

Original Proffers X
Amendment

FINAL PROFFER STATEMENT

ZMA Number and Name: 2019-00015 Our Neighborhood Child Development Center, Inc.

Tax Map Parcel Numbers: 07800-00-00-058K0

Owner: James A. Dettor, Jr. and Peggy W. Dettor

Date of Proffer Signature: April 8th, 2020

3.578 acres to be rezoned from R-1 Residential to C-1 Commercial

James A. Dettor and Peggy W. Dettor are the owners (the “Owners”) of Tax Map Parcel 07800-00-00-058K0 (the “Property”) which is the subject of rezoning application ZMA No. 2019-00015, a project known as “Our Neighborhood Child Development Center” (the “project”). The term “Owner” shall apply to the current owner and all successors in interest. Our Neighborhood Child Development Center, a Virginia corporation, is the contract purchaser of the property and has the Owners’ authorization to file land use applications for the property. Our Neighborhood Child Development Center is the applicant (the “applicant”) for 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 it is rezoned to the requested zoning district, C-1 Commercial. These conditions are proffered as a part of the requested rezoning and the Owner acknowledges that the conditions are reasonable. Each signatory below signing on behalf of the Owner covenants and warrants that it is an authorized signatory of the Owner for this Proffer Statement.

1. FUTURE USES: Commercial C-1: The use of the Property shall allow for all by right uses pursuant to Section 22.2.1 of the Albemarle County Zoning Ordinance except for the following listed uses:

a. The following retail sales and service establishments:

- 22.2.1 (a)(3.) Department Store.
- 22.2.1(a)(17.) Laboratories/Research and Development/Experimental Testing; gross floor areas of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.

- 22.2.1(a)(18.) Manufacturing/Processing/Assembly/Fabrication and Recycling; gross floor area of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors
- 22.2.1 (a.)(19.) Drive-through windows

b. The following services and public establishments:

- 22.2.1 (b.)(9.) Indoor theaters.
- 22.2.1 (b.)(10.) Laundries, dry cleaners.
- 22.2.1 (b.)(22.) Automobile, truck repair shop excluding body shop.

c. If the use is served by either public water or an approved central water supply:

- 22.2.1(c.)(1.) Automobile service stations
- 22.2.1(c.)(2.) Convenience Stores

2. **COMMERCIAL SETBACKS:** Existing structures on the Property, as shown in “Exhibit A” prepared by Shimp Engineering dated March 3, 2020, P.C., shall establish the commercial setbacks on the Property for existing structures. As is shown in Exhibit A, the side setback for Structure A is approximately 10.5’ (feet); the side setback for Structure B is approximately 47.6’; the side setback for Structure C is approximately 28.5’; the side setback for Structure D is approximately 3.6’; and the side setback for Structure E is approximately 3.2’. Setbacks for any new structure, or improvements or additions to any existing structure on the Property, constructed after December 31, 2019 shall comply with setbacks and stepbacks in conventional commercial districts as provided for in the Albemarle County Zoning Ordinance.
3. **MAXIMUM BUILDING FOOTPRINT:** No single building footprint on the Property shall exceed 8,000 square feet.
4. **MAXIMUM GROSS FLOOR AREA:** The maximum gross floor area per structure shall be 20,000 square feet.
5. **MAXIMUM BUILDING HEIGHT:** The maximum height of any building on the Property shall be the lesser of 45’ or three (3) stories.
6. **RAZOR WIRE REMOVAL:** Prior to the approval of any zoning clearance for any commercial use on the Property, the razor wire located on the fence along the eastern Property boundary shall be removed.

