

Proffer Statement of Glade Spring Crossing LLC: Rezoning 22-0004

Pursuant to Virginia Code § 15.2-2298 and Blacksburg Zoning Ordinance § 1160, Glade Spring Crossing LLC (managing member: Cary Hopper), the owner of the property that is the subject of this Application (Tax Parcel # 225-(A)-3, 225-(A)-4, and 224-(A)-57), will develop the property in accordance with the following voluntarily proffered conditions.

1. The property shall be developed in substantial conformance, as determined by the Zoning Administrator, with the submitted rezoning application entitled, “Glade Spring Crossing Planned Residential District and Rezoning” dated November 30, 2022 (the “Application”), last revised March 3, 2023.
2. A Property Owner’s (the “Association”), as defined by Virginia Code § 55.1-1800, shall be established by the owner that will enforce proffers, and application requirements.
3. Open Space shall be in substantial conformance with the Open Space Management Land Use Exhibit, and will include the following elements:
 - a. A minimum of 35% of the district shall be provided as open space.
 - b. Private grass trails, public sidewalk, or paved public trails will connect each street to the recreational areas as shown on the Pedestrian Circulation and Trail Exhibit.
 - c. All open space will be owned and maintained by the Association, unless otherwise stated in the development agreement, and shall contain the elements shown on the “Open Space Management Land Use Exhibit”.
 - d. The Association shall hire a person holding relevant qualifications such as a biologist, master naturalist, ecologist, natural resource manager, or person with similar credentials to annually visit, review, analyze and make recommendations for the continued maintenance of the Managed Successional areas. The Association shall implement any recommendations provided as a result of the review within the timeframe suggested by the professional. The Association will be required to establish a log that will be presented at its annual meeting and therefore on record for review by the Town if requested. The log shall include the managed successional area review recommendations, results, and shall account for the action the Association has taken toward following the recommendations. This shall commence within 1-year after conclusion of the phase 2 infrastructure approval by the Town.
4. Landscaping shall be installed throughout the development in substantial conformance with the Open Space Landscaping Exhibit and the Open Space Management Land Use Exhibit, with the following elements:
 - a. Canopy coverage: minimum of twenty (20) percent total coverage comprising the following areas and calculated as described below:
 - i. By Area (square footage): Managed Successional, Existing Woodlands Retained, and Pond Edge Shade Tree Successional area shall be calculated by the area as designated on the Open Space Management Land Use Exhibit.
 - ii. By Tree Canopy Coverage (square footage): Professionally Managed Landscape Areas, Street Trees, Recreational Areas, and Yard Landscaping as designated on the Open Space Management Land Use Exhibit.

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- b. Street trees: Trees shall be planted either within the right-of-way or on a private lot within 10' of the right-of way edge to avoid root interference with sidewalks and limbs with housing. If planted on a private lot the Association shall require the tree be replaced if removed by the homeowner within a year of notifying the owner in writing.
 - i. South area: one (1) street tree for every one hundred (100) feet of street frontage and each tree shall have a minimum mature canopy of 177 square feet at 20 years.
 - ii. North area: one (1) street tree for every eighty (80) feet of street frontage and each tree shall have a minimum mature canopy of 177 square feet at 20 years.
- c. Managed Successional
 - i. Planting ~~suitable facultative~~ trees (~~indicator status Facultative – FAC- National Wetland Plant list~~) in the riparian corridor area (as shown on the Open Space Management Land Use Exhibit) approximately one every fifty (50) feet along a 890 linear foot corridor of stream with a minimum mature tree canopy of 250 square feet at 20 years.
 - ii. Planting trees at a rate of two trees per quarter (0.25) acre with a minimum mature 20-year canopy of 177 square feet as shown in the managed successional areas on the Open Space Management and Land Use Exhibit. The exact area will be provided and specific number of trees calculated during the preliminary plat stage of development.
- d. Pond edge shade trees in the Successional area will be planted at a rate of 1 shade tree per fifty (50) linear feet with a minimum 20-year tree canopy of 250 square feet at 20 years.
- e. Yard Landscaping:
 - i. South Area: A minimum of one (1) tree, either in the front yard, side yard, or rear yard, to include street trees, shall be planted on each lot. If in the front yard, the tree shall be placed within 10' of the right-of-way edge but no closer than 5' from the sidewalk. Plantings for the community include trees with a 100 square foot minimum mature canopy coverage at 20 years. Lots shall also contain a minimum of two (2) shrubs or trees.
 - ii. North Area: A minimum of one (1) tree, including street trees shall be planted in the front yard within 10' of the right-of-way edge. Plantings include trees with a 100 square foot minimum mature canopy coverage at 20 years. ~~The grass strip is the location for utilities.~~ Lots shall also contain a minimum of four (4) shrubs or trees.
- f. Timing:
 - i. A minimum of 25% of the total canopy coverage required shall be achieved by calculating existing woodlands retained and actual new plantings within 3 years after the first certificate of occupancy in Phase 1.
 - ii. A minimum of 35% of the total canopy required shall be achieved within 3 years after the first certificate of occupancy in phase 2. The calculation includes all existing trees and actual new plantings including those in managed successional areas and existing forested areas for both phases.
 - iii. Managed Successional areas shall be planted and begun management by the Association within 1-year after the conclusion of phase 2 infrastructure approval by the Town.
- g. All trees planted at Glade Spring Crossing shall conform to Zoning Ordinance § 5429 Tree Species or as approved by the Zoning Administrator.

