

STAFFORD COUNTY, VIRGINIA

VOLUNTARY PROFFER STATEMENT

Applicant: Johnson Development Associates, Inc., a South Carolina corporation

Owner: Richard E. Ward, an individual; Canyon Development Company, Inc., a Maryland corporation (collectively referred to as the “Owner”) (**Exhibit A**)

Property: Tax Map Parcels 45-37G, 45C-1-17, 45C-1-16, 45C-1-14, 45C-1-7, 45C-1-11, 45C-1-10, 45C-1-9, and 45C-1-8, consisting of a total of approximately 21.052 acres (the “Property”), all as shown on the attached generalized development plan (“GDP”) titled “GENERALIZED DEVELOPMENT PLAN (GDP) JDA MUSSELMAN ROAD” prepared by Bohler and dated April 21, 2023, attached hereto as **Exhibit B**.

Project Name: “JDA MUSSELMAN ROAD”

Reclassification: From Suburban Residential (R-1) and Urban Commercial (B-2) to Light Industrial (M-1)

Date: April 21, 2023

File No: RC _____

1. General Requirements.

(a) The Applicant (to include each party’s future owners, successors and assigns) hereby agrees that the development of the Property will be in conformance with the GDP, and those certain proffered conditions described herein (“Proffers”). The Proffers are voluntary and reasonable in accordance with Sections 15.2-2303 and 15.2-2303.4, et al. of the Code of Virginia (1950, as amended), and section 28-161, et seq. of the Stafford County (“County”) Zoning Ordinance (collectively 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 provided herein are the only proffered conditions offered in this rezoning application, and any prior proffers in which the Property may be subject to (whether of record or not) are hereby superseded and replaced by these Proffers; and further, all said prior proffers will be void and of no further force and effect regarding the Property upon the Stafford County Board of Supervisors’ approval of the Owner and Applicant’s above-referenced Reclassification No. _____.

(b) Subject to the terms and conditions expressed hereunder, the Property will be developed in general accordance with the GDP, which is attached hereto and marked as **Exhibit B**. For purposes of the final site planning for the Property, all parcel or lot lines, parcel or lot sizes,

building envelopes, building sizes, public road locations, waste disposal locations, private driveway, entrances, parking areas, interparcel connection areas, travel way locations, access areas, utility locations, storm water management facilities, waste facilities, dimensions of undeveloped areas and other proposed improvements shown on the GDP may be amended or adjusted by the Applicant to fulfill requirements of final engineering, planning, and design of the Property or to comply with applicable County development and design requirements or state agency regulations including, but not limited to, VDOT, DEQ, etc. Changes consistent with the original intent of the GDP will be permitted. Where it is necessary to determine if changes are consistent with the original intent of the GDP, the same will be referred to the County Zoning Administrator for determination thereof.

2. Land Use.

(a) **Use.** Except as provided below under Section 2 (b), the Property may be developed for all permitted uses under the M-1 zoning designation.

(b) **Maximum Floor Area Ratio.** Any structure(s) developed on the Property may not exceed a floor area ratio of 0.50.

(c) **Prohibited Uses.** Notwithstanding anything to the contrary under these Proffers, the following uses are prohibited from being developed on the Property:

- Aquaculture;
- Commercial kennels;
- Convenience center;
- Convenience store;
- Hotel;
- Motor vehicle rental;
- Public parking lot;
- Railroad sidings;
- Restaurants without drive-through;
- Veterinary clinic;
- Vocational school;
- Adult business;
- Airport, private;
- Boat sales;
- Clinic, medical and dental;
- Place of worship;
- School;
- Truck stop; and
- Vehicle fuel sales.

3. Architecture & Materials. The architectural features of the Project will be in general accordance with the attached architectural elevations titled “Preliminary Building Elevations” prepared by Bohler, incorporated within the GDP on Sheet C-5, which are specifically

incorporated herein by this reference (collectively the “Elevations”). The Elevations are illustrative only and do not depict the final architectural elevations and design for the Project. In this regard, the Elevations depict (1) a commitment to a general type, character, and quality of architectural design, details and materials; and (2) the general types of architectural and decorative elements and features.

4. Transportation.

Subject to the County and VDOT’s approvals, as applicable, the following transportation in-kind proffers will be provided prior to the County’s issuance of the first certificate of occupancy permit for the Project, unless otherwise noted below, and all as generally depicted on the GDP and described below:

- a) Unless undertaken by VDOT, adjust signal timings and offset at the intersection of Warrenton Road and Olde Forge Drive.
- b) Mill and overlay approximately 1,165 linear feet of 24 foot wide pavement on Thomas Lane; and where the pavement is not 24 feet in width, the Applicant will provide full depth pavement in addition to the mill and overlay. Notwithstanding the foregoing, in the event the Applicant is unable to construct said improvements prior to the first certificate of occupancy permit for the Project, at no fault of the Applicant, then the Applicant will pay the total sum of One Hundred Forty Thousand 00/100 Dollars (\$140,000.00) to the County towards the transportation improvements stated under this Section 4(b) of the Proffers or the County may apply these funds to other capital transportation improvements in the area.

*[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK
SIGNATURES TO FOLLOW]*

APPLICANT ACKNOWLEDGMENT & CONSENT

JOHNSON DEVELOPMENT ASSOCIATES, INC.,
a South Carolina corporation

By: _____
Blake W. Spencer, Chief Financial Officer

STATE/Commonwealth of _____,
CITY/COUNTY OF _____, to wit:

The foregoing instrument was acknowledged before me this ____ day of _____, 2023,
by Blake W. Spencer, Chief Financial Officer of Johnson Development Associates, Inc., a South
Carolina corporation, on behalf of said corporation.

Notary Public

My Commission expires: _____
Notary Registration number: _____

SEAL:

OWNER ACKNOWLEDGMENT & CONSENT

CANYON DEVELOPMENT COMPANY,
a Maryland corporation

By: _____
Richard E. Ward, President

STATE/Commonwealth of _____,
CITY/COUNTY OF _____, to wit:

The foregoing instrument was acknowledged before me this ___ day of _____, 2023,
by Richard E. Ward, President of Canyon Development Company, a Maryland corporation, on
behalf of the company.

Notary Public

My Commission expires: _____
Notary Registration number: _____

SEAL:

OWNER ACKNOWLEDGMENT & CONSENT

By: _____
Richard E. Ward

STATE/Commonwealth of _____,
CITY/COUNTY OF _____, to wit:

The foregoing instrument was acknowledged before me this ___ day of _____, 2023,
by Richard E. Ward, an individual.

Notary Public

My Commission expires: _____
Notary Registration number: _____

SEAL:

EXHIBIT A

Property List

<i>Tax Map #</i>	<i>Owner</i>
45-37G	Canyon Development Company, Inc.
45C-1-7	Canyon Development Company, Inc.
45C-1-8	Richard E. Ward
45C-1-9	Richard E. Ward
45C-1-10	Richard E. Ward
45C-1-11	Richard E. Ward
45C-1-14	Richard E. Ward
45C-1-16	Canyon Development Company, Inc.
45C-1-17	Canyon Development Company, Inc.

EXHIBIT B

Generalized Development Plan

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