

**Exhibit A:**

The Proffers are as follows:

1. The Property shall be developed in general conformance with the Plan (prepared by Porterfield Design Center, dated January 10, 2008) and the Application for Planned Unit Development submitted with this case, however, the vacant parcels designated as "Outparcel Site" and "Office/Retail Site", zoned Planned Unit Development (PUD) shall be developed for residential use in general conformance with the Conceptual Plan prepared by David Taylor dated September 29, 2022, dated January 20, 2022, to allow for the construction of up to 120 multi-family units/60 single-family detached rental houses on the three parcels. The exact boundaries and acreage of each land use designation may be shifted to a reasonable degree at the time of site plan for each development area/use in order to accommodate engineering or reasonable design considerations. These conditions apply to the Applicant or its successors or assigns.
- ~~2. The "OutParcel Site" and "Office/Retail Site" on the Plan (prepared by Porterfield Design Center, dated January 10, 2008) shall be developed in a manner consistent with the "B-2", General Commercial District Regulations of the Zoning ordinance of the City of Petersburg with all permitted uses allowed by the Ordinance, except the following and similar such uses shall not be permitted: used vehicles sales, vehicle rebuilding or vehicle body shops or vehicle repairing facilities, used tire sales, towing lots, salvage dealers or vehicle service operations which employ any form of outside storage of inoperative motor vehicles shall not be permitted as uses within this area, new automobile sales; adult entertainment uses of any kind, nightclubs, tattoo parlor. This land area shall not exceed 4.0 acres.~~
- ~~3. The life style (multi-family) land use designation on the Plan (prepared by Porterfield Design Center, dated January 10, 2008) shall be developed in accordance with the conceptual plan submitted for Harrison Creek Apartments and shall consist of not more than 336 multi-family units, with the unit mix set out in the Application, on a parcel of land within the PUD (Multi-family Land Use Designation) not to exceed an area of 29.0+/-acres. Accessory Uses such as garage parking, clubhouse/community center/pool and other recreational amenities are uses allowed within this land area. The net density of multi-family uses in this land area shall not exceed a gross density of 12.85 dwellings per acre. There shall be no other residential uses on any land use designations within the PUD.~~
- ~~2.~~
- ~~5. The land area designated as "Office Site", as shown on the Plan (prepared by Porterfield Design Center, dated January 10, 2008) shall not exceed 1.60+/- acres nor shall the structures developed for office use exceed 12,000 square in area. Parking spaces shall be provided at a ratio of one space for every 200 square feet of floor area.~~
- ~~6. The Applicant shall execute a "Declaration of Covenants and Restrictions" (Declaration), approved in advance by the City Attorney as consistent with the Ordinance adopted approving this zoning case, and so by create the Harrison Creek Association (HCA). The HCA shall enforce the standards for development, consistent with the zoning conditions, and assure the quality of development, architectural compatibility, environmental protection and other elements of development control. The Declaration shall be recorded among the land records of the City of~~

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~~Petersburg prior to the conveyance of any properties by the Applicant to third parties and as soon as practicable upon approval of the zoning case.~~

~~The HCA shall be funded by all owners of property within the Harrison Creek development by payment of dues to the HCA based upon the owner's pro-rata share of the total land area, excluding the wetlands areas. The HCA shall appoint a Board of Architectural Review (BAR) which shall, prior to site plan approval by the City, review and approve all site plans, architectural designs, building heights, signage, landscaping, parking fields, lighting, pedestrian circulation plans, stormwater management facilities and such other submissions as are necessary to ensure that development within Harrison Creek achieves the high standards established by the Conceptual Site Plan, the Declarations, and the zoning conditions.~~

~~7.3.~~ The Applicant shall provide when applicable, its proportionate costs, dedications of rights or way, and/or construction of roadway segments as set forth in the Conceptual Site Plan and as determined by updated TIA (Traffic Impact Analysis) submitted at the time of site plan review and subject to approval by the City. Prior to approval by the City of any site plan for development within Harrison Creek, an updated TIA shall be performed and the report submitted to the City as part of the site plan submission. The Applicant shall install suitable traffic management and control measures, as determined ~~by the City in the TIA~~, at the intersection of the "80' Right-of-Way and County Drive", and at the intersection of the "Secondary Access to Apartments" as a condition precedent of approval of a site plan for any development within the subject PUD.

~~8.4.~~ Landscaping shall be in general conformance with the Plan prepared by Porterfield Design Center, dated January 10, 2008, and in general conformance with the Conceptual Plan prepared by David Taylor Dated September 29, 2022, subject to approval and/or modification by the Department of Planning and Department of Public Works at the time of any site plan submission.

~~9.5.~~ Parking fields shall be in general conformance with the "Article 19 of the Zoning Ordinance of the City of Petersburg" subject to approval and/or modification by the Zoning Administrator. ~~Applicant acknowledges this proffered condition.~~

~~4.6.~~ Signage shall be in general conformance with the purposes of Article 21 (Sign Regulations) of the Zoning Ordinance of the City of Petersburg ~~and consistent with the unified system of signage set forth in the PBFL, LLC Zoning Request dated 08/06/07 prepared by Future Law, L.L.C.~~ All signs shall require a sign permit issued under the provisions of Article 21 of the Zoning Ordinance of the City of Petersburg.

