

PROFFER STATEMENT

ZMA No. 2013-00017, **Spring Hill Village**

Tax Map: TMP 09000-00-00-02800

Owner Of Record: **Spring Hill Village Holdings, LLC**

Date Of Proffer: **September 29, 2014**

Revised December 6, 2015

12.99 Acres to be rezoned from **Residential R 1 to NEIGHBORHOOD
MODEL DISTRICT (NMD)**

Project Address 1776 Scottsville Road

Contact Person Vito Cetta
1730 Owensfield Drive
Charlottesville, VA. 22901
434-531-2192

Magisterial District: Scottsville

Vito Cetta is the manager of Spring Hill Village Holdings, LLC and will serve as the owner's representative of Spring Hill Village Holdings, LLC which is the owner of Tax Map and Parcel number TMP 09000-00-00-02800. TMP 09000-00-00-02800 is the subject of rezoning application ZMA No. 2013-00017, a project known as Spring Hill Village. The term "Owner" as referenced herein shall include within its meaning the owner of record and successors in interest. The "Application Plan", refers to Exhibit A to the Code of Development last revised August 28, 2014.

Pursuant to Section 33.7 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 proffers are part of the requested rezoning and the Owner acknowledges that the conditions are reasonable.

1.Affordable Housing. (The Affordable Housing Units will be provided in the form of for sale or rental units). The community could have as few as 80 units and as many as 100 dwelling units. The Owner shall provide 15% of the dwelling units constructed as "Affordable Housing Units" within the Project in the form of 2 or 3 story townhouses.

The Albemarle County affordable housing policy defines affordable housing as the following: Affordable Housing, in general terms means safe, decent housing where housing costs do not exceed 30% of the gross household income. Housing costs for homeowners shall include principal, interest, real estate taxes, and homeowner's insurance (PITI). Housing costs for tenants shall be tenant-paid rent and tenant-paid utilities with maximum allowances for utilities to be those adopted by the Housing Office for the Housing Choice Voucher Program.

Affordable Housing is defined, for the purpose of this policy, as those houses affordable to the forty percent of the County population that have household incomes at or below 80% of the area median income. For 2003, the maximum affordable home for purchase (80% median income) would be \$172,000 and maximum housing costs (rent and utilities) for tenants would be \$787 (50% median income).

Each Affordable Housing Unit shall be located on a single lot. The Owner shall have offered for rent or sale as provided herein each Affordable Housing Unit within the project. The Owner shall convey the responsibility of constructing the Affordable Housing Units to the subsequent owners of lots designated affordable on the site plans or plats.

(A). Rental Rates. The initial net rent for each for-rent Affordable Housing Unit shall not exceed the then-current and applicable maximum net rent rate approved by the County Housing Office. In each subsequent calendar year, the monthly net rent for

each for-rent Affordable Housing Unit may be increased up to three percent (3%). For purpose of this proffer statement, the term "net rent" means that the rent does not include tenant-paid utilities. The requirement that the rents for such for-rent Affordable Housing Units may not exceed the maximum rents established in this paragraph shall apply for a period of ten (10) years following the date the certificate of occupancy is issued by the County for each for-rent Affordable Housing Unit, or until the units are sold as low or moderate cost units qualifying as such under either the Virginia Housing Development Authority, Farmers Home Administration, or Housing and Urban Development, Section 8, whichever comes first (the "Affordable Term"). The Owner of each Affordable Housing Unit shall, at the request of the Albemarle County Office of Housing, provide written reports documenting rental rates and occupancies of the affordable units.

(B.) For Sale. All purchasers of for-sale Affordable Housing Units shall be approved by the Albemarle County Office of Housing or its designee. The Owner shall provide the County or its designee 180 days to identify and pre-qualify an eligible purchaser for the Affordable Housing Units. The 180 – day period shall commence upon written notice from the Owner that the units will be available for sale. This notice shall not be given more than 120 days prior to the anticipated receipt of the certification of occupancy. If the County or its designee does not provide a qualified purchaser during this period, the Owner shall have the right to sell the units without any restriction on sales price or income of purchaser. If these units are sold, this proffer shall apply to the first sale of each unit. The maximum sales price for Affordable Housing Units (65% of VHDA's Maximum Sales Price for First-time Homebuyers). The calculation currently put the maximum sale price for Affordable Housing Units at \$211,250.

(C). Conveyance of Interest. All deeds conveying any interest in the for-rent Affordable Housing Units during the Affordable Term shall contain language reciting that such unit is subject to the terms of this paragraph 1. In addition, all contracts pertaining to a conveyance of any for-rent Affordable Housing Unit, or any part

thereof, during the Affordable Term shall contain a complete and full disclosure of the restrictions and controls established by paragraph 1A. At least thirty (30) days prior to the conveyance of any interest in any for-rent affordable unit during the Affordable Term, the then-current owner shall notify the County in writing of the conveyance and provide the name, address and telephone number of the potential grantee, and state that the requirements of this paragraph 1C have been satisfied.

- 2. Cash Proffers for Residential Units.** Beginning with the thirteenth residential unit for which a building permit is obtained, the Owner shall contribute cash for each new residential unit that is not classified as an Affordable Housing Unit. This cash contribution shall be for the purposes of addressing the fiscal impacts of development on the County's public facilities and infrastructure, i.e. schools, public safety, libraries, parks and transportation. **The cash contribution shall be Four thousand nine hundred eighteen and 0/100 dollars (\$4,918) cash for each new single-family detached dwelling unit. The cash contribution shall be Three thousand eight hundred and forty five and 0/100 dollars (\$3,845) cash for each single family attached or townhouse dwelling unit.** The cash contribution shall be paid at the time of the issuance of the certificate of occupancy for each new unit in order to be consistent with current state law.

