

STAFFORD COUNTY, VIRGINIA

VOLUNTARY PROFFER STATEMENT

Applicant: Marlyn Development Corporation, a Virginia stock corporation (the “Applicant”)

Owners: Old Potomac Church, LLC, a Virginia limited liability company (the “Owner”)

Property: Tax Map Parcels 39-16, containing a total of approximately 8.50 acres, all as shown on the attached generalized development plan (“GDP”) titled “GENERALIZED DEVELOPMENT PLAN THE ARBORS AT STAFFORD RC? AQUIA MAGISTERIAL DISTRICT STAFFORD COUNTY, VIRGINIA” prepared by Bowman Consulting and dated December 5, 2022, as last revised May 10, 2023 (**Exhibit A**), which its legal description is also attached hereto as **Exhibit B** (the “Property”)

Project Name: “The Arbors at Stafford”

Reclassification: Conditional rezoning request from Office (B-3) to Age-Restricted Housing (R-5)

CUP Request: A Conditional Use Permit to allow a density of 20.01 dwelling units to the acre which exceeds the maximum 15 dwelling units to the acre under R-5

Date: May 12, 2023

File No.: _____

1. General Requirements.

The Applicant (to include future owners, successors and assigns) hereby agrees that the development of the Property will be in general 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 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application, and any prior proffers in which the Property may be subject to (whether of record or not) are hereby superseded and replaced by these Proffers; further, all said prior proffers will be void and of no further force and effect regarding the Property upon the Stafford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’ (the “County”)

approval of the Applicant's above-referenced Reclassification No. _____, and CUP _____.

2. **Land Use.**

- a. **General Development.** Subject to the terms and conditions expressed hereunder, the Property will be developed in general conformance with the GDP, which is attached hereto and marked as **Exhibit A**. For purposes of the final site planning for the Property, all open spaces, 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.
- b. **Use.** The Property may be developed for no more than one hundred seventy (170) age-restricted, multifamily units (the "Units"), and applicable accessory uses for the same, all as generally depicted on the GDP.
- c. **Architecture & Materials.** The general architectural design and building materials of the Units will be as depicted in the illustrative elevations prepared by Cox, Kliever & Company, P.C., titled "New Multi-Family Development – The Arbors at Stafford", attached hereto as **Exhibit C** ("General Building Features"). The General Building Features are illustrative only and do not depict the final designs and building features for the Project. In this regard, **Exhibit C** depicts only (1) a commitment to a general type, character, and quality of architectural design, details, and materials; and (2) the general types of architecture and decorative elements and features.

3. **Transportation.**

- a. Subject to VDOT and County approvals, as applicable, the Applicant will provide the following in-kind transportation proffers, all generally depicted on the GDP:
 - i. Dedication of an approximately 0.0543 acre right of way along Old Potomac Church Road with variable width to suit approximately twenty five feet (25') of right of way dedication from the existing centerline of the existing Old Potomac Church Road right of way to accommodate the existing two-land road.

4. Cash Proffers.

- a. The following cash proffers will be provided to mitigate the Project’s impacts to certain County public facilities. The cash proffers are applicable to all Units and will be paid on a per unit basis of \$129.57 per Unit (the “Cash Contributions”). All Cash Contributions will be paid only after the final inspection and upon the County’s issuance of a certificate of occupancy for each Unit, and any applicable building in which the Units are located.

Public Facilities	Estimated Proffer per Unit
a) Public school facilities cost per unit	\$0
b) Public safety facilities cost per unit	\$129.57
c) Public parks facilities cost per unit	\$0
d) Public transportation cost per unit	\$0
e) Total estimated proffer per unit	\$129.57
f) Proposed age restricted units	170
Total Project Proffer Contribution	\$22,027.00

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

APPLICANT ACKNOWLEDGMENT & CONSENT

MARLYN DEVELOPMENT CORPORATION,
a Virginia stock corporation

By: _____
Brian L. Staub, Chief Financial Officer

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

The foregoing instrument was acknowledged before me this ___ day of _____, 2023,
by Brian L. Staub, Chief Financial Officer of Marlyn Development Corporation, a Virginia stock
corporation, on behalf of said company.

Notary Public

My Commission expires: _____
Notary Registration number: _____

SEAL:

OWNER ACKNOWLEDGMENT & CONSENT

OLD POTOMAC CHURCH, LLC,
a Virginia limited liability company

By: _____
Name: _____
Title: _____

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

The foregoing instrument was acknowledged before me this ___ day of _____, 2023,
by _____, for Old Potomac Church, LLC, a Virginia limited liability
company, on behalf of the company.

Notary Public

My Commission expires: _____
Notary Registration number: _____

SEAL:

EXHIBIT A

“Generalized Development Plan”

EXHIBIT B

“Legal Description”

Old Potomac Church, LLC Property

124 Old Potomac Church Road, Stafford, VA

Tax Parcel Number 39-16

ALL THAT certain lot, piece or parcel of land, located in the Aquia Magisterial District, Stafford County, Virginia, known and designated as "TM 39-16 ORIGINAL = 8.613 ACRES REMAINDER = 8.495 ACRES" as shown on that certain plat dated September 29, 2017, made by Fairbanks & Franklin, and entitled "ABBERLYAT STAFFORD COURTHOUSE RIGHT OF WAY DEDICATION AND EASEMENT VACATION PL AT ON VARIOUS PARCELS STANDING IN THE NAME OF OLD POTOMAC CHURCH, LLC LR 070015722 & LR 080002482 AND SOUTH CAMPUS, LLC LR 170005834", which said plat is recorded in the Clerk's Office of the Circuit Court of the County of Stafford, Virginia, as PM 180000058.

EXHIBIT C

“General Building Features”

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