

**PROFFER STATEMENT FOR THE APPLICATION OF  
MIDTOWN REDEVELOPMENT PARTNERS, LLC and TOWN OF  
BLACKSBURG**

**Dated: March 12, 2019**

Pursuant to Virginia Code § 15.2-2298 and Blacksburg Zoning Ordinance § 1160, MIDTOWN REDEVELOPMENT PARTNERS, LLC, and the TOWN OF BLACKSBURG, the owner(s) of the property (“Owner”) that is the subject of this Application (Tax Parcels #257-A 94, #257-A 94A, 257-A 217, 257-A 218, & 257-25 C) agree that the subject property will be developed in accordance with the following voluntarily proffered conditions in the event the subject property is rezoned from R-4 to DC and PRD as requested in the Rezoning Application (defined below) and in the event the Town Council for the Town of Blacksburg, VA approves the Development Agreement between the Town of Blacksburg, VA and Midtown Redevelopment Partners, LLC as submitted by Midtown Redevelopment Partners, LLC and with any changes approved by Midtown Redevelopment Partners, LLC.

1. The property shall be developed in:
  - a. Substantial conformance with the submitted rezoning package entitled “DOWNTOWN COMMERCIAL & PLANNED RESIDENTIAL DISTRICT FOR THE REDEVELOPMENT OF THE OLD BLACKSBURG MIDDLE SCHOOL PROPERTY” originally dated October 6, 2017 and last revised on February 8, 2019 (the “**Rezoning Application**”); and
  - b. Substantial conformance with the requirements labeled “Proffered Elements” included in the included in the OLD BLACKSBURG MIDDLE SCHOOL SITE PATTERN BOOK dated February 8, 2019 (the “**Pattern Book**” and collectively the “**Rezoning Package**”) and in general conformance with the guiding principles labeled “Guiding Elements” included in the Pattern Book. The Guiding Elements guide the general appearance and location of the features in the community, including public uses, and the form, scale and mass of the buildings in the community, unless otherwise requested and specifically approved pursuant to Proffered Condition 9 below. The illustrations and information contained in the Guiding Elements are conceptual in nature and may vary in detail.
2. To address the increased traffic resulting from the approved development, the Owner will construct at no cost to the town (i) a new traffic signal, including signal lights & poles, electrical signal boxes, engineering analysis and signal timing, and (ii) all associated road improvements at the intersection of South Main Street and Eheart Street, no later than the issuance of the first certificate of occupancy in the project.
3. New Church Street shall be paved, dedicated and submitted for acceptance no later than the issuance of the first certificate of occupancy for any one of the four (4) buildings adjoining New Church Street. The public roads, or sections thereof, within the Planned Residential District shall be paved, dedicated and submitted for acceptance prior to the issuance of a certificate of occupancy for any

- residential unit that would be accessed from said public street or portion thereof.
4. The property shall be developed in substantial conformance with the street grid as shown on the concept plans included in the application.
  5. The Owner shall maintain a running total of all site development items with each site plan as site plans are submitted to the Town. These items may include, but are not limited to, open space, parking spaces, number of units, and square footage of uses.
  6. No more than seventy-five percent (75%) of the total unit number in the entire project area will be multi-family units, and at least twenty-five percent (25%) of the total unit number in the entire project area will be townhomes.
  7. The Owner proffers that all PRD buildings in the Project shall be designed and constructed with consideration of environmentally responsible design principles, which shall be demonstrated by each building meeting a minimum of the "Earthcraft" green building standards shown in the attached list of design considerations in the areas of:
    - Site Planning,
    - Construction Waste Management,
    - Resource Efficiency,
    - Durability and Moisture Management,
    - Indoor Air Quality,
    - High Performance Building Envelope, and
    - Energy Efficient Systems,

sufficient to score in excess of 100 points using the Earthcraft Multifamily New Construction Equivalent Points scoring system, as set forth in the attached appendix.

Given the length of the anticipated phases of development, and the fact that new and improved green building and certification programs and standards may be developed over the 8-10 year anticipated build-out, Town staff may approve comparable green building standards which utilize a 3<sup>rd</sup> party certification process and/or scoring system. With housing affordability a consideration, it is the Owner's desire to avoid imposing additional certifications that are costly, or apply standards that may become outdated and limit options that may become available in the future with new building materials, updated design criteria and new energy saving technology.

