

## **Staff Summary of Brookhill Proffer Revisions Proposed in ZMA201800011**

**Proffer #1D – Rio Mills Road Connection** – this proffer requires the developer to construct an offsite transportation improvement project identified as the “Rio Mills Connector road.” This is a proposed public road that will connect Berkmar Drive to Rio Mills Road (S.R. 643). The original proffer included a timing restriction stating that the Rio Mills Connector road must be completed prior to the issuance of the 200<sup>th</sup> Certificate of Occupancy (CO) for a dwelling unit other than a multifamily unit within Brookhill. In 2017, VDOT obtained approval and funding through a Smart Scale application to complete the Rio Mills Connector road as a public transportation improvement project. VDOT has informed County staff and the developer that the Rio Mills Connector road will be finished by 2023 at the latest, but could be completed as early as 2020.

Now that VDOT is taking over design and construction of the Rio Mills Connector road, the developer will not be able to 1) build the road as originally specified, and 2) the developer will likely need the 200<sup>th</sup> CO prior to VDOT completing the road construction.

The developer will still dedicate the necessary right of way to accommodate the Rio Mills Connector road as specified in the original proffer statement. The draft proffer statement revision has removed the language specifying that the developer is responsible for the actual road construction. The limitation on issuance of COs for dwellings within the development is also proposed to be removed. This is because the developer will likely be requesting the 200<sup>th</sup> CO sometime prior to 2023.

**Proffer #6 – Credit for in Kind Contributions** - this proffer gives the developer a credit for the value of in-kind contributions they are required to complete by other proffers. The original value is an estimated total cost for off-site road improvement projects and land dedications specified elsewhere in the proffers. The credit is intended to delay the timing for when the developer must start paying cash contributions to the County on a per dwelling unit basis, as specified by Proffers #3 and #4. The original value of the credit is \$31,086,662.86.

The revision to Proffer #6 will reduce the total value of the credit for in-kind contributions available to the developer by removing reference to the Rio Mills Connector road. Since the developer will not be constructing the road, they have acknowledged that they should not be receiving credit for completion of that improvement. The revisions to Proffer #6 proposes to remove reference to the Rio Mills Connector road and also reduce the value of the in-kind contribution credit to \$28,336,662.00. Thus, the developer will be obligated to begin paying cash contributions to the County on a per dwelling unit basis sooner than originally anticipated, in accordance with Proffers #3 and #4.

**Proffer #8 – Public High School or Institutional Use Site** - this proffer requires the developer to dedicate in fee simple a site measuring a minimum of 60 acres to the County for a future public high school. The proffer states that the site may be used for “other institutional uses” if the school system determines that a new high school is not needed at this location.

The extension of Berkmar Drive was not completed by VDOT when the original Brookhill rezoning was approved. The public school site identified in Exhibit E of the original proffer statement now overlaps with a portion of the existing Berkmar Drive right-of-way. Additionally, the proposed Rio Mills Connector road will also be constructed within a portion of the parcel originally identified as the 60 acre high school site.

VDOT has conducted thorough survey work over the past few months and has informed the developer that there will only be approximately 50 acres available for the high school site once the Rio Mills Connector Road is built. Therefore, the applicant is requesting to reduce the minimum site acreage for the high school from 60 acres to approximately 50 acres.