

MEMORANDUM

To: Planning Commission
From: Kinsey O'Shea, AICP, Senior Town Planner KO
Date: January 27, 2023
Subject: RZN22-0004 Glade Spring Crossing

Planning Commission held a work session on January 17, 2023 to discuss the November 30, 2022 rezoning application for Glade Spring Crossing. The staff report for this request was provided to the Planning Commission on January 13, 2023. The staff report did not contain the proffer evaluation or memos related to the floodplain and creek valley overlay from Planning and Engineering staff.

The January 31, 2023 work session will cover the applicant's request to modify and do work within the creek valley overlay, and floodplain impacts. The November proffer statement will also be discussed, as will the applicant's request for a number of Subdivision Ordinance variances.

The attached memos should be incorporated into the January 13, 2023 Staff Report, and should be considered part of the complete staff report for evaluation of the November 30, 2022 PRD application. Planning Commission previously received the Staff Variance Report with the January 13, 2023 staff report. This document and the application (including the applicant's variance request letter) will be the basis for discussion regarding the variances and street sections as requested by the Planning Commission.

Also included is additional correspondence received since January 13, 2023.

Attachments

- **Staff Creek Valley Overlay memos (these should be considered additions to Attachment C of the January 13, 2023 Staff Report which was not previously provided)**
- **Staff Proffer Evaluation (this is Attachment F of the January 13, 2023 Staff Report which was not previously provided)**
- **Proffer statement dated November 30, 2022**
- **Additional Correspondence Received (to be added to Attachment H of the January 13, 2023 Staff Report)**

MEMORANDUM

To: Meredith Jones, P.E. Principal, Eden & Associates P.C.
Kinsey O'Shea, Town Planner for Current Development

From: Paul Patterson, Zoning Administrator



Date: January 27, 2023

Subject: Response to RZN 22-04 – Grade Springs Crossing Creek Valley Overlay Modification and Disturbance Request at 1006 Glade Road (Tax Map No. 225-A 3).

As you are aware, the Creek Valley Overlay District (CVO) is identified in the Town of Blacksburg's Zoning Ordinance § 3231, as:

- (1) *Tom's Creek and The Tom's Creek 100- year floodplain, Stroubles Creek and the Stroubles Creek floodplain west of West Campus Drive, and Slate Branch and the Slate Branch floodplain west of U.S. Bypass;*
- (2) *All areas of twenty-five (25) percent or greater slopes adjacent to the floodplain, or if no floodplain is present, twenty-five (25) percent or greater slopes that begin within fifty (50) feet of the creek channel;*
- (3) *All wetlands contiguous to lands described in number (1) and (2) above;*
- (4) *All the land within a corridor defined by a boundary line which is fifty (50) feet from the center line of the creek, provided this land is not included in the Creek Valley Overlay as a result of number (1), (2), or (3), above. (Ordinance Number 1184, adopted 6-9-1998).*

The boundaries of the district are shown on the Creek Valley District Map which was adopted as part of Ordinance Number 1184. The boundaries of the map can be amended by ordinance. The boundaries shown on the map as constituting the limits of the Creek Valley District create a rebuttable presumption that lands within those boundaries meet the criteria for such designations. Site specific boundaries showing the boundaries showing the boundary of the Creek Valley District may be delineated by the applicant through a certified survey of the property. However, where the floodplain has been altered through piping, channelization, diking, or other similar method, the boundaries of the Creek Valley Overlay shall not be altered. (Ordinance Number 1215, § 25, 5-11-1999). [Emphasis added]

CREEK VALLEY OVERLAY § 3235 – Disturbance, states that “No grading or other ground disturbing activities shall be permitted in the Creek Valley Overlay District, unless authorized, in writing, by the Zoning Administrator.”

As part of the Subdivision Engineering Plans, the specific location and extent of proposed grading and uses within the CVO will need to be provided, along with the limits of any proposed cut and fill graded areas, and a detail on replacement and revegetation of any disturbed grading area. The proposed grading will be reviewed for acceptance and approval as part of the major subdivision review process.

§ 3232 – Permitted uses, identifies specific Agricultural, Residential, Civic, Open Spaces and Minor Utility Services that are permitted uses by right within the Creek Valley Overlay District. These uses include minor utility services, greenway parks and pedestrian/bicycle trails.

1. SEWER PUMP STATION

Your request contained in the letter of November 29, 2022, indicates that a sanitary sewer pump station graded in on a flat pad of approximately 25' x 12' as well as utility services to provide power and internet service to the station is being requested as part of the Glade Spring Crossing rezoning master plan. Creek Valley Overlay § 3232 includes that minor utility services are a permitted use by right in the Overlay District.

