

COUNTY OF ALBEMARLE

EXECUTIVE SUMMARY

<p><u>AGENDA TITLE:</u> ZMA201200004, Avon Park II</p> <p><u>SUBJECT/PROPOSAL/REQUEST:</u> Request to rezone 5.262 acres from R-6 residential zoning district to PRD, planned residential district zoning district to allow 32 maximum residential units.</p> <p><u>STAFF CONTACT(S):</u> Cilimberg, Benish, Grant</p> <p><u>LEGAL REVIEW:</u> NO</p>	<p><u>AGENDA DATE:</u> December 11, 2013</p> <p><u>ACTION:</u> X <u>INFORMATION:</u></p> <p><u>CONSENT AGENDA:</u> <u>ACTION:</u> <u>INFORMATION:</u></p> <p><u>ATTACHMENTS:</u> YES</p>
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BACKGROUND:

On September 11, 2013, the Board of Supervisors held a public hearing for the Avon Park II rezoning request. The Board, by a vote of 6:0, deferred ZMA201200004 with proffers, to December 9th in order to give the applicant time to address concerns from adjacent residents regarding this rezoning request. Staff and the Planning Commission had recommended approval of the rezoning request.

DISCUSSION:

The applicant has provided the following revisions to the application plan (Attachment A):

- The townhouses shown as lots 8 – 10 have been relocated from the northeast corner to the southwest corner of the intersection of Hathaway Street and Stratford Way.
- Lot widths, street parking, and street tree locations have all been adjusted to accommodate the relocation of the townhouses.
- Additional street lighting is now provided for the streets and path to the tot lot.
- Side setbacks have been increased from 5 feet to 7.5 feet for lots adjacent to the existing Avon Park I houses.
- A landscape buffer is added to the north side of the project, adjacent to the existing Avon Park I residences. Also in reference to maintaining the existing landscape buffer on the north side of the project adjacent to Avon Park I, a note has been added regarding the saving of existing trees if possible.
- The cover sheet of the plan has a revised parking schedule and bedroom table to reflect relocated lots and a revised note now indicates that street lighting is provided.

The following summarize the revisions to the proffers (Attachment B), exclusive of minor technical revisions:

- Proffers 1 and 2, the affordable housing proffers, have been revised to reflect the revised lot numbers.
- Proffer 3, regarding the cash contribution to mitigate fiscal impacts, has been revised to show a credit for 5 by-right units, which was the number of by-right units that could be developed under the R-1 zoning of the site before it was amended to R-6 when ZMA 2007-00005 was approved on November 14, 2007. The proffers accepted in conjunction with ZMA 2007-00005 did not provide a credit for the by-right units allowed under the prior R-1 zoning. Staff has verified that 5 units could have been constructed on the site under the R-1 zoning.
- Proffer 6 has been added to address overlot grading concerns to require that all grading be conducted pursuant to an overlot grading plan approved by the County Engineer.

As discussed by the Board, the applicant has met with the adjacent neighbors regarding their concerns about the pending development and has addressed the neighbors' concerns. It is staff's understanding that

the neighbors are satisfied with the revisions proposed by the applicant. Staff has reviewed the applicant's revisions and finds them satisfactory with the exception of the credit for cash proffers option that goes back to a couple prior rezoning requests, proposed by the applicant. The applicant has also provided Attachment C, the proffers without a credit for the by-right units, as an option. This is an issue the Board will need to address.

RECOMMENDATIONS:

If the Board is satisfied with the applicant's revisions, including the by-right development credit for the by-right units predating the current zoning, staff recommends approval of ZMA2012-00004 with the attached proffers and application plan. (See Attachments A and B)

ATTACHMENTS:

Attachment A: [Application plan, dated August 20, 2012, revised October 25, 2013](#)

Attachment B: [Proffers, dated December 2, 2013](#)

Attachment C: [Proffers, dated November 21, 2013](#)

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