

**PROFFER STATEMENT FOR THE APPLICATION OF
OLD BLACKSBURG HIGH SCHOOL PLANNED RESIDENTIAL DISTRICT REZONING
DATED: August 23, 2019**

Pursuant to Section 15.2-2298 of the Code of Virginia (1950) as amended, and Section 1160 of the Town of Blacksburg Zoning Ordinance, Town Code Appendix A, HS Development LLC., Owner, hereby voluntarily proffers that the property which is the subject of this Application will be developed in accordance with the following conditions if, and only if, the rezoning request submitted herewith is granted with only those conditions agreed to by the Owner. In the event this request is denied or approved with conditions not agreed to by the Owner, these proffers shall immediately be null and void and of no further force or effect. The Owner, its successors and assigns, voluntarily proffer for the property as follows:

1. The Owner will develop the property in substantial conformance with the Old Blacksburg High School Planned Residential District Preliminary Master Plan (the "Application") prepared by Parker Design Group, Inc. of Roanoke, Virginia & Communita Atelier LLC of Seattle, Washington, dated 23 August 2019 or as amended.
2. No purpose-built student housing design with four-bedroom, four bath parity is allowed. Four-bedroom or three-bedroom units with three and a half (3.5) or fewer baths may be constructed notwithstanding what is depicted and stated in the Application.
3. The Owner shall reserve, after construction completion of all the dwelling units within Area 2, as described in the Preliminary Master Plan, any excess stormwater nutrient removal credits generated by the stormwater management system serving the residential development on Area 2, for future developments within Area 1 as described in the Preliminary Master Plan, pursuant to § [62.1-44.15:35](#) of the Code of Virginia.
4. No more than 100 dwelling units shall be constructed within Area 2.
5. Exposed exterior walls (above finished grade) for residential dwellings shall consist of brick, stone, cultured stone, cementitious siding (e.g., Hardiplank or equivalent), engineered siding (e.g., LP Smartside or equivalent), high-grade vinyl siding (a minimum of .042" nominal thickness as evidenced by manufacturer's printed literature), shake siding or PVC in gables, or a combination of the foregoing; provided, however, a minimum of 25% masonry materials. Vinyl windows, trim and molding may be used. Alternate materials may be allowed if requested by Owner and specifically approved by the Director of Planning upon a demonstration by Owner that such materials are of equivalent quality, function or manufacturer to those specifically enumerated above.

6. Prior to or concurrent with the final approval of the initial site plan and/or subdivision for Area 2, a document setting forth covenants (the "Covenants") shall be recorded in the Clerk's Office of the Circuit Court of Montgomery County, Virginia (the "County") setting forth controls on the development and maintenance of Area 2 and establishing an owners' association (the "Association"). The Association shall establish uniform rules related to the standards for approval by the Association of improvements within Area 2, including, but not limited to, construction of any dwelling units.
7. All residential units in the Planned Residential District shall be part of the Association, which must adopt the following rules and regulations prior to the sale of any residential units and maintain them after units are sold. The provisions in this Section 7 do not apply to transfers by the developer to related and/or subsidiary entities, but shall apply after the sale of the first completed unit.
 - (1) All purchasers shall be required to represent to the seller in an affidavit, at the time of purchase that they are not acquiring the property primarily for investment purposes or as a "rental property."
 - (2) In the event that a residential unit is rented, a standard residential lease form must be used and the names of all tenants and contact information must be provided in the application and executed lease. The lease shall be filed with the Association prior to tenant occupancy.
 - (3) Leases shall be for a minimum term of twelve (12) months, and no residence may be individually leased by the bedroom.
 - (4) Leases shall provide that sub-leasing requires permission from the Owner of the unit.
 - (5) All leases must contain a clause notifying the tenants of the obligations to abide by all covenants and bylaws, as well as the occupancy limitations established by the Application.
8. The Association shall not adopt any covenants or bylaws prohibiting Owners from installing rooftop solar collection devices.

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 A** 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.

David L Hagan, Managing Member
HS Development LLC

Commonwealth of Virginia
County of _____

The foregoing instrument was acknowledged before me this ____ day of _____, _____, by _____ of _____.

_____ My commission expires: _____
Notary Public

=====

Jeanne H Stosser, Partner
HS Development LLC

Commonwealth of Virginia
County of _____

The foregoing instrument was acknowledged before me this ____ day of _____, _____, by _____ of _____.

_____ My commission expires: _____
Notary Public

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EXHIBIT A

Proffer #1: The Preliminary Master Plan and accompanying rezoning documents contain the details of the application. This proffer provides assurance to the Town that the project will be developed in accordance with these documents.

Proffer #2: Prohibiting four-bedroom, four-bath parity in units encourages long-term occupancy.

Proffer #3: Reserving stormwater nutrient removal credits will help facilitate future development of Civic uses and supporting public infrastructure within Area 1.

Proffer #4: The residential development density is limited in order to maintain that existing utility and infrastructure is adequate for the development.

Proffer #5: Providing for a diversity of materials enables the development to provide aesthetic variety and variety in price points to ensure a successful quality development.

Proffer #6: The establishment of a Homeowners Association will maintain and govern an acceptable appearance of the neighborhood and common spaces, provide means of refuse and recycling collection, and reduce homeowner maintenance.

Proffer #7: Establishing these HOA rules and regulations is intended to inhibit student occupancy.

Proffer #8: Allows for application of current Virginia Code § 67-701 in perpetuity, and provides opportunity for energy conservation.