

DRAFT PROFFER STATEMENT

ZMA Number and Name: 2023-00004 Cornerstone Community Church

Tax Map Parcel Number: 07800-00-00-058K0

Owner: James A. Dettor, Jr. and Peggy W. Dettor

Date of Proffer Signature:

Description of ZMA: Rezoning from R-1 Residential to C-1 Commercial

James A. Dettor and Peggy W. Dettor are the owners (the "Owners") of Tax Map Parcel 07800-00-00-058K0 (the "Property") which is the subject of rezoning application, a project known as "Cornerstone Community Church" (the "Project"). The term "Owner" shall apply to the current owner and all successors in interest. Cornerstone Community Church is the contract purchaser of the property and has the Owners' authorization to file a land use application for the property. Cornerstone Community Church is the applicant (the "Applicant") for the project.

Pursuant to Section 33 of 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 its is rezoned to the requested rezoning district, C-1 Commercial. These conditions are proffered as a part of the requested rezoning and the Owner acknowledges that the conditions are reasonable. Each signatory below signing on behalf of the Owner covenants and warrants that it is an authorized signatory of the Owner for this Proffer Statement.

1. **FUTURE USES:** Commercial C-1: The use of the Property shall allow for all by right uses pursuant to Section 22.2.1 of the Albemarle County Zoning Ordinance except for the following listed uses:
 - a. The following retail sales and service establishments:
 - 22.2.1(a)(3.) Department Store.
 - 22.2.1(a)(7.) Furniture and homes appliances (sales and service).
 - 22.2.1(a)(17.) Laboratories/Research and Development/Experimental Testing; gross floor areas of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.
 - 22.2.1(a)(18.) Manufacturing/Processing/Assembly/Fabrication and Recycling; gross floor area of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.

- 22.2.1(a).(19.) Drive-through windows
- b. The following services and public establishments:
 - 22.2.1(b).(9.) Indoor theaters.
 - 22.2.1(b).(10.) Laundries, dry cleaners.
 - 22.2.1(b).(22.) Automobile, truck repair shop excluding body shop.
- c. If the use is served by either public water or an approved central water supply:
 - 22.2.1(c).(1.) Automobile service stations

2. **MAXIMUM BUILDING HEIGHT:** The maximum height of any building on the Property shall be the lesser of 45' or three (3) stories.

3. **SITE DEVELOPMENT:** Development of the use must be in general accord with the plan titled "Site Development Diagram," last revised October 27, 2023 and prepared by Line and Grade. To be in general accord with the plan, development must reflect the following major elements essential to the design of the development:

- A. Proposed building and parking locations shall remain within envelopes indicated on plan (portions of existing buildings may remain outside of building envelopes as allowed by SE202300031)
- B. Stream buffer to be established in accordance with Sec. 17-600 of Albemarle County Zoning Ordinance

4. **STREAM BUFFER MITIGATION:**

- C. Establishment: Prior to issuance of the first certificate of occupancy issued for any renovated or new building on the Property, the Owner shall remove all gravel within the stream buffer extents and *bond or* establish vegetation within the *disturbed areas* in the stream buffer in accordance with the planting rates below.
- D. Extents: The stream buffer extents shall be as defined in Sec. 17-600 of Albemarle County's Zoning Ordinance. For the purposes of establishing vegetation, "disturbed areas" shall exclude disturbances prior to the execution of this document.
- E. Planting: A mitigation plan in accordance with Sec. 17-406 shall be prepared to restore disturbed areas within the stream buffer with native grasses, trees, and shrubs. Note that an ACSA sanitary main runs through this area, and no trees shall be planted within 10 ft on either side of the sanitary main. Planting within the disturbed areas of the stream buffer shall be provided in accordance with one of the following:
 - i. For every 400 square foot unit or fraction thereof plant one (1) canopy tree measuring 1 ½" – 2" caliper or a large evergreen 6 feet in height, one (1) understory tree measuring ¾" – 1 ½" caliper or one evergreen 4 feet in height, and one (1) small shrub 15"-18" in height.

- ii. For every acre or fraction thereof, plant 1,210 hardwood and/or pine seedlings on approximately 6'x6' centers without tree tubes and mats.
- iii. For every acre or fraction thereof, plant 600 hardwood and/or pine seedlings on approximately 8'x8' centers with tree tubes and mats.

WITNESS the following signatures:

OWNER:

Owner of Tax Map Parcels 07800-00-00-058K0:

JAMES A. DETTOR, JR. AND PEGGY W. DETTOR

By: _____
James A. Dettor Jr., Owner

By: _____
Peggy W. Dettor, Owner

NOTARY PUBLIC ACKNOWLEDGMENT

_____ **SEAL**
STATE OF _____ COUNTY/CITY OF _____

I HEREBY CERTIFY THAT _____ (NAME) appeared before me on this _____ day of _____, 20__ and signed this form in my presence.

NOTARY PUBLIC SIGNATURE

MY COMMISION EXPIRES (DATE)