

**Proposed Draft Proffers
Rezoning Application RZ-11-2007**

Dated April 17, 2008

Revised Per Planning Commission Work Session May 5, 2008

Revised per Discussions with Applicant May 19, 2008

Revised Per Meeting with VDOT & Applicant on June 16, 2008

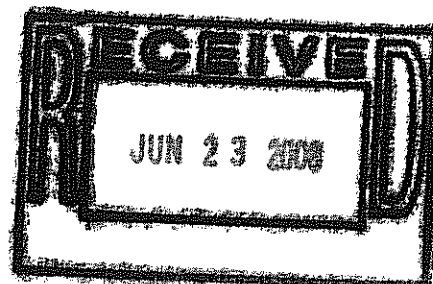
O.K.
I THINK
EVERYTHING
IS HERE
BUT WE
SHOULD
REVIEW for
MINOR
ADJUSTMENTS

Frank & Linda Sealy and Mamie & Miles Start Terrell, their successors and/or assigns (hereinafter "Owner/Applicant"), the fee simple owners of the property which is the subject of rezoning application RZ-11-2007, hereby voluntarily proffer that in the event the Subject Property (further defined as Tax Map Reference 83-A-1 and 2 consisting in total of 186+/- acres, more or less is rezoned by the Board of Supervisors of Caroline County (hereinafter "The Board") to Planned Residential Development (PRD), in substantial accordance with the Zoning Application submitted to the County of Caroline, Virginia, dated 12-18-07, and the general development plan (re-zoning plat) prepared by Dewberry & Davis dated November 16, 2007, as amended, the development of the property shall be in substantial conformance with the following conditions pursuant to Section 15.2-2298, et seq. of the 1950 Code of Virginia, as amended (hereinafter "Code"), and applicable portions of the Caroline County Zoning Ordinance (hereinafter "Ordinance") unless the amendment or deletion of these proffers shall be approved to by the Board upon application by the owner or its successor or assigns. All of these conditions are voluntarily entered into pursuant to Article XIX, Section 7 of the Ordinance and relevant sections of the Code.

GENERAL:

1. The site shall be developed in substantial conformance with the Zoning Application including, but not limited to the General Development Plan (GDP) prepared by Dewberry & Davis (dated November 16, 2007 as amended).
2. The Applicant will record this proffer statement with the Caroline County Clerk's Office within 30-days of receiving the To-Witt from the Department of Planning and Community Development.
3. The Applicant shall construct no more than a total of 526 dwelling units, as set forth below:

Single-family detached	225
Villas	72
Age restricted Villas	44
Town homes	183
Total	526



USES:

1. The following uses permitted by right in the Planned Unit Development – Planned Residential Development (Article XI, Division 2, Section 2 of the Caroline County Zoning Ordinance) shall be prohibited:
 - a. Churches
 - b. Schools
 - c. Day care centers or day nurseries – however this does not prohibit the establishment of family day care for 6 to 12 children which is incidental and subordinate to the principle use of the property.

UTILITIES

2. County water and sewer service shall be installed by the Applicant, or their agents, at the Applicant's expense.
3. Looping of water lines and installation of pumping station(s) which meet approval of the Caroline County Public Utilities Department shall be installed by the Applicant or its Agents, at the Applicant's expense.
4. All water and sewer installations shall proceed in accordance with the proffered phasing plan contained herein.
5. The Applicant shall submit an engineered water model for the Belmont North project to the County Department of Public Utilities for review and approval. The Department of Public Utilities may require that reasonable and necessary modification be made to the water model before it is approved. Once approved, the site will be developed in accordance with the water model, and no building permits shall be granted until the water model is approved.
6. The Applicant will pay the County one-half of the required Utility Fees (defined herein to include connection and availability fees for both water and sewer service(s)) for the first phase of Belmont North up front, and no later than sixty (60) days of recordation of the final plat (the "Initial Payment").
7. Should the County increase any of the Utility Fees after the Initial Payment is made and before any building permit is issued, the building permit shall not be issued until the County is paid the difference between the Initial Payment and the amount owed on the connection, by the person(s) applying for the building permit(s).

TRANSPORTATION

8. The Applicant shall submit an engineered traffic study to the County with its rezoning package.
9. The Applicant shall dedicate all right-of-way and install all road improvements as required by Virginia Department of Transportation for Moncure Drive (State Route 716), and for the relocation and intersection improvements for McDuff Drive (State Route 706) to include:
 - Construction and sight distance easements turn lane and deceleration lane along 3,300 feet of VA State Route 716 and relocation/intersection improvements of VA State Route 716 and 705.
 - Applicant shall provide forty-five (45) feet right-of-way from the centerline of State Route 716.
10. The Applicant shall construct or cause to be constructed the extension of Dry Bridge Road (herein after the "Boulevard" or "Dry Bridge Boulevard") as a four (4) lane, raised and landscaped median with a drainage ditch along the side(s).

