



Albemarle County

Legislation Text

File #: 17-521, **Version:** 1

AGENDA DATE: 9/13/2017

TITLE: Alternative Use of Belvedere Greenway Proffer Funds

SUBJECT/PROPOSAL/REQUEST: Public hearing to receive comments on a resolution to authorize alternative uses of cash proffer funds received from ZMA 2004-07 Belvedere Proffers 3.2 Greenway and 3.3 Greenway Bridge

ITEM TYPE: Regular Action Item

STAFF CONTACT(S): Walker, Kamptner, Blair, McCulley, Ragsdale, Crickenberger, Mahon

PRESENTER (S): Rebecca Ragsdale

LEGAL REVIEW: Yes

REVIEWED BY: Douglas C. Walker

BACKGROUND: Belvedere was rezoned on October 22, 2005 (ZMA2004-07) with proffers that included both a greenway land dedication and cash proffers for greenway improvements. (Attachment A-Proffers) Cash payments totaling \$20,000 were received by the County on November 4, 2015 pursuant to Proffers 3.2 and 3.3. According to the proffers, funds received must be used within two years from the date they were received or shall be returned to the owner. Staff requested the greenway land dedication in January 2015, but it has not yet been dedicated to the County. (Attachment A-Belvedere Proffers)

STRATEGIC PLAN: 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 Virginia Code [§15.2-2303.2](http://law.lis.virginia.gov/vacode/title15.2/chapter22/section15.2-2303.2/)

[<http://law.lis.virginia.gov/vacode/title15.2/chapter22/section15.2-2303.2/>](http://law.lis.virginia.gov/vacode/title15.2/chapter22/section15.2-2303.2/), a locality may utilize any cash payments proffered for capital improvements for alternative improvements of the same category within the locality in the vicinity of the improvements for which the cash payments were originally made after conducting an advertised public hearing on the proposal. The governing body of the locality prior to the use of such cash payments for alternative improvements shall find: (a) the improvements for which the cash payments were proffered cannot occur in a timely manner or the functional purpose for which the cash payment was made no longer exists; (b) the alternative improvements are within the vicinity of the proposed improvements for which the cash payments were proffered; and (c) the alternative improvements are in the public interest. Please see Attachment B for staff's analysis of these required findings.

Cash payments from Proffer 3.2 (Greenway) were intended to be used for construction of a greenway trail within the Belvedere greenway property (a portion of Tax Map Parcel (TMP) 062A3-00-00-00100 and a portion of TMP 06200-00-00-002C0) to be dedicated to Albemarle County. Cash payments received from Proffer 3.3 were to be used towards "construction of a pedestrian bridge off-site linking the Rivanna River Greenway in Dunlora (TMP 062F0-00-00-000A3 <http://gisweb.albemarle.org/Map/Viewer.aspx?state=995923109650>) to

River Run (TMP 062D1-00-00-001A0).” (Attachment C-Map of Proffered and Proposed improvements)

Staff proposes that the proffer funds be redirected from the project areas that are not yet ready for greenway development and instead be used on County-owned property behind Still Meadows (TMP 046C0-00-00-000A1) that abuts the future Belvedere greenway parcel. An alternative use of greenway bridge funds is proposed to be used on the property owned by the County because the County has not yet received the easements or dedication from the owner of TMP 062F0-00-00-000A3
<<http://gisweb.albemarle.org/Map/Viewer.aspx?state=995923109650>> in order to construct the bridge at the location proposed in Proffer 3.3.

BUDGET IMPACT: Upon approval of this request, a subsequent request will be submitted to the Board in October to appropriate the funds received from Belvedere and The Lofts at Meadowcreek proffers to complete the greenway and bridge construction on TMP 046C0-00-00-000A1 behind Still Meadows as described in staffs proposal.

RECOMMENDATION: Staff recommends that the Board adopt the attached Resolution to authorize the proposed alternative use of these funds (Attachment D).

ATTACHMENTS:

- A. Belvedere (ZMA 2004-07) Proffers
- B. Required findings for alternative use of funds under Virginia Code [§15.2-2303.2](http://law.lis.virginia.gov/vacode/title15.2/chapter22/section15.2-2303.2/)
<<http://law.lis.virginia.gov/vacode/title15.2/chapter22/section15.2-2303.2/>>
- C. Map of proffered and proposed alternative improvements
- D. Resolution