

Original Proffer X

DRAFT
PROFFER FORM

Date of Proffer Signature: _____

ZMA #2005-00005

Tax Map Parcels: 56-97A; 56-97A1, portion of 56-97

8.10 Acres to be rezoned from RI to NMD (Neighborhood Model District)
in accordance with the Application Plan dated August 15, 2005

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 with the offered plans approved for development. 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.

- (1) No building permit shall be issued unless and until the Director of Department of the Community Development, or his designee, determines that the commercial building and townhouse unit façades are in general accord with the building elevations provided on plans entitled "Building Concepts and Site Section" by Weather Hill Development, LLC and Bosserman Design, dated August 18, 2005. The façades shall be determined to be in general accord if the architectural features that break up the massing of the building, such as porches, porticos, balconies, variation in building materials, and gables which break up the rooflines, conform in all material respects to the building elevation provided on the Building Concepts and Site Section plan.
- (2) The owner shall contribute \$44,000 cash to the County's capital improvement program for the purpose of mitigating impacts from this development. The cash contribution shall be used for transportation improvements, schools, libraries, fire and rescue, parks or any other public use serving the Community of Crozet as identified in the Comprehensive Plan. Contributions shall be made in increments of \$1,000 cash per lot, for any market-rate townhouse or new detached single family dwelling unit prior to or at the time of issuance of a building permit for any improvement thereon.
- (3) The owner shall provide seven (7) units of affordable housing as identified on the Application Plan produced by Timmons Group, dated August 15, 2005, entitled "Application Plan – Figure 2". The owner shall convey the responsibility of constructing the affordable units to any subsequent purchaser of the subject property. The current owner or subsequent owner shall create units affordable to households with incomes less than 80% of the area median income, such that housing costs consisting of principal, interest, real estate taxes and homeowner's insurance (PITI) do not exceed 30% of the gross household income. All purchasers of these units shall be approved by the Albemarle County Office of Housing or its designee. The owner/builder shall provide the County or its designee a period of 90 days to identify and pre-qualify an eligible purchaser for the affordable units. The 90-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 60 days prior to anticipated receipt of the certificate 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 unit(s) without any restriction on sales price or income of purchaser. This proffer shall apply only to the first sale of each of the seven (7) units.
- (4) The Owner shall make a pro-rata contribution for the installation of a traffic signal by others at the intersection of Radford Lane and Route 250. The Owner's pro-rata contribution shall be a percentage of the total signal cost. The percentage shall be the pro-rata share of the total traffic volume contributed by this site as determined

Proffer Form
Liberty Hall
Weather Hill Development, LLC
Page 1

by VDOT, Albemarle County, or the Owner's traffic consultant at the review and approval by VDOT and Albemarle County. The cost of the signal will be established by VDOT when the signal is warranted. This proffer shall be in effect until December 31, 2011.

Signature of Owner:

Date: _____

Marc C. Powell, Managing Member
Weather Hill Development, LLC
Contract Purchaser
and Agent for Robert L. Cross and Jeanne Kerr Cross, current owners