

Original Proffers X
Amendment

PROFFER STATEMENT

ZMA No. **2016-09**

Tax Map and Parcel Number(s): **04500-00-00-112E0, 04500-00-00-11200**

Owner(s) of Record: **Brian J, McMahon & Stephen K von Storch (TMP 04500-00-00-112E0)
Stuard R Wood (TMP 04500-00-00-11200)**

Date of Proffer Signature: **[INSERT DATE THE PROFFERS ARE SIGNED]**

4.428 acres to be rezoned from **R-6 Residential** to **HC – Highway Commercial with restrictions.**

Brian J, McMahon & Stephen K von Storch (TMP 04500-00-00-112E0) Stuard R Wood (TMP 04500-00-00-11200)

are the owners (the “Owners”) of Tax Map and Parcel **04500-00-00-112E0 and 04500-00-00-11200** (the “Property”) which is the subject of rezoning application **ZMA No. 2016-09**, a project known as the Wood von Storch Rezoning (the “Project”).

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. These conditions are proffered as a part of the requested rezoning and the Owner acknowledges that the conditions are reasonable.

1. a) The following by right uses in Highway Commercial (HC) zoning shall not be permitted:
 - i. Pipe and tobacco shops
 - ii. Barber/Beauty shops
 - iii. Laundromats
 - iv. Farmer’s Markets
 - v. Funeral Homes
 - vi. Wayside Stands
 - vii. Hospitals
 - viii. Restaurant drive thru windows
- b) The following use shall be restricted:
 - i. Cemeteries – The existing cemetery shall not be expanded.
 - ii. Mini-storage – Shall be limited to the Secondary Development Zone or the upper floors within the Primary Development Zone.
2. Retail uses will be limited to no more than 25,000 square feet of the total floor area built on the site. This is approximately 25% of the projected total floor area projected to be built on the Property.
3. Eating establishments shall be limited to 1,500 square feet or less per establishment.
4. Residential uses shall be secondary and limited to the upper floors of multi-story buildings.
5. Owners shall reserve an area along the Berkmar Drive frontage between the edge of the existing right-of-way and a building setback line measured on the property, 44 feet from the Center

Line of the Berkmar Drive Right of Way (Reserved Area) until the Small Area Plan for Berkmar Drive is completed. This reservation, or a portion thereof, will terminate upon determination by the County in the Small Area Plan that some or all of such Reserved Area is not needed but not later than December 31, 2020 (The Reservation Period). The Reserved Area shall remain free of buildings or other obstructions during the Reservation Period. However, the Owners reserve the right to construct turn and taper lane improvements within the Reserved Area. If the determination of the County in the Small Area Plan is that the Reserved Area, or a portion thereof, will be needed for future Berkmar widening or improvements, then the Reserved Area, or a portion thereof, shall be dedicated to the County upon demand.

6. The Owner shall restrict parking uses to the side or rear of buildings within the Primary Development Zone. Parking Setbacks shall be as follows:

- a. Front – Minimum – As a primary use: Same as the front setback in Highway Commercial (HC) Zone.
- b. Front – Minimum – As an accessory use: No closer to the right-of-way than any existing or proposed primary structure in the Primary Development Zone.

6. The Owners shall construct improvements on the Property in accordance with the Concept Plan (SP-1) which is attached hereto and other applicable County zoning and site plan requirements. Site Development Examples (SP-1b and SP-1b) are for illustrative purposes only.

OWNERS:

Brian J. McMahon

Stephen K. von Storch

Stuard R. Wood