materials, beside those listed, can be used for building sides.

Applicant Response: Please see revised Proffer Amendment Statement.

12. Under Section III.6, is there a particular type of vegetation shown on the GDP that can be listed in the Proffer?

Applicant Response: Yes. Please see revised Proffer Amendment Statement.

13. Does Applicant own Tax Map Parcel 9-9-1B referenced in Section III.7?

Applicant Response: No, Applicant does not own this parcel. This proffer was included at the request of the Board of Supervisors via the prior approval.

14. Add “single-family dwellings” to “units” under Section IV.5.

Applicant Response: Please see revised Proffer Amendment Statement.

15. Revise Section VII to reflect language used with recent cases.

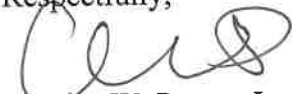
Applicant Response: Please see revised Proffer Amendment Statement.

16. Please provide corporate documents for SH Advisors, Inc.

Applicant Response: Please see enclosed corporate documents: (1) Written Action of Incorporator and Initial Board of Directors and Shareholders of SH Advisors, Inc., and (2) SH Advisors, Inc. Bylaws.

Please feel free to contact me if you have any questions regarding our responses.

Respectfully,


Charles W. Payne, Jr. (CPJ)