

BEFORE THE CITY COUNCIL OF THE CITY OF CHARLOTTESVILLE, VIRGINIA
IN RE: PETITION FOR REZONING (City Application No. ZM22-00002)
STATEMENT OF FINAL PROFFER CONDITIONS
For MOUNT VIEW PUD

City of Charlottesville Tax Map 49 Parcels 65, 721, 72, and 73

TO THE HONORABLE MAYOR AND MEMBERS OF THE COUNCIL OF THE CITY OF CHARLOTTESVILLE

Mount View Properties, LLC is the owner of Tax Parcel 490073000. Route 250 Houses LLC is the owner of Tax Parcels 490072000 and 490072100. Mount View Baptist Church is the owner of Tax Parcel 490065000. Mount View Properties LLC, Route 250 Houses LLC, and Mount View Baptist Church (collectively, the “Owners”) seek to rezone their aforementioned respective properties (collectively, the “Property”) which are the subject parcels of rezoning application ZM22-00002, a project known as Mount View PUD (the “Project”). The Owners seek to amend the current zoning of the Property subject to certain voluntary conditions set forth below. Each signatory below signing on behalf of the Owners covenants and warrants that it is an authorized signatory of the Owners for this Proffer Statement.

In furtherance of the Project, the Owners hereby proffer for City Council’s consideration voluntary development conditions, which the Owners agree are reasonable. The Owners agree that, if the Property is rezoned as requested, the use and development of the Property will be subject to and in accordance with the following conditions:

1. Affordable Housing:

The Owners shall provide affordable housing within the Project, as follows:

- a. For the purposes of this Proffer, the term “For-Rent Affordable Dwelling Unit” means a dwelling unit where the monthly cost of rent is affordable to households at 60 percent of the Area Median Income (AMI) for the Charlottesville, Virginia Metro Area as published annually by the Federal Department of Housing and Urban Development (HUD). For the purposes of this Proffer, the term “affordable” means that the cost of rent, including tenant paid utilities, does not exceed 30% of the monthly income of a 60 percent AMI household.
 - i. For-Rent Affordable Dwelling Units shall be reserved for rental to low and moderate-income households having income less than or equal to 60 percent of the AMI.

- b. The Owners shall cause seven (7) dwelling units constructed within the Project to be For-Rent Affordable Dwelling Units (the “Required Affordable Dwelling Units”). The Required Affordable Dwelling Units shall be identified on a layout plan, by unit, prior to the issuance of any certificate of occupancy for a residential unit within the Property (“Initial Designation”). The Owner reserves the right, from time to time after the Initial Designation, and subject to approval by the City, to change the unit(s) reserved as For-Rent Affordable Dwelling Units, and the City’s approval shall not unreasonably be withheld so long as a proposed change does not reduce the number or make-up of Required Affordable Dwelling Units and does not result in an Affordability Period shorter than required by these proffers with respect to any of the Required Affordable Dwelling Units.

- i. The Required Affordable Dwelling Units shall be reserved as such throughout a period of ninety-nine (99) years from the date on which the unit receives a certificate of occupancy from the City's building official ("Rental Affordability Period"). All Required Affordable Dwelling Units shall be administered in accordance with one or more written declarations of covenants within the land records of the Charlottesville Circuit Court, in a form approved by the Office of the City Attorney.
 - ii. The Required Affordable Dwelling Units shall be comprised of four efficiency units, one one-bedroom unit, one two-bedroom unit, and one three-bedroom unit.
 - iii. On or before January 10 of each calendar year, or an alternate date mutually agreed upon by the Owners and the City, the then current owner of each Required Affordable Dwelling Unit shall submit an Annual Report to the City on a template provided by the City's Office of Community Solutions, identifying each Required Affordable Dwelling Unit by address and location, and verifying the household income of the occupant(s) of each Required Affordable Dwelling Unit.
 - iv. The Required Affordable Dwelling Units shall be constructed proportionally to the number of market rate units at a rate of 10 percent, so that for every ten (10) units constructed a minimum of one (1) is designated as a Required Affordable Dwelling Unit. Notwithstanding the foregoing, the Required Affordable Dwelling Units may be constructed at a rate that exceeds 10 percent of the total number of dwelling units. All Required Affordable Dwelling Units shall be constructed prior to the issuance of certificate of occupancy of the 59th dwelling unit.
 - v. Section 8 Housing Choice Vouchers or similar housing vouchers will be accepted as a form of payment for the Required Affordable Dwelling Units.
 - vi. The Owners shall provide a marketing plan to the Office of Community Solutions prior to issuance of the first certificate of occupancy for a residential unit within the Project. The marketing plan shall demonstrate how the affordable units will be advertised and will be prepared in a form acceptable to the Office of Community Solutions.
- c. The land use obligations referenced in 1.a.i and 1.b.i through 1.b.vi shall be set forth within one or more written declarations of covenants recorded within the land records of the Charlottesville Circuit Court, in a form approved by the Office of the City Attorney, so that the Owner's successors in right, title and interest to the Property shall have notice of and be bound by the obligations. The Required Affordable Dwelling Units shall be provided as for-rent units throughout the Rental Affordability Period.

