

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

Phone (434) 296-5832

Fax (434) 972-4176

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April 7, 2016

Justin Shimp  
Shimp Engineering  
201 E. Main Street Suite M  
Charlottesville, VA 22903

RE: ZMA2015-008 Adelaide

Mr. Shimp:

Staff has reviewed your second submittal for your proposal to rezone TMP56-108A and 56-26A2 from R1- Residential to R-6 Residential. Our comments are provided below:

**General Application Comments:**

1. Application plans only apply to planned districts. Since this request is not a planned district, revise all references to "application plan" to be "proffered plan".
2. The revised plan does provide a significant buffer, even though it is not consistently 50 feet in depth, staff believes that allowing for some variation in the buffer, and providing more than 50 feet for most of the length of Rt 250 will equally preserve the rural scenic character. The additional landscaping as shown on the ARB submittal, should be shown on the proffered plan with notation that it will be subject to ARB approval. Two stormwater management facilities are still being shown within the buffer and should be removed. See additional comments from the ARB.
3. Provide a page that has the plans on Sheet 4 and 5 reduced in scale so that the entire parcel can be captured on one page showing that all of the area to the southwest is being designated as open space and that there will not be improvements within this open space along Route 250.
4. Add the following language to Note # 4 on Page 4 regarding the R- 6 Clustering: "The lots once created with a subdivision plat will not require a minimum lot size per the R- 6 Clustering provision."
5. The plats reference a total of 19.975 acres (page 3 of the plan), the proffers reference 20.4 acres (page 1 of the proffers) and the proffered plan references 20 acres (page 4 of the proffered plan). Please make sure that the reference to the actual acreage of the properties to be rezoned is the same on all part of the proposal. Is there a new survey that shows 20.4 acres or 20 acres?

**Proffered Plan:**

1. A notation should be added to the proffered plan to state that parking will be relegated to the sides or rear of the buildings. Also, for single family detached with front loaded garages, that the garage will be set back a minimum of 5 feet from the porch or front façade of the house.
2. Stream buffer and stormwater information should be added to sheet 4 to assure that the area for development is outside of the buffer.

3. A trail way/pedestrian path should be provided from the internal sidewalk system to the property line to the Cory Farm open space, so if in the future a pedestrian network is sought to connect Cory Farm, the path will be in place.
4. The multi- use trail along Route 250 should be revised at the Brownsville Road entrance to have the crossing to line up/be within the right of way, so that a future extension can occur fully within the right of way.

**Proffers:**

1. Proffer # 2 - The last sentence should say "... shall be in general accord..."
2. Proffer #3 states that 20% of the land will be green space, however on the plan it states 25% and 25% open space is required for R6 clustered lots.
3. All traffic improvements identified by the TIA should be proffered to assure that they will be completed with the development.
4. See attached comments from County Attorney regarding the proffers.

**Traffic Study:**

1. See VDOT comments attached.
2. See VDOT comments on the Brownsville Road issue, as it is still unclear on the status of this road/prescriptive easement.

**Planning**

Planning staff's comments are organized as follows:

- How the proposal relates to the Comprehensive Plan
- The Neighborhood Model analysis
- Additional Planning comments
- Additional comments from reviewers (See attached)

**Comprehensive Plan.** Comments on how your project conforms to the Comprehensive Plan will be provided to the Planning Commission and Board of Supervisors as part of the staff report that will be prepared for the public hearing. The comments below are in response to the recent submittal and with input from the Planning Commission work session.

The property is located within the Crozet Masterplan. The land use designations for this property is as follows: Neighborhood Density Residential – residential (3 – 6 units/acre) supporting uses such as religious institutions, schools and other small-scale non-residential uses. Within the Crozet Master Plan, Neighborhood Density Residential is further described as follows: "Housing in this area is primarily single-family detached with some single-family attached/townhouses". The Planning Commission indicated that a variety of housing types should be provided, including single family detached. The revised plan contains 40 single family detached and 40 single family attached units.

