

COUNTY OF ALBEMARLE

EXECUTIVE SUMMARY

<p><u>AGENDA TITLE:</u> ZMA201300001, The Lofts at Meadowcreek</p> <p><u>SUBJECT/PROPOSAL/REQUEST:</u> Request to rezone approximately 2.80 acres from R-4 residential zoning district to NMD-Neighborhood Model District zoning district to allow a proposed 65 maximum dwelling unit apartment building.</p> <p>Presenter(s): Claudette Grant</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 July 10, 2013, the Board of Supervisors held a public hearing for The Lofts at Meadowcreek rezoning request. The Board, by a vote of 5:0, deferred indefinitely ZMA201300001 at the request of the applicant. Also, the Board, by a vote of 5:0, deferred indefinitely the special exception waivers. During the Board of Supervisors public hearing all outstanding issues were addressed with the exception of the applicant not providing for any cash proffers under the cash proffer policy for public facilities to address the impacts created by the proposed development.

The applicant has requested that the Board reconsider this matter with the information provided in the revised proffers and letter, dated November 18, 2013 (Attachments A and B).

DISCUSSION:

Since the Board public hearing on July 10th, the Owner, Mary Dickens, has authorized and provided revised proffers that now include a new Proffer 5 which is a contribution of cash on a per "market-rate" dwelling unit basis for the purposes of addressing the impacts of the development on the County's public facilities and infrastructure. The proffer describes a cash contribution of \$1,000.00 for each residential dwelling unit other than an affordable dwelling unit. (See Attachment A for revised proffers) The cash proffers are based on 41 market rate units at \$1,000 per unit for a total of up to \$41,000. The proposed development is for 65 units. The applicant is providing 13 affordable units (20%) and requesting credit for 11 by-right units.

Total proposed units (all apartments)	65
Total affordable units provided	13
<u>Assumed by-right developable units</u>	<u>11</u>
Total "market rate units"	41

Staff requested a plan from the applicant that shows the number of units that could be constructed by right on the site. The applicant has not provided this information; therefore, staff cannot verify that 11 by right units can be developed on this site. The eleven (11) by-right unit total is consistent with the theoretical development potential based on the existing R-4 and total acreage of the site (2.80 acres).

The new per unit cash proffer amount offered by the applicant is not consistent with the per unit amount established in the County's cash proffer policy for multi-family units (\$14,497.77), which would total

\$594,408.57 for 41 units. See Attachment B for the applicants justification in providing the proposed cash proffers.

Total contributions offered by the applicant:

Cash proffer toward CIP improvements	\$41,000
Cash contribution for sidewalk walk construction	\$20,000
<u>Total cash contribution</u>	<u>\$61,000</u>

Potential contribution for facility/infrastructure impacts based on County cash proffer policy:

Assuming 41 multi-family units	\$594,409
Assuming 52 multi-family units (no by-right credit)	\$753,884

The applicant states in Attachment B that the proposed development has several favorable factors such as being consistent with the Comprehensive Plan and providing additional residential opportunities for residents in this portion of the County; however, many of the costs mentioned in Attachment B, such as water/sewer tap fees, and Rio Road improvements are normal costs associated with providing this type of development. While staff acknowledges Proffer 4, a cash proffer in the amount of \$20,000, for sidewalk improvements to Pen Park Lane, as mentioned in a previous staff report, it is unlikely that this proffered amount will fully fund the cost of construction for this section of sidewalk. Staff finds the revised cash proffers provided by the applicant does not fully address the fiscal impacts of the development on the County's public facilities and infrastructure.

RECOMMENDATIONS:

The cash proffer amount to address the impacts resulting from this project, as discussed at the July 10th Board meeting, has not been fully addressed. All other outstanding issues from the Planning Commission recommendations have been addressed.

However, if the Board is satisfied with the applicant's revisions, staff recommends approval of ZMA201300001 with revised proffers, dated November 11, 2013, code of development, dated June 17, 2013, inclusive of application plan, dated January, 22, 2013, revised May 13, 2013 (sheet 4 of 5 revised June 10, 2013).

If the Board also is satisfied with the applicant's revisions, staff recommends approval of the special exceptions granting waivers from Section 20A.8 (a) and (b), Mixture of Uses and Housing Types; Section 4.12.2 c.1, Number of parking spaces, and Section 4.2 Critical Slopes of the Zoning Ordinance.

ATTACHMENTS:

Attachment A: [Proffers, dated November 11, 2013](#)

Attachment B: [Letter from William Park, dated November 18, 2013](#)

Attachment C: [Code of Development, dated June 17, 2013, inclusive of Application Plan, dated January 22, 2013, revised May 13, 2013 \(Sheet 4 of 5 revised June 10, 2013\)](#)

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