Zoning Ordinance § 2103 Definitions, defines minor utility services as:

*“UTILITY SERVICES, Minor – Services which are necessary to support development within the immediate vicinity and involve only minor structures. Included in this use type are small facilities such as transformers, relay and booster devices, and well, water and **sewer pump stations**. Also included in this use type are wireless communication antennas which are attached to an existing building or structure, including but not limited to utility poles, signs, broadcasting or communication facilities, and water towers, and which are not greater than ten (10) feet in length.” [Emphasis added]*

A sanitary sewer pump station is a permitted use by right and is allowed. Additional information will need to be provided during the major subdivision plan review on the specific location within the Creek Valley Overlay District along with the pump station design and proposed layout to show that potential adverse impacts to the Creek Valley Overlay District have been minimized. The Sanitary Sewer Pump station should be located away from the creek bed. It is preferable that the pump station not be located within the 100 year floodplain. At a minimum, the applicant must demonstrate that the construction of the pump station will not result in a rise in the 100 year floodplain and that the pump station itself will not flood.

2. OPEN SPACE TREE PLANTINGS/GREENWAY PARK

Proposed open space tree plantings can occur within the Creek Valley Overlay District and are generally desired improvements to the district as part of a greenway park. Equipment necessary for the planting of the trees should be limited in scope and care taken to minimize any disturbance to the existing grade of the Creek Valley Overlay District.

3. OPEN SPACE GREENWAY TRAILS/PEDESTRIAN-BICYCLE

Construction and design standards for a multi-use trail is contained in the Subdivision Ordinance § 5-503. A multi-use trail is constructed of a minimum pavement base section of 4 inches of 21B aggregate and 1 & 1/2 inches of SM2A asphalt. The minimum pavement width is ten feet wide, with a two foot graded and a three foot clear shoulder on each side.

Open space parks and recreation areas are permitted uses by right with the CVO district, provided the uses are only passive recreation or water dependent. These uses do include greenway parks and pedestrian/bicycle trails (Zoning Ordinance § 3232).

4. Individual Residential Lots

The submitted rezoning master plan indicates that the back portion of a number of individually owned residential lots are being proposed within the CVO district. The subdivision plat will need to label the Creek Valley Overlay District and clearly indicate that no accessory structures are permitted to be located within the Creek Valley Overlay District by residential property owners. In addition, deed restrictions will need to be provided that are enforced by the Home Owner's Association to ensure protection of the Creek Valley Overlay District by not allowing the following items within the CVO district: accessory buildings or structures, retaining walls or changes to the grading.

Zoning Ordinance, Section 2103 – Definitions:

“ACCESSORY BUILDING OR STRUCTURE – A building or structure on the some lot and customarily incidental and subordinate to the principal building or use. Where an accessory building or structure is attached to the principal building in a substantial manner, as by a wall or roof, such accessory building shall be considered a part of the principal building.”

“BUILDING – Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, activity, process, equipment, goods or materials of any kind.”

“STRUCTURE – Anything that is constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground, including but not limited to buildings, signs, manufactured homes and swimming pools. Walls and fences shall not be deemed structures except as otherwise specifically provided in this ordinance.”

Please let the Town's Planning, Building and Engineering Staff know if you have any questions on these.

MEMORANDUM

To: Paul Patterson, Zoning Administrator;
Kinsey O'Shea, Town Planner for Current Development

From: Kafi Howard, Town Engineer

Date: **December 29, 2022 (revised 1/27/2023)**

Subject: RZN 22-0004 – Glade Spring Crossing Creek Valley Overlay Modification and Disturbance Request at 1006 Glade Road (Tax Map No. 225-A 3) by Meredith Jones of Eden and Associates (applicant) for Glade Spring Crossing, LLC (property owners)

The applicant has submitted a formal request to modify the Creek Valley Overlay Map and create a disturbance in the Creek Valley Overlay area within the boundaries of tax parcel 225-(A)-3 as part of the Glade Spring Crossing rezoning (RZN 22-0004) and subdivision processes. In Section 3231 of the Town Code, the boundaries of this district were established and may be amended by Ordinance. Additionally, in Section 3235, grading or other ground disturbing activities may be permitted in the Creek Valley Overlay when authorized in writing by the Zoning Administrator. This document serves as Technical Assistance performed by the Engineering Department to assist in the Zoning Administrators evaluation of this request.

EVALUATION OF REQUEST – Creek Valley Overlay Map Amendment (Sec. 3231)

There are a number of analysis points for evaluation of a request to amend the Creek Valley Overlay map. The Creek Valley district is established as those areas that can be described as:

- 1) Tom's Creek and the Tom's Creek 100-year floodplain, Stroubles Creek and the Stroubles Creek floodplain west of West Campus Drive, and Slate Branch and the Slate Branch floodplain west of U.S. 460 Bypass;
- 2) All areas of twenty-five (25) percent or greater slopes adjacent to the floodplain, or if no floodplain is present, twenty-five (25) percent or greater slopes that begin within fifty (50) feet of the creek channel;
- 3) All wetlands contiguous to lands described in numbers (1) and (2), above;
- 4) All the land within a corridor defined by a boundary line which is fifty (50) feet from the center line of the creek, provided this land is not included in the Creek Valley Overlay as a result of number (1), (2), or (3), above. (Ord. No. 1184, adopted 6-9-98)

Staff Evaluation:

- *This request is within the Toms Creek basin and adequately defines the 100-year floodplain, subsequent to the Town Flood study review comments.*
- *This request references a certified survey performed by Ralph L. Clements, LS and from photogrammetric mapping prepared by Joseph M. Kovach. The photogrammetric ground surface was produced to meet 0.3 foot vertical accuracy in clear, unobscured areas. This survey information confirms the areas adjacent to the floodplain that have 25 percent or greater slopes.*
- *ECS has provided a map of the waters of the US (see image on page 3) and this illustrates wetlands that are contiguous to the 100-year floodplain that are not included in the amended Creek Valley Overlay map. **These areas should be included in the revised CVO to be consistent with Sec. 3231 of the Town Code.***

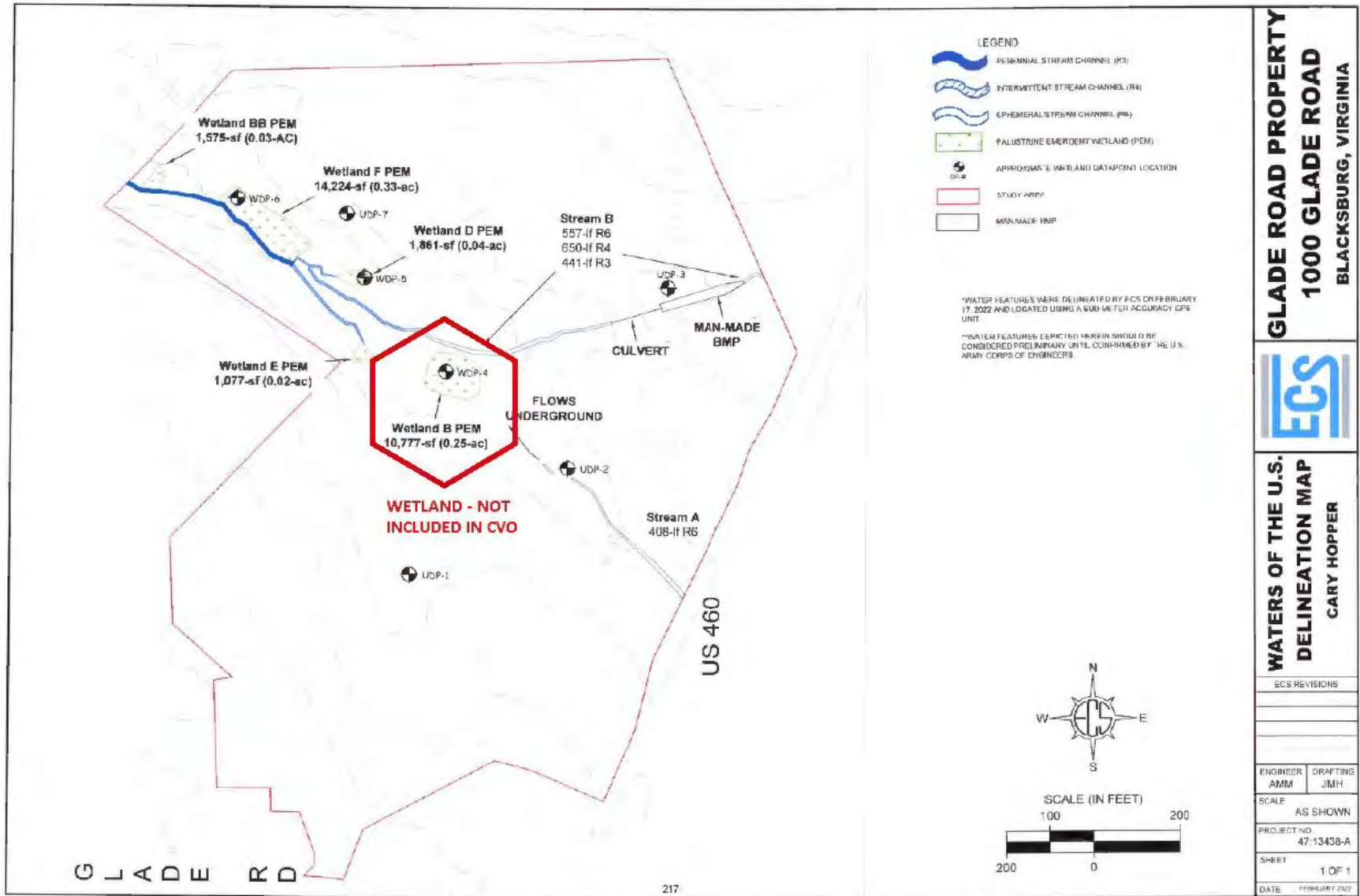
EVALUATION OF REQUEST – Creek Valley Overlay Disturbance (Sec. 3235)

There are a number of analysis points for evaluation of a request to disturb within the Creek Valley Overlay area. These areas have the following purpose:

- 1) Ensure that development adjacent to creeks will not result in substantial damage to significant environmental resource areas;
- 2) Ensure that creek valley development complements and enhances the protection of natural floodplains provided by the floodplain regulations of this district;
- 3) Control the development that impacts wetlands, steep slopes, and vegetative buffer areas along creeks;
- 4) Ensure that proper planning and design precedes land disturbing activities near creeks;
- 5) Ensure that creek valley drainage and soil conditions are properly identified and incorporated into the planning process for subdivision and site plan review;
- 6) Implement the intent of the Comprehensive Plan;
- 7) Protect and enhance water quality and groundwater recharge processes by protecting the natural capacity of vegetation areas along creeks to filter and purify stormwater runoff; and
- 8) Protect aquatic environments from the warming effects of solar radiation by preserving riparian tree canopy cover.

