

VOLUNTARY PROFFER STATEMENT

Applicant/Owner: 268 Main Street, LLC (“Applicant”)

~~Owners: 268 Main Street LLC, Alanno Ventures LLC, and Christine M Baker~~
~~(collectively, the “Owner”)~~
~~1309 Franklin Street~~
~~Fredericksburg, VA 22401~~

Representative: Charles W. Payne, Jr.,
Hirschler
725 Jackson Street, Suite 200
Fredericksburg, VA, 22401
Phone: (540) 604-2108
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Project Name: “Hatchers Landing” (“Project”)

Property: Spotsylvania County Tax Parcels 48-A-1, 48-A-1B, & 48-A-4C (portion)
(collectively, the “Property”)

GDP: Generalized Development Plan, titled “Hatchers Landing Generalized
Development Plan For Rezoning TM 48-A-1, 48-A-1B, & 48-A-4C 9231,
9237, & 9239 Courthouse Road Berkeley Voting District Spotsylvania
County, Virginia,” prepared by Fairbanks & Franklin, dated April 25,
2022, as last revised ~~May 1~~June 27, 2023, and attached hereto as **Exhibit**
A (“GDP”)

Rezoning Request: Conditional Rezoning Request from Offices 1 District (“O-1”) to the
Planned Development Housing District-8 (“PDH-8”)

Date: ~~May 3~~June, 2023

File No.: R22-0010

I. General Information

The Applicant ~~and Owner~~ and its respective 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 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”). The headings for the Proffers

set forth below have been prepared for convenience or reference only and will not control or affect the meaning or be taken as an interpretation of any provision of the Proffers. The Proffers are the only conditions offered in this rezoning application. The Proffers will be effective upon Spotsylvania County's ("County") full and final approval of rezoning application R22-0010 to reclassify the Property from O-1 to PDH-8 to allow for the development of no more than 58 single-family attached 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 Any prior proffers affecting the Property, whether of record or not, are hereby superseded by these Proffers, and thus are void and of no further force and effect upon said approval.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, which is incorporated into these Proffers by reference. Notwithstanding the foregoing sentence, all designated open spaces, parcel lines, parcel and lot sizes, building envelopes, building or home sizes, public road locations, private driveway, access points and travelway locations, utility locations, storm water management facilities, amenities, waste facilities, parking areas, 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, Department of Historic Resources ("DHR"), Virginia Department of Transportation ("VDOT"), Department of Environmental Quality ("DEQ"), Department of Conservation and Recreation ("DCR"), Army Corps., ~~etc.~~, of Engineers, and the County's Zoning Ordinance, Subdivision Ordinance, and Design Standards Manual. Notwithstanding the foregoing, provisions under this Section II(A), any material adjustments to the GDP will be subject to the approval of the County's Zoning Administrator, and in no event will approved adjustments to the GDP relieve the Applicant from providing any of the Proffers.
- B. **Use.** The Property may be developed for no more than 58 single-family attached dwelling units ("SFA Units"), (each individually may be referred to as a "Unit," and collectively, the "Units") as depicted on the GDP, and the Property will not be developed for any other secondary uses allowed under the PDH district, except for any home occupation and accessory uses authorized under said district.
- C. **Architectural Features and Materials.** The architectural features for the Units will be as generally depicted on the attached rendering, dated August 2022, prepared by brightMLS which is attached hereto and marked as **Exhibit B** ("Renderings"). The materials for the front façades of each Unit will incorporate one or more of the following or substantially similar materials:
- Partial or full masonry or veneer (in addition to foundation). Concrete block is not permitted;
 - Shake/shingle siding, either authentic or faux; and/or
 - Vinyl horizontal siding.

The Units will include one or more of the following architectural features, including the front facades, will be varied from one group of Units to another in accordance with Section 23-2.1.4 of the Zoning Ordinance of the County.:

- Gable;
- Reverse gable;
- Stone and/or brick foundations;
- Dormer; and/or
- Covered stoop.

Notwithstanding the foregoing provisions under this Section II(C) and subject to the County’s Zoning Administrator’s approval, the Applicant may utilize alternative architectural materials and features which are substantially similar to the aesthetics depicted in the Renderings.

III. Cash Proffers

A. The Applicant ~~and Owner~~ will provide cash proffers to mitigate the Project’s impacts on certain County public facilities. The following cash proffers are applicable to all Units and will be paid on a per unit basis of \$4,913.90 per SFA Unit (\$285,006.04 divided by 58 SFA Units = \$4,913.90 per SFA Unit) (the “Cash Proffers”) only after the final inspection and before the County’s approval of a certificate of occupancy permit (temporary or final) for each Unit.

