

Prepared By: Vernon M. Geddy, III, Esquire (VSB#21902)  
(Attorney licensed to practice law in Virginia)  
Geddy, Harris, Franck & Hickman  
1177 Jamestown Road  
Williamsburg, VA 23185

Tax Parcels: 4130100001,  
4130100001A and  
4130100001B

Return To: County Attorney  
101-D Mounts Bay Road  
Williamsburg, Virginia 23185

### PROFFERS

THESE PROFFERS are made as of this 21st day of March, 2025, by FORT MAGRUDER HOSPITALITY LLC, a Virginia limited liability company (collectively, together with its successors and assigns, the "Owner"), and CONSERVE POCOHONTAS LLC, a Virginia limited liability company (the "Applicant"), each to be indexed as grantor, and JAMES CITY COUNTY, VIRGINIA, a political subdivision of the Commonwealth of Virginia (the "County), to be indexed as Grantee.

### RECITALS

A. Owner is the owner of certain real property (the " Property") in James City County, Virginia, located at 6945, 6927 and 6951 Pocohontas Trail, being James City Tax Parcels 4130100001, 4130100001A and 4130100001B, and being more particularly described on Exhibit A attached hereto and made a part hereof. The Applicant is the contract purchaser of the Property and upon the closing of the purchase of the Property shall be the Owner.

B. Applicant, with the consent of the Owner, has applied for a rezoning of the Property now zoned B-1 to MU, with proffers.

C. Owner desires to offer to the County certain conditions on the development of the Property not generally applicable to land zoned MU for the protection and enhancement of the community and to provide for the high-quality and orderly development of the Property.

NOW, THEREFORE, for and in consideration of the approval of the requested rezoning,

and pursuant to Section 15.2-2303 of the Code of Virginia, 1950, as amended, and the County Zoning Ordinance, Developer agrees that it shall meet and comply with the following conditions in developing the Property. If the requested rezoning is not granted by the County, these Proffers shall be null and void.

1. Rental Units. All residential units on the Property shall be offered only for rent and not for sale.

2. Housing Opportunities. At least sixteen percent (16%) of the dwelling units permitted on the Property shall be offered for rent at rents that are targeted at households earning 60% or less of the Area Median Income as determined by the U.S. Department of Housing and Urban Development (“AMI”), another fourteen percent (14%) shall be offered for rent at rents that are targeted at households earning 80% or less of AMI and another ten percent (10%) shall be offered for rent at rents that are targeted at households earning 120% or less of the AMI. Maximum rents shall be determined annually by the County’s Neighborhood Development department based on payment of 30 percent (30%) of household income toward housing costs. Rental units shall be made available at the targeted rents for a period of twenty (20) years. With respect to rental units provided pursuant to this proffer, Owner shall submit an annual report for each year of the required 20-year term to the County Zoning Administrator on or before January 30 of the current year identifying the location of the units and the rental rates charged demonstrating such rates are within the specified income range. All affordable units provided pursuant to this Proffer shall be rented to persons whose incomes fall within the qualifying income range used to determine the prices/rental rates by the County’s Neighborhood Development department.

3. Water Conservation. The Owner shall be responsible for developing water

conservation standards to be submitted to and approved by the James City Service Authority (“JCSA”) and subsequently for enforcing these standards. The standards shall address such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of drought resistant native and other adopted low water use landscaping materials and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources. The standards shall be approved by the JCSA prior to final subdivision or site plan approval.

4. Phasing. The building permits for the renovation of the residential and commercial spaces shall be obtained at the same time. All of the commercial space shall be available for lease and tenant improvements prior to the County being obligated to issue certificates of occupancy for more than fifty percent of the residential units.

5. Building Appearance. The appearance of the building and the paint colors used shall be generally consistent with the rendering made by WPA Studios on file at the Planning Department as determined by the Director of Planning. Owner shall have the right to appeal a decision of the Director of Planning to the Development Review Committee.

6. Internal Lot Lines. Prior to final site plan approval, the internal lot lines within the Property shall be vacated.

7. Updated Traffic Study. The Applicant has submitted to the County a Traffic Impact Analysis by Gorove Slade dated December 11, 2024 (the “Traffic Analysis”), which has been reviewed and approved by the County and the Virginia Department of Transportation. If the projected trip generation from the commercial space based on the actual users would cause cumulative peak hour trips using the then current version of the Institute of Transportation Engineers *Trip Generation Manual* to be materially higher than the projected trip generation in

the Traffic Analysis, then, at the request of the Planning Director, an update to the Traffic Analysis shall be submitted to the County and VDOT including a listing of any entrance or turn lane improvements necessary to accommodate the increased traffic and the appropriate trigger for their construction, for review and approval by the County. Owner shall install the necessary improvements, as approved by the County and VDOT recommended in the updated approved traffic study.

