

**Caroline County
Board of Supervisors Agenda
Executive Summary**

Meeting Date: January 25, 2022

Title: Public Hearing - RZ-07-2021
D.R. Horton, Owner/Applicant
Tax map #52E2-1, Blocks A through P, Lot 1 through 84

(Check Mark)

Consent

Action

No Action (Information Only)

Resolution

Closed Meeting

Public Hearing

Ordinance

PowerPoint Presentation

Summary: The applicant is requesting approval of an amendment to the existing proffers for Maple Grove Subdivision to be consistent with Federal and State regulations as they relate to age restricted communities. Maple Grove is located on Durette Road in the Madison Voting District.

The Planning Commission forwards the request to the Board with a recommendation of approval.

Budget Impact: N/A

Action(s) Requested of the Board of Supervisors: Conduct public hearing for RZ-07-2021 and take action, if appropriate.

Presenter: Michael A. Finchum, Director, Planning & Community Development



STAFF REPORT

CAROLINE COUNTY BOARD OF SUPERVISORS

JANUARY 25, 2022 REGULAR MEETING

CASE NUMBER: RZ-07-2021
CASE NAME: MAPLE GROVE PROFFER AMENDMENT
LOCATION: DURRETTE ROAD
TAX MAP: 52E2-1, BLOCKS A THROUGH P, LOTS 1 THROUGH 84.
ZONING: PLANNED RESIDENTIAL DEVELOPMENT
ACREAGE: 20
DISTRICT: MADISON
COMP PLAN: COMP PLAN SHOWS THIS AREA AS PLANNED MIXED USE

REQUEST:

THE APPLICANT IS REQUESTING APPROVAL FOR AN AMENDMENT TO THE MAPLE GROVE SUBDIVISION PROFFERS.

DISCUSSION

THE APPLICANT IS REQUESTING APPROVAL FOR A PROFFER AMENDMENT TO THE MAPLE GROVE SUBDIVISION PROFFERS. THE CURRENT PROFFER STATES THAT ALL DWELLINGS INTENDED TO BE OCCUPIED BY PERSONS 55 AND OLDER CONSISTENT WITH FAIR HOUSING LAW, AND THAT NO ONE UNDER THE AGE OF 19 MAY RESIDE IN THE DWELLINGS. THE ORIGINAL FORM OF THIS STATEMENT IS SOMEWHAT VAGUE, THOUGH THE INTENT OF THE STATEMENT WAS TO COMPLY WITH STATE LAW. THE APPLICANT IS REQUESTING THE PROFFER AMENDMENT TO CLARIFY THE AGE RESTRICTION LANGUAGE IN THE STATE CODE.

STATE LAW REQUIRES THAT 80% OF THE HOUSING BE RESERVED FOR PERSONS 55 AND OVER, THAT THE SUBDIVISION HAS POLICIES AND PROCEDURES PUBLISHED THAT DEMONSTRATE THE SUBDIVISION IS FOR PERSONS 55 AND OVER, AND MUST COMPLY WITH HUD'S REGULATORY REQUIREMENTS FOR AGE VERIFICATION.

THE REQUESTED MODIFICATION ALSO ALLOWS PERSONS UNDER THE AGE OF 19 TO RESIDE IN A DWELLING FOR UP TO 90 DAYS TO ALLOW FOR GRANDCHILDREN STAYS. THE NINETY DAY TIME LIMIT ENSURES THAT THERE IS NO SCHOOL IMPACTS AND THAT THE INTENT OF THE DEVELOPMENT REMAINS AS A 55+ COMMUNITY.

PLANNING COMMISSION

THE PLANNING COMMISSION HELD A PUBLIC HEARING AT THE NOVEMBER 18, 2021 MEETING. THERE WERE NO SPEAKERS. THE PC UNANIMOUSLY VOTED TO FORWARD THIS APPLICATION TO THE BOARD OF SUPERVISORS WITH A RECOMMENDATION OF APPROVAL (6-0).