The Master Plan provides for a range of density (3 to 6 units per acre) and, as we have said previously, if the request is within the range recommended in the Master Plan, it can be supported from the standpoint of total numbers of units. But, whether or not a total number of units can be achieved or should be achieved at a given location depends on more than the density range recommended in the Master Plan. It must be paired with design in keeping with the Neighborhood Model and also with the recommended unit types in the Master Plan. And ultimately, the BOS, on the recommendation of the PC and CAC, decides on the most appropriate interpretation of the Plan. The current plan contains a total of 80 units, which amounts to 5.5 units per acre and is within the recommended range of the Master Plan. The Commission stated that design was the most important factor in regards to density and the

proposal has been revised to include important elements (greenway trail, pocket park) that the Commission requested to be incorporated.

### **Neighborhood Model**

General comments on how well the proposed development meets the principles of the Neighborhood Model are provided here. More detailed comments may be provided at a later date if changes are made and/or after more detailed plans are provided.

<b>Pedestrian Orientation</b>	<ul style="list-style-type: none"> <li>• All streets will be required to have sidewalks on both sides of the street per the ordinance</li> <li>• A trail is proposed within a greenway as well as a multi-use trail along Route 250</li> <li>• This principle will be met with ordinance requirements</li> </ul>
<b>Mixture of Uses</b>	<ul style="list-style-type: none"> <li>• This principle is not applicable, as non-residential is not required per the Crozet Master Plan in this area.</li> </ul>
<b>Neighborhood Centers</b>	<ul style="list-style-type: none"> <li>• A pocket park in addition to the greenway/trail has been incorporated into the design of the development.</li> <li>• This principle is met.</li> </ul>
<b>Mixture of Housing Types and Affordability</b>	<ul style="list-style-type: none"> <li>• The revised plan includes two housing types, single family detached and attached and 12 will be affordable.</li> <li>• This principle is met</li> </ul>
<b>Interconnected Streets and Transportation Networks</b>	<ul style="list-style-type: none"> <li>• While a vehicular interconnection to Cory Farm is not a possibility, a trail way/pedestrian path should be provided from the internal sidewalk system to the property line to their open space, so if in the future a pedestrian network is sought to connect Cory Farm, the path will be in place.</li> <li>• A trail connection is being made along Route 250 and further a greenway connection to the Lickinghole Trail is being offered.</li> <li>• This principle could be further met by providing a pedestrian path from the internal sidewalk system to the property line with Cory Farm open space.</li> </ul>
<b>Multi-modal Transportation Opportunities</b>	<ul style="list-style-type: none"> <li>• As stated above, a multi-use path is proposed along 250, however further extending the proposed multi-use path to connect to the planned County project that ends at Cory Farm Road should be explored/offered.</li> <li>• This principle could be further met by providing additional path to connect to planned pedestrian project</li> </ul>
<b>Parks, Recreational Amenities, and Open Space</b>	<ul style="list-style-type: none"> <li>• A pocket park is provided in addition to a greenway/trail that connects to the Lickinghold Creek Trail.</li> <li>• This principle is met.</li> </ul>
<b>Buildings and Space of Human Scale</b>	<ul style="list-style-type: none"> <li>• The setback regulations were recently updated to address neighborhood model principles. Therefore, this development will be subject to the R6 setbacks and will meet this principle.</li> </ul>
<b>Relegated Parking</b>	<ul style="list-style-type: none"> <li>• Parking should be relegated to the back or side of buildings. The garage should be set back several feet behind the front façade or porch of the house or provide side loaded garages, to meet this principle. A notation should be added to the plan to this affect.</li> <li>• With additional information/commitment this principle can be met.</li> </ul>
<b>Redevelopment</b>	<ul style="list-style-type: none"> <li>• This proposal is for new development within Development Areas. This principle does not apply.</li> </ul>

