



TO: Megan Yaniglos

CC: Mark Graham
Amanda Burbage
Margaret Maliszewski

FROM: Steven W. Blaine

DATE: August 4, 2016

RE: ZMA 2015-00007; Brookhill Code of Development and Proffers

The Brookhill project team (Alan Taylor, Scott Collins, Ashley Davies and myself) met on August 2, 2016 with County Staff to review the various Staff comments to the latest versions of the Code of Development and Proffers that were submitted by the Applicant on June 27. The Applicant and Staff reached agreement on the recommended changes at that meeting. The following is a summary of those agreed upon recommendations. Revised Code of Development and Proffers will be submitted prior to the scheduled Planning Commission hearing on August 16, but not before the Staff Report for that meeting must be completed and circulated.

Proffers 1A. Phase I of the Polo Grounds Road improvements must be *substantially completed* before the issuance of the 50th building permit for a dwelling (other than a multi-family dwelling) within the Project.

Phase IV of the Polo Grounds Road improvements must be substantially completed before the issuance of a building permit for a dwelling (other than a multi-family dwelling) within Blocks 14-18 of the Project.

All road improvements' substantial completion will be: i) determined by the Albemarle County Engineer, or its designee, or ii) when they are constructed, inspected and the VDOT construction bond is released for such improvements.

Proffer 1 B. The Route 29 Improvements must be *substantially completed* before the issuance of the 50th building permit for a dwelling (other than a multi-family dwelling) within the Project.

MEMORANDUM

Proffer 1C. The Ashwood Boulevard Connection must be substantially completed before the issuance of the 500th building permit for a dwelling (other than a multi-family dwelling) within the Project, or before the issuance of the 800th building permit for *any* type of dwelling unit whether single, or multi-family, whichever first occurs.

Proffer 1D. The Rio Mills Connection must be substantially completed before the issuance of the 200th building permit for a dwelling (other than a multi-family dwelling) within the Project, or before the occupancy of twenty-five thousand feet of non-residential space within Block 1, whichever first occurs. The proffer to complete the Rio Mills Connection will include sufficient right of way dedication and grading easements.

Proffer 1H. Traffic management by owner will cease with the internal roads are completed and accepted by VDOT.

Proffer 2. The Trail Network must be substantially completed before the issuance of the 500th building permit for a dwelling (other than a multi-family dwelling) within the Project. Substantial completion of the Trail Network will be determined by the Albemarle County Engineer, or its designee.

Proffer 5. The Cost Index for all cash proffers shall be the Marshall and Swift Building Cost Index *for masonry walls in the Mid-Atlantic*.

Proffer 6. The credit for In-Kind Contributions shall be \$28,881,000.00.

Proffer 7. The Elementary School site may be used for a school site *or a park*, at the County's election.

Proffer 8. There will be no claw-back provision on the High School Site.

Proffer 9. Any cemetery encountered within the Brookhill development will be delineated on the site plan or subdivision plat, as applicable, and a treatment plan for each cemetery shall be approved by the County Engineer or its designee at the plan review. The installation of utilities and/or trails within the Greenway area shall not disturb the Woodland Camp identified in the Phase I Historic Resources Study for the Project.

Code of Development. The code will reference 'retaining' the Brookhill historic dwelling rather than 'preserving'. The Code shall clarify that the historic markers within the Project may be erected by the Owner or by the Commonwealth. Boundaries for Block dimensions may be altered by 15%, or more if necessary to mitigate impacts to historic resources.

Section 2.4.2 will be amended to allow the Director of Community Development to permit removal and replacement of trees within buffer areas.

Section 2.8 will include a note that private streets and roads are only permitted in accordance with the Subdivision Ordinance.

Section 2.1.2 will include a commitment to gravity sewer laterals.

On behalf of the Brookhill team, we appreciate all the hard work and attention that the Staff has put forth on this application over the past year.

cc: Alan Taylor
Scott Collins
Ashley Davies