

Original Proffers X
Amendment

PROFFER STATEMENT

Project Name: **ZMA 2021-00008 Old Ivy Residences**

Date: February 17, 2023

Parcel Numbers: 06000-00-00-024C3 (13.29 acres); 06000-00-00-024C0 (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 06000-00-00-024C0, 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), 06000-00-00-024C0 (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, ZMA 1987-08, and ZMA 1996-20, including any approved application plans or proffers associated with any of them; 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 06000-00-00-024C0, 06000-00-00-024C1, 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 July 19, 2021, last revised August 15, 2022 (the “Concept Plan”), and must reflect the following major elements as shown and noted on the Concept 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.
- g. Turn lanes.

2. Rivanna Trail:

- 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 work with the Rivanna Trails Foundation to convert the existing license agreement to a permanent easement, 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. The Owner shall record such permanent easement in the land records of Albemarle County prior to the issuance of the first certificate of occupancy for a unit within the Project.
- 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. Contribution to Off-Site Transportation Improvements:

The Owner’s traffic impact analysis prepared by Timmons Group dated July 19, 2021, last revised November 7, 2022 (the “Traffic Study”), concludes there is existing traffic congestion during the peak hours along and near the western end of Old Ivy Road in the following locations:

- Along the Route 250/29 Bypass Southbound at Route 601 Off Ramp (the “Route 601 Off Ramp”) from mainline US Route 29/250 to the unsignalized intersection of Old Ivy Road, Old Garth Road, and the Route 601 Off Ramp (the “Old Ivy/Old Garth/Off Ramp Intersection”);
- Between the Old Ivy/Old Garth/Off Ramp Intersection and the signalized intersection of Ivy Road and Canterbury Road, and at the signalized intersection of Ivy Road and Canterbury Road;
- Along Faulconer Road between its intersection with the Route 601 Off Ramp and its intersection with Old Ivy Road; and
- Along Old Ivy Road between the Old Ivy/Old Garth/Off Ramp Intersection west to the bridge carrying Old Ivy Road across the railroad tracks

These areas are collectively referred to herein as the “Congestion Area,” and are generally shown on Exhibit A attached hereto. The Traffic Study further concludes that at full buildout of the Project, the Project is estimated to contribute approximately six percent (6%) 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, 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 future transportation improvements (including multi-modal transportation improvements) designed to mitigate existing traffic impacts in either the Congestion Area or anywhere else along Old Ivy Road to its intersection with Ivy Road (the “Future Transportation Improvements Area”), on the following terms and conditions:

- a. The Owner’s contribution shall be the amount equal to six percent (6%) of the total cost of the future transportation improvements for the Future Transportation Improvements Area, up to a maximum of Seven Hundred Fifty Thousand Dollars (\$750,000) (the “Owner’s Proportionate Cash Contribution”). In no event shall the Owner’s Proportionate Cash Contribution be less than One Hundred Fifty Thousand Dollars (\$150,000).
- b. **Multi-Use Pedestrian/Bike Path:** To further 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.

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 parcels (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 one thousand two hundred seventy-five (1,275) linear feet. If the Extended Multi-Use Path is to be installed by the Owner, the Extended 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.

Alternatively, if the owners of either 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 land necessary for the construction of the Extended Multi-Use Path 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 and/or other

transportation or multi-modal transportation improvements within the Future Transportation Improvements Area, in the amount of Five Hundred Thousand Dollars (\$500,000).

Any approvals required in connection with the donation of land for the Extended Multi-Use Path shall include any and all approvals and authorizations as may be required by applicable law or by the governing instruments of any applicable condominium.

4. Additional Receiving Lane on the North-Bound Ramp Leading to U.S. Route 250 Bypass

To further mitigate the Owner's proportionate contribution to the existing traffic congestion in the Congestion Area at the Project's full buildout, subject to the terms and conditions of this paragraph 4, the final site plan for the Project shall include the installation of a second vehicle receiving lane on the north-bound ramp leading to the U.S. Route 250 Bypass from Old Ivy Road (the "Additional Receiving Lane"). The Additional Receiving Lane shall be constructed to Virginia Department of Transportation ("VDOT") standards and specifications, which specifications are estimated to require a two hundred (200) foot long travel lane no more than twelve (12) feet wide, and a two hundred fifty (250) foot long taper lane, for a total estimated lane length of four hundred fifty (450) feet. In the event that there is not sufficient existing right-of-way to construct the Additional Receiving Lane, the Owner will dedicate such land adjacent to the future Additional Receiving Lane as necessary to construct it to VDOT standards and specifications. The Additional Receiving Lane 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.

Alternatively, in the event that the final estimated cost to construct the Additional Receiving Lane exceeds Five Hundred Thousand Dollars (\$500,000.00), the Owner, in its discretion, may elect to contribute cash to the County Capital Improvement Program Fund to be applied toward the cost of constructing the Additional Receiving Lane, in the amount of Five Hundred Thousand Dollars (\$500,000), instead of constructing the Additional Receiving Lane. In the event that the Owner elects to make such contribution instead of constructing the Additional Receiving Lane, if there is not sufficient existing right-of-way to construct the Additional Receiving Lane, the Owner will dedicate such land adjacent to the future Additional Receiving Lane as necessary to construct it to VDOT standards and specifications.

5. 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.

6. 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, ZMA 1987-08, and ZMA 1996-20, including any approved application plans or proffers associated with any of them, shall be rezoned to R-15 Residential, and shall no longer be associated with, or bound by any of ZMA 1982-11, ZMA 1987-08, or ZMA 1996-20, or any application plans or proffers associated with any of them.

[SIGNATURE PAGE IMMEDIATELY FOLLOWS]

Signature Page for Proffer Statement for Old Ivy Residences, ZMA 2021-00008

OWNER:

FATHER GOOSE, LLC

a Virginia limited liability company

By: W. K. Heischman
W. K. Heischman, Manager

THE FILTHY BEAST, LLC

a Virginia limited liability company

By: W. K. Heischman
W. K. Heischman, Manager

BEYER FAMILY INVESTMENT PARTNERSHIP, L.P.

a California limited partnership

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

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

ZMA 2021-00008 Old Ivy Residences – Exhibit A to Proffer Statement



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