<b>Respecting Terrain and Careful Grading and Re-grading of Terrain</b>	<ul style="list-style-type: none"> <li>• Stream buffer should be added to sheet 4 to assure that the area for development is outside of the buffer.</li> <li>• This principle can be met with a revision.</li> </ul>
<b>Clear Boundaries with the Rural Area</b>	<ul style="list-style-type: none"> <li>• A buffer is provided along the full frontage of Route 250, however proposed additional landscaping should be shown on the plan.</li> <li>• All buffers should be owned and maintained by the developer/HOA and should not be on private lots.</li> <li>• With additional information/commitment this principle can be met.</li> </ul>

### **Additional Planning Comments:**

1. The proposed development will need to meet all of the R6 ordinance requirements, including lot size, setbacks, recreation, etc. It may be that the number of units will be reduced if the lot sizes do not meet the requirements under R6.
2. The post master has stated that individual mailboxes will not be allowed within the Crozet area and that group mailboxes need to be provided for new developments. If the rezoning is approved, this should be planned for early on as the site plan is designed, so as not to have an issue at a later date.

### **Action after Receipt of Comments**

After you have read this letter, please take one of the actions identified in the attachment "Action After Receipt of Comment Letter."

### **Resubmittal**

If you choose to resubmit, please use the attached form (*I will forward you this when you indicate if you plan on resubmitting*). There is no fee for the first resubmittal. The resubmittal date schedule is provided for your convenience.

### **Notification and Advertisement Fees**

Recently, the Board of Supervisors amended the zoning ordinance to require that applicants pay for the notification costs for public hearings. Prior to scheduling a public hearing with the Planning Commission:

\$ 115.70 Cost for newspaper advertisement

\$ 200.00 Cost for notification of adjoining owners (minimum \$200 + actual postage/\$1 per owner after 50 adjoining owners)

-\$ 178.00 Credit (extra paid at time of application)

**\$ 137.70 Total amount due prior to Planning Commission public hearing**

Prior to the Board of Supervisor's public hearing, payment of the newspaper advertisement for the Board hearing needed.

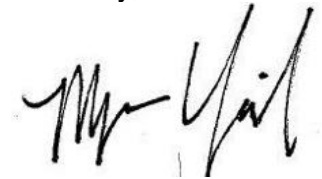
**\$ 115.70 Additional amount due prior to Board of Supervisors public hearing**

**\$ 253.40 Total amount for all notifications** *Fees may be paid in advance. Payment for both the Planning Commission and Board of Supervisors public hearings may be paid at the same time.*

Additional notification fees will not be required unless a deferral takes place and adjoining owners need to be notified of a new date.

Feel free to contact me if you wish to meet or need additional information. My phone number is (434) 296-5832, x. 3004, and my email address is: [myaniglos@albemarle.org](mailto:myaniglos@albemarle.org).

Sincerely,

A handwritten signature in black ink, appearing to read 'Megan Yaniglos', written in a cursive style.

Megan Yaniglos  
Principal Planner  
Planning Services

**Attachment A** – Comments from Housing

**Attachment B** – Comments from Architectural Review Board/Historic Preservation Staff, dated April 1, 2016

**Attachment C** – Comments from Zoning, dated March 31, 2016

**Attachment D**- Comments from County Attorney

**Attachment E**- Comments from VDOT, dated April 8, 2016

## DEPARTMENT OF COMMUNITY DEVELOPMENT



### ACTION AFTER RECEIPT OF COMMENT LETTER

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

- (1) Resubmit in response to review comments**
- (2) Request indefinite deferral**
- (3) Request that your Planning Commission public hearing date be set**
- (4) Withdraw your application**

#### **(1) Resubmittal in Response to Review Comments**

If you plan to resubmit within 30 days, make sure that the resubmittal is on or before a resubmittal date as published in the project review schedule. The full resubmittal schedule may be found at [www.albemarle.org](http://www.albemarle.org) in the "forms" section at the Community Development page. Be sure to include the resubmittal form on the last page of your comment letter with your submittal.

The application fee which you paid covers staff review of the initial submittal and **one** resubmittal. Each subsequent resubmittal requires an additional fee. (See attached Fee Schedule.)

