

MEMORANDUM

To: Planning Commission
From: Kinsey O'Shea, AICP, Senior Town Planner *100*
Date: March 3, 2023
Subject: RZN22-0004 Glade Spring Crossing

Planning Commission held four prior work sessions on December 20, 2022, January 17, 2023, January 31, 2023, and February 21, 2023 to discuss the November 30, 2022, and February 6, 2023 rezoning application for Glade Spring Crossing. After the work sessions, the applicant submitted an updated application package with a revision date of **March 3, 2023**, in response to issues raised at the work sessions and in the staff report. The submittal included an updated variances request memo. The application also included a proffer statement with a number of significant changes to the proffers.

This memo covers the changes proposed by the applicant dated March 3, 2023, and provides accompanying staff analysis. Also included is additional correspondence received since February 10, 2023 through March 3, 2023 at noon.

The applicant submitted a revised proffer statement with the March 3, 2023 application. The revised proffer statement includes substantial changes with new concepts that have not been discussed. Some revisions were made in response to staff and Town Attorney suggested language that was provided to the applicant. The revised proffer statement also includes substantial changes to wording and concepts have not been vetted by the Town Attorney or staff beyond what is provided briefly from staff below in items **F-H, J, and L** below. The applicant has withdrawn prior commitments to housing affordability and energy-efficiency as noted below.

The public hearing for this request is scheduled for March 7, 2023.

The revised proffer contains several items of note. The items are discussed in the order in which they appear in the Proffer statement (or previous proffer statements).

- A.** Proffer #2 Property Owners Association: The previous February 6, 2023 proffer statement contained a proffer that stated that the property owners' association would "honor" all proffers and application requirements, as proffer #14. The applicant has revised the language and has added new Proffer #2, to state that the property owners' association will "enforce proffers, and application requirements". This is in response to concerns that there was not a commitment for the association to enforce the regulations of the development.
- B.** Proffer #4 Landscaping (c)(i) Managed Successional: This proffer still contains a reference to "facilitative trees". Staff has noted several times that additional clarity regarding "facilitative trees" is needed, or to remove the specificity and simply refer to "trees".
- C.** Proffer #4 Landscaping (c)(ii) Managed Successional: This proffer still contains the metric for tree planting of two trees per quarter (0.25) acre... which is not a metric that is used by the Town. Staff suggested requiring a flat minimum number of trees and/or providing a metric that is more typical, such as by effective canopy coverage.

- D. Proffer #4 Landscaping (e)(ii) Yard Landscaping: In language suggested by staff and provided to the applicant on February 8, 2023, staff suggested that the applicant remove the statement “The grass strip is the location for utilities.” This language has not been removed.
- E. The February 6, 2023 proffer #5 still contained references to accessory dwelling units. References to ADUs have been removed from both the application and the proffers, and thus are not allowed as a use in the development.
- F. Proffer #8(c) Affordable Housing: The February 6, 2023 proffer #8(a-c) contained energy-efficiency commitments in each of the subsections (a-c) for each of the home types. In the suggested language provided by staff to the applicant on February 27, 2023, staff suggested that references to energy-efficiency be removed from individual items (a), (b), and (c). Instead, staff suggested language for new #8(d) to encompass sustainability measures and commitments for all of the ARPA and land trust units to be consistent with the requirements in the Town’s RFP for the ARPA Affordable Housing Fund projects. In Proffer #8(c), referring to the four homes for households earning up to 120% of AMI, a reference to achieving a maximum HERS rating of 55 remains. This is inconsistent with the language in proffer #8(d).
- G. Removal of proffer committing to developing land trust units: In the previous proffer statement dated February 6, 2023, the applicant included a proffer #8(d) that stated that:
 - *These [24 affordable] 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.*

This language has been removed. There is no commitment in the proffer statement that requires the developer to transfer the homes to the land trust. This means that the applicant has removed the commitment to permanent affordability for the 24 homes.

- H. Proffer #8(g) Affordable Housing: The applicant has added a new proffer regarding the sale of the affordable homes. The proffer language is below:
 - *If the units are not sold to a qualified buyer within 90 days of C.O. and settled within 150 days of the C.O. the builder may sell the home on the open market to a non-qualified buyer. If this occurs the value of the lot of a minimum of \$75,000 will be added to the sales price and when the home settles the \$75,000 will go to the land trust. This would qualify as meeting the requirement of one of the affordable units.*

Coupled with the removal of prior proffer #8(d) as discussed above, this language does not provide any commitment to ensuring initial or permanent affordability for the development. The developer initially proffered that the affordable units would be sold directly to income-eligible buyers and that upon sale, the lots (land underneath) would be transferred to the New River Home Trust to ensure their permanent affordability as noted above. This has been removed from the proffers and replaced with proffer #8(g). The specificity that the land will be transferred to the New River Home Trust is essential to ensuring the homes permanent affordability. The new language in #8(g) does not ensure homes will be sold to income-eligible buyers and does not meet the intent or requirements of the Affordable Housing Development Fund or American Rescue Plan Act funds.

