

Original Proffers X
Amendment

PROFFER STATEMENT

ZMA 2019-00008

Project Name: Rio Point (formerly, **Parkway Place**)

Tax Map and Parcel Number(s): **06100-00-00-167C0 and 06100-00-00-16700**

Owner(s) of Record: **Rio Point, LLC**, a Virginia limited liability company

Date: August 3, 2021

Approximately 27.31 acres to be rezoned from R-4 Residential to PRD – Planned Residential Development

Rio Point, LLC is the sole owner (the “Owner”) of Tax Map and Parcel Numbers 06100-00-00-167C0 and 06100-00-00-16700 (the “Property”), which is the subject of rezoning application ZMA 2019-00008, a project known as “Rio Point ” (the “Project”). The Rezoning Application Plan for Rio Point Development, prepared by The Timmons Group, comprised of a cover sheet (Sheet 0), the Site Layout Plan (Sheet 1), Notes (Sheet 2), Grading Plan (Sheet 3), and Frontage Improvements (Sheet 4), dated April 2, 2021, last revised June 4, 2021 is referred to herein as the “Application Plan”.

Pursuant to Section 33.3 of the Albemarle County Zoning Ordinance, the Owner hereby voluntarily proffers the conditions listed below which shall be applied to the Property if it is rezoned to the zoning district identified above. The Owner and applicant specifically deem the following proffers reasonable and appropriate, as conclusively evidenced by the signature below.

1. Road Improvements:

(a) Upon written request by Albemarle County, Owner shall dedicate approximately 0.82 acres of land (“Dedicated Area”) for the future John Warner Parkway and Rio Road Roundabout, road frontage improvements, and shared use pathways, as shown on the Application Plan. The Dedicated Area shall be dedicated within ninety (90) days of the request by Albemarle County. The Owner shall bear the costs of preparing the subdivision plat necessary for the dedication of the Dedicated Area to Albemarle County. The Owner shall provide a general warranty of title in the deed conveying the Dedicated Area.

(b) Upon written request of Albemarle County, but no later than five (5) years following the approval of ZMA 2019-00008, the Owner shall make a cash contribution toward the future John Warner Parkway and Rio Road Roundabout

improvements. Within ninety (90) days of receipt of the County's request, the Owner shall contribute to the County's Capital Improvement Program (CIP) fund Seven Hundred and Fifty Thousand Dollars (\$750,000.00) as a cash contribution toward such improvements.

(c) Owner shall design and construct certain road improvements along Rio Road, including turn lanes, as shown on Sheet 4 of the Application Plan (the "Proposed Road Improvements"). The Proposed Road Improvements are conceptual and are subject to change based on County and VDOT recommendations. The Owner shall substantially complete the construction of the road improvements along Rio Road in accordance with final road plans approved by County (the "Rio Road Improvements") prior to issuance of the first certificate of occupancy for the Project. The Rio Road Improvements shall be deemed "substantially complete" by one or more of the following methods, whichever occurs first: (i) the Albemarle County Engineer or its designee determines them to be complete; (ii) they are constructed and inspected and the VDOT construction bond is released, or (iii) a VDOT official otherwise confirms that they are substantially complete.

2. Trailhead Park.

(a) The Owner shall construct amenities in the trailhead park within the "Open Space, +/- 1.1 Acres," as noted on sheet 1 of the Application Plan and as approved by the County Parks and Recreation Department (the "Trailhead Park"). The Owner shall substantially complete the Trailhead Park amenities, (to consist of a minimum of 12 parking spaces, benches, trail connections, landscaping, public art and a gazebo or other small structure), prior to issuance of the first certificate of occupancy.

(b) Upon written request by the County, the Owner shall dedicate to the County by special warranty deed of fee simple title or grant of perpetual easement, whichever is preferred by the County, for no consideration, the approximately 1.1-acre Trailhead Park, as shown on the Application Plan. Upon dedication, maintenance of the Trailhead Park will be the responsibility of the County (unless the County conveys its interest in the Trailhead Park to the City of Charlottesville, in which case the City shall maintain it). The Owner shall provide and maintain the public access easement to the Trailhead Park as shown on the Application Plan. The Owner must make the necessary subdivision application for dedication within ninety (90) days of receipt of the County's request and shall complete the dedication within thirty (30) days of receipt of final subdivision approval.

3. Transit Stop.

(a) The Owner shall construct a public transit stop (the "Transit Stop") on the Property along the frontage of Rio Road East. The Transit Stop shall be designed and constructed in coordination with, and shall be approved by, the appropriate County

authority and shall incorporate a shelter, a rest bench, pedestrian access, and signage all in accordance with minimum standards consistent with similar existing public transit stops located within the County. The Transit Stop shall be installed and completed concurrently with the Rio Road Improvements. If any portion of the Transit Stop is located on the Property, the Owner shall dedicate it to public use or grant an easement as necessary to allow for the public access and usage of the Transit Stop.

(b) Notwithstanding the provisions of subparagraph (a), following approval of ZMA 2019-00008, should the County prefer that a transit stop be constructed in the location of the current bus stop on City-owned property (Tax Map 06100-00-00-16900) on the north side of Rio Road East, or (b) should the County elect to receive funds for constructing the Transit Stop in lieu of the Owner's construction of the Transit Stop, the County shall notify the Owner in writing of the election to receive a cash contribution in lieu of the Transit Stop, and the Owner shall contribute Twenty Thousand Dollars (\$20,000.00) to the County's Capital Improvement Program (CIP) as a cash contribution for construction of the Transit Stop in either location. The Owner shall make the cash contribution within sixty (60) days from written request of the County.

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY BLANK.]

Signature Page for Proffer Statement for Rio Point, ZMA 2019-00008
TMPs 06100-00-00-167C0 and 06100-00-00-16700

OWNER:

RIO POINT, LLC,
A Virginia limited liability company

By: _____

Manager

Chris Henry