

COUNTY OF ALBEMARLE
Department of Community Development
401 McIntire Road, North Wing
Charlottesville, Virginia 22902-4596

Phone (434) 296-5832

Fax (434) 972-4126

December 21, 2011

Steve Driver - Terra Engineering & Land Solutions
2374 Stuarts Draft Highway
Stuarts Draft, VA 24477

RE: ZMA 201100001 Fontana Trail Proffer

TAX MAP/PARCELS: 078E0000000A00, 078E000000000E, 078E000000000D, 078E00000128,
078E00000127, 078E0000012600, 078E0000012500, 078E0000012400, 078E0000012300,
078E0000012200, 078E0000012100, 078E0000012000

Dear Mr. Driver:

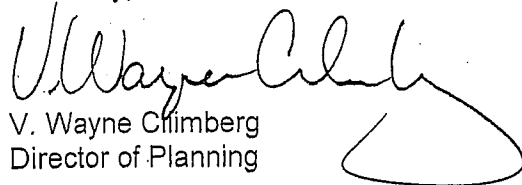
On December 14, 2011, the Board of Supervisors approved the above referenced re-zoning amending the proffers on the above referenced parcels to remove the obligation to build a trail on 6.09 acres zoned R-4 Residential. The approval was inclusive of the attached proffers dated October 18, 2011. Please refer to this document for any future applications and requests on this property.

Please be advised that although the Albemarle County Board of Supervisors took action on the project noted above, no uses on the property as approved above may lawfully begin until all applicable approvals have been received and conditions have been met. This includes:

- compliance with applicable PROFFERS;
- approval of and compliance with a SITE PLAN or SUBDIVISION PLAT; and
- approval of a ZONING COMPLIANCE CLEARANCE.

If you have questions or comments regarding the above-noted action, please do not hesitate to contact Rebecca Ragsdale at 296-5832.

Sincerely,


V. Wayne Crimberg
Director of Planning

Cc: Fontana Owners Association Inc
111 Fontana Court
Charlottesville VA 22911

Anthony Nichols
Fontana Land Trust
605 Fontana Drive
Charlottesville, VA 22911

File

Email Cc: Tex Weaver
Rebecca Ragsdale
Sarah Baldwin

Original Proffer _____
Amended Proffer X
(Amendment # 1 to ZMA 2004-00018)

PROFFER FOR FONTANA PHASE 4C

Date: 10/18/11

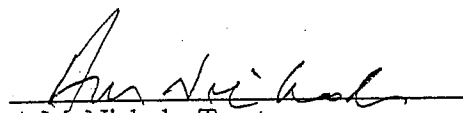
ZMA # 2011-00001

Tax Map and Parcel Number: Tax Map 78E, Parcel A
17.15 Acres to be rezoned from R-4 to R-4 (with amended Proffer #10)

Pursuant to Section 33.3 of the Albemarle County Zoning Ordinance, the Owner hereby voluntarily proffers the conditions listed below which shall be applied to the property, if rezoned. These conditions are proffered as a part of the requested rezoning and it is acknowledged that such conditions are reasonable.

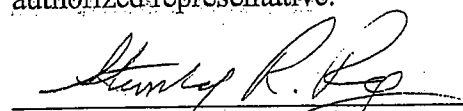
The proffer below replaces Proffer # 10 accepted in conjunction with the rezoning entitled ZMA 2004-00018 Fontana Phase 4C, Tax Map 78E, Parcel A. All other proffers accepted in conjunction with ZMA 2004-00018 remain in full force and effect.

10. **Plan for Pedestrian Paths for Phases 1, 2, 3, 4A and 4B of Fontana Subdivision:** The Owner shall construct pedestrian paths in Phases 1, 2, 3, 4A and 4B of Fontana Subdivision in accordance with the standards and locations shown on the plan entitled "Fontana Subdivision Pedestrian Path Plan," prepared by Terra Engineering and Land Solutions and dated June 14, 2011, a copy of which is attached hereto and incorporated herein. These paths shall be completed to the satisfaction of the County Engineer prior to grading in Phase 4C.