ATTACHMENT A APPLICATION, NARRATIVE, BLACKLINE & CLEAN PROFFERS

ATTACHMENT A

- Narrative
- Blackline & Clean Proffers
- Land Development Application

Maple Grove Proffer Amendment

Applicant: D.R. Horton, Inc.

7092 Durette Road

TM 52-A-55, 52-A-56, and 52-A-57

October 1, 2021



PROPOSAL

This application proposes to amend a proffered condition accepted by the Board of Supervisors in rezoning case RZ-04-2018. The specific proffered condition that the applicant proposes revising addresses the parameters for providing an active adult, age restricted community pursuant to Virginia Fair Housing Law and the Federal Housing for Older Persons Act. The parcels that are subject to the proffered rezoning are zoned *PRD, Planned Residential Development* and are identified as tax map numbers 52-A-55, 52-A-56, and 52-A-57

D. R. Horton recently purchased the property and plans to develop the community consistent with the original intent to provide an active adult, age restricted community. D. R. Horton is a national home builder and has developed a number of age restricted communities. They are very experienced with the development of *55 and above* communities, as well as the practical application of the required standards to make such communities successful.

The existing proffered condition states "*Dwellings are to be occupied only by those aged 55 and over....*" This is more stringent than the Federal and State standards and does not allow for the possibility that a spouse or family member living with the owner may, at the time of purchase of the home, be under 55 years of age, and/or that an owner who is 55 or above may require an individual to live with them to provide care. It also does not address the possibility of a person under 55, such as in the case of a spouse under 55, inheriting a property in the community.

The existing proffer also states that "*persons under the age of 19 shall not be housed or domiciled and shall not reside on the Property.*" This provision potentially excludes overnight visits by friends and family and sets up probable unintended restrictions on the use and enjoyment of the property by the future residents.

Maple Grove Proffer Amendment

Applicant: D.R Horton

October 1, 2021

The applicant's requested proffer amendment is establish the following requirements for the community:

Dwellings within the Property are intended as housing for older persons such that at least 80% of the dwellings are occupied by at least one person age 55 years and older and occupancy of these dwellings shall comply with provisions of the Virginia Fair Housing Law (found at Section 36-96.1 et seq. of the Code of Virginia (1950) as amended and the Federal Housing for Older Persons Act.

The applicant also requests the following allowance so that friends and family may visit and stay overnight at various times throughout the year such as during holidays and summer vacations:

Persons under the age of 19 shall not be permitted to occupy any dwelling for more than 90 days in any 12-month period. A covenant shall be recorded, and a homeowners association established for the enforcement, to limit the use and occupancy of the dwellings as specified herein.

These requested revisions to the proffered conditions are commonly accepted for 55 and above communities and address a variety of circumstances that arise in such communities. The requested revisions meet resident expectations for the use and enjoyment of their homes, while preserving the intent to provide an active adult community in compliance with Virginia Fair Housing Law and the Federal Housing for Older Persons Act.

Maple Grove
Draft Proffer Amendment
RZ _____

The undersigned, owners of parcels designated 52-A-55, 52-A-56, and 52-A-57 (“the Property”), voluntarily agrees for themselves, their agent, personal representatives, successors and assigned (collectively “the Property Owner”) that, in the event the Property continues to be zoned PRD, the development and use of the Property shall be subject to the following conditions:

- **Age Restriction.** Dwellings within the Property are intended ~~to be as housing for older persons such that at least 80% of the dwellings are~~ occupied ~~only by at least one~~ person age 55 years and older and ~~the~~ occupancy of these dwellings shall comply with provisions of the Virginia Fair Housing Law (found at Section 36-96.1 et seq. of the Code of Virginia (1950) as amended) ~~and the Federal Housing for Older Persons Act.~~ Persons under the age of 19 shall not be ~~housed or domiciled and shall not reside on the Property-permitted to occupy any dwelling for more than 90 days in any 12-month period.~~ A covenant shall be recorded, and a homeowners’ association established for the enforcement, to limit the use and occupancy of the dwellings as specified herein.
- **Right of Way Dedication.** The Property Owner agrees to dedicate twenty-five (25) feet of right-of-way from the centerline of Durette Road (State Route 622) to the Property for future road widening, free of cost the County, upon request of the County or VDOT.
- **Conceptual Plan.** The property shall be developed in substantial conformity to the General Development Plan dated 10/12/18.