- Along the southern side the Applicant shall install a minimum of a five (5) foot asphalt path for pedestrian access. The asphalt path shall tie into the proposed sidewalk system within the community and have three (3) cross walks to the north side of the Boulevard as shown on the GDP.
11. Dry Bridge Boulevard shall be constructed by the Applicant from Moncure Drive to the easternmost property line of Belmont North. At the County's request, Dry Bridge Boulevard shall be extended and constructed to the property line of the Flippo tract by the Applicant.
 12. Dry Bridge Boulevard shall be constructed in conjunction with the phases of the overall project with its completion to the Belmont Property line to occur by the issuance of the 300th building permit.
 13. Dry Bridge Boulevard shall be designed and constructed with traffic calming measures.
 14. All other roads within the development shall have curb, gutter and sidewalk. Sidewalks will connect Belmont North to Belmont at Carmel Church and Belmont West.
 15. There shall be no driveways from individual homes accessing Dry Bridge Boulevard. All homes on Dry Bridge Boulevard shall be served by private service drives, as shown on the GDP and the maintenance thereof shall be the responsibility of the Home Owner's Association.
 16. The loop roads along the northern boundary of the project shall be designed as private, one-way alleys with bio-retention contained within the median.
 17. Service roads in the development shall be private and maintenance shall be the responsibility of the Home Owners Association.
 18. A road maintenance agreement shall be recorded in the Office of the Circuit Court Clerk of Caroline County for each phase of the development containing private roads. A copy of the recorded instrument shall be provided to the County before the release of final bonds.
 19. The two (2) cul-de-sacs shown in land bay A of the GDP shall be connected to be consistent with the County's desire to promote traditional neighborhood design (TND) communities.
 20. The proposed interparcel connections shown on the GDP for land bays D, E, and H shall be constructed to the property line as each phase (land bay) is developed.
 21. Trails shall be installed in accordance the development of each land bay/ phase of development. Trails shall connect to trails within the existing Belmont at Carmel Church community.
 22. The Applicant shall enter a partnership or cause the Home Owners Association to enter a partnership with Fredericksburg area transit (FRED) to provide direct service from Belmont North to the VRE station in Fredericksburg for duration of five (5) years beginning upon the issuance of the 263rd building permit.
 23. The applicant shall implement any and all recommendations provided by the Virginia Department of Transportation (VDOT) in response to the TIA for Belmont North prepared by Vernon E. Torney dated November 25, 2007, and as revised, and shall ensure that the traffic impacts caused by the Belmont North development do not degrade the level of service (LOS) of the existing road network. The existing network is defined as the following roads; Moncure Drive, McDuff Road, Cool Water Drive and Rogers Clark Blvd.
 24. The applicant proffers that *Travers Court*, shall be completely prior to the issuance of any building permits for the first phase of Belmont North.

SITE DEVELOPMENT

- 25. The Applicant shall restrict the sale of fifty-two (52) of the villas to active adults - this restriction shall prevent the permanent residence of such villas by individuals less than fifty-five (55) years of age. No school age children shall be permitted to occupy or reside in these homes more than two (2) weeks in any calendar year.
- 26. The Applicant shall preserve sixty-five and one-tenth (65.1) acres of open space in perpetuity via a conservation easement/deed restriction to prevent future division or development of the property. The sixty-five and one-tenth (65.1) acres shall be preserved in its natural state.
- 27. Where portions of the sixty-five and one-tenth (65.1) acres is pasture it shall be landscaped with native trees and managed so as to allow the area to revert to natural forest land. The exact nature of the landscape plan shall be determined during the site plan process.
- 28. The phasing plan for this development shall be as follows;

Year 1	150 lots
Year 2	150 lots
Year 3	150 lots
Year 4	75 lots

However, if the project does not plat 150 lots in any given year, the remainder will not be added to the permitted lots for the following year, but may be constructed in subsequent years, up to 75 lots per years. The Applicant's first phase shall be the development of land bays A and B as shown on the GDP.

- 29. The applicant agrees to annually adjust their phasing strategy so as not to exceed the recommended annual growth rate in the Comprehensive Plan of 3.5%.
- 30. The mailboxes, street signage and entry features will be uniform and consistent with those throughout the entire community of Belmont at Carmel Church.

