

D R A F T
**For Discussion Purposes
Only**

PROFFER STATEMENT

Applicant/Owner: NAOMI ROAD, LLC (the “Applicant”)

Property: Tax Map Parcels 54-79, 54-79A, 54-80, 54-80A and 54-81, known as 203 Cobb Street and 201 Hopkins Road, containing a total of 7.118 acres subject to the rezoning (collectively the “Property”)

Project Name: “The Vistas at Ferry Farm” (the “Project”)

Rezoning Request: From A-1 to B-3 (1.076 acres, “Parcel 1”); and From A-1 to R-5 (6.042 acres, “Parcel 2”)

Date: July 16, 2018

File No.: RC18 _____
CUP18 _____

1. General Requirements.

(a) The following proffers are being made pursuant to Sections 15.2-2298 and 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 Zoning Ordinance. The proffers provided herein are the only proffered conditions offered in this rezoning application and being provided in accordance with Section 15.2-2303.4, et al., of the Code of Virginia 1950, as amended (the “Proffers”). If the Proffers are approved, any prior proffers in which the Property (as generally defined above and shown on the GDP) may be subject to or previously offered with this application or otherwise previously proffered are hereby superseded by these proffers, and said prior proffers are thus of no further legal force and effect (collectively “Prior Proffers”). In addition and notwithstanding the foregoing, the Proffers are conditioned upon and become effective only in the event the Applicant’s rezoning application No. RC18_____ and associated conditional use permit application CUP18_____ are approved (including through applicable appeal periods) by the Stafford County Board of Supervisors (the “County”).

(b) Except as otherwise provided herein, the Property will be generally developed in accordance with that certain generalized development plan entitled “The Vistas at Ferry Farm Stafford County, Virginia”, dated June 21, 2018, prepared by Fairbanks & Franklin, attached hereto and marked as Exhibit A (the “GDP”) and will include no more than:

- i. 136 age restricted residential multifamily units (the “Units”) to be located only on Parcel 2, all as generally depicted on the GDP (the “Residential Project”); and
- ii. Approximately 11,000 square feet of commercial office space to be located only on Parcel 1, as generally depicted on the GDP (the “Commercial Project”).

(c) For purposes of the final site plan (which will supersede the GDP after County approval), proposed parcel lines, parcel sizes, building envelopes and footprints, access points, building sizes, building locations, public road locations, dumpster locations and waste facilities, parking areas, recreational areas, private driveway, road and travel way locations, interparcel connectors, RPAs and wetland areas, utility locations, storm water management facilities, and dimensions of undeveloped areas shown on the GDP may be relocated and/or amended from time-to-time by the Applicant to address final development, engineering, and design requirements and/or compliance with federal or state agency regulations including, but not limited to, VDOT, DEQ, Army Corps of Engineers, etc., and compliance with the requirements of the County’s development regulations and design standards manual.

2. Architecture & Materials. For purposes of this rezoning, the architectural design of the buildings shall be in general accordance with the attached architectural renderings marked as Exhibit B (the “Renderings”). In regard to this proffer, the Renderings depict (i) a commitment to a general type, character, and quality of architectural design, details and materials; and (ii) the general types of architectural and decorative elements and features.

3. Cash Contribution. For purposes of this rezoning, the Applicant agrees to pay cash proffers for the Residential Project only in the aggregate amount of \$67,551.00, all as described more particularly below. The public safety cash proffer noted below is applicable to Station 1, Falmouth, which is currently the fire and rescue station serving the Property. For the purpose of calculating these cash proffers, the number of applicable Units has been reduced from 136 to 131 to reflect the 5 by-right Units that could be developed under the existing A-1 zoning, which by-right units are exempted under applicable state code.

The foregoing cash proffer contributions, paid by the Applicant to the County, shall be allocated based on the following public facilities:

- (a) **Public Safety:** \$515.66 per unit for 131 Units (for a total of \$67,551.00).

These cash proffers are also subject to annual increases to be calculated on a yearly basis commencing two (2) years after the date of final County approval of this proffer statement. Such increases shall be calculated by multiplication of the Marshall-Swift Index and not the Consumer Price Index of the Department of Labor Statistics for the current year by the original per Unit cash proffer amount. Cash proffers are applicable to all Units and will be paid on a per Unit basis of \$497.00 and said payment shall occur only prior to the issuance of a final certificate of occupancy by the County for each Unit in accordance with this Section 3.

4. Age Restricted Covenants. As part of the Residential Project, all Units constructed on the Property shall be age restricted and qualify as “housing for older persons” in accordance with the criteria set forth in Code of Virginia Section 36-96.7, et al., as amended. Further, the Applicant, prior to construction of the first multifamily building, shall prepare and record restrictive covenants that define the qualification for initial and subsequent occupancy of any Unit associated with the Property and shall further restrict households to include at least one (1) person who is age 55 years or older. Additionally, a covenant shall be placed on the Property that further prohibits any resident 18 years or younger to reside within any Unit constructed on the Property for a period of time exceeding thirty (30) days within any six (6) month period. Notwithstanding the foregoing restrictions, any Unit constructed on the Property may be occupied by a physically or mentally disabled individual who is 18 years of age or older and is the child of an age-restricted occupant. All such covenants described herein shall be recorded among the land records of Stafford County, Virginia and encumber the Property prior to the occupancy of any Unit.

5. Additional Covenants. In addition to the foregoing covenants, the Applicant, as may be applicable and prior to receiving a certificate of occupancy for the first residential unit on the Property, shall encumber the Property with a declaration of conditions, covenants, restrictions, and easements for the purpose of (a) protecting the value and desirability of the Property; (b) facilitating the planning and development of the development in a unified and consistent manner; (c) providing for the installation, maintenance, and repair for all landscaping, on-site amenities, open space, environmentally sensitive areas, any cemeteries or other cultural resources being preserved on the Property, and other common areas; and (d) providing adequate information to all homeowners regarding the HOA’s (as defined below) officers and respective contact information. The Applicant will also create a property or homeowner’s association (“HOA”) as a non-stock corporation under the laws of Virginia that will provide and ensure oversight and structure for services provided, quality standards, intercampus relationships, and common area maintenance.

6. Recreational Amenities. The Applicant will install and construct a clubhouse, swimming pool and a trail for the benefit of the Residential Project, all in the general locations depicted on the GDP.

[AUTHORIZED SIGNATURES TO FOLLOW]

APPLICANT/OWNER ACKNOWLEDGMENT & CONSENT

NAOMI ROAD, LLC,
a Virginia limited liability company

By: W.E.K., L.L.C., a Virginia limited liability company,
Its Sole Member

By: _____
Douglas G. Janney, Jr., Managing Member

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF _____, to-wit:

The foregoing instrument was acknowledged on this the ___ day of _____,
201___, by Douglas G. Janney, Jr., Managing Member of W.E.K., L.L.C., a Virginia limited
liability company, Sole Member of NAOMI ROAD, LLC, a Virginia limited liability company,
on behalf of the company.

Notary Public

My Commission expires: _____

Notary Registration Number: _____

EXHIBIT A

Generalized Development Plan

EXHIBIT B
RENDERINGS

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