- I. The February 6, 2023 proffer statement contained several items regarding the affordable homes that were not appropriate as proffers, and rather should be contained in the development agreement. Staff provided suggested language and edits to remove or clarify the language for proffers and the development agreement. It should be noted that the applicant has removed the language that

restricted home size to three bedrooms, or two bedrooms. Staff suggested that the language be removed because it was unenforceable as written.

- J. Proffer #9(d) Maximum home size: The applicant has added language that limits the maximum square footage that a home may be, upon its initial completion and certificate of occupancy to 1,500 square feet for homes without finished basements; or 2,250 square feet for homes with finished basements. This would still allow for future additions. This is in response to concerns that with a generous FAR of 0.7 for single-family homes in the south area, very large homes could be constructed and may create a disparity in the feel of the neighborhood, especially with regard to home type. By limiting the maximum gross square footage *that is less than what the FAR would otherwise allow*, the homes will be more proportionate to one another, while still allowing future flexibility for accessory structures such as sheds, or small additions, or finishing out of basement space.
- K. The February 6, 2023 proffer #12 contained a commitment to energy-efficiency in the form of a maximum HERS rating for all units except the 24 affordable units, which were covered separately. The developer initially proffered that all market-rate units would achieve a maximum HERS rating of 75. This HERS rating proffer has now been removed for all units other than the 24 affordable homes. The Glade Spring Crossing application text emphasizes the importance of providing housing opportunities for the underserved yet vital members of our community's workforce. Energy-efficient homes help make housing affordable to our workforce, by reducing energy use and monthly utility bills over the life of the home. There are no energy-efficiency or other sustainability commitments in the revised proffer, except for the 24 units previously mentioned.
- L. The February 6, 2023 proffer #14 contained language that required owner-occupancy of the units. The revised March 3, 2023 proffer #12 contains language regarding owner-occupancy and restriction of rental units except under certain limitations. There is additional new language in this proffer that allows the Association to prohibit home rental, and take measures to enforce leasing provisions.

Additional Engineering Responses

Engineering Director Randy Formica has provided a memo in response to the applicant's revised traffic information, including the analysis at the Glade Road/Old Glade Road intersection. Please see the attached memo for analysis.

Attachments

- Staff engineering memo for Transportation
- Correspondence received February 10, 2023 through March 3, 2023 at noon

MEMORANDUM

TO: Kinsey O’Shea, Development Administrator

FROM: Randy Formica, Director, Engineering and GIS

DATE: March 3, 2023

SUBJECT: Glade Spring Crossing – Transportation Comments-February 16, 2023 Re-submittal

An all-way stop intersection was presented as a potential mitigation measure for the decrease in the Level of Service at the Glade Road/Old Glade Road intersection that results from the projected future background traffic and the traffic due to the proposed development. Additional discussion on this measure is provided below.

All-way Stop Level of Service Analysis at Glade Road and Old Glade Road-

The updated Traffic Impact Analysis provided to the Town on January 11, 2023 included a level of service analysis at this intersection based on an all-way stop condition. The engineering response memo dated February 1, 2023 includes additional discussion on the Glade Road/Old Glade Road intersection under the all-way stop conditions.

The table of the results of that analysis is provided below:

Table 5: Level-of-Service Summary for Old Glade Road & Glade Road

CONDITION	LANE GROUP	AM PEAK HOUR				PM PEAK HOUR			
		Lane LOS	Lane Delay (sec)	Lane Queue (ft)	Overall LOS (Delay)	Lane LOS	Lane Delay (sec)	Lane Queue (ft)	Overall LOS (Delay)
Existing (2022) Conditions	EBT	--	--	--	N/A ³	--	--	--	N/A ³
	EBR	--	--	--		--	--	--	
	WBL/T ²	A	9	10		A	8	10	
	NBL ¹	B	15	20		D	28	103	
	NBR ¹	A	10	13	A	10	15		
No-Build (2026) Conditions	EBT	--	--	--	N/A ³	--	--	--	N/A ³
	EBR	--	--	--		--	--	--	
	WBL/T ²	A	9	10		A	8	10	
	NBL ¹	B	15	20		E	37	135	
	NBR	A	10	13	A	10	15		
Build (2026) Conditions	EBT	--	--	--	N/A ³	--	--	--	N/A ³
	EBR	--	--	--		--	--	--	
	WBL/T ²	A	9	10		A	8	13	
	NBL ¹	C	17	33		F	133	378	
	NBR	B	10	13	B	10	15		
Build (2026) Conditions (All-Way Stop)	EBT	B	11	40	B (11)	B	13	40	C (20)
	EBR	B	10	40		B	11	28	
	WBL/T	B	11	30		C	24	145	
	NBL	B	12	25		D	27	148	
	NBR	A	10	15		B	11	25	

1. Level of service for minor approach
2. Level of service for major-street left-turn movement
3. HCM methodology does not provide lane group or overall LOS, delay, and queue lengths for major street through movements or right turns at unsignalized intersections.

The February 1, 2023 engineering response memo letter states:

“Based on our analysis, the inclusion of an all-way stop will increase the queue lengths in all directions along Glade Road. In the no-build condition, queue lengths could increase to 100’ or more. In the Build 2026 condition, queue lengths could increase to 225’ in the WBL/T direction toward the Kroger / Volume II access points.”

The queue lengths provided in Table 5 of the TIA dated January 11, 2023 are different from the lengths stated in the engineering response memo. For example, the queue length in the Build condition, all-way stop, WBL/T is 145 feet in the Table and the memo states it could increase to 225 feet.

The applicant’s February 16, 2023 response explains the difference in the queue lengths as it was information they received via email from their consultant on January 10, 2023. The difference in the queue lengths should be explained and an updated table provided. While this is a “housekeeping” issue rather than a substantive comment, as the difference in queue lengths does not change the need for the mitigation measure nor change the measure itself, however, the TIA should reflect the latest, most accurate information.

All-way Stop Implementation Scenario-

The Town’s consultant provided the following comments on the applicant’s proposed alternative:

1. Concur that queues will increase along Glade Road, but they will be substantially shorter in the NB direction along Old Glade Road
2. Concur that visibility of stop signs along Glade Road could be an issue in the eastbound direction, and that advance warning signs should be installed
3. Concur that the lack of a pedestrian landing on Old Glade Road is a problem that will need to be addressed at some point
4. Concur that the proximity of the loading dock entrance for Kroger to the intersection presents some operational and safety challenges. Restricting traffic to right-out only from the loading dock would be advisable. Closing or reconfiguring the access does not seem feasible or cost effective
5. Rather than remove the bike lanes at the intersection, consideration to removing the eastbound right-turn lane should be given (could be accomplished with pavement markings), while still providing the new splitter/sign island in the intersection. It appears a similar splitter/sign island could be provided in the westbound direction given the available pavement width at the intersection without removing the westbound bike lane.

The Town’s transportation memo dated February 10, 2023 listed additional questions or considerations:

1. Is there a scenario where the all-way stop condition can be installed and the bicycle lanes remain and not be eliminated?
2. The possibility of re-configuring the existing vehicle travel lanes should be explored.

It would be the Town’s preference to implement an option that would not eliminate the bike lanes. Based on discussions with our consultant via email correspondence, there is a possible alternative that would allow for the installation of the necessary stop signs and any supplemental stop signs without eliminating the bike lanes by eliminating the eastbound right

turn lane and installing splitter islands, and by post mounting stop signs behind the sidewalk if necessary.

The Town's consultant also commented that "Ultimately, this intersection seems to be an ideal candidate for a roundabout, given the relatively balanced volumes across the 3 legs, but in the short-term, converting the intersection to all-way stop control will help balance the delays associated with the additional traffic across all 3 legs."

The comment concerning the possibility of constructing a roundabout is a viable option that will warrant additional evaluation by the Town. If it is determined that a roundabout is the best option for this intersection, that project would have to be funded as a future project through the Town's Capital Improvement Program (CIP).

If a roundabout project is approved as a future CIP project, the implementation of the all-way stop control, may be the short term mitigation measure for this intersection. The all-way stop implementation would be the responsibility of the Town since the Level of Service analysis shows that the 2026 No-build condition (projected future traffic volumes without the project) will result in a decrease in the level of service of the north-bound left leg of the intersection from a LOS D to LOS E.