#### **(2) Request Indefinite Deferral**

If you plan to resubmit after 30 days from the date of the comment letter, you need to request an indefinite deferral. Please provide a written request and state your justification for requesting the deferral. (Indefinite deferral means that you intend to resubmit/request a public hearing be set with the Planning Commission after the 30 day period.)

#### **(3) Request Planning Commission Public Hearing Date be Set**

At this time, you may schedule a public hearing with the Planning Commission. However, we do not advise that you go directly to public hearing if staff has identified issues in need of resolution that can be addressed with a resubmittal.

After outstanding issues have been resolved and/or when you are ready to request a public hearing, staff will set your public hearing date for the Planning Commission in accordance with the Planning Commission's published schedule and as mutually agreed by you and the County. The staff report and recommendation will be based on the latest information provided by you with your initial submittal or resubmittal. Please remember that all resubmittals must be made on or before a resubmittal date.

By no later than twenty-one (21) days before the Planning Commission's public hearing, a newspaper advertisement fee and an adjoining owner notification fee must be paid. (See attached Fee Schedule) Your comment letter will contain the actual fees you need to pay. Payment for an additional newspaper advertisement is also required twenty-two (22) days prior to the Board of Supervisors public hearing. These dates are provided on the attached Legal Ad Payments for Public Hearings form.

Please be advised that, once a public hearing has been advertised, only one deferral prior to the Planning Commission'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. As always, an applicant may request deferral at the Planning Commission meeting.

#### **(4) Withdraw Your Application**

If at any time you wish to withdraw your application, please provide your request in writing.

\* \* \* \* \*

#### **Failure to Respond**

If we have not received a response from you within 30 days, we will contact you again. At that time, you will be given 10 days to do one of the following: a) request withdrawal of your application, b) request deferral of your application to a specific Planning Commission date as mutually agreed to with staff, or c) request indefinite deferral and state your justification for requesting the deferral. If none of these choices is made within 10 days, staff will schedule your application for a public hearing based on the information provided with your original submittal or the latest submittal staff received on a resubmittal date.

#### **Fee Payment**

Fees may be paid in cash or by check and must be paid at the Community Development Intake Counter. Make checks payable to the County of Albemarle. Do not send checks directly to the Review Coordinator

2016 Submittal and Review Schedule			
Special Use Permits and Zoning Map Amendments Resubmittal Schedule			
Written Comments and Earliest Planning Commission Public Hearing*			
Resubmittal Dates	Comments to applicant for decision on whether to proceed to Public Hearing *	Request for PC Public Hearing, Legal Ad Payment Due **	Planning Commission Public Hearing No sooner than* COB Auditorium
Monday	Friday	Monday	Tuesday
Nov 2 2015	Dec 4 2015	Dec 21 2015	Jan 12
Nov 16 2015	Dec 18 2015	Jan 04	Jan 26
Dec 7 2015	Jan 08	Jan 11	Feb 02
Dec 21 2015	Jan 22	Feb 01	Feb 23
Jan 04	Feb 05	Feb 08	Mar 01
<b><i>Tue Jan 19</i></b>	Feb 19	Feb 22	Mar 15
Feb 01	Mar 04	Mar 14	Apr 05
<b><i>Tue Feb 16</i></b>	Mar 18	Apr 04	Apr 26
Mar 07	Apr 08	Apr 11	May 03
Mar 21	Apr 22	May 09	May 31
Apr 04	May 06	May 09	May 31
Apr 18	May 20	May 30	Jun 21
May 02	Jun 03	Jun 20	Jul 12
May 16	Jun 17	Jun 20	Jul 12
Jun 06	Jul 08	Jul 18	Aug 09
Jun 20	Jul 22	Aug 01	Aug 23
<b><i>Tue Jul 05</i></b>	Aug 05	Aug 22	Sep 13
Jul 18	Aug 19	Aug 22	Sep 13
Aug 01	Sep 02	Sep 05	Sep 27
Aug 15	Sep 16	Sep 19	Oct 11
<b><i>Tue Sep 06</i></b>	Oct 07	Oct 10	Nov 01
Sep 19	Oct 21	Oct 31	Nov 22
Oct 03	Nov 04	Nov 14	Dec 06
Oct 17	Nov 18	Nov 28	Dec 20
Nov 07	Dec 09	Dec 19	Jan 10 2017
Nov 21	Dec 23	Jan 09 2017	Jan 31 2017
Dec 05	Jan 06 2017	Jan 16 2017	Feb 07 2017
Dec 19	Jan 20 2017	Feb 06 2017	Feb 28 2017
Jan 03 2017	Feb 03 2017	Feb 13 2017	Mar 07 2017
<b><i>Bold italics = submittal/meeting day is different due to a holiday.</i></b>			
Dates with shaded background are not 2016.			
2017 dates are tentative.			

