



Albemarle County

Legislation Text

File #: 18-553, **Version:** 1

AGENDA DATE: 11/14/2018

TITLE:

ZMA201800011 Brookhill Proffer Amendment

SUBJECT/PROPOSAL/REQUEST: Request to waive the public hearing requirements under County Code § 18-33.15(A)(1)(a) associated with a proposed zoning map amendment application seeking to revise the original proffers of the Brookhill development.

ITEM TYPE: Regular Action Item

STAFF CONTACT(S): Richardson, Kamptner, Graham, Gast-Bray, Benish, Langille

PRESENTER (S): Cameron Langille

LEGAL REVIEW: Yes

REVIEWED BY: Jeffrey B. Richardson

BACKGROUND: The Albemarle County Board of Supervisors approved a zoning map amendment (ZMA), ZMA201500007, for the Brookhill project on November 9, 2016. This ZMA included a proffer statement for numerous proffers, including off-site transportation improvements (Attachment A). In 2017, the Virginia Department of Transportation (VDOT) obtained funding to complete a road construction project, known as the Rio Mills Road connector road, that was proffered by the developer in conjunction with the original Brookhill ZMA.

VDOT is actively pursuing the design, construction, and completion of the Rio Mills Connector road as a public improvement project. The developer has submitted a new ZMA application, ZMA201800011, to amend the original proffers and to clearly define the developer's responsibilities now that VDOT is undertaking the Rio Mills Road project (Attachment B). The draft of the revised proffers is still under review with County staff.

STRATEGIC PLAN: Infrastructure Investment: prioritize, plan, and invest in critical infrastructure that responds to past and future changes and improves the capacity to serve community needs; Thriving Development Areas: attract quality employment, commercial, and high density residential uses into development areas by providing services and infrastructure that encourage redevelopment and private investment while protecting the quality of neighborhoods

DISCUSSION: Pursuant to County Code § 18-33.15(A)(1)(a), an applicant requesting approval of a zoning map amendment that only proposes to amend existing approved proffers that do not affect conditions of use or density may request the Board of Supervisors to waive the requirement for public hearings with the Planning Commission and/or the Board. County Code § 18-33.15(A)(1) is enabled by Virginia Code § 15.2-2302.

The applicant of ZMA201800011 has filed such a request with the Clerk of the Board to waive public hearings with both the Planning Commission and the Board of Supervisors. In accordance with County Code § 18-33.15(A)(1), the proposed amendment solely pertains to amending proffers that do not affect the conditions of

use or density, the Code of Development, or the Application Plan that were approved with the original Brookhill rezoning. The proposed proffer amendment will revise three (3) of the original proffers: Proffer #1D, Proffer #6, and Proffer #8, which are all tied to the Rio Mills Connector road. See Attachment C for a summary of the proposed revisions. The proposed proffer amendment complies with County Code §§ 18-33.15(A)(1) and 18-33.15(A)(1)(a).

BUDGET IMPACT: None.

RECOMMENDATION: Staff recommends approval of the request to waive the requirement for public hearings for the reasons stated in Attachment C.

ATTACHMENTS:

Attachment A: ZMA201500007 Brookhill original proffer statement

Attachment B: ZMA201800011 Draft of revised Brookhill proffer statement

Attachment C: Staff Summary of proffer revisions