

COUNTY OF ALBEMARLE
MEMO TO THE BOARD OF SUPERVISORS
SUMMARY OF PLANNING COMMISSION ACTION

<p>AGENDA TITLE: ZMA201600013 Willow Glen Proffer Amendment</p> <p>SUBJECT/PROPOSAL/REQUEST: Request to amend proffers for ZMA2016-13 on property zoned Planned Residential Development (PRD) to reduce cash proffer amounts and receive “by-right” credit</p> <p>SCHOOL DISTRICT: Elementary: Baker-Butler; Middle: Sutherland; High: Albemarle</p>	<p>AGENDA DATE: June 19, 2019</p> <p>STAFF CONTACT(S): Walker, Herrick, Graham, Benish, Falkenstein</p> <p>PRESENTER (S): Rachel Falkenstein</p>
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BACKGROUND:

At its meeting on May 14, 2019, the Planning Commission voted 5:0 (Dotson and Bivins absent) to recommend denial of the proposed amendments to: Section 2(A)(i), 2(A)(ii), and 2(B) of the proffer statement and to recommended approval of all other proposed amendments to the proffer statement in ZMA201600013 (Attachment D).

DISCUSSION:

In 2007 the subject property was rezoned from RA to PRD (ZMA2006-19). At the time of the original rezoning the applicant proffered cash proffers for the residential units in the following amounts: \$17,500 for each single family detached unit and \$11,900 for each single family attached or townhouse unit. With the pending proposed amendment, the applicant requests a change in the cash proffer amounts as follows: \$4,918 for each single family detached unit and \$3,845 for each single family attached or townhouse unit. The applicant is also requesting the “by-right” credit for this development for 10 units that could have been built on this property by-right under the previous RA zoning. Were the Board to approve this request, the cash proffers and 15% affordable units requirement would kick in after the 10th dwelling unit were constructed for this property.

The Planning Commission recommended denial of the proposed reduction in cash proffer amounts, but recommended approval of the request to receive “by-right” credit for the 10 units.

RECOMMENDATIONS:

Staff recommends that the Board not accept the requested amendments to sections 2(A)(i), 2(A)(ii), and 2(B) of the proffer statement for ZMA201600013 and accept all other proposed amendments to the proffer statement for ZMA201600013 as to Parcels 32-49F, 32-49I, and 32-49J (Attachment A).

If the Board reaches a consensus to follow staff’s recommendation, staff recommends that any action be deferred to allow the applicant to submit a revised signed proffer statement consistent with the Board’s consensus. Ordinarily, further revisions to proffers after the public hearing begins requires another public hearing. However, given that the recommended revisions do not affect use or density, Virginia Code § 15.2-2302(B) and (E) authorize the Board to accept further amendments to the proffer statement, and to adopt the corresponding ordinance, without a public hearing if it first waives that requirement and the requirement to provide written notice.

ATTACHMENTS:

- A – Planning Commission staff report 5/19/2019
 - A1 – Location map
 - A2 – Approved application plan
 - A3 – Redlined proffer statement

- A4 – Applicant narrative
- A5 – by-right exhibit
- B – Planning Commission action letter 5/19/2019
- C – Planning Commission meeting minutes 5/19/2019
- D – Signed Proffer Statement dated September 17, 2018
- E – Ordinance to not accept portions of and to approve portions of ZMA201600013