

Original Proffers X
Amendment

PROFFER STATEMENT

ZMA No. **2018-003**

Tax Map and Parcel Number(s): **09000-00-00-001A0, 090A1-00-00-001E0, 07600-00-00-051A0**

Owner(s) of Record: **SOUTHWOOD CHARLOTTESVILLE, LLC**

Date of Proffer Signature: August 2, 2019

33.96 acres; TMP 90-1A (7.94 acres), TMP 76-51A (1.23 acres) to be rezoned from R-2 to NMD and TMP 90A1-1E (23.33 acres) which is to be rezoned from NMD to NMD.

Southwood Charlottesville LLC, is the owner (the "Owner") of Tax Map and Parcel Number **09000-00-00-001A0, 090A1-00-00-001E0, 07600-00-00-051A0** (the "Property") which is the subject of rezoning application ZMA No. **2018-003**, a project known as "**Southwood Phase 1**" (the "Project").

Pursuant to Section 33.3 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 voluntarily proffered as a part of the requested rezoning and the Owner acknowledges that (1) the rezoning itself gives rise to the need for the conditions; and (2) such conditions have a reasonable relation to the rezoning requested. This proffer statement shall supersede and replace in all respects the proffer statements approved by the Board of Supervisors in connection with ZMA 2005-00017.

1. **Removal of Proffers and Amendment of Code of Development for Biscuit Run ZMA 2005-00017 included on Tax Map Parcel 090A1-00-00-001E0.** All existing proffers associated with the Code of Development, applications, and Application Plan for ZMA 2005-00017 relating to Tax Map Parcel 090A1-00-00-001E0 are hereby removed and superseded by these proffers. Tax Map parcel 090A1-00-00-001E0 (along with parcels 09000-00-00-001A0 and 07600-00-00-051A0) shall comply with the application plan and the Code of Development, entitled, "Southwood Phase I, A Neighborhood Model District," dated February 20, 2018, last revised July 29, 2019.
2. **Trails, Parks, Civic Spaces.**
 - a. **Greenway Connections to Potential Adjacent County Parkland.** At any time from approval of this rezoning application until the final certificate of occupancy is granted for Phase I, upon written request by Albemarle County, the Owner shall dedicate to the County, at no cost to the County and within six (6) months of the aforementioned written request, an easement, deed property within the 8.0 acre green space described in paragraph 2(b) to the County, and/or enter into an agreement with the County to provide a public trail connection between the Trail described in paragraph 2(b) below and any trail constructed by the County on abutting County property, TMP 09000-00-00-00500. The land under easement, associated trail connection, associated signage, and any associated structures shall be maintained in perpetuity by Albemarle County.
 - b. **Trail Network.** The Owner shall establish a trail on the Property ("the Trail"), consistent with the County's design standards for a Class B type 1 primitive nature trail, within the 8.0 acre green space and amenity area shown and described as Block 1 on pages 5 and 7 of the Code of Development. The general

location of the Trail is shown on the Application Plan on page 8 of the Code of Development; however exact trail locations shall be determined by the Owner based on site conditions and the then-current uses of the green space and amenity area and in coordination with the County. Installation of the Trail shall commence concurrently with the site work for Blocks 3-8 and the entire Trail shall be substantially completed prior to issuance of the one hundredth (100th) Permit for a dwelling within Blocks 3-8. The Trail shall be maintained by a property owners association established for Southwood. The public trail connection between the Trail and a potential, adjacent County trail network mentioned in paragraph 1(a) shall be maintained by the County as described in section 2a above.

- c. Owner shall provide a pedestrian connection between the northern terminus of the trail within Block 2 to the existing natural trail along the northern edge of the Southwood Trailer Park. The trail may be provided as an enhanced sidewalk (minimum ten (10) foot wide) along the Phase 1 streets, a Class B type 2 pedestrian trail around the perimeter of Block 12, or, subject to agreement of VDOT and adjacent property owner, as a Class B type 2 pedestrian trail within the ROW along Old Lynchburg Road, to the public road reservation through TMP 76-51. The pedestrian improvements shall be constructed prior to the issuance of the 300th Certificate of Occupancy in Phase 1.

SOUTHWOOD CHARLOTTESVILLE, LLC,
a Virginia limited liability company

By: 
Dan Rosensweig, Manager