

VOLUNTARY PROFFER STATEMENT

Applicant: S.L. Nusbaum Realty Co. (the “Applicant”)

Property: Tax Map Parcels 45-67, 45-67A, 45-69, 45-94, 45-95, 45-96, containing a total of 44.5 acres subject to the rezoning (collectively the “Property”)

Owner: Carl J. Debernard, Jacquelyn E. Debernard; Fleda E. Lewis, Trustee of English Family Trust; and Roger Cramer Embrey (collectively the “Owner”)

Project Name: “Renaissance at Falmouth” (the “Project”)

Rezoning Request: From R-1 to UD-3

Date: May 29, 2020

File No.: RC20_____

1. General Requirements.

(a) The following proffers are being made pursuant to sections 15.2-2298, 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 are 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 If the Proffers are approved, any prior proffers that affect the Property are hereby superseded by the Proffers, and said prior proffers are thus of no further legal force and effect. In addition and notwithstanding the foregoing, the Proffers are conditioned upon and become effective only in the event the Applicant’s rezoning application number RC20_____ is approved (including through applicable appeal periods) by the Stafford County Board of Supervisors (the “County”).

(b) The Property will be generally developed in accordance with that certain master plan titled “Renaissance at Falmouth,” dated December 2019, as last revised April 29, 2020, prepared by Bowman Consulting, which plan is attached hereto and marked as **Exhibit A** (the “Master Plan”).

(c) The Property shall be rezoned to the Urban Development Residential Mixed Use (UD-3) zoning district, and include no more than 114 residential townhouse dwelling units (“TH Units”) and 264 residential multi-family units (“MF Units”) (collectively, the TH Units and MF Units shall be known as the “Units”).

2. Architecture & Materials.

- (a) For purposes of this rezoning, the architectural design and features of the MF Units shall be in general accordance with the architectural renderings, attached as **Exhibit B**. In regard to this Section 2 (a), the Renderings will depict only (1) a commitment to a general type, character, and quality of architectural design and details; and (2) the general types of architectural and decorative elements and features.
- (b) The exterior building materials for the MF Units will be constructed of the following high quality building materials: brick, cast stone, cement fiber siding, 0.044 inch thick vinyl, glass, and aluminum.
- (c) At a minimum, the TH Units will include substantially similar exterior building materials as provided above under Section 2(b).

3. Cash Contribution. For purposes of this rezoning, the Applicant agrees to pay cash proffers in the aggregate amount of \$1,714,523.32, all as described and allocated more particularly below. For purposes of the schools cash proffer, the current school attendance zones impacted by the Project are Falmouth Elementary School, Drew Middle School, and Stafford High School. For purposes of the public safety cash proffer, the current fire and rescue station serving the Property is Station #1 (Falmouth). For the purpose of calculating these cash proffers, the number of applicable residential units has been reduced to reflect the 67 by-right single family detached units that could be developed under the existing R-1 zoning, which by-right units are exempted under applicable State Code.

The foregoing cash proffer contributions shall be allocated based on the following County public facilities after the by-right distribution:

- (a) **Schools: \$1,493,088** (\$6,608 per TH Unit x 114 TH Units = \$753,306 and \$2,802 per MF Unit x 264 MF Units = \$739,782)
- (b) **Public Safety: \$221,435.10** (114 TH Units x \$639.99 = \$72,958.86 and 264 MF Units x \$562.41 = \$148,476.24)

These cash proffers are also subject to annual increases, with the first increase occurring 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.

For purposes of the TH Units, the above applicable cash proffers shall be paid on a per TH Unit basis after the final inspection and before the County's approval of any certificate of occupancy for each TH Unit, and for purposes of the MF Units after the final inspection and before the County's approval of any certificate of occupancy for each MF Unit and the subject building in which the MF Units are located.

4. Recreational Amenities. At a minimum, the Applicant will provide the following onsite amenities to be constructed and installed as the Project is developed: a clubhouse, fitness center,

swimming pool, two grilling and dining areas, a fire pit area, tot lot, multipurpose game area, a dog park, and bicycle racks throughout the development, all to be located on the Property as shown on the Master Plan.

5. Additional Proffers.

- (a) The Applicant agrees to limit permitted uses on the Property to the following:
 - i. Dwelling, multifamily
 - ii. Dwelling, townhouse
 - iii. Community use
 - iv. Park, playground
 - v. Home occupancy allowed uses

- (b) For purposes of the MF Units, the Applicant will offer a 5% discount on published rents to any Stafford County government employee.

- (c) Prior to the issuance of a certificate of occupancy for the first constructed TH Unit, the Applicant shall deposit \$100,000 in a third party escrow account to be solely utilized to assist person purchasing (e.g., assistance with closing costs) any TH Unit who is deemed a “Hometown Hero” (defined as a purchaser of any TH Unit who is active duty military, disabled veteran or a Stafford County employee). The funds will be available to Hometown Heroes on a first come, first serve basis, and the maximum amount is \$5,000 per applicable TH Unit purchased by a Hometown Hero or Heroes. The Hometown Heroes funds, as described herein, will be provided to the settlement agent at closing for the benefit of the applicable Hometown Hero. If Hometown Heroes funds are not depleted through the initial 114 TH Unit purchases, they may be used on subsequent TH Unit purchases (e.g., resales), until depleted. A proffer tracking spreadsheet shall be provided to the County’s Zoning Administrator on an annual basis by January 2 of each year the funds remain available or when otherwise requested by the Zoning Administrator. This requirement shall begin after the initial occupancy permit for the first TH Unit and expire after Hometown Heroes funds are depleted.

- (d) Applicant agrees to construct and install a right turn taper at the entrance of Glenalice Lane, as shown on the GDP.

[AUTHORIZED SIGNATURES TO FOLLOW]

APPLICANT ACKNOWLEDGMENT & CONSENT

S.L. Nusbaum Realty Company,
a Virginia corporation

By: _____
Name: _____
Title: _____

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

The foregoing instrument was acknowledged on this the ____ day of _____,
2020, by _____, as _____ of S.L. Nusbaum
Realty Company, a Virginia corporation, on behalf of the company.

Notary Public

My Commission expires: _____
Notary Registration Number: _____

OWNER ACKNOWLEDGMENT & CONSENT

Jacquelyn E. Debernard

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

The foregoing instrument was acknowledged before me this ____ day of _____,
2020, by Jacquelyn E. Debernard.

Notary Public

My Commission expires: _____
Notary Registration number:
SEAL:

OWNER ACKNOWLEDGMENT & CONSENT

Fleda E. Lewis

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

The foregoing instrument was acknowledged before me this ____ day of _____,
2020, by Fleda E. Lewis.

Notary Public

My Commission expires: _____
Notary Registration number:
SEAL:

OWNER ACKNOWLEDGMENT & CONSENT

Carl J. Debernard

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

The foregoing instrument was acknowledged before me this ____ day of _____,
2020, by Carl J. Debernard.

Notary Public

My Commission expires: _____
Notary Registration number:
SEAL:

OWNER ACKNOWLEDGMENT & CONSENT

Roger Cramer Embrey

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

The foregoing instrument was acknowledged before me this ____ day of _____,
2020, by Roger Cramer Embrey.

Notary Public

My Commission expires: _____
Notary Registration number:
SEAL:

EXHIBIT A

Master Plan

EXHIBIT B

Renderings