Therefore, parcel owners may elect to:

- (i) obtain the applicable Earthcraft certification or an approved alternative for the building(s); or
  - (ii) retain a licensed architect or engineer, with demonstrated professional experience in green building methods acceptable to the Town, to provide adequate documentation to the Town to verify that the building(s), as designed and constructed, meet the Earthcraft scoring standard set forth above, or the applicable scoring criteria required for certification in an alternate program selected by the parcel owner and approved by the Town.
8. All surface parking spaces shall be screened from the public right of way of Eheart Street by way of evergreen plantings or fencing/site walls. Evergreen

plantings must be 4' in height at time of planting and be spaced a maximum of 4' apart. Any fencing or wall must be constructed at a 4' height.

9. The final location, orientation and design of all proposed Downtown Commercial buildings shall be approved by the Blacksburg Town Council through a process agreed to by the Owner and the Town, except DC Parcel #1A and DC Parcel #1B must include input from the Planning Commission.
10. The following uses shall be allowed per parcel within the Downtown Commercial District and the Planned Residential District.

DC Parcel #1A: Parking Facility.

DC Parcel #1B: Civic/Administrative Services. In the event such Civic use is not constructed, then the permitted uses shall be the same as DC Parcel #4A.

DC Parcel #2A: All uses listed in the Town of Blacksburg Zoning Ordinance Section 3141- Permitted Uses, but excluding Consumer Repair Service, Funeral Home, Pawn Shop and Tattoo Parlor; and including the following conditional uses and subject to the applicable use and design standards in the Town of Blacksburg Zoning Ordinance: General Office on the ground floor and Medical Office on the ground floor. No more than 25% of that ground floor area accessed by South Main Street shall be used for General Office and Medical Office. Any Multi-Family Dwelling use shall be located above the third floor, measured from and including the ground floor.

DC Parcel #2B: All uses listed in the Town of Blacksburg Zoning Ordinance Section 3141- Permitted Uses, but excluding Consumer Repair Service, Funeral Home, Pawn Shop and Tattoo Parlor; and including the following conditional uses and subject to the applicable use and design standards in the Town of Blacksburg Zoning Ordinance: General Office on the ground floor and Medical Office on the ground floor. No more than 25% of that ground floor area accessed by South Main Street shall be used for General Office and Medical Office. Any Multi-Family Dwelling use shall be located above the third floor, measured from and including the ground floor.

DC Parcel #3: Public Parks and Recreation Areas, and Public Recreations Assembly.

DC Parcel #4A: All uses listed in the Town of Blacksburg Zoning Ordinance Section 3141- Permitted Uses, but excluding Consumer Repair Service, Funeral Home, Pawn Shop and Tattoo Parlor; and including the following conditional uses and subject to the applicable use and design standards in the Town of Blacksburg Zoning Ordinance: General Office on the ground floor and Medical Office on the ground floor. No more than 50% of the ground floor area shall be used for General Office and Medical Office.

DC Parcel #4B: All uses listed in the Town of Blacksburg Zoning Ordinance Section 3141- Permitted Uses, but excluding Consumer Repair Service, Funeral Home, Pawn Shop and Tattoo Parlor; and including the following conditional uses and subject to the applicable use and design standards in the Town of Blacksburg Zoning Ordinance: General Office on the ground floor and Medical Office on the ground floor. No more than 50% of the ground floor area shall be used for General Office and Medical Office.

DC Parcel #4C: Parking Facility.

DC Parcel #5: All uses listed in the Town of Blacksburg Zoning Ordinance Section 3141– Permitted Uses, but excluding Consumer Repair Service, Funeral Home, Pawn Shop and Tattoo Parlor; and including the following conditional uses and subject to the applicable use and design standards in the Town of Blacksburg Zoning Ordinance: General Office on the ground floor and medical office on the Ground Floor. No more than 50% of the ground floor area shall be used for General Office and Medical Office.

DC Parcel #6: The conditional use Hotel/Motel listed in the Town of Blacksburg Zoning Ordinance Section 3141– Permitted Uses and subject to the applicable use and design standards in the Town of Blacksburg Zoning Ordinance.

PRD Parcel #1: Civic – Public Park and Recreation Area

PRD Parcel #2: Multi-Family Dwelling, Townhouse and Community  
Recreation

PRD Parcel #3: Multi-Family Dwelling and Townhouse

PRD Parcel #4: Multi-Family Dwelling and Townhouse

PRD Parcel #5: Townhouse, Two-Family Dwelling and Community Recreation

To the extent the boundary lines of one or more of the parcel designations in this proffer are adjusted as permitted in the Rezoning Application, the parcel area designated for particular uses in this proffer shall also adjust to correspond to the new boundary lines for the affected parcel. In the event one or more of the parcel designations in this proffer are combined as permitted in the Rezoning Application, the allowed uses in each of the parcels shall be combined with none of the designated uses being extinguished; provided, however, that in the DC zoned portion of the project only DC Parcel 1A may be combined only with DC Parcel 1B, DC Parcel 2A may be combined only with DC Parcel 2B and DC Parcel 4A may be combined only with DC Parcel 4B.