Beginning January 1, 2015, the amount of the cash contribution required by this proffer shall be adjusted annually until paid, to reflect any increase or decrease for the proceeding calendar year in the Marshall and Swift Building Cost Index ("MSI"). In no event shall any cash contribution amount be adjusted to a sum less than the amount initially established by this proffer. The annual adjustment shall be made by multiplying the proffered cash contribution amount for the preceding year by a fraction, the numerator of which shall be the MSI as of December 1 in the preceding calendar year, and the denominator of which shall be the MSI as of December 1 in the year preceding the calendar year most recently ended.

3. Over Lot Grading: The owner shall submit an over-lot grading plan (hereinafter the "Plan") meeting the requirements of this paragraph 3 with the application for each subdivision phase of the Property. The plan shall show existing and proposed topographic features. The Plan shall be approved by the County Engineer prior to approval of an Erosion and Sediment Control plan. No building permit shall be issued for any dwelling on a lot where the County Engineer has determined the lot grading is not consistent with the approved Plan. The plan shall satisfy the following:

- a) The Plan shall show all proposed streets, building sites, setbacks, surface drainage, driveways, trails and other features the County Engineer determines are needed to verify that the Plan satisfies the requirements of this proffer.
- b) The Plan shall be drawn to a scale not smaller than (1) inch equals fifty (50) feet.
- c) All proposed grading shall be shown with contour intervals not greater than two (2) feet. All concentrated surface drainage over lots shall be clearly shown with the proposed grading. All proposed grading shall be designed to assure that surface drainage can provide adequate relief from the flooding of dwellings in the event a storm sewer fails.
- d) Graded slopes on lots proposed to be planted with turf grasses (lawns) shall not exceed a gradient of three (3) feet of horizontal distance for each one (1) foot of vertical rise or fall (3:1). Steeper slopes shall be vegetated with low maintenance vegetation as determined to be appropriate by the County's program authority in its approval of an erosion and sediment control plan for the land disturbing activity. These steeper slopes shall not exceed a gradient of two (2) feet of horizontal distance for each one (1) foot of vertical rise or fall, unless the County Engineer finds that the grading recommendations for steeper slopes have adequately addressed the impacts.
- e) Surface drainage may flow across up to three (3) lots before being collected in a storm sewer or directed to a drainage way outside of the lots.
- f) No surface drainage across a residential lot shall have more than one-half (1/2) acre of land drainage to it.

- g) All drainage from streets shall be carried across lots in a storm sewer to a point beyond the rear of the building site.
- h) The plan shall demonstrate that an area at least ten (10) feet in width, or to the lot line if it is less than ten (10) feet, from the portion of the structure facing the street, has grades no steeper than ten (10) percent adjacent to possible entrances to dwellings that will not be served by a stairway. This area also shall extend from the entrances to the driveways or walkways connecting the dwelling to the street.
- i) Any requirement of this proffer may be waived by submitting a request for special exception with the over-lot grading plan. If such a request is made, it shall include a justification for the request containing a valid professional seal from a Professional Engineer, Landscape Architect or Land Surveyor. In reviewing a waiver request, the County Engineer shall consider whether the alternative proposed by the Owner satisfies the purpose of the requirement to be waived to at least an equivalent degree.
- j) In the event that the County adopts overlot grading regulations after the date this proffer is approved, any requirement of those regulations that is less restrictive than any requirement of this proffer shall supersede the corresponding requirement of this proffer, subject to the approval of the Director of Community Development.

4. Improvements to Scottsville Rd and Avon Extended

At its sole expense, the Owner shall plan, design, bond and construct the improvements shown on the County approved engineering drawings titled Development Concept Plan, sheet 4 dated 10.21.13 and revised on 8.29.14 as prepared by Alan Franklin PE, for both Scottsville Road and Avon Extended. The improvements shall be designed and constructed to the County and VDOT standards, including the design and construction of related drainage, slope and utility easements as applicable. These improvements shall be completed and approved by VDOT and the County prior to the first certificate of occupancy for any structure on the Property. As part of this process, the dedication to public use shall be completed at the

same time. The Owner shall obtain approval of all road plans and bond prior to the issuance of the first building permit or first approved subdivision plat, whichever comes first, to ensure that these improvements can be completed in a timely manner. The improvements shall be deemed to be complete when they are accepted into the secondary system of highways or the County Engineer determines that the roadway is safe and convenient for travel. At its sole expense, the Owner shall make the needed improvements, if any are required, to the portion of the lot immediately adjacent to the site south on Route 20 that may be needed as a result of widening Route 20. Should these improvements require a retaining wall and / or a reworking of stairs, these improvements shall be reviewed by the County Architectural Review Board, since Route 20 is an Entrance Corridor road.

This document shall supersede all other agreements, proffers or conditions that may be found to be in conflict. These proffers shall be binding to the property, which means the proffers shall be transferred to all future property successors of the land.

WITNESS the following signature:

SPRING HILL VILLAGE HOLDING, LLC

By: _____

Vito Cetta, Manager

COMMONWEALTH OF VIRGINIA

CITY/COUNTY OF Albemarle, to wit:

The foregoing instrument was acknowledged before me this 30 day of June ²⁰¹⁴ ~~2014~~ by Vito Cetta, Manager of Barracks Heights, LLC, a Virginia limited liability company.

Vito Am

My Commission expires: 5-31-2018

Diane E. Collier

Notary Public

