Original Proffers ____X____
Amendment _____

PROFFER STATEMENT

Project Name: **ZMA 2021-0008 Old Ivy Residences**

Date: February 7, 2022

Parcel Numbers: 06000-00-00-024C3 (13.29 acres); 06000-00-00-024C (11.58 acres); 06000-00-00-024C1 (2.53 acres); 06000-00-00-024C4 (2.47 acres); and 06000-00-00-05100 (5.52 acres)

Owner(s) of Record:
Father Goose, LLC (TMP 06000-00-00-024C3)
The Filthy Beast, LLC (TMP 06000-00-00-024C, 06000-00-00-024C1, and 06000-00-00-024C4)
Beyer Family Investment Partnership, L.P. (TMP 06000-00-00-05100)

Proposal:

- Rezone parcels 06000-00-00-024C3 (13.29 acres), 06000-00-00-024C (11.58 acres), a portion of 06000-00-00-024C1 (0.969 acres), and 06000-00-00-024C4 (2.47 acres) from R-15 residential with proffers to R-15 Residential with proffers;
- Rezone the remaining portion of parcel 06000-00-00-024C1 (1.561 acres) from R-10 Residential with proffers to R-15 Residential with proffers, and remove this land from any association with ZMA 1982-11 and ZMA 1987-08, including any approved application plans or proffers associated with either; and
- Rezone parcel 06000-00-00-05100 (5.52 acres) from R-1 Residential to R-15 Residential with proffers.

Total land area: Approximately 35.39 acres

The Filthy Beast, LLC, Father Goose, LLC, and Beyer Family Investment Partnership, L.P. are collectively the owners (the "Owner" or "Owners") of Parcel Numbers 06000-00-00-024C, 06000-00-00-024C, 06000-00-00-024C3, 06000-00-00-024C4, and 06000-00-00-05100 (collectively, the "Property"), which is the subject of a rezoning application identified as ZMA 2021-00008, a project known as "Old Ivy Residences" (the "Project").

Pursuant to *Albemarle County Code* § 18-33.7, the Owner hereby voluntarily proffers the conditions listed below, which will apply to the Property if it is rezoned to the zoning district identified above. The Owners specifically deem the following proffers reasonable and appropriate, as conclusively evidenced by the signatures below.

1. **Concept Plan:**

   The property must be developed in general accord with Sheet 8 within the plan set titled "Rezoning Concept Plan for Old Ivy Residences," prepared by Timmons Group, dated

February 7, 2022 (the "Concept Plan"), and must reflect the following major elements as shown and noted on the plan:

a. The Project is limited to a maximum of 525 dwelling units.
b. The general locations and general sizes of open space, stream buffers, and amenities.
c. The general locations of the trail and pedestrian network.
d. Entrance location on Old Ivy Road.
e. Pedestrian crossing on Old Ivy Road at the entrance to the Project.
f. Affordable housing.

2. <u>Rivanna Trail:</u>

a. Upon written request by the County, but not prior to the date that is nine (9) months after the issuance of the first Certificate of Occupancy within the Project, the Owner will relocate and establish the portions of the Rivanna Trail located on the Property (the "Relocated Rivanna Trail"), as a Class B- type 1 primitive nature trail. The general location of the proposed Relocated Rivanna Trail is shown on the Concept Plan; however, the exact location will be field located in coordination with the Rivanna Trails Foundation and Albemarle County Parks and Recreation.

b. The Owner will maintain the existing license agreement with the Rivanna Trails Foundation, as amended to reflect the final location of the Relocated Rivanna Trail, concurrently with the site plan; subject to the reservation of rights of access for grading, utilities, maintenance, and other uses not inconsistent with the Relocated Rivanna Trail.

c. If the Relocated Rivanna Trail is located where a crossing at an internal travelway is necessary, pavement markings and signage for the crossing of the Relocated Rivanna Trail will be provided as a condition of final site plan approval.