11. In addition to any other proffered elements set out in the Pattern Book applicable to the development of the parcel, the development of the allowed uses on the parcels in the Downtown Commercial District shall comply with the following parcel design restrictions:

DC Parcel #1A: Parking Structure or Surface Parking, see **Exhibit A**

DC Parcel #1B: Civic and Commercial, see **Exhibit A**

DC Parcel #2A: Multi-Use: Commercial, Office, Civic and Residential, see **Exhibit B**

DC Parcel #2B: Multi-Use: Commercial, Office, Civic and Residential, see **Exhibit B**

DC Parcel #3: Civic per Pattern Book

DC Parcel #4A: Multi-Use: Commercial, Office, Civic and Residential, see **Exhibit C**

DC Parcel #4B: Multi-Use: Commercial, Office, Civic and Residential, see **Exhibit D**

DC Parcel #4C: Surface Parking for Multi-Use buildings and Open Space

DC Parcel #5: Multi-Use: Commercial, Office, Civic and Residential, see **Exhibit E**

DC Parcel #6: Hotel, see **Exhibit F**

In the event of any conflict or ambiguity between the restrictions contained in Exhibits A-F and the Pattern Book, these Exhibits shall control, except for the landscaping requirements in these Exhibits which shall be met and interpreted in accordance with the landscape section of the Pattern Book.

To the extent the boundary lines of one or more of the parcel designations in this proffer are adjusted as permitted in the Rezoning Application, the parcel area designated for particular uses in this proffer shall also adjust to correspond to the new boundary lines for the affected parcel. In the event one or more of the parcel designations in this proffer are combined as permitted in the Rezoning Application, the allowed uses in each of the parcels shall be combined with none of the designated uses being extinguished; provided, however, that in the DC zoned portion of the project DC Parcel 1A may be combined only with DC Parcel 1B, DC Parcel 2A may be combined only with DC Parcel 2B and DC Parcel 4A may be combined only with DC Parcel 4B.

12. In addition to any other proffered elements set out in the Pattern Book applicable to the development of the parcel, the development of the allowed uses on the parcels in the Planned Residential District shall comply with the following parcel design restrictions:

PRD Parcel #1: Civic/Park Space per the Pattern Book

PRD Parcel #2: Multi-Family Residential. Townhomes and Community Recreation, see **Exhibit G**

PRD Parcel #3: Multi-Family Residential and Townhomes, see **Exhibit H**

PRD Parcel #4: Multi-Family Residential and Townhomes, see **Exhibit I**

PRD Parcel #5: Townhomes, Duplexes and Community Recreation, see **Exhibit J**

In the event of any conflict or ambiguity between the restrictions contained in Exhibits A-F and the Pattern Book, these Exhibits shall control, except for the landscaping requirements in these Exhibits which shall be met and interpreted in accordance with the landscape section of the Pattern Book.

To the extent the boundary lines of one or more of the parcel designations in this proffer are adjusted as permitted in the Rezoning Application, the parcel area designated for particular uses in this proffer shall also adjust to correspond to the new boundary lines for the affected parcel. In the event one or more of the parcel designations in this proffer are combined as permitted in the Rezoning Application, the allowed uses in each of the parcels shall be combined with none of the designated uses being extinguished; provided, however, that in the PRD zoned portion of the project only PRD Parcel 2, Parcel 4 and Parcel 5 may be combined.

DC Parcel and PRD Parcel references in Proffered Conditions 10, 11 and 12 refer to the parcels shown on and designated on Appendix Sheet Z3 – Zoning Plan attached to the Rezoning Application.

13. The Owner shall construct improvements within DC Parcel 3 in accordance with Proffered Condition 1(b), and as approved by the Town, no later than the

issuance of the first certificate of occupancy for either of the buildings adjoining the Plaza to be located within the project at the corner of South Main Street and Eheart Street.