Staff Evaluation:

- *This request proposes to disturb lands within the CVO for the purposes of the installation of a sanitary sewer pump station. It is my recommendation that while there is not likely to be a high risk to the environmental resources with underground sewer lines, the installation of a pump station in the CVO has much more of a permanent and perpetual impact to these resource areas. If possible, the pump station should be located outside of the CVO.*
- *This request proposes to disturb lands within the CVO for the purposes of the installation of a public trail/access road. These impacts to the CVO are considered to be minor and mostly on a temporary basis during construction. The biggest permanent impact would be the generation of more stormwater runoff than in current conditions; but the overall project is reducing regional stormwater runoff so significantly, that the small increase from the trail/access road is not likely to have a measurable impact.*



MEMORANDUM

To: Planning Commission

From: Kinsey O'Shea, AICP, Senior Town Planner KO

Date: January 27, 2023

Subject: RZN22-0004 Glade Spring Crossing **STAFF PROFFER EVALUATION**

Introduction:

Proffers are commitments from the applicant about how a development project will occur. They are voluntarily submitted by the applicant and are binding running with the land. The proffers and the application detail these commitments. The goal of a good proffer is to be clear on

- What is the commitment
- Who is responsible for making it happen?
- When in the process will it occur?
- How will it be enforced?

This memo provides an analysis of each of the proffers, as submitted by the applicant on November 30, 2022. The analysis provided by staff speaks to the effectiveness of the proffer at mitigating potential impacts or if additional wording is needed to make the nature and implementation of the proffer commitment clear and enforceable. In this instance, Staff has also reviewed the proffer statement to determine what is appropriate to include in the proffer statement and what should be included in the development agreements for the provision of affordable housing and regional stormwater facility. Staff also looks at proffer statements to see if there are items that are duplicative of existing regulations that would have to be followed regardless and do not need to be included in the proffer statement.

Additional review by staff and the Town Attorney will occur as the applicant may want to amend the proffer statement based on issues discussed at the Planning Commission work sessions. Staff and the Town Attorney will provide the applicant with comments on any revised proffer statement

The proffer statement was included in the original application dated November 30, 2022. To aid the Planning Commission in reviewing the proffer statement, the full text of the proffer statement has been excerpted and included as an attachment to this memo. For the purposes of this memo, proffer main concepts are included as headers. Please refer to the attached proffer statement for full proffer text.

A revised proffer statement and update memo will be provided to the Planning Commission in advance of the February 21, 2023 work session.

1. The Property will be developed in substantial conformance with the application dated November 30, 2022.

This is standard proffer language and ensures that the development of the parcel will follow the binding plan of the PR development. *The applicant will have to update this proffer to include all revision dates.*

2. Open Space proffers shall be in substantial conformance with the Open Space Management Land Use Plan

- a. Minimum 35% open space**
- b. Trails, grass trails, sidewalk connections provided**
- c. Open space ownership & maintenance**
- d. HOA documents will include a provision for annual review of the open space**

While the proffer explains the concepts of the commitment to the Open Space Management Land Use plan, it lacks sufficient detail regarding enforceability to ensure the performance of the proffer. Staff will work with the applicant to revise the language appropriately. Staff does note that item “d” is not enforceable as written in the proffer text because it does not contain enforceable language. The phrase, “...shall include a provision for an annual site visit and review...”, does not require or commit the HOA to action nor does it provide any assurance that the HOA will continue to maintain the open areas as required.

Staff suggests additional language for clarity and enforceability to require the HOA to hire a professional, rather than the wording in the proffer which is a “provision for annual site visit...by a [professional]”. Staff also recommends a requirement for the HOA to implement any recommendations made in the wording as suggested below:

The Homeowners Association shall hire a person holding relevant qualifications such as a biologist, master naturalist, ecologist, natural resource manager, or person with similar credentials, to annually visit, review, analyze, and make recommendations for the continued maintenance of the Managed Successional areas. The HOA shall implement any recommendations provided as a result of the review within the timeframe suggested by the professional.