In the event the above-referenced proffer amendment is not granted as applied for by the Property Owner, these proffered conditions shall be withdrawn and are null and void, and the Property shall be developed in accordance with the proffered conditions approved in RZ-04-2018.

SIGNATURE

Name

Title

Date

Maple Grove
Draft Proffer Amendment
RZ

APPLICANT: _____
Signature

State of: _____

County of: _____

The foregoing instrument was acknowledged before me on this _____ day of _____,
by _____, on behalf of _____
(Name and Title)

(Signature of Notary Public)

Notary Public # _____

My Commission Expires: _____

Maple Grove
Draft Proffer Amendment
RZ _____

The undersigned, owners of parcels designated 52-A-55, 52-A-56, and 52-A-57 (“the Property”), voluntarily agrees for themselves, their agent, personal representatives, successors and assigned (collectively “the Property Owner”) that, in the event the Property continues to be zoned PRD, the development and use of the Property shall be subject to the following conditions:

- **Age Restriction.** Dwellings within the Property are intended as housing for older persons such that at least 80% of the dwellings are occupied by at least one person age 55 years and older and occupancy of these dwellings shall comply with provisions of the Virginia Fair Housing Law (found at Section 36-96.1 et seq. of the Code of Virginia (1950) as amended and the Federal Housing for Older Persons Act. Persons under the age of 19 shall not be permitted to occupy any dwelling for more than 90 days in any 12-month period. A covenant shall be recorded, and a homeowners’ association established for the enforcement, to limit the use and occupancy of the dwellings as specified herein.
- **Right of Way Dedication.** The Property Owner agrees to dedicate twenty-five (25) feet of right-of-way from the centerline of Durette Road (State Route 622) to the Property for future road widening, free of cost the County, upon request of the County or VDOT.
- **Conceptual Plan.** The property shall be developed in substantial conformity to the General Development Plan dated 10/12/18.

In the event the above-referenced proffer amendment is not granted as applied for by the Property Owner, these proffered conditions shall be withdrawn and are null and void, and the Property shall be developed in accordance with the proffered conditions approved in RZ-04-2018.

Maple Grove
Draft Proffer Amendment
RZ _____

SIGNATURE

Name

Title

Date

APPLICANT: _____
Signature

State of: _____

County of: _____

The foregoing instrument was acknowledged before me on this ____ day of _____, _____,
by _____, on behalf of _____.
(Name and Title)

(Signature of Notary Public)

Notary Public # _____

My Commission Expires: _____



PLANNING & DEVELOPMENT APPLICATION

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT
233 WEST BROADDUS AVENUE
BOWLING GREEN, VA 22427
(804) 633-4303
WWW.CO.CAROLINE.VA.US

DATE SUBMITTED: 9/29/21

CASE NUMBER: RZ-07-2021

*NOTE: AN APPLICATION SHALL NOT BE DEEMED OFFICIALLY FILED UNTIL ALL REQUIRED PLANS, PLATS, FEES AND SUPPORTING DOCUMENTATION ARE SUBMITTED TO THIS DEPARTMENT.

1. TYPE OF REQUEST

REZONING: FROM _____ TO _____

PROFFER AMENDMENT RZ-04-2018
(REZONING CASE #)

SPECIAL EXCEPTION: _____
(ORDINANCE SECTION)

SITE PLAN: _____ MAJOR _____ MINOR

VARIANCE: _____

ADMINISTRATIVE APPEAL _____

COMP. PLAN AMENDMENT _____

HER _____

SUBDIVISION (MAJOR)
_____ PRELIMINARY _____ FINAL

_____ CONCEPT

SUBDIVISION (OTHER)
_____ MINOR _____ BLA/VACATION

_____ FAMILY

2. PROPERTY INFORMATION

TAX MAP NUMBER 52-A-55, 52-A-56, 52-A-57

CURRENT ZONING PRD

ACREAGE OF REQUEST 20

TOTAL ACREAGE 20

PHYSICAL ADDRESS/LOCATION 7092 Durette Rd

VOTING DISTRICT Madison

UTILITIES: _____ PUBLIC _____ PRIVATE EXISTING _____ NEW

52E2-1 - A thru P - lot 1-84

3. APPLICANT / OWNER INFORMATION

OWNER OF RECORD:

