

# COUNTY OF ALBEMARLE

## TRANSMITTAL TO THE BOARD OF SUPERVISORS

### SUMMARY OF PLANNING COMMISSION ACTION

<b>AGENDA TITLE:</b> ZMA201600015 Oakleigh	<b>AGENDA DATE:</b> February 8, 2017
<b>SUBJECT/PROPOSAL/REQUEST:</b> Amend existing Application Plan, Code of Development and Proffers to permit construction of a 140 bed assisted living facility on the rear half of the site and to revise the uses permitted on the site; or to develop the site according to the existing approved Application Plan (ZMA20070004) with a revised Code of Development and Proffers to revise the uses permitted on the site.	<b>STAFF CONTACT(S):</b> Andrew Gast-Bray, Elaine Echols, J.T. Newberry
	<b>PRESENTER (S):</b> J.T. Newberry, Elaine Echols

#### BACKGROUND:

At its meeting on December 6, 2016, the Planning Commission voted 7:0 to recommend approval of ZMA201600015 subject to revisions requested by both staff and the Commission.

#### DISCUSSION:

Following the Commission meeting, the applicant made the revisions recommended by staff and the Commission with two exceptions, which are described below.

The existing (2007) affordable housing proffer provided for 15% affordable housing in the form of cash and units with at least **half** of those units to be constructed. The proposed (2017) proffers continue to provide for 15% affordable housing, but the owner could satisfy the proffer by providing cash-in-lieu of **all** affordable units. While this scenario was recommended by the Housing Director, the Planning Commission disagreed and recommended retaining the proffer for half of the units to be constructed. The applicant opted to follow the recommendation of the Housing Director.

Pursuant to the 2016-2017 proposed changes to cash proffers for impacts to public facilities, the applicant is also seeking credit for the number of by-right lots that could have been constructed under the R-6 zoning which existed prior to approval of ZMA200700004. At the time of that rezoning, the cash proffer policy would have allowed credit for only a minimal increase in density. The applicant notes that since 2011 the Board has allowed credit for all units that could have been constructed under existing zoning. However, staff believes there is a distinction between this request and the other projects approved since 2011 because those examples were credited anywhere from 12%-26% of the project's full potential. This proposal would be asking for credit for just under half of the total units possible under the new zoning.

The Planning Commission's action letter, staff report and minutes from the December 6 meeting are attached.

Attachment D summarizes the changes made by the applicant and provides a justification for submitting a revised proffer statement that does not align with the recommendation from the Planning Commission. The revised application plan/code of development and proffers are attached (Attachments E and F). The attached proffers dated January 30, 2017 include an additional revision to delete an outdated reference to "carriage units".

#### RECOMMENDATION:

Staff and the Planning Commission recommend that the Board deny ZMA201600015. However, if the Board wishes to approve ZMA201600015, staff recommends that the Board adopt the attached Ordinance (Attachment G) approving ZMA201600015.

#### ATTACHMENTS:

- A – Planning Commission action letter
- B – Planning Commission staff report
- C – Planning Commission minutes
- D – Resubmittal Memo dated December 19, 2016
- E – Revised Application Plan/Code of Development dated December 16, 2016
- F – Revised Proffer Statement dated January 30, 2017
- G – Ordinance