

Original Proffers X
Amendment

PROFFER STATEMENT

Project Name: **ZMA 2023-00006 Woodbrook Apartments**

Date: March 20, 2024

Parcel Numbers: 04500-00-00-09000 (5.21 acres); 04500-00-00-091C0 (0.41 acres); 04500-00-00-091D0 (0.48 acres); and 04500-00-00-088B0 (1.57 acres)

Owners of Record:

Arthur and Alyson Valente (Parcels 04500-00-00-09000 and 04500-00-00-091C0)

Gladys Schmunk (Parcel 04500-00-00-091D0)

Crystal Hobbs (Parcel 04500-00-00-088B0)

Proposal:

- Rezone parcels 04500-00-00-09000 (5.21 acres); 04500-00-00-091C0 (0.41 acres); 04500-00-00-091D0 (0.48 acres); and 04500-00-00-088B0 (1.57 acres) from R-6 residential to Planned Residential Development (PRD) with proffers.

Total land area: Approximately 7.202 acres

Arthur and Alyson Valente, Gladys Schmunk, and Crystal Hobbs are collectively the owners (the “Owner” or “Owners”) of Parcel Numbers 04500-00-00-09000, 04500-00-00-091C0, 04500-00-00-091D0, and 04500-00-00-088B0 (collectively, the “Property”), which is the subject of a rezoning application identified by Albemarle County as ZMA 2023-00006, a project known as “Woodbrook Apartments” (the “Project”).

Pursuant to *Albemarle County Code* § 18-33.7, the Owner hereby voluntarily proffers the conditions listed below, which will apply to the Property if it is rezoned to the zoning district identified above. The Owners specifically deem the following proffers reasonable and appropriate, as conclusively evidenced by the signatures below.

1. Contribution to Off-Site Transportation Improvements:

- A. **Pedestrian Improvements:** To mitigate the Owner’s proportionate contribution to the existing need for pedestrian facilities at the intersection of Woodbrook Drive and Berkmar Drive, prior to the issuance of the first certificate of occupancy for a unit within the Project, the Owner shall contribute Ten Thousand Dollars (\$10,000) to the County Capital Improvement Program fund to be applied toward the cost of constructing a future crosswalk and pedestrian signal at the intersection of Woodbrook Drive and Berkmar Drive in the area shown as “Pedestrian Improvement Area (Yellow)” on the attached Exhibit A (the “Cash Contribution”).

Beginning January 1 of each year following the approval of ZMA 2023-00006, the Cash Contribution shall be adjusted annually until paid, to reflect any increase for the proceeding calendar year in the Marshall and Swift Building Cost Index for masonry walls in the Mid-

Atlantic (the “MSI”). The annual adjustment shall be made by multiplying the Cash Contribution due for the preceding year by a fraction, the numerator of which shall be the MSI as of December 1 in the preceding calendar year, the denominator of which shall be the MSI as of December 1 in the year preceding the calendar year most recently ended (the “Percentage Increase”). By way of example, if ZMA 2023-00006 is approved in 2024 the first annual adjustment shall be calculated as of January 1, 2025 as follows: $\$10,000 \times 2024 \text{ MSI} \div 2023 \text{ MSI}$. The annual adjustment shall be made by multiplying the Cash Contribution by the Percentage Increase to determine the additional funds due. Notwithstanding the provisions of this paragraph, in no event shall the Cash Contribution paid by the Owner be less than Ten Thousand Dollars (\$10,000).

- B. **Pavement Markings on Woodburn Road:** To mitigate the Owner’s proportionate contribution to the existing need for transportation safety improvements along Woodburn Road related to Agnor-Hurt Elementary School, prior to the issuance of the first certificate of occupancy for a unit within the Project, the Owner shall install pavement markings in the form of double yellow lines on Woodburn Road. The pavement markings will extend from the end of the existing markings on Woodburn Road adjacent to Agnor-Hurt Elementary School, north along Woodburn Road to the northern most property line for the Project as shown on Exhibit A. The pavement markings shall be installed to Virginia Department of Transportation (“VDOT”) standards and specifications.

[SIGNATURE PAGE IMMEDIATELY FOLLOWS]

Signature Page for Proffer Statement for Woodbrook Apartments, ZMA 2023-00006

OWNER:

Arthur and Alyson Valente

By: DocuSigned by:

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By: DocuSigned by:


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Gladys E. Schmunk

By: DocuSigned by:

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Crystal Hobbs

By: DocuSigned by:

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(103469298.5)

ZMA 2023-00006 Woodbrook Apartments – Exhibit A to Proffer Statement

Proffer 1A: Pedestrian Improvements



Proffer 1B: Pavement Markings



(103469298.5)

Certificate Of Completion

Envelope Id: BDF3255581BF430086DF812C2C2B883F

Status: Completed

Subject: Complete with DocuSign: Woodbrook Apts Proffer Statement ZMA 2023-006(2).pdf

Source Envelope:

Document Pages: 5

Signatures: 4

Certificate Pages: 5

Initials: 0

AutoNav: Enabled

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Time Zone: (UTC-08:00) Pacific Time (US & Canada)

Envelope Originator:

Lori Harvey

200 South 10th Street

Suite 1600

Richmond, VA 23219

lharvey@williamsmullen.com

IP Address: 12.90.216.2

Record Tracking

Status: Original

3/22/2024 1:29:37 PM

Holder: Lori Harvey

lharvey@williamsmullen.com

Location: DocuSign

Signer Events

Alyson Valente

alyson@legendmail.com

Manager

Security Level: Email, Account Authentication
(None)**Signature**DocuSigned by:

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Using IP Address: 34.207.218.19**Timestamp**

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Signed: 3/26/2024 8:38:28 AM

Electronic Record and Signature Disclosure:

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Arthur Valente

arthur@legendmail.com

Agent for Owner

Security Level: Email, Account Authentication
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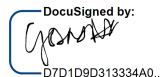
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Crystal Hobbs

chobbs0013@gmail.com

Security Level: Email, Account Authentication
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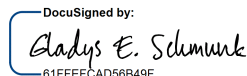
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ID: 279a1962-c604-4c6e-bb14-d51b5e5fd0a5

Gladys E. Schmunk

kimberly@powellnashville.com

Security Level: Email, Account Authentication
(None)DocuSigned by:

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Using IP Address: 162.203.249.115

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Electronic Record and Signature Disclosure:

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ID: 9fa1cf33-275a-4594-a85c-3d54ff961b74

In Person Signer Events	Signature	Timestamp
Editor Delivery Events	Status	Timestamp
Agent Delivery Events	Status	Timestamp
Intermediary Delivery Events	Status	Timestamp
Certified Delivery Events	Status	Timestamp
Carbon Copy Events	Status	Timestamp
Valerie Long vlong@williamsmullen.com Security Level: Email, Account Authentication (None) Electronic Record and Signature Disclosure: Accepted: 10/26/2023 8:50:00 AM ID: 4029333a-2366-4d17-acd9-e2715f6988b4	COPIED	Sent: 3/22/2024 2:17:59 PM
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Notary Events	Signature	Timestamp
Envelope Summary Events	Status	Timestamps
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Certified Delivered	Security Checked	3/22/2024 2:35:17 PM
Signing Complete	Security Checked	3/22/2024 2:36:00 PM
Completed	Security Checked	3/26/2024 8:38:28 AM
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