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5. Recreational Amenities shall be installed by the owner as identified on the Open Space Management Land Use Map Exhibit:
 - a. Active:
 - i. A primary playground with play equipment will be installed within the community on either Recreational Area B or C in phase 2.
 - ii. A secondary playground with play equipment will be installed in the Recreational Area labeled A in phase 2.
 - b. Passive: A community gathering area along Street A will be installed in phase 1. This area will contain an amenity such as benches, hardscape, or gazebo to promote community.
6. The owner shall construct trails in substantial conformance with the Glade Spring Crossing Pedestrian Circulation and Trail Exhibit as follows:
 - a. 10' wide paved multiuse trail connecting to the existing trail at the Village at Tom's Creek, Parcel ID 035966, and to the existing trail on this property adjacent to development Parcel ID 006038.
 - b. 10' wide paved multiuse trail internal to the development in the open space along the creek area connecting from Street A west to the adjoining Parcel ID 012579.
 - c. 10' wide paved multiuse trail along the west connecting Shadow Lake Road to Street B.
 - d. 10' wide paved multiuse trail connecting Street E to the "North/South Connector Trail"
 - e. Additional open space connection will be provided by grass trails from Street B, C, and to A for alternate connections to the open space and recreational areas. Signage will be installed at the entrance to these trails notifying residents of their existence.
7. Construction vehicles shall only be permitted to enter and exit the site on Glade Road for all phases of the development. The owner shall install barricades at the entrance on Village Way South during Phase 1 of construction until Street A is opened and accepted by the Town. Once the road is opened, the owner shall prohibit construction traffic to use Village Way South through contractual obligations with vendors/contractors and written notice shall be posted.
8. The owner shall construct the following 24 units (Hereinafter referred to as the "affordable units"):
 - a. Ten (10) units will be sold to households with incomes no more than 80% of the Area Median Income (AMI) in the first phase of the development in the South area. A minimum of five (5) units shall be single-family detached.
 - b. Ten (10) units that will be sold to households with incomes no more than 100% of the Area Median Income (AMI). These may be built during any phase and shall be mixed throughout the development within the South area. Streets A, B, C, and D shall include a minimum of two (2) each of these type units on each Street. A minimum of five (5) units shall be single family detached.
 - c. Four (4) units that will be sold to households with incomes no more than 120% of the Area Median Income (AMI). These may be built during any phase and shall be mixed throughout the development within the South area. Streets A, B, C, and D shall include one of these type units on each street. A minimum of two (2) units shall be single family detached. ~~These shall be constructed to achieve a maximum HERs rating of 55, encouraging energy efficiency.~~
 - d. All 24 affordable units will meet minimum energy standards as outlined in the Affordable Housing Development Fund Request for Proposal (1142-22) issued by the Town of

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Blacksburg on October 24, 2022. If choosing not to pursue EarthCraft certification, these homes will undergo a plan review by the New River Home Trust and must meet a third-party tested HERS rating of 55 or better.

~~d.e.~~ These 24 affordable units will be sold directly to income eligible buyers. Upon sale, the lots will be transferred to the New River Home Trust to ensure their permanent affordability.