7. VEGETATIVE BUFFER:

- A. Establishment: Prior to the issuance of the first certificate of occupancy issued for any renovated or new building on the Property, the Owner shall bond or establish a vegetative buffer, 30' in width, along the southern Property boundary.
- B. Extents: The extents of the 30' vegetative buffer shall run adjacent to the southern Property boundary and the 30' width of the buffer shall be measured from the top of the streambank.
- C. Planting: Planting within the buffer area shall be provided in accordance with one of the following:
 - i. For every 400 square foot unit or fraction thereof, plant one (1) canopy tree measuring 1 ½" – 2" caliper or a large evergreen 6 feet in height, one (1) understory tree measuring ¾" – 1 ½" caliper or one evergreen 4 feet in height, and one (1) small shrub 15"- 18" in height.
 - ii. For every acre or fraction thereof, plant 1,210 hardwood and/or pine seedlings on approximately 6'x6' centers without tree tubes and mats.
 - iii. For every acre or fraction thereof, plant 600 hardwood and/or pine seedlings on approximately 8'x8' centers with tree tubes and mats.
- D. Maintenance: After planting, the vegetated buffer shall be managed in accordance with Section 17-601 through 17-604 of the Water Protection Ordinance (Chapter 17 of the Albemarle County Code).
- E. Improvements: The vegetative buffer may contain passive recreational access, such as pedestrian trails and bicycle paths; temporary erosion and sediment measures; and public utility and telecommunications uses and structures.

8. **TRIP GENERATION:** Daily and peak hour vehicular trips shall be noted on all site plans and zoning clearances on the Property. Site plans and zoning clearances on the Property must contain a note that itemizes each proposed use, and if applicable, each previously approved use that is expected to continue, with its affiliated daily and peak vehicular trips. Neither a site plan nor a zoning clearance shall be issued if the combined uses on the Property are estimated to generate a number of daily vehicular trips exceeding 800 or a number of peak hour trips exceeding 160. Trip generation numbers shall be derived from the then current edition of the Institute of Transportation Engineers Trip Generation Manual.

9. **CHILD DAY CENTERS USE:** Before the child day center enrollment exceeds 100 children, the Owner shall construct a right turn and taper along Route 20. This improvement will be designed and constructed to applicable VDOT standards, including VDOT's Geometric Design, and shall be dedicated to public use. This improvement shall be substantially completed prior to the issuance of a zoning clearance for enrollment over 100 children. This improvement shall be determined to be substantially complete by: i) The Albemarle County Engineer, or its designee, or ii) when it is constructed, inspected and the VDOT construction bond is released, or iii) a VDOT official otherwise confirms that they are substantially complete.

(Signature Page Immediately Follows)

WITNESS the following signatures:

OWNER:

Owner of Tax Map Parcels 07800-00-00-058K0:

JAMES A. DETTOR, JR. AND PEGGY W. DETTOR

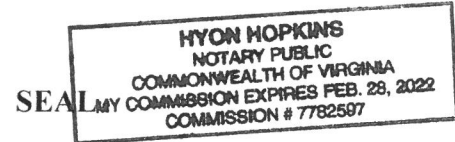
By: *James A. Detton Jr.*
James A. Detton Jr., Owner

