

**Voluntary Proffer Statement**  
**DRAFT**

Applicant: Tricord Inc.  
1143 Heatherstone Drive  
Fredericksburg, VA 22407  
Phone: 540-785-8400

Owner: Denali Capital Group, LLC  
P.O. Box 42150  
Fredericksburg, VA 22404

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

Project Name: "Smith Station Crossing" (the "Project")

Property: Spotsylvania County Tax Parcels 34-A-96 & 34-1-3 (the  
"Property")

GDP: Zoning Map Amendment Generalized Development Plan, entitled  
"Smith Station Crossing", prepared by Sullivan, Donahoe &  
Ingalls, dated May 31, 2022, and attached hereto as Exhibit A (the  
"GDP")

Date: May 31, 2022

Rezoning Request: From R-1 to PDH-2

Rezoning File No.: RZ\_\_\_\_\_

**I. General Information**

The Applicant, and their respective successors and assigns, hereby agree 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 ("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the only conditions offered in this rezoning application., and any prior proffers affecting the Property, are hereby superseded by these Proffers. The Proffers will be effective upon Spotsylvania County's ("County") full and final approval of the rezoning application RZ\_\_\_\_\_ to reclassify the Property from R-1 to PDH-2 to allow for the development of no more than ninety-nine (99) single family detached dwelling units. Any prior

proffers affecting the Property, whether of record or not, are hereby superseded by these Proffers, and thus are void and of no further force and effect upon said approval.

## **II. Land Use**

### **A. General Development.**

The Property will be developed in conformance with the GDP. Notwithstanding the foregoing, all parcel lines, parcel and lot sizes, building envelopes, building or home 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 full compliance with state and federal agency regulations including, but not limited to, DHR, VDOT, DEQ, DCR, Army Corps., etc., and with the County's Zoning Ordinance, Subdivision Ordinance, and Design Standards Manuel. 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 be approved adjustments relieve the Applicant from providing any of the Proffers.

### **B. Use.**

The Property shall be developed solely for no more than ninety-nine (99) residential single-family detached 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 PDH-2 district, except for any accessory or home occupation use authorized under said district.

## **III. Transportation.**

The Applicant shall provide the following transportation proffer:

- A. The dedication of approximately 0.82 acres of right of way area along Smith Station Road, all as generally shown on the GDP.
- B. Construction of the following improvements on Smith Station Road at the entrance of the Project, all as generally shown on the GDP:
  - a. an access roadway with one ingress lane, one egress lane, with a separate right and left turn lane to exit the Property;
  - b. a southbound left turn lane on Smith Station Road with 100 feet of storage and 100 feet of taper;
  - c. a northbound right turn taper with 100 feet of taper.
- C. All right of way dedications along Smith Station Road as shown on the GDP and described herein shall be conveyed to the County prior to or upon the recordation of the first final plat, except in the event the County requests that

all or part of the said right of way be dedicated sooner. Within thirty (30) days of the County's request or soon thereafter with the approval of the County, the Applicant will submit the right of way dedication plat application to the County for review and approval.

**IV. Open Space**

As shown on the GDP, approximately 37.37 acres will be preserved as open space (noted as Parcels A through D). The Applicant will construct a natural surface trail, ten (10) feet in width as generally shown on the GDP prior to the issuance of a certificate of occupancy (whether temporary or final) for the 50<sup>th</sup> Unit. The Applicant will also install one (1) disc golf course along the natural surface trail and a dog park prior to the issuance of a certificate of occupancy (whether temporary or final) for the 75<sup>th</sup> Unit.

The open space area shown on the GDP will be owned and maintained by the homeowner's association, which will be created prior to the recordation of the first final plat.

**V. Cash Proffers**

A. The following cash proffers under this Section V. will be provided to mitigate the Project's impacts. Cash Proffers are applicable to all above by right Units (99 Units less 39 By Right Units = 60) and will be paid on a per Unit basis of \$18,347.75 per Unit (\$1,100,865.24 divided by 60 Units = \$18,347.75) (the "Cash Contribution") upon the County's approval of any certificate of occupancy (whether temporary or final), as summarized below.

**Summary of Cash & In-Kind Proffers**

| <b>Category</b>                                     | <b>Single Family Detached</b> | <b>Single Family Attached</b> | <b>Multi Family Condominium</b> | <b>Age Restricted</b> | <b>Total</b>  |
|-----------------------------------------------------|-------------------------------|-------------------------------|---------------------------------|-----------------------|---------------|
| <b>Total, Above By Right, Per Unit Cash Proffer</b> | \$18,347.75 x 60              | 0 x 0                         | 0 x 0                           | 0 x 0                 | \$1,100,865.0 |

| <b>Summary of Lump Sum &amp; In-Kind Contribution</b> |                                                                                                                                                                                                                                                                                                                                                               |                 |
|-------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| <b>Category</b>                                       |                                                                                                                                                                                                                                                                                                                                                               | <b>Total</b>    |
| <b>Schools</b>                                        | \$2,000.00 in cash per Unit for Schools                                                                                                                                                                                                                                                                                                                       | \$120,000.00    |
| <b>Public Safety</b>                                  | \$328.76 in cash per Unit to Public Safety                                                                                                                                                                                                                                                                                                                    | \$19,725.75     |
| <b>Parks &amp; Rec.</b>                               | \$18.99 in cash per Unit to Parks & Rec.                                                                                                                                                                                                                                                                                                                      | \$1,139.49      |
| <b>Transportation</b>                                 | \$16,000 in cash per Unit for Transportation improvements at the intersection of Smith Station and Foster Road. In the event said cash proffers are not used for the Smith Station and Foster Road intersection, then in accordance with VA Code Section 15-2.2303.2, these transportation cash proffers may be applied to other transportation improvements. | \$960,000.00    |
| <b>Total</b>                                          |                                                                                                                                                                                                                                                                                                                                                               | \$1,100,865.24* |

\*The Property is currently zoned for thirty nine (39) single family detached dwellings. Therefore, the Applicant shall not make a Cash Contribution for each of the first thirty eight (38) Units for which a certificate of occupancy (whether temporary or final) has been issued. This does not include the existing single family detached Unit on Tax Parcel 34-1-3 which shall be preserved.

- B. Escalation Clause. Commencing five (5) years after the approval of this rezoning application, the cash proffer of each Unit shall be adjusted annually on January 1<sup>st</sup> to reflect any increase for the preceding year in the Consumer Price Index, U.S. City Average, All Urban Consumers (the "CPI-U") 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 Cash Contributions for the preceding year by the CPU-U as of December 1<sup>st</sup> 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 12.2.2303.3b of the Code of Virginia.

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

WITNESS the following signatures:

SIGNATURES TO BE ADDED