~~e.f.~~ The final sales price of all 24 affordable units will be determined at the time of market readiness and based on the formula outlined in the Affordable Housing Development Agreement using updated income limits published by HUD annually, and interest rates and fees as agreed upon by the New River Home Trust 60 days prior to the Certificate of Occupancy.

~~f.g.~~ The ten (10) homes affordable to households earning up to 80% AMI will be completed and sold in accordance with the Town's American Rescue Plan Act deadline. The remaining fourteen (14) homes affordable to households earning between 80% -120% AMI will be completed at the following minimum rate: for every thirty-two (32) certificates of occupancy issued by the Town, at least four (4) shall be affordable units.

~~g.~~ If units are not sold to a qualified buyer within 90 days of C.O. and settled within 150 days of the C.O. the builder may sell the home on the open market to a non-qualified buyer. If this occurs the value of the lot of a minimum of \$75,000 will be added to the sales price and when the home settles the \$75,000 shall go to the land trust. This would qualify as meeting the requirement of one of the affordable units.

9. South area mixed-income housing requirements:

- a. Single-family detached units shall comprise a minimum of 20% of the units on each of Streets A, B, C, and D
- b. Individual Two-family attached units shall comprise a minimum of 20% of the units on each of Streets A, B, C, and D
- c. Individual Townhouse units shall comprise a minimum of 20% of the units on each of Streets B, and C.
- d. At the issuance of the initial Certificate of Occupancy for any new dwelling, the maximum permitted gross floor area shall be:
 - i. 1,500 square feet if the dwelling is constructed without a finished basement, or
 - ii. 2,250 square feet if the dwelling is constructed with a finished basement.

10. North area housing requirements:

- a. North area shall contain only single-family detached units comprising 100% of the units on Streets A and E.

11. Two phases for the project described as follows:

- a. Phase one is generally shown on the Development Phasing Exhibit to include Street A and lots currently shown as 48-65, 66-68, 100-109, 132-149, 150-155, with frontage and necessary supporting infrastructure. Included in the first phase is the sewer pump station, force main, and gravity mains supporting lots; water systems to support the lots, and waterline replacement; all three stormwater management facilities and storm systems required for Street A; trail along the creek from Street A to the western property Parcel ID 012579 and portions of the trail paralleling Street A shown on the map in phase 1. The passive recreational area will be installed in phase 1.

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- b. Phase two is generally described as the remainder of development lots including the cul-de-sac streets and remaining infrastructure. This includes sewer mains, water mains, storm drain and ditches, road infrastructure to serve the remaining lots; multi-use and grass trails shown on the plan in the phase 2 area. One active recreational area will be completed prior to the first CO in phase 2. The second active recreational area will be completed within one year after the first CO in phase 2.
12. The Glade Spring Crossing Covenants and Restrictions shall govern rental of the dwellings. Rental to a single family shall be allowed for a limited periods only. The Covenants shall not permit any homeowner to sublease the home, except as described in the provisions below:
- a. The term of a conventional lease shall not be less than twelve (12) months or more than twenty-four (24) months. Property may be rented no more than twenty-four (24) months in any consecutive six (6) year period.
 - b. Short-term leases of one (1) week or less are limited to four (4) per calendar year, and shall not coincide with conventional leases, shall prohibit subleasing, and is subject to the regulations in the Town of Blacksburg homestay program.
 - c. The Association shall
 - i. reserve the right to remove the privilege of home rentals and
 - ii. take measures to enforce these leasing provisions.
13. The owner shall re-calculate the 100-year floodplain elevations to include trail and pump station grading prior to the preliminary plat approval. Owner understands that under Zoning Ordinance §3247 (f), Flood Hazard Overlay, no-rise is permitted in post-developed 100-year elevations as compared to pre-development elevations. If that is unachievable through other grading solutions, the owner agrees to relocate the pump station and trail outside of the 100-year floodplain to meet the Town standard.
14. The owner shall install 15 mph signage on all streets inside the Glade Spring Crossing development.

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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, 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.

Should any provision of this proffer statement be determined to be invalid by a court of competent jurisdiction, that determination shall not affect the validity of the remainder of the provisions in this document.

Glade Spring Crossing, LLC

By: _____ Date: _____

Cary W. Hopper
Managing Member

State of Montana

County of Flathead

Acknowledged before me this _____ day of _____, 2023

Notary Public

My commission expires:

Registration No.: