

PROFFER STATEMENT
November 15, 2023
(Coastal Square & Residences)

Name and address of applicant:

Coastal Square & Residences
10044 Old Ocean City Blvd.
Berlin, Maryland 21811

Name and address of owner(s):

Coastal Square & Residences, LLC
10044 Old Ocean City Blvd.
Berlin, Maryland 21811

Description of land: 99.5+/- acres identified by tax map number 85-A-51, 93-A-87, 89, 90.

Description of proposed rezoning: The subject properties are currently zoned "General Business" with the exception of Parcel 89 that is zoned Agricultural District. The proposed rezoning would designate 95+/- acres to "VD" Village Development Area, subject to the conditions set forth herein. A lot line adjustment of Tax Map 85-A-51 shall establish a +/-4.5 acre parcel that shall remain zoned General Business for the purpose of accommodating the proposed self-storage use.

Date of application: 11/15/2023

The above named owner(s), individually or by duly authorized agent, hereby proffer, as a part and provision of the above referenced rezoning, that the use and development of this property shall be in accordance with the following conditions, which shall constitute covenants running with said property, and which shall be binding upon the property and upon all parties and persons claiming under or through the applicant, the owners, their heirs, personal representatives, assigns, grantees and other successor in interest or title:

A. **Land Use Plan.** The property will be developed substantially in accordance with the road layout depicted on Concept Plan.

Phase 1 of the development (as depicted on Exhibit A2) shall not exceed improvements illustrated within Phases 1-4 and 5,6 & 12. The development of the remainder of the Property shall be phased and developed based upon market demand. Village Development District regulations as set forth in the Accomack County Code shall apply except as expressly modified herein.

Subject to special and/or conditional use permits and other conditions as set forth in the Accomack County Zoning Ordinance, Uses permitted in the Village Development District shall be:

1. Single family dwellings;
2. Dwellings, two family;
3. Community-operated playgrounds, parks and similar community recreational facilities;
4. Public Utilities: poles, lines, distribution transformers, pipes, meters and other facilities necessary for the provision and maintenance of public utilities;
5. Home occupations conducted by occupant;
6. Accessory uses;
7. Apartment houses, (including condominiums and townhouses);
8. Public water and sewer facilities;
9. Central water and sewer facilities;

B. **Road improvements.** The Applicant shall be responsible for all public road improvements required by the Virginia Department of Transportation as part of the improvements to the Property at such time as required by the Virginia Department of Transportation.

C. **Community Recreation Areas.** Not later than the issuance of a Certificate of Occupancy for the 100th dwelling unit constructed on the Property, the Applicant shall complete construction of a covered recreational center with restrooms and a children's playground, which will include, at a minimum, one pre-fabricated children's playground equipment set.

D. **Wastewater.** Wastewater service and treatment will be provided to the project by a HRSD in accordance with Titles 13.1 and 56 of the Virginia Code.

E. **Water.** Water will be provided to the project by the Town of Onancock.

F. **Community Associations.** The Applicant shall create one or more Property Owners' Association(s) and/or Condominium Associations with the power to enforce the Architectural and Community Design Standards and assess property owners for maintenance, repair, replace and manage common areas and/or common facilities within the community. The Property Owners' Association documents shall be submitted as part of the first record plat subdivision application, shall be subject to county approval, and shall provide for adequate initial funding and assessments to fund the maintenance of common property and improvements. The Property Owners' Association documents shall provide for maintenance of all commonly owned public property, including street trees, other community landscaping such as in village greens and parks, private streets, stormwater management systems, and any other community-owned facilities. In addition, all roads, streets and alleys on the Property shall be maintained by the Property Owners' Association, in a manner approved by the county, unless accepted for maintenance by the Virginia Department of Transportation.

G. **Subdivision and Site Plan.** The Applicant will comply with all conditions imposed by the Accomack County Ordinances applicable to subdivision and site plan submission and review. Subdivision plats will include specific requirements for phasing of infrastructure and roadways.

H. **Roads.** All new public roads and streets on the Property, including entrances to private roads, alleys, and driveways, shall conform to VDOT standards for acceptance into the VDOT public road system. Prior to constructing any private roads, the Applicant shall submit a plan for short term and long term maintenance of the private road or roads to the County Planning Director ("Road Maintenance Plan").

1. All roads shall be interconnected in a loosely formed grid pattern.
2. The Planning Director may, at its discretion, seek the advice of a professional registered civil engineer or other qualified expert to review the Road Maintenance Plan. The Road Maintenance Plan shall detail the projected maintenance required and clearly identify the funding necessary to complete the required maintenance. The Road Maintenance Plan shall identify the source of funding, how the funding will be secured, and how the funding will be sustained and guaranteed for the useful life of the private road.
3. The Road Maintenance Plan shall clearly indicate that the roads proposed are private and that no County or State funding is necessary to construct and maintain the private roads.
4. Private road maintenance shall occur in accord with the Road Maintenance Plan. In the event that maintenance does not occur or is not adequately performed, the County may withhold building permits, occupancy permits, and other land use approvals.

5. Private roads shall be constructed to standards adequate to support the type and number of vehicles that they are intended to serve. Private roads shall be designed and constructed with materials that provide minimal maintenance for the first 10 years after construction. The County may, at its discretion, seek the advice of a professional registered civil engineer or other qualified expert to review the construction standards, observe construction activities and review inspection reports.
6. Private roads shall be reviewed by the County's Department of Public Safety to ensure that road widths, turning radius, and turn around areas can support emergency service vehicles and personnel.
7. Private roads development plans shall be designed and sealed by a registered civil engineer.
8. Private roads shall comply with all other applicable County and State requirements.

I. Workforce Housing: The Applicant shall commit to providing twenty percent of the apartment housing to be workforce housing as defined by Virginia Housing for Accomack County. This housing refers to middle income households who do not qualify for most federally subsidized housing assistance. The Urban Land Institute defines this as 60% to 120% of the median income.

The applicant and owner(s), for themselves, their heirs, personal representatives, assigns, grantees and other successor in interest or title, voluntarily and without any requirement by or exaction from the County of Accomack or its governing body, proffers these conditions, acknowledging that the proposed rezoning itself gives rise to the need for the conditions, that such conditions have a reasonably relation to the rezoning, and that all such conditions are in conformity with the County's Comprehensive Plan. The applicants and owners further acknowledge that the County is in no way obligated to rezone the subject property; that in the event the property is rezoned, the conditions proffered shall continue in full force and effect unless or until they are modified by subsequent amendment to the zoning ordinance; and that the applicants and owners, their heirs, personal representatives, assigns, grantees and other successor in interest or title, shall not be released from the responsibility of fulfilling each of the enumerated conditions by virtue of any variance or other change in or to the zoning ordinance.

This proffer supersedes any and all previously submitted proffers.

WITNESS the following Signature(s).

OWNER:

Coastal Square & Residences, LLC

By:

STATE OF _____:

CITY OF _____:

The foregoing instrument was acknowledged before me this ____ day of _____
20____, by _____, _____ of Coastal
Square & Residences, LLC, a Virginia limited liability company on behalf of the
company.

Notary Public

My Commission Expires: _____

My Commission Number: _____