

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 the owner (“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 May 5, 2023.
2. A Property Owner’s Association (the “Association”), as defined by Virginia Code § 55.1-1800, or any successor statute, 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, and paved public trails will be constructed 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 log the recommendations, suggested timeframe, and actions taken by the Association to implement the recommendations. The log shall be presented at its annual meeting and therefore on record for review by the Town if requested.

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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 of the total parcel area shall contain canopy coverage, and shall be calculated as described below:
 - i. By Overall Area (square footage): Managed Successional, Existing Woodlands Retained, and Pond Edge Shade Tree Successional areas as designated on the Open Space Management Land Use Exhibit. Within these areas, canopy shall be calculated by estimating the square footage contained within the dripline of groups of vegetation such as trees and shrubs, as well as the approximate square footage of managed areas that are not to be regularly mowed or bush-hogged.
 - ii. By Tree Canopy Coverage Per Tree (square footage): Professionally Managed Landscape Areas, Street Trees, Recreational Areas, and Yard Landscaping as designated on the Open Space Management Land Use Exhibit. Canopy coverage in these areas shall be calculated per tree based on the particular species' mature canopy coverage.
 - b. Street trees: Street trees shall be planted in the right-of-way or on a private lot within 10' of the right-of-way edge. The Association shall require the tree to be replaced by the homeowner if removed by the homeowner within a year of notifying the owner in writing when the street tree is located on private property.
 - i. South area: one (1) street tree for every one hundred (100) feet of street frontage. 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. Each tree shall have a minimum mature canopy of 177 square feet at 20 years.
 - c. Managed Successional
 - i. Planting suitable trees (indicator status Facultative – FAC- National Wetland Plant list) in the Riparian Corridor area (as shown on the Open Space Management Land Use Exhibit) at a rate of approximately one (1) tree every fifty (50) linear feet along an 890 linear foot corridor of stream with a minimum mature tree canopy of 250 square feet at 20 years.

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- 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 a specific number of trees will be calculated and included on the preliminary plat for the development.
- d. Pond Edge Shade Trees in the Successional area will be planted at a rate of one (1) shade tree per fifty (50) linear feet with a minimum 20-year tree canopy of 250 square feet at 20 years.
 - i. Pond Edge Shade Trees shall not be planted on any pond embankment or in any areas of fill.
- e. Yard Landscaping:
 - i. South Area: A minimum of one (1) tree (to include street trees), either in the front yard, side yard, or rear yard, shall be planted on each lot. Trees in the front yard shall be placed within 10' of the right-of-way edge but no closer than 5' from the sidewalk. Trees shall have a 100 square foot minimum mature canopy coverage at 20 years. In addition to the above requirements, each lot shall contain a minimum of two (2) shrubs, or one (1) additional tree. The combination and species is at the builders' discretion.
 - ii. North Area: A minimum of one (1) tree, (to include street trees), shall be planted in the front yard within 10' of the right-of-way edge. Trees shall have a 100 square foot minimum mature canopy coverage at 20 years. In addition to the above requirements, lots shall contain a minimum of four (4) shrubs and/or trees. The combination and species is at the builders' discretion.
- f. Timing:
 - i. A minimum of 25% of the total canopy coverage required (approximately 95,000 square feet) shall be achieved within 3 years after the first certificate of occupancy in Phase 1 by calculating Existing Woodlands Retained, all new plantings, and established Managed Successional areas.
 - ii. A minimum of 35% of the total canopy required (approximately 134,000 square feet) shall be achieved within 3 years after the first certificate of occupancy in Phase 2. The calculation includes all existing trees planted in Phase 1, all new

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plantings including those in Managed Successional areas, Existing Woodlands Retained, and established Managed Successional areas.

iii. The Developer shall hire a person holding relevant qualifications such as a biologist, master naturalist, ecologist, natural resource manager, or person with similar credentials to do a site visit and evaluate the start-up action items for the undisturbed Managed Successional areas of the project within 6 months of receipt of a land disturbance permit on Phase 1 construction from the Town. The Developer will be responsible for carrying out the action items within the first year of development to allow the Managed Successional areas to begin transformation. The site visit evaluation by the qualified individual will occur annually, and the Developer will be required to implement any recommendations provided within the timeframe suggested by the professional until such time as the Association is established and assumes responsibility for maintenance. The Developer shall keep a record of the evaluation, recommendations, and actions taken and provide it to the Town for the Managed Successional areas.

iv. Areas of land disturbance that are to become Managed Successional areas shall be accepted by and maintained by the Association within one year after acceptance of the Phase 2 infrastructure 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.

5. The owner shall install Recreational Amenities as identified on the Open Space Management Land Use Exhibit as follows:

a. Active:

i. A primary playground with play equipment will be installed in 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 a gazebo.

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6. The owner shall construct trails in substantial conformance with the 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 connections will be provided by grass trails from Streets B, C, and 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 location.

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 new emergency entrance on Village Way South during Phase 1 of construction until Street A and the emergency access is accepted by the Town. Construction traffic shall be prohibited from using the emergency access road 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.
 - b. Ten (10) units 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 South Area.
 - c. Four (4) units 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 South Area.
 - d. All 24 Affordable Units will be single-family detached.

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- e. 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 Blacksburg on October 24, 2022. If the homes are not EarthCraft certified, these homes will undergo a plan review by the designated Land Trust and must meet a third-party tested HERS rating of 55 or better.
 - f. The 24 Affordable Units will be sold directly to income eligible buyers. Upon sale, the lots will be transferred to the designated Land Trust to ensure their permanent affordability.
 - g. 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 designated Land Trust 60 days prior to the Certificate of Occupancy.
 - h. 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 as specified in the Development Agreement.
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 no more than 28 total units.
 - d. At the issuance of the initial Certificate of Occupancy for any new dwelling, the maximum permitted gross floor area shall be 2250 square feet.
 - e. All units must meet a third-party tested HERS rating of 65 or better, except those that are governed by the Affordable Unit energy requirements.

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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.
- b. All units shall be built with solar readiness components including roof hooks and chase runs. Conditioned crawlspaces (except for basements) and minimum 16 SEER HVAC systems will be utilized.

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 51-65, 66-68, 100-109, 131-149, 150-155, and all necessary supporting infrastructure. Included in the first phase are the sanitary 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.
- b. Phase two is generally described as the remainder of development lots including the cul-de-sac streets and remaining infrastructure. This includes remaining sewer mains, water mains, storm drains and ditches, road infrastructure to serve the remaining lots; multi-use trails 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 the rental of the dwellings. Rental to a single family shall be allowed for limited periods only. The Covenants shall not permit any homeowner to lease 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

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Short Term Rental regulations in the Town of Blacksburg homestay program, or other successor Town ordinances governing short term rentals.

- c. The Association shall, to the extent permitted by law,
 - 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: Cary W. Hopper managing memb Date: 5-5-23
Cary W. Hopper
Managing Member

State of Virginia

County of Montgomery

Acknowledged before me this 5 day of May, 2023
Justin Allen Wood
Notary Public

My commission expires: 7/31/2025
Registration No.: 7963851



