

Original Proffers X
Amendment

PROFFER STATEMENT

ZMA Number: 2018-00013

Tax Map and Parcel Number: 04500-00-00-10000, 04500-00-00-100A0, 04500-00-00-10100,
04500-00-00-101B0

Owner: Auto LLC

Date of Proffer Signature: July 31, 2019

Rezone 3.32 acres from C-1 to NMD

Auto LLC, is the owner (the “Owner”) of Tax Map and Parcel Numbers **04500-00-00-10000**, **04500-00-00-100A0**, **04500-00-00-10100**, **04500-00-00-101B0** (the “Property”) which is 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 and the Owner acknowledges that the conditions are reasonable. Each signatory below signing on behalf of the Owner covenants and warrants that they are an authorized signatory of the Owner for this Proffer Statement.

1.) INTERCONNECTED STREETS AND TRANSPORTATION NETWORKS:

Upon demand by the County, the property owner shall draft and record an access easement for the purposes of interparcel connectivity and shared access to Rio Road W for adjacent parcels. The location of the access easement shall be provided in general accord with Sheet 4 of the Application Plan, prepared by Shimp Engineering dated October 18, 2018 and last revised June 24, 2019; this plan depicts the general location as “possible future local type ‘C Street.’” At the time of easement recordation, the property owner and the County shall agree to the terms of the easement to include location, width, and maintenance.

2.) BLOCK 1 LANDSCAPE IMPROVEMENTS

The property owner shall install landscape improvements in Block 1 adjacent to the Rio Road W Right-of-Way in accordance with all applicable provisions of Sec. 32.7.9 of the Code of Albemarle and Entrance Corridor Design Guidelines within one year of the issuance of Certificate of Occupancy for any building in Block 2 and the owner shall construct an 8' sidewalk consistent with the Technical Conceptual Section shown on Sheet 7 of the Application Plan, prepared by Shimp Engineering dated October 18, 2018 and last revised June 24, 2019, provided that commencement of construction of any building in Block 1 has not occurred, where construction shall be considered installation of utilities, building footers, or other site improvements necessary for building completion. If commencement of construction of any building in Block 1 has occurred 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 Sec. 32.7.9 of the Code of Albemarle and 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 as 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, and shall be constructed to align with adjacent sections of path that are planned or already constructed. Concurrent with the construction of the multi-use path, the property owner shall remove the HDPE pipes and stabilize the stream channel and bank on the property for the purpose of stream daylighting. Pipe removal and stream channel and bank stabilization shall be completed to the reasonable satisfaction of the County Engineer.

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 property 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 will 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 W, as shown on Sheet 7 of the application plan, to public right of way. Landscape improvements shall be provided in the Right-of-Way as approved by VDOT or the Director of Planning and installation shall occur concurrently with Block 1 Landscape Improvements.

b. DEDICATION

If commencement of construction of any building in Block 1 has occurred within one year of issuance of Certificate of Occupancy of any building in Block 2, dedication of right of way shall occur prior of issuance of Certificate of Occupancy for any building in Block 1. If commencement of construction of any building in Block 1 has not occurred within one year of issuance of Certificate of Occupancy for any building in Block 2 then dedication of right of way shall occur upon completion of improvements provided for in Proffer 2.

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 agrees that all 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:

Auto LLC

By:

Julie Kay Minetos, Sole Member
Julie Kay Minetos

COMMONWEALTH OF VIRGINIA

CITY/COUNTY OF Albemarle, to wit:

The foregoing instrument was acknowledged before me this 31 day of July 2019 by Auto LLC.

My Commission expires: 3/31/2022

[Signature]
Notary Public