CASH AND IN-KIND PROFFERS					
	SF Detached	SF Attached	Multi-Family	Age-Restricted	TOTAL
Per Unit Cash Proffer	\$0 x 0	\$4,913.90 x 58	\$0 x 0	\$0 x 0	
TOTAL	\$0	\$285,006. <u>0420</u>	\$0	\$0	\$285,006. <u>0420</u>
LUMP SUM AND IN-KIND CONTRIBUTIONS					
PUBLIC FACILITY CATEGORY					TOTAL VALUE
Schools	\$4,482.76 in cash per Unit to Schools				\$260,000. <u>0008</u>
Public Safety	\$139.49 in cash per Unit to Public Safety				\$8,090. <u>6042</u>
Transportation	\$0.00 cash per Unit to Transportation				\$0.00
Parks & Rec.	\$291.65 in cash per Unit to Parks & Rec.				\$16,915. <u>4470</u>

TOTAL CASH & IN KIND PROFFER VALUE	
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PROFFERED PHASING AND TIMING	
Phase or Contribution/Dedication	Timing
<i>Cash Contributions to Public Safety</i>	After the final inspection and before the County's approval of a certificate of occupancy permit (temporary or final) for each Unit.
<i>Cash Contributions to Parks & Rec.</i>	After the final inspection and before the County's approval of a certificate of occupancy permit (temporary or final) for each Unit.
<i>Cash Contributions for Schools</i>	After the final inspection and before the County's approval of a certificate of occupancy permit (temporary or final) for each Unit.

B. Escalation Clause. Commencing five (5) years after the approval of this rezoning application, the cash proffers for each Unit will be adjusted annually on January 1 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 will be made by multiplying the Cash Contributions for the preceding year by the CPI-U as of December 1st in the preceding year. If the CPI-U is discontinued by the United States Department of Labor, the Marwill and Swift Building Cost Index formula will be used as defined by section 15.2.2303.3b of the Code of Virginia.

V. **Additional Proffers**

A. Homeowners' Association. Prior to the construction of the first Unit, a Homeowners' Association will be established, which will be responsible for the maintenance of all designated common areas within the Project.

~~A-B.~~ Community Amenities. The following amenities, as ~~generally~~ depicted on the attached **Exhibit BA**, will be provided within the Project: (i) a multi-use community park with a pavilion, and (ii) a dog park. All of the foregoing amenities will be completed prior to the County's issuance of the ~~final~~fifty-eighth (58th) Unit certificate of occupancy permit (temporary or final).

~~B-C.~~ Public Safety. The Applicant will pay an additional sum of \$25,000.00 towards County public safety facilities. This proffer ~~shall~~will be paid to the County upon the County's issuance of the first certificate of occupancy permit (temporary or final) for a Unit.

[AUTHORIZED SIGNATURES TO FOLLOW]

The Applicant/Owner make these Proffers voluntarily, in support of their rezoning application.

WITNESS the following signatures:

APPLICANT/OWNER:

268 Main Street, LLC, a
Virginia limited liability company

By: _____
Its: _____
Print: _____

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF _____

The foregoing was subscribed, sworn to and acknowledged before me this ___ day of _____, 2023, by _____, the _____ of 268 Main Street, LLC, a Virginia limited liability company, on behalf of the company.

Notary Public

Print Name: _____
My Commission Expires: _____
Registration No. _____

[SEAL]

OWNER:

ALANNO VENTURES LLC, a
Virginia limited liability company

By: _____

Its: _____

Print: _____

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF _____

_____ The foregoing was subscribed, sworn to and acknowledged before me this ____ day of
_____, 2023, by _____, the _____ of Alanno Ventures,
LLC, a Virginia limited liability company, on behalf of the company.

Notary Public

Print Name: _____

My Commission Expires: _____

Registration No. _____

[SEAL]

OWNER:

By: _____
Christine M. Baker

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF _____

_____ The foregoing was subscribed, sworn to and acknowledged before me this ____ day of _____, 2023, by Christine M. Baker.

Notary Public

Print Name: _____
My Commission Expires: _____
Registration No. _____

{SEAL}

EXHIBIT A

“Generalized Development Plan”

EXHIBIT B

“Renderings”