~~XXXXXXXXXXXX~~ DR Horton
NAME
~~XXXXXXXXXXXX~~ 2820 Waterford Lake Dr
MAILING ADDRESS
~~XXXXXXXXXXXX~~ Midlothian, VA 23112
MAILING ADDRESS
804-370-7444 noftis@drhorton.com
PHONE NUMBER E-MAIL

APPLICANT:

DR Horton
NAME
SAME
MAILING ADDRESS
MAILING ADDRESS
PHONE NUMBER E-MAIL

AGENT/DEVELOPER/ENGINEER:

Sherman Patrick, Jr. / Compton & Duling, LC
NAME
12701 Marblestone Dr. #350
MAILING ADDRESS
Prince William, VA 22192
MAILING ADDRESS
703-565-5134 sp@comptonduling.com
PHONE NUMBER E-MAIL

MAIN POINT OF CONTACT:

Same as Agent
NAME
MAILING ADDRESS
MAILING ADDRESS
PHONE NUMBER E-MAIL

4. I/WE READ THIS COMPLETED APPLICATION, UNDERSTAND ITS INTENT AND FREELY CONSENT TO ITS FILING. THE INFORMATION PROVIDED IS ACCURATE TO THE BEST OF MY/OUR KNOWLEDGE. I UNDERSTAND THAT THE COUNTY MAY APPROVE, CONDITIONALLY APPROVE, OR DENY THE REQUEST FOR WHICH I AM APPLYING. FURTHERMORE, I GRANT PERMISSION TO THE DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT AND OTHER AUTHORIZED GOVERNMENT AGENTS TO ENTER THE PROPERTY AND MAKE SUCH INVESTIGATIONS AS THEY DEEM NECESSARY TO EVALUATE THE REQUEST.

[Signature] OR _____
 OWNER SIGNATURE AGENT/APPLICANT SIGNATURE

OWNER'S NAME _____ AGENT/APPLICANT NAME _____
9/29/21 _____
 DATE DATE

5. FEE SCHEDULE

REZONING	_____	+	(_____ X \$50)	=	_____
	BASE FEE		ACREAGE \$/ACRE		TOTAL
PROFFER AMENDMENT	\$3,000	+	(2 X \$100)	=	\$3,200
	BASE FEE		NO. OF REQUESTS \$/REQUEST		TOTAL
SPECIAL EXCEPTION	_____	+	(_____ X \$50)	=	_____
	BASE FEE		ACREAGE \$/ACRE		TOTAL
SITE PLAN: MAJOR	_____	+	(_____ X \$50)	=	_____
	BASE FEE		ACREAGE \$/ACRE		TOTAL
SITE PLAN: MINOR	\$400	X	_____	=	_____
	BASE FEE		NUMBER OF REQUESTS		TOTAL
COMP PLAN AMENDMENT	_____	X	_____	=	_____
	BASE FEE		NUMBER OF REQUESTS		TOTAL
VARIANCE/ADM. APPEAL	\$600	X	_____	=	_____
	BASE FEE		NUMBER OF REQUESTS		TOTAL
SUBDIVISION: MINOR	\$250 - MINOR		\$200 - BLA		\$100 - VACATION
TYPE: _____	\$200 + \$50 PER NEW LOT - FAMILY			=	_____
					TOTAL
SUBDIVISION: MAJOR	_____	+	(_____ X \$50)	=	_____
	BASE FEE		NUMBER OF LOTS \$/LOT		TOTAL
CONCEPT PLAN	\$250	X	_____	=	_____
	BASE FEE		NUMBER OF REQUESTS		TOTAL
OTHER	_____	X	_____	=	_____
					TOTAL

CHECK # 2145 CASH CHARGE RECEIPT # 672746

REVIEW BY / COMMENTS: _____

