

Original Proffers _____
Amendment X

PROFFER STATEMENT

ZMA No. 2015-00004 Commonwealth Senior Living Proffer Amendment

Tax Map and Parcel Number(s): **07800-00-00-055A1**

Owner(s) of Record: **Osprey/Pantops Place LLC**

Date of Proffer Signature: November __, 2015, last revised November 5, 2015

3.851 acres zoned PRD

Osprey/Pantops Place LLC is the owner ("Owner") of Tax Map and Parcel Number **07800-00-00-055A1** which is subject to this zoning map amendment (the "Property"). The Property is a portion of the property that was the subject of rezoning applications ZMA 1999-001 and ZMA 2001-011, for a project then known as "Pantops Place," (the "Pantops Place Rezoning"). The portion of the overall Pantops Place Rezoning property affected by these Proffers consists of an existing building of approximately 110,000 square feet that will be internally reconfigured to convert various independent living units into assisted living units to result in a greater number of assisted living units than that which was envisioned in ZMA 2001-011 and will now be referred to as "Commonwealth Senior Living" (the "Project").

ZMA 1999-001 and ZMA 2001-011 also pertained to Tax Map and Parcel Number 07800-00-00-055A5. Pantops Place Limited Partnership is the owner of Tax Map and Parcel Number 07800-00-00-055A5 which consists principally as open space (the "Open Space"). The Property and the Open Space were subject to Proffers dated January 5, 2000 and August 28, 2001 (the "Previous Proffers") as part of the actions approving rezoning applications ZMA 1999-001 and ZMA 2001-011. These Proffers are intended to amend the Previous Proffers as they relate to the **Property** only; the Open Space therefore will still be subject to the Previous Proffers, to the extent applicable, unless or until the Previous Proffers are amended with respect to the Open Space.

Pursuant to Section 33 of the Albemarle County Zoning Ordinance, the Owner hereby voluntarily proffers the conditions listed below which shall be applied to the Property if it is rezoned to the zoning district identified above. These conditions are proffered as a part of the proposed rezoning, and the Owner acknowledges that the conditions are reasonable.

1. Residential density limits shall be as follows:

The building containing the Assisted Living units and the Independent Living units will be no greater than 110,000 square feet. The total number of Assisted Living units and Independent Living units together shall not exceed **140**. The Owner reserves the right to adjust the ratio of Assisted Living to Independent Living units for this site based on the parking requirements as described on sheet 3 of the Application Plan.

2.

- a) Vehicular access to the Property from Route 250 East shall be limited to a single location via Pantops Mountain Place, as shown on the Application Plan.

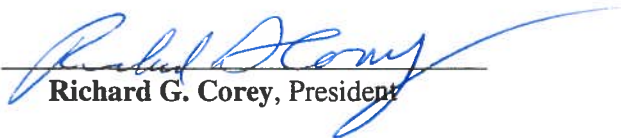
- b) The Owner shall provide for access to the adjoining property described as Albemarle County Tax Map 78, parcel 55A7 in the general location shown on that certain Application Plan for Peter Jefferson Overlook, dated October 18, 2010, attached.
 - c) The Owner shall provide shuttle service at a minimum of three (3) times a week to convey residents to appointments, shopping, and other destinations.
3. The Owner shall maintain a 15 foot wide buffer on the property along its entire common boundary with the Glenorchy subdivision as shown on the Application Plan prepared by McKee Carson, entitled Pantops Place, sheet 2 of 3, dated October 18, 1999. The 15 foot buffer shall be shown on any approved site plan for the Property. The purpose of this buffer is to ensure the preservation of an existing fieldstone wall and a mature hedgerow along this common boundary line. The existing fieldstone wall shall not be removed or modified. No plant removal, other than dead, diseased or noxious vegetation shall take place in this area. Only limited grading as shown on the approved site plans shall be permitted, and new beneficial plant material may be sensitively introduced to augment the efficacy of the hedgerow as a screening element. Pedestrian access to this area shall not be restricted.
4. The Owner shall not disturb the existing natural and landscaped screening along or adjacent to the Glenorchy subdivision, to ensure that the service areas for existing or future buildings will be properly screened from the Glenorchy subdivision.

This Proffer Statement may be executed in any number of counterparts, each of which shall be an original and all of which together shall constitute but one and the same instrument.

WITNESS the following signatures:

OWNER:

Osprey/Pantops Place LLC, a Delaware limited liability company

By: 
Richard G. Corey, President