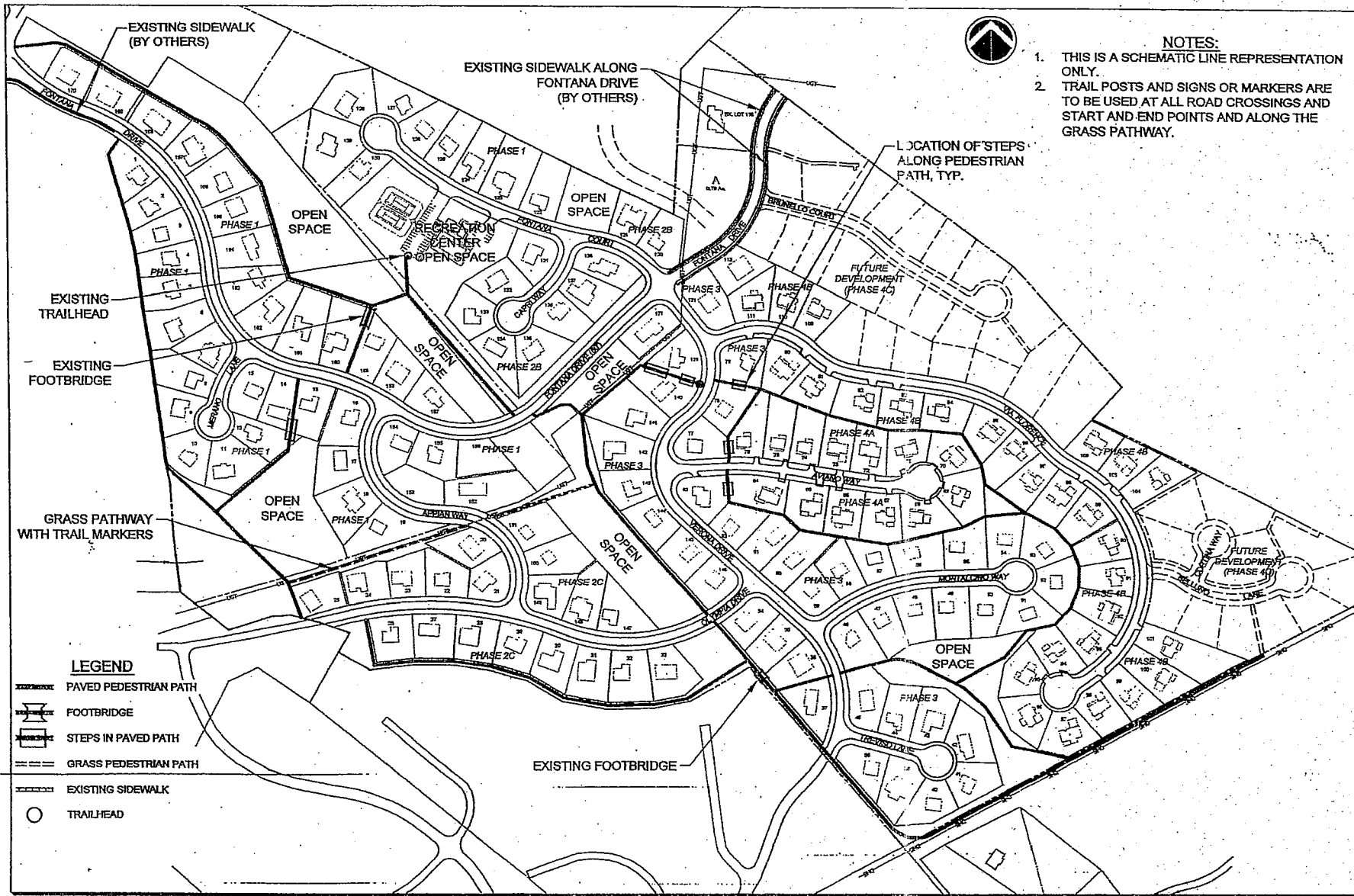

A.M. Nichols, Trustee
Fontana Land Trust
Owner

10/18/11
Date

Fontana Owners Association, Inc. is the owner of tax map parcel(s) ~~078E1-00-001~~^{-000ED} through which a portion of the trail system will be installed, and which entity will allow for the installation of the trail and associated signage. To the extent the consent of the Fontana Owners Association, Inc. is required for this Proffer Statement, such consent is evidenced by the signature hereto of its authorized representative. SPR


Stanley R. Rose, President
Fontana Owners Association, Inc.

10/19/11
Date



- NOTES:**
1. THIS IS A SCHEMATIC LINE REPRESENTATION ONLY.
 2. TRAIL POSTS AND SIGNS OR MARKERS ARE TO BE USED AT ALL ROAD CROSSINGS AND START AND END POINTS AND ALONG THE GRASS PATHWAY.

- LEGEND**
- PAVED PEDESTRIAN PATH
 - FOOTBRIDGE
 - STEPS IN PAVED PATH
 - GRASS PEDESTRIAN PATH
 - EXISTING SIDEWALK
 - TRAILHEAD

TERRA ENGINEERING AND LAND SOLUTIONS, PC
PLANNING
LAND SURVEYING
CIVIL ENGINEERING
2741 STUARTS CRAFT HIGHWAY
FALLS CHURCH, VA 22034
TEL: 540-337-4961 FAX: 540-337-4970

FONTANA SUBDIVISION
ALLEGANY COUNTY, VIRGINIA

PEDESTRIAN PATH PLAN

SCALE: 1" = 250'

ISSUED: JUNE 14, 2011

DRAWN: PAB

DESIGN: SLD

CHECKED: SLD

REVISIONS:

EXHIBIT

A



COUNTY OF ALBEMARLE

Department of Community Development
Division of Planning
(434) 296 -5823

401 McIntire Road, Room 218
Charlottesville, Virginia 22902-4596
Fax (434) 972 - 4035

August.22, 2011

Mr. Steve Driver
Terra Engineering and Land Design
2374 Stuarts Draft Highway
Stuarts Draft, VA 24477

Mr. Stanley R. Rose