\* The reviewing planner will contact applicant to discuss comments of reviewers and advise that changes that are needed are significant enough to warrant an additional submittal or advise that the the project is ready for a public hearing. If changes needed are minor, the planner will advise that the project go to public hearing.

\*\* The legal ad deadline is the last date at which an applicant can decide whether to resubmit or go to public hearing. If an applicant decides to go to public hearing against the advice of the reviewing planner, a recommendation for denial will likely result. Generally, the applicant will will have only one opportunity to defer the PC public hearing for the project once it has been advertised for public hearing. Additional deferrals will not be allowed except in 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.



## Megan Yaniglos

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**From:** Ron White  
**Sent:** Monday, March 14, 2016 10:29 AM  
**To:** Megan Yaniglos  
**Subject:** RE: ZMA2015-008 Adelaide

There is something missing in 1. D.

After "Affordable Dwelling Units" I think they mean that the County would notify in writing that it may not have a qualified purchaser for one or more of the affordable units at the time prior to "the then-current owner/builder expects the units to be completed and..."

*Ron White*  
*Chief of Housing*  
*(434) 296-5839*

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**From:** Megan Yaniglos  
**Sent:** Wednesday, March 09, 2016 11:10 AM  
**To:** John Anderson <janderson2@albemarle.org>; Mark Graham <mgraham@albemarle.org>; Joel DeNunzio, P.E. <joel.denunzio@vdot.virginia.gov>; Margaret Maliszewski <MMaliszewski@albemarle.org>; Francis MacCall <FMACCALL@albemarle.org>; Alex Morrison <amorrison@serviceauthority.org>; Robbie Gilmer <rgilmer@albemarle.org>; Greg Kamptner <GKamptne@albemarle.org>; Ron White <rwhite2@albemarle.org>; Gerald Gatobu <ggatobu@albemarle.org>; Elaine Echols <EECHOLS@albemarle.org>  
**Subject:** ZMA2015-008 Adelaide

Good Morning:

The resubmittal for Adelaide was received on Monday. This is their 2<sup>nd</sup> submission. The packets for most of you are in the pony, or I have given them to you already. However the applicant provided digital files of everything that I wanted to pass along, as some copied here are not reviewers. Feel free to forward this onto anyone else you think might want to see the recent submittal documents.

I will be sending an interdivisional meeting invite out to the reviewers in the next day or so.

Please let me know if you have questions or trouble accessing DropBox.

<https://www.dropbox.com/sh/a3ki3pwyzd1oj7d/AABxu9QrZZHWK6pgBEPyy31ya?dl=0>

***Megan Yaniglos, AICP***

Principal Planner

Community Development Department

Planning Services

ph: 434.296.5832 ext. 3004

## Megan Yaniglos

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**From:** Margaret Maliszewski  
**Sent:** Friday, April 01, 2016 5:09 PM  
**To:** Megan Yaniglos  
**Subject:** Planning Application Review for ZMA201500008 Adelaide - ZMA.

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

These are my recommendations to the ARB. ARB comments will be provided after the ARB meeting, which is currently scheduled for April 18.