By: *Peggy W. Detton*
Peggy W. Detton, Owner

NOTARY PUBLIC ACKNOWLEDGMENT

VA
STATE OF

Charlottesville
COUNTY/CITY OF

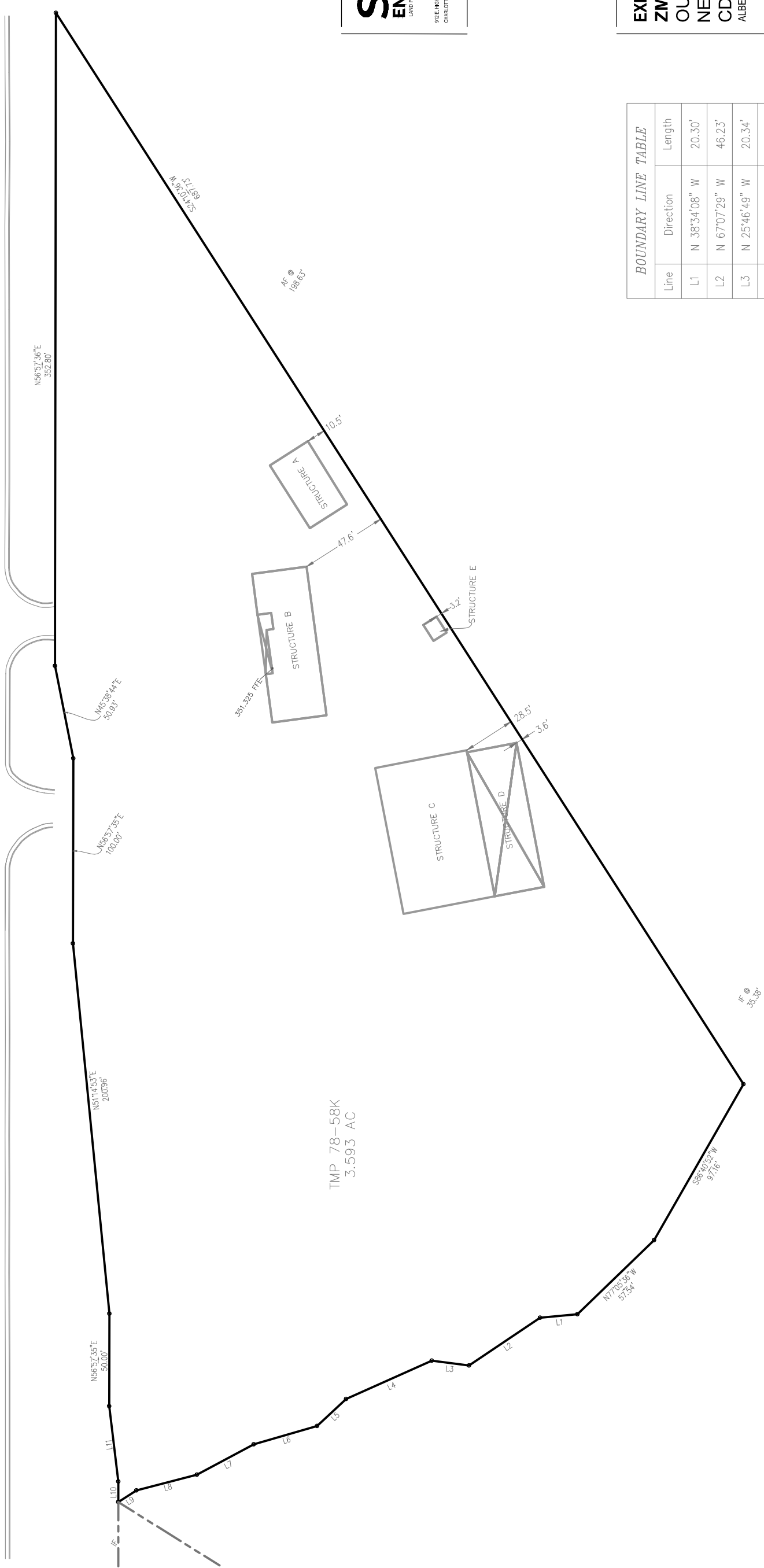


I HEREBY CERTIFY THAT *Peggy W Detton, James A Detton Jr.* (NAME) appeared before me on this *8th* day of *April*, 20*20* and signed this form in my presence.

[Signature]
NOTARY PUBLIC SIGNATURE

Feb. 28, 2022
MY COMMISSION EXPIRES (DATE)

STONY POINT ROAD ROUTE 20



BOUNDARY LINE TABLE

Line	Direction	Length
L1	N 38°34'08" W	20.30'
L2	N 67°07'29" W	46.23'
L3	N 25°46'49" W	20.34'
L4	N 57°15'52" W	50.65'
L5	N 75°55'41" W	21.43'
L6	N 49°16'52" W	35.61'
L7	N 61°13'20" W	34.80'
L8	N 47°44'31" W	33.83'
L9	N 66°11'21" W	11.63'
L10	N 56°57'35" E	11.10'
L11	N 49°58'00" E	41.07'

EXHIBIT A
ZMA2019-15
OUR
NEIGHBORHOOD
CDC
ALBEMARLE COUNTY, VIRGINIA

DATE: 2020.03.03

FILE NO. 19.064

SURVEY COMPLETED BY:
Meridian Planning Group, LLC
December 10, 2019, Revised February 5, 2020

EXHIBIT PREPARED BY:
Shimpa Engineering, P.C.
March 3, 2020