Fontana Owners Association
111 Fontana Court
Charlottesville, VA 22911

Mr. Anthony Nichols
Fontana Land Trust
605 Fontana Drive
Charlottesville, VA 22911

RE: ZMA20.11-00001 Fontana Trails Proffer Amendment

Gentlemen:

From recent conversations and emails, there appears-to be confusion over the action of the Planning Commission on April 19, 2011 related to the ZMA referenced above. There also continues to be confusion over whether all-trails have been completed and have passed inspection. Please let me begin this letter by saying, **'YOUR PROJECT IS NOT APPROVED AT THIS TIME.** There is more work-to be done.

An email received Thursday, August 18 indicated that Mr. Nichols believes that the Planning Commission approved waivers-for the pathways in Fontana. The Planning Commission did not approve any "waivers" on April 19, 2011 when they held their public hearing on ZMA_2011-00001. Please see the attachment-to this letter.

The Commission voted-to recommend approval of the IMA with changes. The needed changes were (1) provision of an up-to-date map showing constructed and proposed trails (2) changed proffers-that reference the new map, and (3) provision of an additional proffer stating that the trail system would be completed by May 1, 2012. To date, only item (1) has been provided.

Items 2 & 3 are still needed. If the County Engineer determines that the trails are all - complete before you provide the proffer amendment, then, only item 2 is needed. For item 2, we need a written replacement proffer on the form previously provided, which references the up-to-date map by name, date, and preparer.