1. Remove from the application plan the two stormwater facility options that are located in the buffer along the EC.
2. Please note the following for future site plan submittals:
  - a. ARB review and approval is required for the architectural designs of the residential units, excluding single family detached units. Note that elevations visible from the EC will need to be fully designed with a sufficient amount of architectural detailing, and materials, colors, scale and proportion, without blankness, to create an appropriate appearance for the EC.
  - b. Show shrubs at the east and west ends of the block of development adjacent to the EC to screen accessory structures and equipment from the EC.
  - c. Large trees are required along interior roads, 2½" caliper at planting, spaced 40' on center.
  - d. Show individual trees to remain in the buffer along the EC frontage, appropriate tree protection, new trees to create an integrated buffer, and a tree conservation plan.

The Review for the following application has been completed:

Application Number = ZMA201500008

Reviewer = Margaret Maliszewski

Review Status = Requested Changes

Completed Date = 04/01/2016



County of Albemarle  
Department of Community Development

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Memorandum

To: Megan Yaniglos, Principal Planner  
From: Francis MacCall, Principal Planner  
Division: Zoning  
Date: March 31, 2016  
Subject: ZMA 2015-00008 Adelaide

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Please consider the following comments:

1. Application plan should show entire parcels to be developed since some proposed improvements are along Route 250. Possibly provide a page that has the plans on Sheet 4 and 5 reduced in scale so that the entire parcel can be captured on one page showing that all of the area to the southwest is being designated as open space and that there will not be improvements within this open space along Route 250.
2. The LAND USE LEGEND on sheet 4 of the Application Plan should have the breakdown of Area in Residential lots not just "RESIDENTIAL DEVELOPMENT AREAS". The number on this in the proffer and on the plan (93) does not match the area in the table. If all 93 dwellings will be on separate lots then with the minimum lot size for R-6 being 7,260 square feet would mean there would be 15.5 acres in residential lots and not 8.8 acres as the LAND USE LEGEND shows. 8.8 acres comes out to only 52 dwellings on separate lots. If there intent is to take advantage of the clustering provision within R-6 then that should be stated since this would not require a minimum lot size for the 93 dwellings and this may only use 8.8 acres. Add the following language to Note #4 on Page 4 regarding the R-6 Clustering "...of open space. The lots once created with a subdivision plat will not require a minimum lot size per the R-6 Clustering provision.
3. The road cross section on sheet 5 should reference the setbacks from Section 4.1B of the Zoning Ordinance. These were developed to promote the Neighborhood Model so they should be used appropriately and shown properly. **Addressed**
4. Are those parking areas on sheet 5 necessary for this plan? It just needs to be as clear as possible that the main things for this rezoning are what show up on the proffered plan. **Addressed**
5. Acreage to be rezoned. The plats reference a total of 19.975 acres (page 3 of the plan), the proffers reference 20.4 acres (page 1 of the proffers) and the application plan references 20 acres (page 4 of the application plan). Please make sure that the reference to the actual acreage of the properties to be rezoned is the same on all part of the proposal. Is there a new survey that shows 20.4 acres or 20 acres?
6. Proffers general –  
On the first page change the reference to Master Plan to Application Plan as follows  
"Zoning Requested: R6-Residential with Proffered Application Plan"  
  
Proffer #2 – The last sentence should say "... shall be in general accord..."

7. Proffers general - Eventually we need to make sure that all proffers use the current standard language for certain proffers. County attorney review of final proffers will be needed. Some of these may be the correct way they should be written but we need to verify this.
8. Other triggers may need to be applied to revised proffers, i.e. when certain improvements will be completed.
9. The first proffer should be the one that proffers the application plan. (See 7b below)
10. Proffer #2 -
  - a. This should probably read something like "There shall be no more than 93 dwelling units within the Project"
  - b. The second sentence of this proffer should be at the beginning of the proffers and should use standard language about the Project is to be developed in general accord with the application plan (see comment #5). Are there major elements that will be required? If so list in the proffer about being in general accord. I know this is stated on sheet 4 but should be in the actual proffer.
11. Proffer #3 - Use standard language for dedicating an easement to public use. A trigger for when this is to happen should be within this proffer.
12. Proffer #4 - Use standard language for this proffer.

