

Proffer Form

Date: October 2, 2006Revisions: 10/05/0612/01/0601/24/0702/05/07ZMA: 2005-0007Tax Map and Parcel Numbers: 55-69 and 56-96.69 Acres to be rezoned from R2 to NMD (Neighborhood Model District)in accordance with the Application Plan titled Haden Place, dated September 4, 2006 revised January 23, 2007And prepared by Dominion Development Resources, LLC

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.

- 1) **Construction of Off-Site Improvements:** No later than 12 months after approval of the first subdivision plat or site plan within Haden Place, the Applicant shall design and construct at its sole expense the following:
 - a. **Haden Lane Road Widening:** Haden Lane, from the southern boundary of Haden Place to Jarmans Gap Road, and from the southern boundary of Haden Place to its terminus at the southern Boundary of Tax Map 56 Parcel 8, shall be widened to a minimum pavement width of 20' and shoulders and ditches shall be installed to the extent allowed within the existing right-of-way. The improvements shall be designed and constructed to the satisfaction of the County Engineer.
 - b. **Stormwater Drainage to Powell's Creek:** The Owner shall not request that the County issue a building permit within Haden Place prior to the construction or bonding of an off-site stormwater drainage system to Powell's Creek in general accord to that shown on the General Development Plan.

2) **Interparcel connection to Summerford Lane:**

Final location for dedication of the inter-parcel connection with Ballard Fields will be determined as a condition of first subdivision plat or first site plan approval for any development within Haden Place. The Owner shall design and construct at its sole expense the inter-parcel vehicular connection to Summerford Lane. Said construction shall be completed as designed and approved by the County Engineer, no later than 12 months after

approval of the final subdivision plat or final site plan approval for lots within Blocks C, D, E, F, or G as shown on the General Development Plan.

3) Vehicular Ingress / Egress:

Vehicular connection from the Proposed Connector Road shown on the ZMA 2005-0007 Application Plan, last revised February 5, 2007 to Killdeer Lane shall be prohibited until such time that sight distance improvements, acceptable to the Virginia Department of Transportation, are made to the intersection of Killdeer Lane and Jarmans Gap Road. The bollards prohibiting vehicular connection from the Proposed Connector Road to Killdeer Lane shall be removed within 60 days of the Virginia Department of Transportation's acceptance of the sight distance improvements.

4) Future Dedication for Realignment of Killdeer Lane:

- a. Upon the request of Albemarle County, a fifty (50) foot wide portion of the open space area shown as "Block J" on sheet A5.1 of the Application Plan shall be dedicated to public use, as necessary, for future realignment of Killdeer Lane. The location of the realignment is shown conceptually on the General Development Plan.
- b. If the land dedicated in Proffer 4a is not used for its stated purpose within 10 years of dedication, then the Owner may pursue vacation or abandonment of the dedicated right-of-way.

5) Cash Proffers:

The Owner shall contribute a total of \$82,000 cash for the purpose of mitigating traffic impacts from the development. The cash contribution shall be used only for the purpose of funding transportation projects identified in the County's Capital Improvements Program within the Community of Crozet. The cash contribution shall be paid in increments of \$3,200 for each detached market rate unit and \$2,700 for each market rate attached unit, prior to or at the time of issuance of the building permit for each unit. If this cash contribution has not been exhausted by the County for the stated purpose within ten (10) years from the date of the last payment of the contribution, all unexpended funds shall be applied to project(s) identified in the County's Capital Improvements Program within the Community of Crozet.


6) Affordable Housing:

- a. The Owner shall provide six (6) "for sale" residential units of affordable housing in Haden Place as identified on the Application Plan. 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. The Albemarle County Office of Housing or its designee shall approve all purchasers of these units. The Owner/builder shall provide the County or its designee a period of 180 days to identify and pre-qualify an eligible purchaser for

the affordable units. The 180-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 120 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 six (6) units.

- b. Prior to the issuance of the fifteenth building permit for a market rate dwelling unit within Haden Place, the Owner shall obtain certificates of occupancy for three (3) affordable dwelling units. Prior to the issuance of the final building permit for a market rate dwelling unit within Haden Place, the Owner shall obtain certificates of occupancy for all of the affordable dwelling units within Haden Place.
- 7) **Historic Resources:** As a condition of the first preliminary subdivision plat or preliminary site plan approval for any development within Haden Place, the Owner shall provide a reconnaissance level survey performed by an architectural historian or other qualified individual, to adequately provide an archival record of the existing homestead. The survey shall meet the requirements of the Virginia Department of Historic Resources Reconnaissance Survey Field Form, and results shall be included in the Haden Place Code of Development.
- 8) **Overlot Grading Plan:** For any subdivision not requiring a site development plan, the Owner shall submit an Overlot Grading Plan to the satisfaction of the County Engineer. The Owner shall obtain approval of the Overlot Grading Plan by the County Engineer before the first final subdivision plat or site plan is approved within Haden Place. The Owner shall not request that a Certificate of Occupancy be issued for a dwelling unit on a lot if the County Engineer has determined the lot grading is not consistent with the approved grading plans.

Signature of Owner,


Wendell W. Gibson, President
Wendell W. Gibson, Inc.

Wendell W. Gibson
Printed Name of Owner

2-5-07
Date