

PROFFER FORM

Date of Proffer Signature: 02-25-2008

ZMA: # 06-014

Tax Map and Parcel Number: 60F-3

1.051 Acres to be rezoned from C-1 to NMD

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 acknowledged that the conditions are reasonable.

1. The Owner shall install a permanent 5-bike bicycle rack as shown on the revised plan entitled, "General Development Plan page 2 of 4", dated 1-19-07 and last revised 2-25-08, hereinafter referred to as the "Plan". Installation of the bicycle rack shall be completed prior to the issuance of the certificate of occupancy for the building to be erected on the property;
2. The Owner shall construct one bus shelter as shown on the Plan with the dimensions as follows: nine foot (9') shelter with six foot (6') all metal bench with back. Construction of the bus shelter shall be completed prior to the issuance of the certificate of occupancy for the building to be erected on the property. If VDOT and the County transportation planner do not determine the location of the bus shelter prior to final site plan approval, then upon the subsequent determination of the shelter location by VDOT and the County transportation planner, and upon written request by the County, the Owner shall construct the shelter and metal bench in the selected location at its sole expense, but not to exceed seven thousand eight hundred dollars (\$7,800). The Owner shall complete construction of the shelter and bench within 90 days after the date of the written request by the County
3. Each building to be constructed on the property shall be rated a minimum of "Certified" (or demonstrated to the County's Director of Community Development's satisfaction to be eligible to receive such certification) under the LEED-NC Green Building Rating System for New Construction and Major Renovations, Version 2.2 (October 2005) or the LEED Green Building Rating System for Core & Shell Development, Version 2.0 (July 2006), as applicable (collectively, the "LEED Compliant Commercial Space"). Prior to issuance of the building permit for any proposed LEED compliant space, the Owner shall provide to the County Director of Community Development a certification from a LEED certified architect that such space, if constructed in accordance with the building plans, is designed to achieve the minimum "Certified" rating under LEED provided in this Proffer 3. Before the Owner requests a certificate of occupancy for any building for which a LEED certified architect rendered such a certificate, the Owner shall submit to the County's Director of Community Development a written statement from the architect that the building was built to the plans on which the opinion was based. For each building containing LEED compliant space, the Owner shall provide a copy of the LEED certification to the County's Director of Community Development within one (1) year after the date the certificate of occupancy was issued for that building
4. The preliminary and final site plan shall delineate the Conservation and Preservation Areas on the property. The Owner shall replace trees that must be removed in Conservation Areas. Replacement shall be two (2) trees of similar species or quality for each removed or destroyed tree. All tree replacement shall be in accord with the final landscape plan for the final site plan for the Property. The Owner's obligation to replace trees within the Conservation Areas shall be completed within the following planting season. The trees to be replaced must be in excess of 12" dbh and shall be replaced with trees of the same or a similar species or quality of not less than 2.5" dbh, as determined by the County's Director of Community Development.

W. Keith Woodard
 Signatures of All Owners
Keith O. Woodard
Christopher E. Kabbash

W. Keith Woodard
Keith O. Woodard
 OR
Christopher E. Kabbash

2-25-08
 Date
2-25-08
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