~~5.7.~~ The pedestrian circulation system shall be in general conformance with the zoning request and the Conceptual Plan prepared by David Taylor dated September 29, 2022, ~~the provisions for Recreation Amenities and Natural Area set forth in the PBFL, LLC Zoning request dated 08/06/07 prepared by Future Law, L.L.C. and as illustrated in the Plan prepared by Porterfield Design Center, dated January 10, 2008.~~

~~8.~~ ~~All uses shall be connected to public water and sewer as part of the development of the Property. The Applicant shall be responsible for the design and construction of all onsite and off-~~

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site water and sewer lines necessary to provide service to the particular land use being developed, in accordance with the applicable requirements of the City and the Commonwealth of Virginia. All lines shall be sized to serve the drainage shed in which they are located in accordance with the applicable requirements of City of Petersburg. The Applicants shall be responsible for provision of a pro-rata share of the costs of offsite improvements to the sanitary sewer capacity and conveyance system for the Poor Creek Sanitary Sewer Basin. The actual costs to be determined in consultation with the Department of Public Works at or before the time of Site Plan submission for the development as a whole or any individual or separate developments within the PUD. All uses shall be connected to public water and sewer as part of the development of the Property. The Applicant shall be responsible for the design and construction of all on-site water and sewer lines necessary to provide service to the particular land use being developed, in accordance with applicable requirement of the City and the Commonwealth of Virginia. All lines shall be sized and designed by an engineer and certified by an engineer for site plan submission. The Applicant shall be responsible for the prorated share of off-site improvements to the sanitary sewer conveyance system for the Poor Creek Sanitary Sewer Basin. The prorated share for sanitary sewer conveyance is \$3,902.80 per dwelling unit. Such prorated share shall be in addition to any connection fees enumerated in the City Code at such time said fees are due and shall be paid by the Applicant prior to the issuance of a Certificate of Occupancy on a per unit basis. If any prorated share contribution is not paid by the end December 31, 2022, the prorated share amount shall be escalated according to the ENR Construction Cost Index. Prorated share escalation shall be indexed to June 2022, or the most recent available index period which predates June 2022. The Developer may pre-pay pro-rata shares at any time, on a per unit basis.

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- 11.9. Stormwater management facilities shall be owned and maintained by the Developer. The stormwater management ponds shall be constructed by the Developer as determined to be necessary and appropriate by the City, based on a Stormwater Management Plan consistent with the laws of the Commonwealth of Virginia and the requirement of the City of Petersburg. Such plans shall be required at the time of site plan submission. Stormwater management ponds shall primarily be wet ponds and shall be designed so as to enhance the areas in which the ponds are located. The design and location of the various ponds shall be approved by the City of Petersburg at the time of Site Plan submission.
- 12.10. The Applicant shall grant utility easements or such other easements as are necessary and appropriate for the development of Harrison Creek. The party requesting an easement shall provide a copy of the proposed easement document for review and approval in advance, such easement shall be of a minimum width necessary and shall be located in such a way that it does not reasonably interfere with the productive use of the grantor's property, and the grantee of the easement shall indemnify the grantor for any and all damages that may result of the installation and/or maintenance of such easement.
- 13.11. The developer shall, prior to the issuance of any building permit to commence construction of any building on the Property, record a restrictive covenant running with the land that provides that the subject property will not be used or operated in whole or in part as affordable rental housing described in the provisions of (i) 26 U.S.C. § 42, 26 U.S.C. § 142(d), 24 CFR § 983, 24 CFR § 236, 24 CFR § 241(f), 24 CFR § 221(d)(3), or any successors thereto; (ii) applicable state law, or (iii) similar local ordinance adopted by the locality wherein such real property is located."

~~12.~~ There shall be an appropriate buffering plan, which shall include keeping as many of the existing larger trees along the boundary lines as possible, determined as part of the site plan review, to provide a natural vegetative buffer between that portion of the Property developed as multi-family and the existing ~~single-family~~ single-family residences along the western boundary line (N 0009'11"), 2073.27 in length (the "Western Boundary Line"). Further, there shall be no building within 20 feet of the Western Property Line.

~~6.~~ ~~Further, there shall be no building within 30 feet of the Western Property Line.~~

~~14.~~~~13.~~ There shall be a decorative fence surrounding the Property, the final location and design of which will be determined as part of the site plan review, however, the fence shall be at least 6 feet in height, surround the entire portion of the Property developed as Multifamily, and shall be designated to create a "gated residential community." The location of the fence shall be designed to keep many of the existing larger trees along the boundary line as possible.

~~15.~~~~14.~~ All utilities shall be underground.

~~16.~~~~15.~~ Except for timbering approved by the Virginia Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the City and the approved devices installed.