3. Landscaping shall be per the Open Space Landscape Exhibit and the Open Space Management Land Use Plan including:

- a. Canopy Coverage 20%**
 - i. By Area (square footage) managed successional, existing woodlands retained, and pond edge successional**
 - ii. By tree canopy coverage (square footage) professionally landscaped areas**

Staff noted in the staff report that the canopy coverage calculations are different than what is typically provided by applicants, or measured by the Town. The applicant proposes that at 20 years, a minimum of 20% of the Managed Successional, Existing Woodlands Retained, and Pond Edge Successional areas will be covered by tree canopy. This will not be achieved by planting trees at the outset, which is typical for most developments, but rather allowing vegetation including trees to grow up naturally over time. As staff noted in the staff report, there is no metric or measure of success that the development is on track to meet this requirement over time. To that end, it is more important that the proffer address how canopy will be monitored over time to ensure that the standard will be met. Staff suggests periodic review, analysis, and/or inventory to determine canopy coverage, and mitigation measures including additional planting of trees if target coverage is not met.

- b. Street trees planted in the ROW or within 10’ of ROW. HOA shall require trees meeting this requirement on private property to be replaced if removed.**
 - i. South: 1 tree/100’ of frontage; minimum 177 sf canopy per tree**
 - ii. North: 1 tree/80’ of frontage; minimum 177 sf canopy per tree**

Staff noted in the staff report and variance report that the applicant is proposing a street tree standard less than typical which is evaluated as a part of the rezoning request and associated variances. Pertinent to this proffer language, staff suggests language that requires the property owner, or the HOA to replace any trees. Without this wording, it is not specified who, in item “b”, would replace the tree. In addition, the applicant should clarify when the street trees will be planted. Typically, street trees are planted with the installation of infrastructure prior to the Town’s acceptance of a new public street, or with the construction of the development.

c. Managed Successional Areas

- i. 1 tree per 50 linear feet in the riparian corridor; minimum 250 sf canopy per tree**
- ii. 2 trees per quarter acre in managed successional areas; minimum 177 sf canopy per tree**

As noted in the staff report, the metric used in item “ii” is not the same metric that the Town typically uses to measure number of trees, or canopy coverage. Trees are typically measured in units such as trees per linear foot (frontage, creek, building, etc.); or percent canopy coverage as a ratio to the parcel size, or parking lot size, for example, 5% canopy coverage for parking lots. Staff prefers that the applicant include a metric in keeping with typical measurement calculations. Staff suggests that the applicant re-word the language to provide an equivalent canopy coverage (trees shall be planted in phase 1 that would achieve X% canopy coverage at 20 years). Alternatively, the applicant may propose to simply plant a minimum number of trees in phase 1 in these areas.

d. Pond edge: 1 tree per 50 [linear] feet; minimum 250 sf canopy per tree

Staff suggests that the applicant clarify the metric by adding “linear” as above in brackets. Staff notes that tree planting cannot occur in locations that may negatively impact the pond embankment areas. Furthermore, the applicant will need to clarify when the trees will be planted.

e. Yard landscaping:

- i. South: A minimum of one tree per lot (can include street trees); 10’ from ROW but more than 5’ from sidewalk; “medium canopy coverage” trees; Lots shall also contain a minimum of 2 shrubs or trees.**
- ii. North: A minimum of one tree in the front yard within 10’ of the ROW; “medium or large canopy” trees; Lots shall also contain a minimum of 4 shrubs or trees**

Staff suggests that the applicant revise language to include a range of tree canopy coverage as opposed to qualitative “medium” or “large”. Staff suggests medium trees to be 100-180 sf canopy coverage; large trees should be greater than 200 sf canopy coverage. The added requirement for additional trees or shrubs on the lots will provide more than what is required for these uses otherwise: There is no Town requirement for any minimum number of trees or shrubs to be planted on any lot for single-family, two-family, or townhome uses.

In general, the landscaping proffer concepts together provide additional commitment and detail, but additional revisions are needed for clarity and enforceability. The applicant may wish to consider the suggested language in their revisions. The applicant will need to clarify when tree planting is to occur, specifically in which phase of development.

4. Recreational Amenities to be installed by the developer as per the plan

a. Active:

- i. A primary structural playground will be installed in area B or C**
- ii. A secondary structural item will be installed in area A**
- iii. Paved 10’ wide bike trails (approximately 4000 lf) with handicap accessibility are shown connecting Glade Road to the Village at Toms Creek and along the Toms Creek corridor**

Staff suggests the following language for clarity: “A primary/secondary *playground with play equipment* will be installed...” instead of referencing a “structural playground” or “structural item”.

Additional language for enforceability would be “Paved 10’ trails (approximately 4000 lf) meeting Town multi-use trail standards *shall connect...*” instead of “are shown connecting”.

b. Passive: A community gathering area along Street A will be installed...This area will provide an amenity such as benches, hardscape, or small structure to promote community

Staff suggests that the applicant provide more specificity regarding the amenities provided. If a structure such as a picnic shelter or gazebo is proposed or even possible, it should be noted and shown on the plans, as well as in the pattern book or other supplemental materials.

c. Grass trails will be provided throughout the open space connecting residents to recreational areas where public trails or sidewalks do not exist

As noted in the staff report, grass trails should not be relied upon for providing access for residents to open space, and the request for this allowance is a part of the consideration of the rezoning request and associated variances. Nevertheless, at a minimum the applicant should include in the proffer a minimum width to be mowed and kept clear, and a mowing schedule (or similar metric) to ensure that the grass trails will be maintained in a usable manner.

