

Original Proffers X
Amendment

PROFFER STATEMENT

ZMA Number: 2018-00013

Parcel ID Numbers: 04500-00-00-10000, 04500-00-00-100A0, 04500-00-00-10100, and 04500-00-00-101B0

Owner: Auto LLC

Date of Proffer Signature: June 26, 2019

Rezone 3.32 acres from C-1 to NMD

Auto LLC is the owner (the “Owner”) of Parcel ID Numbers **04500-00-00-10000, 04500-00-00-100A0, 04500-00-00-10100, and 04500-00-00-101B0** (the “Property”), which are the subject of rezoning application ZMA No. 2018-00013, a project known as “**Rio Road W**” (the “Project”).

Pursuant to Section 33 of the Albemarle County Zoning Ordinance (Chapter 18 of the Albemarle County Code), the Owner hereby voluntarily proffers the conditions listed below, which shall be applied to the Property if ZMA 2018-00013 is approved. These conditions are proffered as a part of the requested rezoning. The Owner acknowledges that these conditions are reasonable. Each signatory below signing on behalf of the Owner covenants and warrants that he or she is an authorized signatory of the Owner for this Proffer Statement.

1.) INTERCONNECTED STREETS AND TRANSPORTATION NETWORKS:

Upon demand by the County, the Owner shall record an access easement to the adjacent parcels granting inter-parcel connectivity and shared access to Rio Road West. The location of the access easement shall be located in general accord with the “possible future local type ‘C Street’” shown on Sheet 4 of the Application Plan prepared by Shimp Engineering, dated October 18, 2018 and last revised June 3, 2019. The deed of easement will address easement location, width, and maintenance.

2.) BLOCK 1 LANDSCAPE IMPROVEMENTS

If construction of any building in Block 1 (including installation of utilities, building footers, or other site improvements necessary for building completion) has not commenced within one year of the issuance of Certificate of Occupancy

for any building in Block 2, the Owner shall install landscape improvements in Block 1 adjacent to the Rio Road West right-of-way in accordance with all applicable provisions of Albemarle County Code § 18-32.7.9 and the County's Entrance Corridor Design Guidelines . If construction of any building in Block 1 has commenced within one year of issuance of Certificate of Occupancy of any building in Block 2, the property owner shall provide landscape improvements in accordance with all applicable provisions of Albemarle County Code § 18-32.7.9 and the County's Entrance Corridor Design Guidelines within one year of the issuance of Certificate of Occupancy of any building in Block 1.

3.) MULTI-USE PATH AND LINEAR PARK

A multi-use path shall be constructed in Block 3 to comply with Class A-type 2 low maintenance, multi-use path standards outlined in the Albemarle County Design Standards Manual, with a revision date of April 27, 2015, or to any standard approved by the Director of Planning. The path shall be constructed prior to the issuance of Certificate of Occupancy of the 2nd building on-site or upon demand of the County to allow installation concurrent with adjoining sections of the path, whichever occurs first. The path shall align with adjacent sections of path that are planned or already constructed.

Upon demand by the County, the multi-use path constructed in Block 3 shall be donated to the County for public access and maintenance. This dedication shall occur prior to the development of any portions of the trail located directly adjacent to the Property. Concurrent with the dedication of the multi-use path to the County, the Owner shall dedicate the portion of the Property inclusive of the stream and north of the stream, approximately 0.4 acres, to the County to be incorporated into a linear park network, as proposed in the Rio29 Small Area Plan dated December 12, 2018.

4.) STORMWATER MANAGEMENT

All design and engineering for improving the Property shall comply with applicable County and State regulations. Stormwater management design will be consistent with similar urban development projects and will utilize on-site underground detention and/or infiltration below the parking area in Blocks 1 and 2. A minimum of 25% of treatment shall be provided on site.

5.) RIGHT OF WAY

a. IMPROVEMENTS

The property owner shall dedicate eleven (11) feet of the property, along Rio Road West, as shown on Sheet 7 of the application plan, to public right-of-way. Landscape improvements as approved by VDOT or the

Director of Planning shall be provided in the right-of-way concurrently with Block 1 Landscape Improvements.

b. **DEDICATION**

Dedication of this right-of-way shall occur upon demand of the County.

The undersigned Owner hereby proffers that the use and development of the Property shall be in conformance with the proffers and conditions herein above. This document shall supersede all other agreements, proffers or conditions that may be found to be in conflict. The Owner expressly acknowledges that all proffers shall be binding on the Property and its future owners.

WITNESS the following signature:

Auto LLC

By: [Signature]
Dennis Minetos, Member

COMMONWEALTH OF VIRGINIA

CITY/COUNTY OF Charlottesville to wit:

The foregoing instrument was acknowledged before me this 26 day of June, 2019 by Auto LLC, by Dennis Minetos, Member, on its behalf.

My Commission expires: 5/31/2020

[Signature]
Notary Public

