Original Proffers _____
Amendment __X_____

# PROFFER STATEMENT

| | |
|---|---|
| ZMA Number and Name: | 2023-00018 "Albemarle Business Campus Amendment 2" an amendment to 2021-00014 which originally amended 2019-00003 |
| Parcel ID Numbers: | 07600-00-00-05400, 07600-00-00-046AA, and 07600-00-00-046AB |
| Owners: | 5th Street Forest LLC |
| Date of Proffer Signature: | , 2024 |

13.37 acres zoned Neighborhood Model District

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5th Street Forest LLC, a Virginia limited liability company is the owner (the "Owner") of Tax Parcels 07600-00-00-05400, 07600-00-00-046AA, 07600-00-00-046AB (collectively, the "Property"), which together are the subject of rezoning application ZMA No. 2023-00018, a project known as "Albemarle Business Campus Amendment 2" (the "Project"); ZMA2023-00018 is an amendment to ZMA2021-00014 which originally amended ZMA2019-00003.

Pursuant to Section 33 of the Albemarle County Zoning Ordinance (Chapter 18 of the Albemarle County Code), the Owner hereby voluntarily proffers the conditions listed below, which shall be applied to the Property if it is rezoned. These conditions are proffered as a part of the requested rezoning and the Owner specifically deems the following proffers reasonable and appropriate, as conclusively evidenced by the signature below. The signatory below signing on behalf of the Owner covenants and warrants that he is an authorized signatory of the Owner for this Proffer Statement.

## 1. INFRASTRUCTURE IMPROVEMENTS:

**a.** Prior to the issuance of certificate of occupancy for any building with a use that solely or collectively (with other existing uses on the Property) would generate more than 487 vehicle trips per day, the Owner shall contribute Two Hundred Fifty Thousand Dollars ($250,000.00) as a cash contribution (the "Cash Contribution") to Albemarle County's Capital Improvement Program (CIP) fund.

**b.** Prior to or concurrent with the Cash Contribution payment, the Owner shall dedicate for public use a portion of the Property, as shown on the "Roundabout and Shared Use

Path Exhibit" prepared by Shimp Engineering, dated November 18, 2024. (the "Roundabout and Shared Use Path Exhibit"), attached hereto.

2. **TRIP GENERATION:** Daily and peak hour vehicular trips shall be noted on all site plans and zoning clearances on the Property. Site plans and zoning clearances on the Property must contain a note that itemizes each proposed use, and if applicable, each previously approved use that is expected to continue, with its affiliated daily and peak vehicular trips. Neither a site plan nor a zoning clearance shall be issued if the combined uses on the Property are estimated to generate a number of daily vehicular trips exceeding 3,200 or a number of peak hour trips exceeding 509. Trip generation numbers shall be derived from the then-current edition of the Institute of Transportation Engineers Trip Generation Manual and shall account for internal trip capture for mixed-use developments, as determined by the Director of Community Development or the Director's designee.

3. **DEVELOPMENT AGREEMENT**: The Owner shall develop the Property and the Project in accord with the terms and conditions of that certain Development Agreement Amendment between Albemarle County, the Albemarle County Economic Development Authority, and 5th Street Forest LLC, dated _____ (the "Performance Agreement"), as it may be amended in the future pursuant to the terms and conditions thereof.

(Signature Pages Immediately Follow)

**WITNESS** the following signatures:

**OWNER:**

Owner of Tax Parcels 07600-00-00-05400, 07600-00-00-046AA, 07600-00-00-046AB:

**5TH STREET FOREST LLC,**
a Virginia limited liability company

By: _____
Kyle Redinger, Manager

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF_____, to wit:

The foregoing instrument was acknowledged before me this ____day of _____2024 by Kyle Redinger, Manager of 5th Street Forest LLC.