5. Accessory Apartment Program

It is staff’s understanding, from conversations with the applicant, that the application will no longer provide an allowance for accessory dwelling units. The proffer will need to be removed if that is the case.

6. Owner shall construct 10’ paved multiuse trails in substantial conformance...

- a. Connect Village at Toms Creek to the Farm trail**
- b. Connect internal development trail westward as a portion of the Toms Creek Greenway**
- c. Connect Shadowlake Road to Street B**

Staff notes that this proffer contains trail segments that are also duplicated in Proffer 4(a)(iii). Staff suggests that the applicant remove the language from the proffer 4(a)(iii), and include the commitment to trails only in this proffer. To that end, staff has suggestions for additional clarity and enforceability that include ensuring that the exhibit names are matched and consistent when referenced, including parcel Identification Numbers (IDs) when referring to adjacent land, and clarifying when the trails will be constructed, in which phase of development. Furthermore, the final alignment of the trail should be appropriate to future connections on adjacent properties. As shown, the western edge of the trail leads to a pond on a neighboring parcel, rather than an area where a trail could be constructed.

7. [There is no proffer 7; the applicant should revise]

8. Construction vehicles permitted only via Glade Road

Staff suggests that the applicant install a physical barrier such as a gate at the entrance to the development from Village Way South until such time as the street is complete and accepted by the Town to mitigate impacts of construction traffic in neighborhoods. Staff suggests additional enforceability and commitment by requiring written notice of the construction entrance restrictions be provided to all contractors and vendors and posted on the site.

Additional considerations should be given to how this may be enforced once the street is accepted by the Town and open for traffic. This typically occurs before the first certificate of occupancy, so that once residents move into the first homes, they can use all the improvements of the subdivision. This does open the street up for any users, and enforcement will be more complaint-driven.

9. Affordable Housing

- a. 10 units for households earning up to 80% AMI in Phase I on Street A; a minimum of 5 units will be single-family detached; all units will be constructed to a minimum level of EarthCraft Gold**
- b. 10 units for households earning no more than 100% AMI; may be built in any phase; distribution of unit types**
- c. 4 units for households earning no more than 120% AMI; may be built in any phase; distribution of unit types**
- d. Sale of units to eligible buyers; transference to the land trust**
- e. Final sale price of homes**
- f. Owner-occupancy; compliance with covenants and land trust ground lease**
- g. Homes will be three-bedroom unless the Land Trust determines that two-bedroom homes are better**
- h. Exterior finishes will be consistent with the pattern book**
- i. The first 10 units (up to 80% AMI units) will be completed and sold by June 30, 2026**
- j. Timing of remainder of homes for sale**
- k. New River Home Trust HOA will pay the development HOA dues**

10. Affordable Housing Distribution of Unit Type South Area

- a. Minimum 20% single-family detached units on each street A, B, C, and D**
- b. Minimum 20% two-family units on each street A, B, C, and D**
- c. Minimum 20% townhome units on each street B and C**

11. Market Rate housing requirements

- a. 100% of homes will be single-family detached on streets A and E in the North Area**

Many of the items contained in the proffers 9-12 are more appropriate for the development agreement, and not the proffer statement. However, certain commitments are necessary as proffers, including the concepts in Proffer #9, a-d, which commits the developer to constructing the affordable units, when they will be constructed, and where. Generally the concepts in Proffer #9, e-k are more suited for the development agreement, though points such as timing of completion and consistency with the pattern book are appropriate as proffers.

The concepts regarding distribution of home types in Proffer #10 helps to ensure that streets contain a mix of different unit types.

Proffer #11 limits the developer to constructing only single-family detached structures in the north part of the development which is consistent with the application.

12. All units other than the 10 units for households earning 60-80% AMI shall achieve Pearl Certification or similar

As noted in the Planning Commission work session on January 17, 2023, a HERS rating is a more quantifiable measure of energy-efficiency than Pearl, and can be designed, installed, and tested with each building and verified by an inspection or test result. Staff suggests that the applicant consider HERS as the measurement for ensuring energy-efficiency for home construction, and remove the reference to Pearl certification. Additional clarifying language is also necessary to differentiate between the EarthCraft homes and the HERS homes, if so proffered.

13. Phasing

- a. Phase 1 includes Street A, lots, infrastructure, sewer pump station, force main, waterline replacement, and stormwater management facilities**
- b. Phase 2 is the rest of the development**

The phasing plan included in the exhibits shows phasing line delineations between Phase 1 and Phase 2. Additional clarity could be achieved by shading the phases in different colors or hatches. The phasing plan is to be a common agreement on when various site elements are to be completed. Staff does have questions regarding the specific details of “supporting infrastructure”, and when recreation items would be installed. Staff suggests that the applicant provide a more itemized phasing plan and summary to include very specific detail about construction. As an example, staff suggests that the language be revised to say “...include Street A *in its entirety from Glade Road to Village Way South*, and associated...” The applicant will need to specify in which phase all parts of the trails, open space amenities, and recreation amenities would be constructed. The concept of a commitment to phasing in a proffer does help to further ensure that the necessary improvements are constructed in keeping with the PRD.