14. The initial signage standard for the PR zoned portion of the project shall be the signage requirements set forth in Section 5532 of the Town of Blacksburg Zoning Ordinance. Upon the Town Council's approval of a Special Signage District for the project, this initial signage standard shall be replaced by the Special Signage District.
15. No Community Recreation use on PRD Parcel #5 shall front on Eheart Street.
16. The Owner shall grant an access easement for use of the loop drive-aisle around the Old School Commons benefiting the DC parcels to permit access to such parcels, parking around the Old School Commons and the Parking Facility on DC Parcel 1A.

The undersigned hereby warrants that all of the owners of a legal interest in the subject property have signed this proffer statement, that they have full authority to bind the property to these conditions, and that the proffers contained in this statement are not "unreasonable" as that term is defined by Virginia Code § 15.2-2303.4, and that the proffers are entered into voluntarily. In the attached **Exhibit K** the owner has explained the following:

- a) How each proffered condition addresses an impact specifically attributable to the proposed new residential development; and/or
- b) Whether there are any offsite proffers and how they benefit the project.

In the attached **Exhibit L** the ownership interest of each Owner has been provided.

**MIDTOWN REDEVELOPMENT PARTNERS, LLC**

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

Acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires:

Registration No.:

**TOWN OF BLACKSBURG**

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

Acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires:

Registration No.:

\*The Town of Blacksburg is signing this proffer statement solely to provide consent to the rezoning.

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BLACKSBURG,**

**Dated: March 12, 2019**

**EXHIBIT K**

Proffer #1: The rezoning document package and Pattern Book contain the development details of the application. This proffer provides assurance to the Owner and the Town that the project will be developed in accordance with these documents.

Proffer #2: The additional density proposed with the Old Blacksburg Middle School Redevelopment rezoning request increases the trip generation in and out of the property. These additional trips create a necessity for a new traffic signal at the intersection of South Main Street and Eheart Street. In order for traffic to safely function at this intersection, the traffic signal must be installed at the time the warrant analysis indicates it is necessary as provided in the Traffic Study performed by Whitman, Requardt & Associate, LLP or as stated in the proffer; whichever occurs first.

Proffer #3: This proffer provides assurance to the Town and future tenants and residents that the road infrastructure serving their buildings will be complete prior to occupancy.

Proffer #4: The street grid is a defining part of the site layout to provide adequate vehicular ingress/egress for the site and to accommodate the pedestrian and bicycle facilities proposed.

Proffer #5: This proffer provides assurance to the Town that the individual site plans required for final development will meet the intent and the proffered conditions of the rezoning application and accompanying documentation.

Proffer #6: One of the development goals of this project is to provide a mix of residential building types in the Planned Residential District to encourage differing residential tenants. This proffer provides assurance to the Town that the residential portion of the project will not be developed as one singular residential use type.

Proffer #7: This proffer provides verification that certain environmentally sustainable building features are constructed within the buildings proposed in the project.

Proffer #8: This proffer provides screening of parking lots from public right of ways. This will allow for a visual break in the landscape and limit the visual impact of parking lots.

Proffer #9: This proffer provides certain specific approval criteria for the development of the DC zoned properties and Town Public Safety Building and parking facility.

Proffer #10: This proffer provides the use types allowed per parcel within the Downtown Commercial and the Planned Residential District. It also provides assurance to the adjacent neighborhoods in regard to the unit types proposed along Eheart Street and Clay Street.

Proffer #11: This proffer provides certain specific development criteria and restrictions, per parcel, within the Downtown Commercial District. This proffer provides assurance to the Town that the design criteria for each parcel, as described in the Pattern Book, will be met.

Proffer #12: This proffer provides certain specific development criteria and restrictions, per parcel, within the Planned Residential District. This proffer provides assurance to the Town that the design criteria for each parcel, as described in the Pattern Book, will be met.

Proffer #13: This proffer provides assurance to the Town and future tenants and residents that the public areas included in Old School Common and the Plaza will be constructed in a timely manner in relation to the construction and occupancy of adjacent buildings.

Proffer #14: This proffer provides the direction for the signage standards to be used within the Planned Residential district. It also provides the ability to allow the PRD to utilize a Special Signage District in the future.

Proffer #15: This proffer provides certain design criteria concerning the restriction of community recreational uses that would front on Eheart Street.

Proffer #16: This proffer provides assurance that access and parking along the loop road around Old School Commons will be permitted for the benefit of the DC zoned parcels.

**EXHIBIT L**

MIDTOWN REDEVELOPMENT PARTNERS, LLC – OWNERSHIP INTEREST

Jeanne H. Stosser

James K. Cowan, Jr.

TOWN OF BLACKSBURG – OWNERSHIP INTEREST

Town of Blacksburg, Virginia