My Commission expires: _____ _____
Notary Public

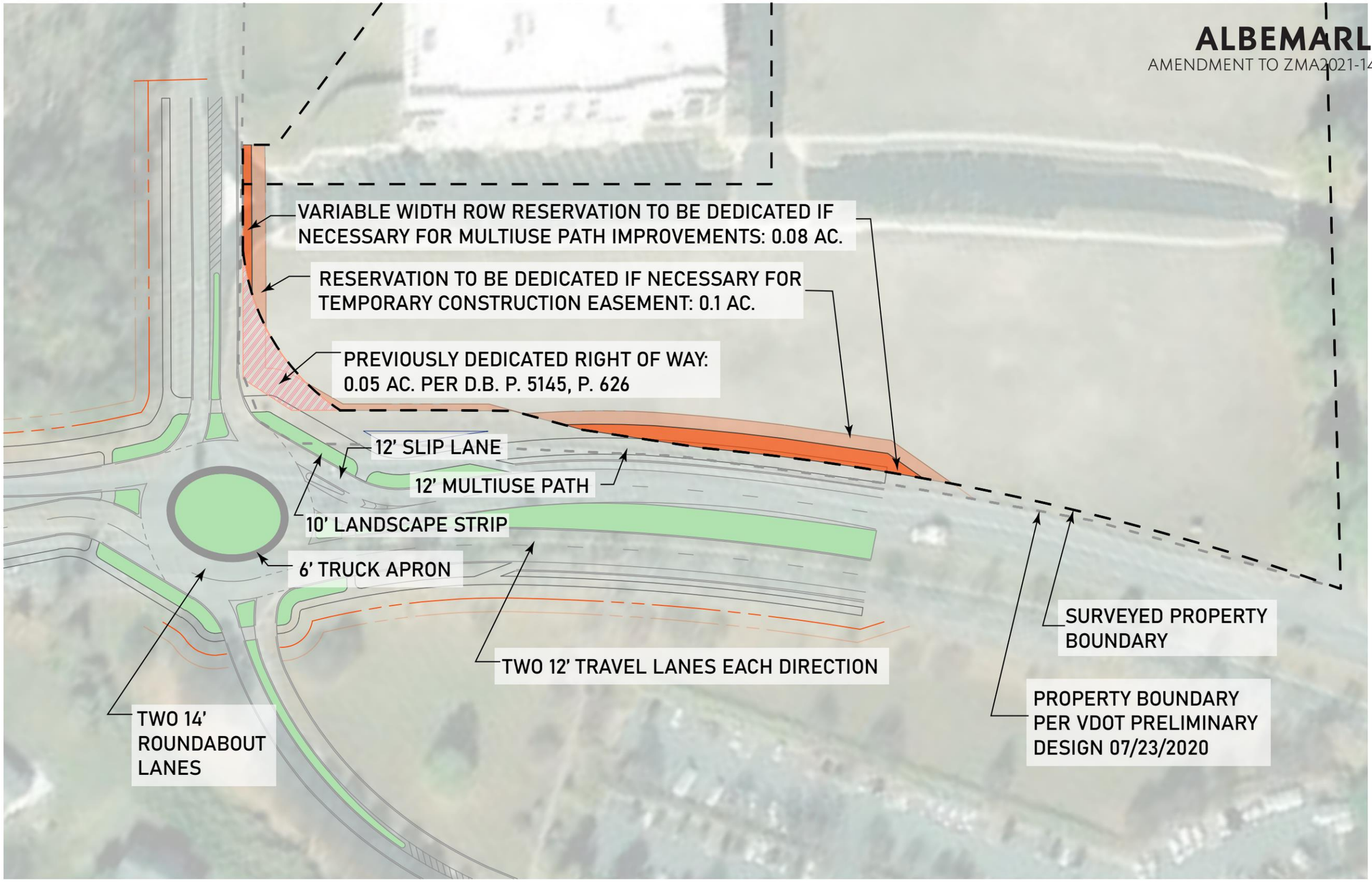
ZONING MAP AMENDMENT
APPLICATION PLAN
ZMA202300018

# ALBEMARLE BUSINESS CAMPUS

AMENDMENT TO ZMA2021-14 ORIGINALLY AMENDED FROM ZMA2019-03

## ROUNDABOUT AND SHARED USE PATH EXHIBT

Sheet 1 of 1




This exhibit is shown for roundabout feasibility purposes. This exhibit shows a multilane roundabout with a slip lane and pedestrian improvements, based on the VDOT plan titled "Old Lynchburg Rd 2 Lane Roundabout" dated 07/23/2020.

Approximately 0.05 AC (2350 SF) ROW has already been dedication from the eastern portion of the project property.

An additional 0.08 AC of right of way may be required to be dedicated. A temporary easement of 0.1 AC may also be needed during construction of the roundabout and shared use path.

Key

- Area on project property that may be required for roundabout and shared use path improvements (ROW).
- Area on project property that may be temporarily required for roundabout and shared use path improvements.
- Parcel boundary

80 0 80 160 240

Graphic Scale: 1"=80'

TMP 76-46AA, 76-46AB, 76-54

Submitted 18 December 2023
Revised 08 July 2024
Revised 18 November 2024

SHIMP ENGINEERING, P.C.