I will let the County Engineer respond to issues related to bonding. I hope that this letter answers any questions about the steps needed to bring this project to the Board of Supervisors for final action. Please let me know if I can provide additional information, or clarify any outstanding issues.

Sincerely,

A handwritten signature in black ink, reading "Elaine K Echols". The signature is written in a cursive, flowing style.

Elaine K. **Echols**
Principal Planner

C: **Amelia** McCulley, Zoning Administrator
 Glenn **Brooks**, County Engineer

COUNTY OF ALBEMARLE
Department of Community Development
401 McIntire Road, North Wing
Charlottesville, Virginia 22902-4596

Phone (434) 296-5832

Fax (434) 972-4126

June 3, 2011

Steve Driver -Terra Engineering & Land Solutions
2374 Stuarts Draft Highway
Stuarts Draft, Va 24477

RE: ZMA 201100001 Fontana Trail Proffer

TAX MAP/PARCEL[S]: 78E000000000E, 078E000000000D, 078E00000128, 078E00000127,
078E0000012600,.078E0000012500,078E0000012400,78E0000012300,078E0000012200,
078E0000012100, 078E0000012000

Dear Mr. Driver:

The Albemarle County Planning Commission, at its meeting on April 19, 2011, by a vote of 7:0, recommended approval of the above-noted petition to the Board of Supervisors.

This approval was based on the following conditions:

1. 'Trail segments A & B (identified in the staff) report be retained; however they should be kept as grass and marked;
2. Trail segment C (identified in the staff report) be deleted;
3. The trail system for Fontana Phases 1, 2, 3, 4, 4a, and 4b be completed by May 1, 2012
4. An up to date map showing the constructed and proposed trails be provided to accompany the proffers.

Please be advised that the Albemarle County Board of Supervisors will review this petition and receive *public comment at a date to be determined.*

If you should have any questions or comments regarding the above noted action, please do not hesitate to contact me at (434) 296-5832:

Sincerely,

 t'ZpattlK Echols

Elaine K. Echols, AICP
Principal Planner
Planning Division

cc: Fontana Owners Association Inc
111 Fontana Court
Charlottesville Va 22911



COUNTY OF ALBEMARLE

Department of Community Development
Division of Planning
(434) 296 — 5823

401 McIntire Road, Room 218
Charlottesville, Virginia 22902-4596
Fax (434) 972 - 4035

July 29, 2011

Mr. Anthony. Nichols
Fontana Land Trust
605 Fontana Drive
Charlottesville, VA 22911

RE: ZMA=11-01 Fontana Submittal #3 dated July 6, 2011

Dear Mr. Nichols:

Thank you for your recent submittal of the plan entitled Fontana Subdivision, Pedestrian Path Plan, June 14, 2011, prepared by Terra Engineering and Land Solutions. You provided this plan on July 7 and, although it was after the deadline, we accepted it for review according to the July 5 resubmittal schedule.

Planning, Zoning, and Engineering staff have reviewed the Pedestrian Path Plan and concluded that it addresses all prior comments and meets the expectations of the Planning Commission.

In order for the Board of Supervisors to accept your request to modify the commitment to build in accordance with the revised pedestrian plan, revised proffers are needed. You provided signed proffers on February 22, 2011, but, unfortunately, they reference an earlier plan. The County Attorney's office has advised us that these proffers will not allow the Board of Supervisors to approve your request.

The following language would be acceptable and a full set of proffers (as I provided in June) would not have to be signed. The highlighted portions are the portions of the proffer that would need to be changed from the February 22, 2011 proffers. The May 1, 2012 deadline was recommended by the Planning Commission.

10. Plan for Pedestrian Paths for Phases 1, 2, 3, 4A and 4B of Fontana 'Subdivision: **The** Owner shall construct pedestrian paths in Phases 1, 2,3,-4A and 4B of Fontana Subdivision in accordance with the standards and locations shown on the plan entitled "Fontana Subdivision Pedestrian Path Plan" i» epared by Terra Engineering and Land Solutions and dated June 14, 2011. These paths shall be completed to the satisfaction of the County Engineer by May 1, 2012 and prior to grading in Phase 4C.