8. Recreation. The following recreational amenities shall be provided: an outdoor pool; an indoor swimming pool; outdoor passive recreation area of approximately 1.1 acres; a community meeting/lounge/event space; a fitness room with yoga space; a movie room and laundry facilities.

*[signatures appear on following pages]*

WITNESS the following signature and seal:

FORT MAGRUDER HOSPITALITY LLC

By: Junaid Siddiqi (SEAL)  
Title: CEO/PRESIDENT

STATE OF MARYLAND  
CITY/COUNTY OF Baltimore, to-wit:

The foregoing instrument was acknowledged before me this 21<sup>st</sup> day of May, 2025, by JUNAIID SIDDIQI, as PRESIDENT/CEO of FORT MAGRUDER HOSPITALITY LLC, who [ ] is personally known to me or [] produced MD Driver's License as identification, on behalf of the company.

Monica L. Chambers  
NOTARY PUBLIC

My commission expires: 9/18/2025



CONSERVE POCOHONTAS LLC

By: [Signature] (SEAL)

Title: Partner

STATE OF New Jersey  
CITY/COUNTY OF Ocean, to wit:

The foregoing instrument was acknowledged before me this 15 day of May, 2025, by David Walkin, as Partner of CONSERVE POCOHONTAS LLC, who [ ] is personally known to me or [ ] produced Drivers license as identification, on behalf of the company.

Anne M. Cobb

NOTARY PUBLIC



My commission expires: \_\_\_\_\_

**ANNE M. COBB**  
**NOTARY PUBLIC OF NEW JERSEY**  
**Commission # 50142504**  
**My Commission Expires 11/4/2025**

INSTRUMENT 202507085  
RECORDED IN THE CLERK'S OFFICE OF  
WMSBG/JAMES CITY CIRCUIT ON  
MAY 28, 2025 AT 02:23 PM  
ELIZABETH E. O'CONNOR, CLERK  
RECORDED BY: CEH

**Exhibit A  
Parcel Description**

**Parcel IDs: 4130100001A, 4130100001 and 4130100001B**

**Property Addresses: 6927, 6945 and 6951 Pocahontas Trail, Williamsburg, Virginia 23185**

All that certain piece or parcel of land, situate, lying and being in the County of James City, Virginia, described as follows:

Beginning at a punch hole set in the West line of Pocahontas Trail (also known as RTE 60), which point is the Northwest intersection of said Pocahontas Trail and Avon Avenue; thence South 07 degrees 01 minutes 33 seconds West 5.54 feet to a ½ inch rod set; thence continuing along the North line of Avon Avenue South 52 degrees 34 minutes 04 seconds West 393.80 feet to a ½ inch rod found; thence South 22 degrees 01 minutes 19 seconds West 170.00 feet to a ½ inch rod found; thence South 14 degrees 36 minutes 42 seconds West 329.49 feet to a ½ inch rod found; thence North 81 degrees 02 minutes 54 seconds West 303.66 feet to a ½ inch rod set; thence North 15 degrees 16 minutes 37 seconds East 384.93 feet to a 1 inch pipe found; thence North 14 degrees 55 minutes 12 seconds East 43.05 feet to a stone found; thence North 23 degrees 00 minutes 39 seconds East 126.92 feet to a 1 inch rod found; thence North 16 degrees 02 minutes 24 seconds East 81.70 feet to a ½ inch rod set; thence North 14 degrees 54 minutes 37 seconds East 94.21 feet to a 5/8 inch rod found; thence North 14 degrees 14 minutes 32 seconds East 145.08 feet to a ½ inch rod set; thence North 15 degrees 21 minutes 44 seconds East 145.08 feet to a ½ inch rod set; thence North 15 degrees 21 minutes 44 seconds East 149.21 feet to a ½ inch rod set; thence North 13 degrees 37 minutes 31 seconds East 92.12 feet to a ½ inch iron rod set; thence North 13 degrees 20 minutes 22 seconds East 28.47 feet to a cross cut found; thence North 52 degrees 18 minutes 20 seconds West 87.61 feet to a cross cut found; thence North 25 degrees 37 minutes 17 seconds East 131.16 feet to a 5/8 inch rod found in the West line of Pocahontas Trail; thence along the West Line of said Road South 37 degrees 54 minutes 16 seconds East 194.67 feet to a stone found; thence South 37 degrees 25 minutes 56 seconds East 560.68 feet to the point and place of beginning, containing 9.4317 acres or 410,844.3 sq. ft.

Being the same property conveyed to Fort Magruder Hospitality LLC, a Virginia limited liability company, from BACM 2006-5 Pocahontas Trail, LLC, a Virginia limited liability company, by Special Warranty Deed dated July 11, 2014 which is recorded in the Clerk's Office of the Circuit Court for the County of James City, Virginia as Instrument No. 140011516.