3. <u>Multi-Use Pedestrian/Bike Path:</u>

The Owner's traffic impact analysis prepared by Timmons Group dated July 19, 2021, last revised February 4, 2022 (the "Traffic Study"), concludes there is existing traffic congestion during the morning and afternoon peak hours along Old Ivy Road between the entrance to the Project and the intersection of Old Ivy Road, Old Garth Road, and the Route 250/29 Bypass Southbound at Route 601 Off Ramp, and along the Route 250/29 Bypass Southbound at Route 601 Off Ramp beyond its intersection with Faulconer Drive (the "Congestion Area"). The Traffic Study further concludes that at full buildout of the Project, the Project is estimated to contribute approximately 6.5% of the total vehicle trips travelling through the Congestion Area during peak hours. To mitigate the Owner's proportionate contribution to the existing traffic congestion in the Congestion Area at the Project's full buildout, the final site plan for the Project shall include the installation of a multi-use path along the entire frontage of the Property that is adjacent to Old Ivy Road, as shown on the Concept Plan (the "Multi-Use Path"), and the Multi-Use Path shall be installed at substantially the same time as other road improvements shown on the Concept Plan to support the Project, such as the new turn lanes.

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In addition, if the owners of those parcels to the east of the Project (between the eastern edge of tax map parcel 06000-00-00-05100 and the western edge of tax map parcel 06000-00-00-045A1) donate the necessary land at no cost to the Owner prior to the approval of the final site plan for the Project, the Owner will also construct a multi-use path of similar dimensions (subject to available land and actual room in the field) across the front of those parcel (the "Extended Multi-Use Path"), such that the Multi-Use Path and the Extended Multi-Use Path will begin at the western edge of parcel 06000-00-00-024C3, and extend to the western edge of parcel 06000-00-00-045A1, a distance of approximately 1,275 linear feet.

Alternatively, if either of the owners of those parcels to the east of the Project (between the eastern edge of tax map parcel 06000-00-00-05100 and the western edge of tax map parcel 06000-00-00-045A1) do not donate the necessary land at no cost to the Owner prior to the approval of the final site plan for the Project, then prior to the issuance of the first certificate of occupancy for a unit within the Project, the Owner shall contribute cash to the County Capital Improvement Program fund to be applied toward the cost of constructing the Extended Multi-Use Path in the amount of Five Hundred Thousand Dollars ($500,000).

4. **Satisfaction of ZMA 1985-21 Proffer**
   By the Board of Supervisors approval of ZMA 2021-00008 and acceptance of this Proffer Statement, the approved proffer associated with ZMA 1985-21 is deemed satisfied and is hereby eliminated.

5. **R-10 Residential Portion of Parcel 06000-00-00-024C1**
   By the Board of Supervisors approval of ZMA 2021-00008 and acceptance of this Proffer Statement, the 1.561 acre portion of parcel 06000-00-00-024C1 that is zoned R-10 residential and is associated with ZMA 1982-11 and ZMA 1987-08, including any approved application plans or proffers associated with either, shall be rezoned to R-15 Residential, and shall no longer be associated with, or bound by either ZMA 1982-11 or ZMA 1987-08, or any application plans or proffers associated with either.

[SIGNATURE PAGE IMMEDIATELY FOLLOWS]

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OWNER:

FATHER GOOSE, LLC
a Virginia limited liability company

By: _____
W. K. Heischman, Manager

THE FILTHY BEAST, LLC
a Virginia limited liability company

By: _____
W. K. Heischman, Manager

BEYER FAMILY INVESTMENT PARTNERSHIP, L.P.
a California limited partnership

By: _____
Nikki G. Beyer, Trustee
of the Beyer Gift Trust dated March 19, 2015
General Partner

By: _____
Richard M. Beyer, Trustee
of the Beyer Gift Trust dated March 19, 2015
General Partner

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