2. Construction Entrance: Construction entrances for site development and construction on the Property shall not be permitted to connect to River Vista Avenue.

3. Screening Fence: A screening fence shall be installed in the locations shown on Sheet 7 of the Development Plan prepared by Shimp Engineering, P.C. dated February 8, 2022 last revised October 7, 2022 (the "Development Plan").

- a. The screening fence may be comprised of masonry, composite, painted or stained lumber, or an alternate material approved by the Director of Neighborhood Development Services

- (“NDS”) or its designee. Chain link and screening mesh are expressly prohibited as screening fence materials.
- b. The screening fence shall be a minimum of six feet in height, unless a lesser height is agreed upon by the Owners and the owners of adjacent property where the screening fence is installed along the common boundary line. If a lesser height is agreed upon, record of this agreement must be presented in writing to the Director of NDS or its designee.
 - c. If, at the time of construction of the screening fence, an adjacent owner has erected a fence along the common boundary line, the screening fence requirement may be waived in the location where the adjacent owner’s fence is constructed if the adjacent owner prefers their existing fence instead of the screening fence to be installed by the Owners. The adjacent owner must state, in writing, their preference for their existing fence to the Owners and the Director of NDS for the screening fence requirement to be waived.
 - d. The screening fence must be constructed prior to the issuance of the first certificate of occupancy for a residential unit within Block 2; the limits of Block 2 are shown on Sheet 4 of the Development Plan.

4. **River Vista Sidewalk Improvements:** The Owners shall construct a sidewalk to City standards within the River Vista public right-of-way adjacent to tax parcels 4900638000 and 490064000 to establish a continuous pedestrian connection between the Property’s entrance from River Vista Ave continuing northwest to the intersection of River Vista Ave and St. Clair. The sidewalk shall be constructed prior to the issuance of certificate of occupancy of the tenth dwelling unit within the Project and shall be conveyed to the City for acceptance and maintenance. If, at the time of construction, sufficient right-of-way does not exist to accommodate the construction of the sidewalk, and the Owners cannot reasonably obtain an easement from the respective owners of tax parcels 4900638000 and 490064000 to permit the construction of the sidewalk, then the Owners shall make a cash contribution to the City’s Sidewalk Fund in an amount equal to the construction of 270’ linear feet of sidewalk calculated by using the then current Sidewalk Fund Calculator. The cash contribution shall be made prior to the issuance of certificate of occupancy of the tenth dwelling unit within the Project.

WHEREFORE, the undersigned Owners stipulate and agree that the use and development of the Property shall be in conformity with the conditions hereinabove stated, and request that the Property be rezoned as requested, in accordance with the Zoning Ordinance of the City of Charlottesville.

By:  _____
Mount View Properties LLC

Print Name: Samuel B. Craig

Owner’s Address: 338 Rio Rd W Charlottesville VA 22901

By: John Rodman Leavell
Mount View Baptist Church, Trustee

Print Name: John Rodman Leavell

Owner's Address: 1032 Martin St, Charlottesville VA 22901

By: Robert R. Henry Jr
Mount View Baptist Church, Trustee

Print Name: Robert R. Henry, JR.

Owner's Address: 607 Davis Ave. Chville, VA
22901

By: 
Route 250 Houses LLC

Print Name: Lynwood Nipica

Owner's Address: 17 Out of Bank Road
Palmyra, VA 22963