## **DRAFT PROFFER STATEMENT**

### **ADELAIDE**

**Date of Proffer:** March 7, 2016

**Project Name:** Adelaide

**ZMA Number:** ZMA 2015-008

**Owner:** Judith S. Herring

**Existing Zoning:** R1-Residential

**Zoning Requested:** R6-Residential with Proffered Master Plan

**Acreage of Parcels:** 20.4

**Magisterial District:** White Hall

**Tax Map #(s):** 05600-00-00-108A0 and 05600-00-00-026A2

**Legal Reference:** DB 666 PG 109 (Parcel 108A0) and DB 1479 PG 180 (Parcel 026A2)

**Exhibit(s)/References:** 1) Rezoning Application Plan for Adelaide (sheets 1 through 5) dated March 7, 2016, Prepared by Shimp Engineering, P.C. Hereafter referred to as the "Application Plan"

The Term "Owner" as referenced within this document shall include within its meaning the owner, or owners, of record of the Property, or properties, and their successors in interest.

Judith S. Herring, the owner of Tax map and Parcel Numbers 56-108A and 56-26A2 (hereinafter, respectively, the "Owner" and the "Property") hereby voluntarily proffers that if the Albemarle County Board of Supervisors acts to rezone the Property from the R1 District to <sup>District</sup> R6 as requested (hereinafter, the "Project"), the Owner shall develop the Property in accord with the following proffered development conditions (each, a "Proffer," and collectively, the "Proffers"), which the Owner acknowledges are reasonable, pursuant to Section 15.2-2303 of the Code of Virginia, 1950, as amended, and pursuant to Section 33.7 of the Albemarle County Zoning Ordinance. If rezoning application ZMA 2015-008 is denied, these proffers shall immediately be null and void and of no force and effect.

1. **Affordable Housing.** The Owner shall provide 12 affordable housing units as either Affordable Rentals or Affordable For Sale units, in accordance with guidelines established by the Albemarle County Department of Housing and approved by the Albemarle County Board of Supervisors on February 4, 2004, within the Project in the form of 12 townhomes, multi-family or attached dwelling units. The Owner shall convey the responsibility of constructing the affordable units to the subsequent owners of lots designated affordable on the site development plans or plats.

(A). **Rentals.** The initial net rent for each for-rent affordable 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 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 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 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 Rental 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 120 days to identify and pre-qualify an eligible purchaser for the Affordable Housing Units. The 120-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 90 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 is 65% of VHDA's Maximum Sales Price for First-Time Homebuyers. The calculation currently puts the maximum sales price for Affordable Units at \$243,750.

(C). **Conveyance of Interest.** All deeds conveying any interest in the for-rent affordable units during the Affordable Term shall contain language reciting that such unit is subject to the terms of this paragraph.

make this  
1(A)(1) so that  
all the "rental"  
text is together

the 120-day

make this  
1(A)(2)  
so that  
all the  
"rental"  
text is  
together

2. In addition, all contracts pertaining to a conveyance of any for-rent affordable unit, or any part thereof, during the Affordable Term shall contain a complete and full disclosure of the restrictions and controls established by this paragraph 1. 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 1(C) have been satisfied.

(A)(2)  
C. (D). Option for Cash in Lieu of Affordable Units - If at any time prior to the County's approval of any preliminary site plan or subdivision plat for the subject property which includes one or more for-sale Affordable Dwelling Units, the current owner/builder expects the units to be completed, and the County will accept a cash contribution to the County to support affordable housing programs in the amount of Twenty Four Thousand Three Hundred Seventy-Five Dollars (\$24,375) in lieu of each Affordable Unit(s), and the then-current owner/builder shall have the right to sell the Unit(s) without any restriction on sales price or income of the purchaser(s). For the purposes of this proffer, such Affordable Dwelling Units shall be deemed to have been provided when the subsequent owner/builder provides written notice to the Albemarle County Office of Housing or its designee that the Affordable Units(s) will be available for sale.

