

**ZMA-01-20**  
**PROFFERS**  
**Hollymead Town Center Area C**  
**July 25, 2003**

Revised March 18, 2019

**TAX MAP 32, Parcels 41D, 43A, 44, 45, 46**  
**37.1 Acres**

Pursuant to Section 33.3 of the Albemarle County Code (the "Code"), the owners, or their duly authorized agents, hereby voluntarily proffer the conditions listed below which shall only be applied, except as specifically set forth herein to the area identified as Regional Service Area C on the Application Plan, (defined below) comprising all or some of the above referenced tax map parcels (the "Property").

These conditions are proffered as part of the requested zoning and it is agreed that: 1) the rezoning itself gives rise to the need for the conditions; and 2) such conditions have a reasonable relation to the rezoning request:

1. ~~Development shall be in general accord with the Application Plan entitled Rezoning Application Plans for Hollymead Town Center Regional Service Area C, (Sheets A-1, A-2, only), prepared by Rivanna Engineering & Surveying, PLC, revised, last revised, July 7, 2003 ("Application Plan").~~ The standards of development and central features and major elements within the Property essential to the design of the development shall be in general accord with the Block Exhibit, the Code of Development's Narrative, and the Code of Development's tables and appendices set forth in the attached Application Booklet, entitled ~~"Hollymead Town Center, Application Booklet, ZMA-01-20 (Area C)."~~ The Owners have presented, as part of their rezoning application, a number of conceptual plans and illustrations for various purposes, but principally to provide justification for the rezoning actions they are seeking. Unless specifically referenced in these proffers, all plans and illustrations submitted as part of Applicant's rezoning application, other than the Application Plan as defined above, shall be deemed illustrative only, and such plans and illustrations shall not be deemed proffers. The Owners reserve the right to reconfigure the internal block improvements, consisting of buildings, parking and drive aisles and drive-through window features and as shown on the Application Plan in order to: i) comply with conditions imposed by Special Use Permits, and ii) assure compliance with ARB requirements iii) and provide all necessary storm water management and BMP's as necessary.
2. The Owners of Area C, as shown on the Application Plan (the "Owner") shall cause completion of the following road improvements that shall be roads constructed to VDOT standards and either be accepted by VDOT or be bonded for VDOT's acceptance as follow:
  - A. Construction of Timberwood Boulevard, as depicted on the Application Plan and further described as follows: i) from the intersection at US Route 29 to a new terminus within Hollymead Town Center that is shown at the extension of the

"Revised  
Application Booklet  
for Code of  
Development  
ZMA201700005: A  
Revision to ZMA  
201300004  
Originally Revised  
from ZMA  
01-20-2001 (Area  
C) 'At Hollymead  
Town Center'"

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VDOT future road improvement project of Airport Road, this will provide the connection to Airport Road from Route 29 as previously proffered as part of ZMA-94-08. The constructed improvements shall include two Eastbound lanes in conjunction with the improvements designed for TM 32 Parcels 41D1 and 41A to the first dual lane roundabout at access road B and Westbound lanes of dual left lanes, one thru lane and one continuous right turn lane from the roundabout at access road B to the intersection with Route 29, from the roundabout at access road B a two lane section shall be constructed to the VDOT extension, with additional turn lanes at intersections located in Area C pursuant to road plans approved by the Virginia Department of Transportation ("VDOT") and the County as part of the Area C site plan.

B. Construction of dual left turn lanes at the intersection of Route 29 and Timberwood Boulevard, from northbound Route 29 into Timberwood Boulevard. The turn lane and taper lengths will be determined with final road plans to be reviewed and approved by VDOT.

C. Signalization at Timberwood Boulevard and Route 29 shall include reconstruction at the Forest Lakes Subdivision entrance location, as scheduled in coordination with VDOT. All turn movements shall be signaled at the intersection of Route 29 and Timberwood Boulevard, as approved by VDOT. The existing intersection exiting Forest Lakes shall be reconstructed to maintain the dual left lanes, the continuous right turn lane and add a through lane according to the final design in the previous paragraph.

D. The Owner proffers to dedicate land and construct a third through lane on Route 29 (consisting of lane width, shoulder and drainage improvements) southbound from the entrance road, (Timberwood Boulevard) at the Property's Northern boundary. The Owner also shall dedicate land or cause to be dedicated and construct: i) a continuous through lane 500-feet to the Southern boundary of Area C, ii) a taper lane consisting of a 200 foot taper beginning at the Southern boundary and Route 29 (in the event area B is not rezoned and their proffers accepted), and iii) a continuous right turn lane starting at the right-in at the Northern boundary of TM 32 Parcel 41A to the right-in at the Southern entrance of Area C.

