

PROFFERS

Madi & Pierce, LLC (the "Applicant") submits the following proffered conditions in connection with the Applicant's Zoning Reclassification for Assessor's Parcel 44-121G (the "Property") from the County of Stafford's ("County") B-2 Zoning District to the County's UD-5 Zoning District (the "Proffers"). The Proffers set forth herein are the only proffered conditions offered in connection with this Zoning Reclassification, and are being submitted in accordance with Sections 15.2-2303 of the Code of Virginia and Section 28-161, et seq., of the Stafford County Zoning Ordinance. In the event that the Zoning Reclassification is not approved by the County Board of Supervisors ("Board") as requested by the Applicant, the Proffers shall be withdrawn and are automatically null and void and of no force and effect. In the event that the Zoning Reclassification is approved by the Board, the Proffers shall take effect immediately, and shall thereafter apply to the Zoning Reclassification as applied for by the Applicant. In the event the Zoning Classification is approved by the Board, any prior proffered conditions to which the Property may be subject are hereby superseded by these Proffers, and said prior proffers are of no further legal force and effect.

1. General Site Development: Except as otherwise provided herein, the Property shall be developed in substantial accordance with that certain plan entitled "Generalized Development Plan, Plantation Adair Drive" prepared by ATCS, PLLC, a copy of which is attached hereto as Exhibit A and incorporated by reference herein (the "GDP"). The Property shall further be developed in substantial accordance with that certain plan entitled "Master Plan, Plantation Adair Drive" prepared by ATCS, PLLC, a copy of which is attached hereto as Exhibit B and incorporated by reference herein (the "Master Plan").

2. **Allowable Uses.** The permitted use of the Property is age-restricted multifamily residential. The Applicant shall construct no more than 104 age-restricted multifamily residential units (the “Units”) on the Property which shall be contained within no more than four (4) multifamily buildings, as generally depicted on the GDP.

3. **Age-Restricted Covenants:** 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, 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.

4. **Landscaping and Buffers.** The Applicant shall provide and maintain an approximately thirty-two foot (32’) transitional buffer along the northern boundary of the Property which shall consist landscaping and plantings as generally depicted on the GDP. The Applicant shall further install a six-foot (6’) privacy fence along the northern boundary of the Property in general conformance with the location shown on the GDP. The Applicant shall provide and maintain an approximately twenty-foot (20’) transitional buffer along the southern

and western boundaries of the Property which shall consist of landscaping and plantings as generally depicted on the GDP.

5. **Open Space and Recreational Amenities:** The Applicant shall provide and maintain a multi-purpose private park in general conformance with the location shown on the GDP. The Applicant shall install a gazebo within such private park which shall be designed with an oriental roof and lattice walls as generally depicted on the GDP. The Applicant shall install a pickle ball court in the general location shown on the GDP. The Applicant shall further provide and maintain pedestrian access to the Central Rappahannock Regional Library as generally depicted on the Master Plan.

6. **Fire Safety:** Any multifamily building constructed on the Property shall be equipped with at least one (1) elevator with emergency power. Any multifamily building constructed on the Property shall be equipped with a direct stairwell on each side of the main entrance to provide ingress and egress for fire rescue personnel. The standpipe system for any multifamily building constructed on the Property shall be equipped with an NFPA-14 sprinkler system or equivalent. The attic for any multifamily building constructed on the Property shall be equipped with an NFPA-13 commercial sprinkler system or equivalent. The entire first level above grade of any multifamily building constructed on the Property shall utilize exclusively non-combustible materials for all exterior walls.

7. **Cash Contribution.** For purposes of this Zoning Reclassification, the Applicant agrees to pay reasonable cash proffers for public safety in the aggregate amount of \$156,575.46, or \$1,505.53 per Unit for 104 Units, which shall be paid to the County on a per-Unit basis upon the County's issuance of a final certificate of occupancy for each Unit. This cash proffer is applicable to the Stafford County Fire & Rescue Station 12, which is currently the fire and

rescue station serving the Property. These cash proffers are further subject to annual increases to be calculated on a yearly basis commencing two (2) years after the date of final County approval of these Proffers. 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.

8. **Architecture & Materials.** The architectural design features and materials for any buildings constructed on the Property shall be consistent with the County's Neighborhood Development Standards for senior apartments.

9. **Building Height Restriction:** Any building constructed on the Property shall be no taller than four (4) stories and shall not exceed forty-five feet (45') in height.

10. **Access:** The Applicant shall construct a private street and vista which shall provide full-service access to the Property from Plantation Drive in general conformance with the location shown on the GDP.