2. Residential Units. There will be a maximum of 80 dwelling units within the development. The development shall be in accordance with the Application Plan, which is prepared by \_\_\_\_\_, last revised \_\_\_\_\_, incorporated herein by this reference; \_\_\_\_\_, which is (the "Master Plan")
3. Greenway Dedication: Park Land and Greenway Dedication. The Owner shall devote a minimum of twenty percent (20%) of the land within the Property to green space. Of this green space land, within five (5) years after the first \_\_\_\_\_, certificate of occupancy for a dwelling unit within the development is approved by the County, the Owner shall dedicate land designated on the application plan- \_\_\_\_\_ to the County for public use for parks and open space resources and for a greenway. After it is dedicated to public use, the Park and Greenway Area shall continue to be included in the total area of green space and amenities within the Property. The remaining green space land within the Property that will not be dedicated to the County for public use shall be maintained by the Adelaide Owner's Association. The dedication of the Park and Greenway Area land shall be a fee simple interest in such land, and shall be at the Owner's sole expense. ss since of Project Master Plan
- Project
4. Cash Proffers for Residential Units. The Owner shall contribute cash for each new residential unit in excess of the twenty-three (23) residential units the Owner has demonstrated could be constructed under R-1 Residential zoning in



Do the proffered amounts address impacts on capital improvements?

existence at the time of this zoning map amendment and that is not classified as an affordable unit 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 contributions shall be \$4,981 for each new single family detached dwelling unit. The cash contributions shall be \$3,845 for each single family attached or townhouse dwelling unit. The cash contributions shall be Zero Dollars (\$0.00) for each Affordable Dwelling Unit. The cash contribution shall be paid at the time of the issuance of the building permit for each new unit, unless the timing of the payment is otherwise specified by state law. *after completion of the final inspection and prior to the issuance of any certificate of occupancy for each unit.* Beginning January 1, 2017, 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.

WITNESS the following signature:

By: \_\_\_\_\_  
Judith S. Herring, Owner

COMMONWEALTH OF VIRGINIA

CITY/COUNTY OF \_\_\_\_\_, to wit:

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_ 2016 by Judith S. Herring, Owner of Parcels 05600-00-00-108A0 and 05600-00-00-026A2.

My Commission expires: \_\_\_\_\_  
\_\_\_\_\_

Notary Public





# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF TRANSPORTATION

1601 Orange Road  
Culpeper, Virginia 22701

Charles A. Kilpatrick, P.E.  
Commissioner

April 08, 2016

Ms. Megan Yaniglos  
Principal Planner  
County of Albemarle  
Department of Community Development  
401 McIntire Road  
Charlottesville, VA 22902

Re: ZMA-2015-00008 Adelaide

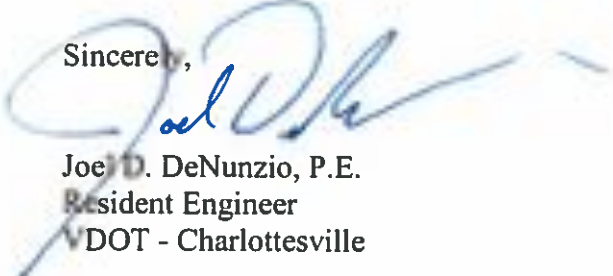
Dear Ms. Yaniglos,

We have reviewed Adelaide rezoning request and the application plan dated 12/7/15 with revisions dated 03/07/16, as submitted by Shimp Engineering and offer the following comment:

1. The left turn lanes at the intersection of Route 250 and the primary entrance and Route 250 and the secondary entrance need to account for deceleration.
2. A minimum right-of-way width in accordance with VDOT Road Design Manual, Appendix B(1), is required for the public road access from Brownsville Road.

If you need additional information concerning this project, please feel free to contact me.

Sincerely,

  
Joe D. DeNunzio, P.E.  
Resident Engineer  
VDOT - Charlottesville