E. Construction of one additional continuous right turn Northbound lane starting 1090 feet south of Timberwood Boulevard at the location of the beginning of the turn and taper of Worth Crossing and Route 29, and terminating at Timberwood Boulevard.

F. Access Road C, between Area A and its intersection with Timberwood will be built or bonded before the issuance of the first certificate of occupancy within Area B. If bonded, the road will be constructed for acceptance by VDOT within one year of the first certificate of occupancy.

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The road improvements listed in proffer 2A, 2B, 2C, 2D, 2E and 2F above shall be constructed, in accordance with road plans submitted by the Owner and approved by VDOT. All of the foregoing improvements shall be i) constructed to VDOT design standards pursuant to detailed plans agreed to between the Applicant and VDOT, and ii) accepted by VDOT for public use or bonded for VDOT's acceptance as a condition for issuance of any certificate of occupancy for Area C improvements (except as otherwise provided in proffer 2F). The width, length, location, (inside median or outside existing pavement), type of section (e.g., urban vs. rural), and geometrics of all lane improvements shall be as required by VDOT design standards and detailed plans submitted by the Owner and approved by VDOT.

3. All road improvements listed in proffer 2 above shall be substantially completed prior to the issuance of the first Certificate of Occupancy in Area C; notwithstanding the foregoing, the road proffers described in proffer 2 above shall be satisfied if the Owner has submitted plans for all such road improvements for review by VDOT, and although such improvements are not fully completed by the issuance of a Certificate of Occupancy for Area C, sufficient bond has been supplied to satisfy all costs to complete such improvements in accordance with plans approved by VDOT. Substantially complete for the purposes of these proffers shall mean approved sub-base gravel, curb and gutter, intermediate surface and necessary storm water management improvements and satisfactory completion of road improvements required for public safety, and signalization; but shall not include final activated signals which are subject to testing and synchronization according to VDOT inspection. All proffers to make road improvements contained in proffer 2 of these proffers are conditioned upon VDOT's approval of an entrance permit at the Timberwood Boulevard intersection with Route 20 as shown on the Application Plan. The Owner shall submit to VDOT plans for such road improvements within 30 days of the rezoning and shall diligently pursue such approvals from VDOT.
4. Upon request of the County, the Owner shall contribute \$10,000.00 to the County or VDOT for the purposes of funding a regional transportation study for the Route 29 Corridor. The \$10,000.00 contribution shall be made within 30 days after requested by the County after the first final site plan or subdivision plat is approved in Area C and, if not expended for such purposes within three years from the date the funds were contributed, such funds shall be refunded to the Owner.
5. The Owner shall contribute \$200,000.00 (the "total contribution") to the County for the purpose of funding capital improvements related to the Hollymead Town Center. The contribution shall be paid as follows: \$100,000.00 shall be contributed to the County within 30 days after the first final site plan or subdivision plat containing dwelling units is approved in Area C; the remainder of the contribution shall be paid on a pro rata basis at the time a certificate of occupancy is issued for each dwelling unit; the pro rata contribution shall be based upon the number of dwelling units approved as part of the first final site plan or subdivision plat. If five years after the date of approval of the first final site plan or subdivision plat the total contribution has not been fully paid, the Owner

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shall contribute the unpaid balance within 30 days upon the request of the County. If the fund is not exhausted within 10 years from the date the last contribution is made, such unexpended funds shall be refunded to the Owner.

6. Upon the request of the County, for any parcel used for non-residential purposes in the portion that is currently zoned Light Industry that will be rezoned to PDMC the Owner shall petition for and consent to a Community Development Authority ("CDA") established pursuant to Section 15.2-5152, et seq. of the Code of Virginia ("Code") to be created for the purpose of financing, funding, planning, establishing, constructing, reconstructing, enlarging, extending or maintaining Route 29 and roads and other improvements associated therewith, which shall include, but may not be limited to improvements to Route 29 from the South Fork of the Rivanna River to Airport Road, the extension of Ridge Road as depicted on the Master Plan, to the South and across the Rivanna River to connect to Berkmar Drive.

Submitted as of the 25<sup>th</sup> day of July 2003, by: Post Office Land Trust

By: Charles W. Hurt  
Charles W. Hurt, Trustee

By: Shirley L. Fisher  
Shirley L. Fisher, Trustee