14. HOA shall honor proffers; covenants shall require owner-occupancy 4 out of 5 years

This proffer, as worded, is not enforceable. Staff suggests a revision to say, “...the HOA shall *enforce* the proffers herein and application requirements...” as opposed to “shall honor the proffers”. The concept regarding owner-occupancy does help to prevent rental or investment property.

Conclusion:

The concepts in many of the proposed proffers do provide additional commitment and specificity than what is in the application, but the language as proposed is not clear and enforceable.

Staff and the Town Attorney will work with the applicant to ensure that the language proposed in the proffers is clear and enforceable.

Additional proffers may be necessary depending on revisions to the application. Additionally, proffers regarding compliance with the flood hazard overlay district, and sanitary sewer may be required to ensure that the development will meet all the necessary engineering requirements, without having to fully engineer these systems prior to rezoning approval.

A revised proffer and staff memo will be provided prior to the February 21, 2023 Planning Commission work session.

PROFFER STATEMENT FOR THE APPLICATION OF

See the attached proffers and consent statement contained within the application

Dated _____

[Handwritten signature]

Pursuant to Virginia Code § 15.2-2298 and Blacksburg Zoning Ordinance § 1160, DARY W HOPPER, the owner(s) of the property that is the subject of this Application (Tax Parcel # _____), will develop the property in accordance with the following voluntarily proffered conditions.

1. The property shall be developed in substantial conformance, as determined by the Zoning Administrator, with the submitted rezoning application entitled _____ (the "Application") dated _____, 20____.
- 2.
- 3.
- 4.
- 5.

The undersigned hereby warrants that all of the owners of a legal interest in the subject property have signed this proffer statement, that they have full authority to bind the property to these conditions, that the proffers contained in this statement are not "unreasonable" as that term is defined by Virginia Code § 15.2-2303.4, and that the proffers are entered into voluntarily. An analysis and justification for each proffered item is attached as Exhibit A.

Should any provision of this proffer statement be determined to be invalid by a court of competent jurisdiction, that determination shall not affect the validity of the remainder of the provisions in this document.

By: *[Handwritten signature]*

STATE OF Virginia
COUNTY OF Montgomery

Acknowledged before me this 16th day of November, 2022.

[Handwritten signature]
Notary Public



My Commission Expires:
Registration No.: 7820924

APPROVED AS TO FORM:

Town Attorney

Glade Spring Crossing: Planned Residential District Rezoning

Proffer Statement

Pursuant to Virginia Code § 15.2-2298 and Blacksburg Zoning Ordinance § 1160, Glade Spring Crossing LLC (managing member: Cary Hopper), the owner(s) of the property that is the subject of this Application (Tax Parcel # 225-(A)-3, 225-(A)-4, and 224-(A)-57), will develop the property in accordance with the following voluntarily proffered conditions.

1. The property shall be developed in substantial conformance, as determined by the Zoning Administrator, with the submitted rezoning application entitled , “Glade Spring Crossing Planned Residential District and Rezoning” dated November 30, 2022 (the “Application”).
2. Open Space Proffers shall be in substantial conformance with the Open Space Management Land Use Plan.
 - a. A minimum of 35% open space shall be provided.
 - b. Private grass trails, public sidewalk, or paved public trails will connect each street to the recreational areas as shown on the map as Managed Turf open Space.
 - c. All open space will be owned and maintained by the Homeowner’s association, except the Public Trails and Stormwater Pond (Wet) which will be maintained by the Town of Blacksburg and shall contain the elements shown on the “Open Space Management Land Use Plan map”.
 - d. The Homeowners Association documents shall include a provision for an annual site visit and review of the managed successional areas. The review is to be conducted by a person holding relevant qualifications such as a biologist, master naturalist, ecologist, natural resource manager, or person with similar credentials. The purpose of the review is to support the successional process by assessing the general condition of the successional areas and identifying any detrimental invasive plant species or plant diseases, and to make singular or program recommendations to address identified issues.
3. Landscaping shall be installed throughout the development in substantial conformance with the Landscape Exhibit and Open Space Management Land Use Plan map areas, with the following inclusions:
 - a. Canopy coverage: minimum of twenty (20) percent coverage comprising the following areas and calculated as described:
 - i. By Area (square footage): Managed Successional, Existing Woodlands Retained, and Pond Edge Shade Tree Successional area shall be calculated by the area as designated on a preliminary plat Open Space Plan.
 - ii. By Tree Canopy Coverage (square footage): Professionally Managed Landscape Areas, Street Trees, and Yard Landscaping.
 - b. Street trees: Trees shall be planted either within the right-of-way or on a private lot within 10’ of the right-of way edge to avoid root interference with sidewalks and limbs with housing. If planted on a private lot the Homeowner’s Association shall require the tree be replaced if removed.
 - i. South area will provide one (1) street tree for every one hundred (100) feet of street frontage and shall have a minimum canopy of 177 square feet.
 - ii. North area will provide one (1) street tree for every eighty (80) feet of street frontage and shall have a minimum canopy of 177 square feet.
 - c. Managed Successional

