ATTACHMENT B

Original Proffer _____
Amended Proffer ____
(Amendment # _____)

PROFFER FORM

Date: October 6, 2004
ZMA #2003-005
Tax Map and Parcel Number(s) 56-14C & 14C1

26.843 acres to be rezoned from PRD allowing 40 dwelling units to PRD allowing 96 dwelling units.

Pursuant to Section 33.3 of the Albemarle County Zoning Ordinance, the owner, or its duly authorized agent, 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 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. The proffers apply to rezoning and the Application Plan prepared by Brian P. Smith, P.E. and dated September 29, 2004.

1) **Maximum Units.** The maximum number of residential units is ninety-six.

2) **Occupancy.** Occupancy shall be limited to persons aged sixty-two years or older, low and moderate income elderly and/or disabled persons who qualify as such under regulations established by the United States Department of Housing and Urban Development. A husband and wife occupying a dwelling unit shall be qualified occupants provided that one of the spouses is at least sixty-two years old.

3) **Walking Path.** The walking path (identified on the Application Plan as "Proposed Walking Path") shall be located as shown on the Application Plan and shall be shown on every subdivision plat or site plan. The path shall be no less than five feet in width, except where existing landscaping or utilities prevent the full five foot width. The subsurface shall be four inches of crushed stone and the surface shall be asphalt, prime and seal, recycled pavement, crusted stone, or any other hard surface approved by the County Engineer.

4) **Temporary Construction Easement.** The Owner shall reserve that area identified on the Application Plan as "20' Wide Temporary Construction Easement. . ." Upon the request of the County, the Owner shall grant to the County a twenty-foot wide temporary construction easement in the location shown on the Application Plan to facilitate the construction of a street on Tax Map 56 Parcel 17A connecting Crozet Avenue to the Old Trail Subdivision. This proffer and the Owner's grant of this easement shall be conditional upon the County agreeing in the deed of easement to restore as nearly as possible the premises within the easement to their original condition by backfilling trenches, replacing fences, trees and shrubbery, and reseeding or restoring groundcover, provided that the County shall not be required to repair or replace any structures within the easement. If the County does not request the temporary construction easement within ten years of the date of approval of ZMA 2003-005, this proffer shall expire and the lands shall thereafter not be subject to this reservation.

5) **Land Disturbance.** Land disturbance shall be limited to those areas where a structure, utility, driveway, street, parking area or other such improvements are shown on the application plan. Additional disturbance may take place if the agent finds that the location, design, construction, and maintenance of these improvements will have the minimum environmental impact on the area and yet allow the improvements to adequately serve the project. The site plan shall include a Tree Conservation Plan as described in Section 32.7.9.4(b) of the Zoning Ordinance. The tree preservation area shall be shown on the site plan.

Jordan Development Corporation — Sept 29, 2004

Signatures of All Owners — Printed Names of All Owners — Date

by Forest W. Kerns President

OR

Signature of Attorney-in-Fact (Attach Proper Power of Attorney) — Printed Name of Attorney-in-Fact