I have attached a proffer form which you could use. Please make sure that the 2011 ZMA number and the ZMA amendment numbers be placed correctly on the form. As I indicated in an email June 15, a representative from the Owner's Association, who is authorized by their

Bylaws, will also need to sign the proffers. This is because the Owner's Association is the legal owner of record on Tax Parcel 78E-E. Stan Rose signed the rezoning application and the February 22 proffers. If he is to sign the new proffers, his name should be printed exactly as it is listed on the Owner's Association documents and his signature should match the printed name. The exact name of the Owner's Association should also be on the proffers.

Resubmittal and Public Hearing

Within 30 days of the date of this letter, please do one of the following:

- (1) Submit the revised signed proffers on resubmittal date found on the County's resubmittal schedule, which may be found at this website location:
[http://www.albamarle.org/upload/images/forms_center/departments/Community Development/forms/schedules/Special Use Permit & Zoning Map Amendment Schedule.pdf](http://www.albamarle.org/upload/images/forms_center/departments/Community_Development/forms/schedules/Special_Use_Permit_&_Zoning_Map_Amendment_Schedule.pdf)
OR
- (2) Request indefinite deferral and state your justification for requesting the deferral. (Indefinite deferral means that you intend to resubmit/request a public hearing be set with the Board after the 30 day period.)

A public hearing date with the Board of Supervisors of September 14 is tentatively set for this project. In order for you to keep this date, the revised proffers must be received by August 15 and they must be in order. If you choose not to submit revised proffers, you may continue to request September 14 for the Board's public hearing. However, the Board will be unable to approve your request because the existing proffers and the plan title and date do not match.

Please be advised that, once a public hearing has been advertised, only one deferral prior to the Board's public hearing will be allowed during the life of the application. The only exception to this rule will be extraordinary circumstances, such as a major change in the project proposal by the applicant or more issues identified by staff that have not previously been brought to the applicant's attention.

It is my sincerest hope that you and the Owner's Association representative will be able to sign the proffers so that this project can be acted on by the Board of Supervisors at their next available date, which is September 14. I look forward to receiving the revised proffers by August 15 or sooner.

Sincerely,

Elaine K. Echols, AICP
Principal Planner - Development Areas

C: StanleyR. Rose, Fontana Owners Association

Original Proffer
Amended Proffer _____
(Amendment # 1 to ZMA 2004-00018) **j**

PROFFER FOR FONTANA PHASE 4C

Date: _____

ZMA # 2011-0000.1:

Tax Map and Parcel Number Tax Map 78E, Parcel A
17.15 Acres to be rezoned from R1, R4, RA to R4

Pursuant to Section 33.3 of the Albemarle County Zoning Ordinance, the Owner hereby voluntarily proffers the conditions listed below which shall be applied to the property, if rezoned. These conditions are proffered as a part of the requested rezoning and it is acknowledged that such conditions are reasonable.

This proffer replaces proffer #10 for the rezoning entitled ZMA 2004-00018 Fontana Phase 4C, Tax Map 78E Parcel A.

10. Plan for Pedestrian Paths for Phases 1, 2, 3, 4A and 4B of Fontana Subdivision: The Owner shall construct pedestrian paths in Phases 1, 2, 3, 4A and 4B of Fontana Subdivision in accordance with the standards and locations shown on the plan entitled "Fontana Subdivision Pedestrian Path Plan" prepared by Terra Engineering and Land Solutions and dated June 14, 2011. These paths shall be completed to the satisfaction of the County Engineer by May 1, 2012 and prior to grading in Phase 4C.

Signature of Owner

A. M. Nichols, Trustee
Fontana Land Trust

Date

Signature of Owner

Full Name for Representative
Office
Fontana Owners Association, Inc.

Date