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- c. 10' wide paved multiuse trail along the west connecting Shadow Lake Road to Street B.
8. Construction vehicles shall only be permitted to enter and exit the site on Glade Road for all phases of the development.
9. The owner shall construct the following 24 units based on household size as published by U.S. Department of Housing and Urban Development (HUD) (Hereinafter referred to as the "affordable units")
 - a. Ten (10) units that will be sold to households with incomes no more than 80% of the Area Median Income (AMI). These will be required to be built on Street A in the first phase of the development in the South area. These shall be constructed to a minimum level of EarthCraft Gold. A minimum of Five (5) units shall be single-family detached.
 - b. Ten (10) units that will be sold to households with incomes no more than 100% of the Area Median Income (AMI). These may be built during any phase and shall be mixed throughout the development within the South area. Streets A, B, C, and D shall include a minimum of two (2) each of these type units on each Street. A minimum of Five (5) units shall be single family detached.
 - c. Four (4) units that will be sold to households with incomes no more than 120% of the Area Median Income (AMI). These may be built during any phase and shall be mixed throughout the development within the South area. Streets A, B, C, and D shall include one of these type units on each street. A minimum of two (2) units shall be single family detached.
 - d. These units will be sold directly to income eligible buyers. Upon sale, the lots (land underneath) will be transferred to the New River Home Trust to ensure their permanent affordability.
 - e. The final sale price of these homes will be determined at the time of market readiness and based on the following formula using updated income limits, interest rates and fees:
 - Step One- Determine Maximum Monthly Mortgage Payment limit

$$PMT = (GAI / 12)(HR) - (PT / 12) - (HI / 12) - (CLTGL / 12) - (HOA / 12)$$

GAI = gross annual income (use HUD defined 60%, 80%, or 100% AMI for 4-person household for current year)

HR = Housing Ratio as a decimal (30% of your gross monthly income devoted to housing expenses excluding utilities)

PT = Annual property tax

HI = Annual homeowners' insurance

CLTGL = Annual community Land Trust Ground Lease Fee

HOA = Annual Homeowner's Association Fee

- Step Two- Determine Maximum Sales Price

$$P0 = \frac{PMT (1 - (1 + r/n)^{-nt})}{(r/n)}$$

P0 = Maximum Sales Price

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PMT = Maximum Monthly Mortgage Payment Limit

r = Interest Rate as a Decimal

n = Number of Compounds Per Year (12 months)

t = Length of Loan in Years (30 years)

- f. The unit will be required to be occupied by the owner and in conformance with the Homeowner's Covenants and ground lease with the New River Home Trust.
 - g. All the homes will be three-bedroom homes. If the New River Home Trust determines two-bedroom homes would be in the best interest of the New River Home Trust then the builder may, at their discretion, increase the number of two-bedroom homes and decrease the number of three-bedroom homes accordingly.
 - h. The exterior finishes of the affordable homes shall be consistent with the exterior finishes of the market rate homes as described in the Pattern Book.
 - i. The ten (10) homes affordable to households earning 80% or less than area median income will be completed and sold by June 30th of 2026.
 - j. The remainder 14 of the affordable homes will be available for sale at an equal *proportion* to the market rate homes available for sale in the Glade Springs Crossing development. The proportion of market rate homes is defined as the number that have Certificate of Occupancies (CO) divided by the total homes on the South area. The proportion of affordable homes is determined by the number of affordable homes that have COs divided by 24.
 - k. New River Home Trust homeowners Association shall pay HOA dues. The design of any New River Home Trust townhome units must allow for individual homeowner maintenance of siding, decking, and roofing and not be managed by the HOA.
10. South area mixed-income housing requirements:
- a. Single-family detached units shall comprise a minimum of 20% of the units on each of Streets A, B, C, and D
 - b. Each individual Two-family attached units shall comprise a minimum of 20% of the units on each of Streets A, B, C, and D
 - c. Individual Townhouse units shall comprise a minimum of 20% of the units on each of Streets B, and C.
11. North area market rate housing requirements:
- a. North area shall contain single-family detached units comprising 100% of the units on Streets A and E.
12. All units other than the 10 affordable ones in the 60-80% AMI range in the development will achieve Pearl Certification or utilize a similar point rating system with the same level of stewardship to be approved by the Building Official.
13. Two phases for the project described as follows:
- a. Phase one is as shown on the Concept Development Plan to include Street A and associated lots with frontage and necessary supporting infrastructure. Included in the first phase is the sewer pump station, force main, waterline replacement, and all three stormwater facilities.
 - b. Phase two is generally described as the remainder of development including the cul-de-sac streets and remaining infrastructure.

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14. The developer shall establish a Homeowner's Association that will honor the proffers herein and application requirements. Additionally, covenants shall include wording that units are for sale and owner occupied four (4) out of every five (5) years.