RECREATION

- 31. The Applicant shall construct a community clubhouse, outdoor swimming pool, two (2) tennis courts, a volleyball court, and a multi-purpose play field along with two (2) tot lots as shown on the GDP.
- 32. The Applicant shall provide and install historical marker and/or interpretative signage located adjacent to the recreational amenities and clubhouse the construction of these facilities (proffers 28, 29, and 30) shall occur upon the issuance of the 300th building permit.
- 33. The Applicant shall provide extensive trails around the pond(s), picnic tables, and three (3) gazebos/pavilions around the pond(s). The construction of these facilities shall occur with the development of the land bay C as shown on the GDP. The third (3rd) page of the GDP shall show the location of the trails and a typical cross section of the trail design.

DRAINAGE/STORMWATER MANAGEMENT

- 34. The Applicant shall use low impact development (LID) techniques to the extent practicable within the development. The exact nature and location of such techniques shall be determined during the site construction plan process.

35. Chain link fencing and/or razor/barbared wire fencing shall not be permitted within the development.
36. The Applicant shall install drainage control devices/techniques to help alleviate the flooding associated with the Beaver Pond located on Cool Water Drive. The exact nature of such devices or techniques shall be determined during the site plan process.
37. The Applicant shall provide an overall stormwater management concept plan to the County for approval prior to the issuance of any land disturbance permits for any phase of this development.

EDUCATION

38. The Applicant shall contribute the sum of \$254,000 towards a scholarship fund for Caroline County youth/adult who wishes to attend Germania Community College or any other higher educational provider within the Commonwealth of Virginia. (\$500 per lot donated to a College Education Foundation as established by the Applicant).

PUBLIC SAFETY

39. After the issuance of the 263rd building permit, and at the request of the County, the Applicant shall pay for the construction of a public safety building on property (3-acres of land adjacent to the Belmont Commercial property) which land and building shall be conveyed in fee simple, to the County, upon completion of the building. The building and associated land area required for its construction shall not exceed 3.3 million dollars. The building shall be completed by the issuance of the 363rd building permit, and will be built to County specifications to include, but not be limited to sleeping quarters, a kitchen, office space, vehicle space (garage), parking spaces, and a police precinct room/secure evidence storage area. The Applicant shall designate the architect and designs shall be presented to the County for final approval. The building shall be a minimum of 7,000 square feet with three (3) garage bays.
40. The proffer credit for the construction of the public safety building and additional 2-acres of land adjacent to the existing dedicated 1-acre tract. The credit for the additional 2-acres shall not exceed \$800,000. Any excess funds from the construction of the building and/or land purchase shall be used towards equipping the public safety building.
41. After approval of building and site plans of the public safety building, its construction shall commence within thirty-six (36) months after site plan approval of the first phase of the development.

FISCAL

42. In addition to above proffers, the applicant agrees to a cash proffer in the amount of \$6,000.00 per housing unit due at time of building permit issuance (for a total sum of \$3,036,000).
43. The cash proffer of \$6,000 per dwelling unit shall be adjusted annually on the anniversary date of the rezoning approval based on the Consumer Price Index (CPI) for the Commonwealth of Virginia as determined by the U.S. Department

of Labor Statistics as provided in Section 15.2-2303.3 of the Code of Virginia, 1950 as amended.

- 44. These proffers shall be binding upon the heirs, executors, administrators, assigns and successors in interest of the Applicant.

The Owner of record of the Property, and the Applicant, do hereby voluntarily proffer all of the conditions stated above, which conditions shall have the effect specified in Section 15.2-2298 of the Code of Virginia (1950), as amended.

[Signature] Owner/Applicant

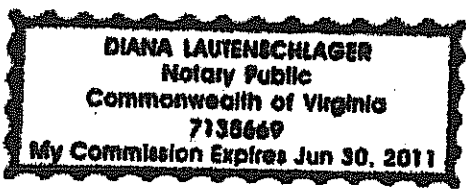
Linda Franklin Sealy ^{4 of 5} ₁₈₄ Owner/Applicant

STATE OF Virginia

~~County~~ ^{City} of Fredericksburg, to-wit:

I, Diana Lautenschlager, a Notary Public in and for the jurisdiction aforesaid, do hereby certify that L. Franklin Sealy whose name is signed to the foregoing Proffers, has acknowledged the same before me in my County and State as aforesaid.

GIVEN under my hand this 23 day of June, 2008.



Diana Lautenschlager Notary Public

My Commission Expires: June 30, 2011