

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

Meeting Date: April 12, 2022

Title: 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 ensure consistency with with Federal and State regulations as they relate to age restricted communities, while addressing County occupancy concerns.

The Board held a public hearing for this proffer amendment at the January 25th meeting. After several deferrals, the request is on the April 12th agenda for continued discussion. Staff has worked with the applicant and we believe we have addressed the concerns of the Board with these clarifications.

Budget Impact: N/A

Action(s) Requested of the Board of Supervisors: Discussion & if appropriate, take action on RZ-07-2021.



STAFF REPORT

CAROLINE COUNTY BOARD OF SUPERVISORS

APRIL 12, 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.

APRIL 12, 2022 UPDATE

THE APPLICANT HAS MODIFIED THE LANGUAGE IN AN ATTEMPT TO ADDRESS CONCERNS OF THE BOARD. THE LANGUAGE MODIFICATION ENSURES THAT AT LEAST ONE OCCUPANT OF THE DWELLING SHALL BE 55+, EXCEPT IN THE CASE OF DEATH OF THE 55+ OWNER, IN WHICH CASE THE SURVIVING SPOUSE CAN CONTINUE TO LIVE THERE. IT ALSO ADDRESSES THE OCCUPANCY OF ANYONE UNDER THE AGE OF 19.

MARCH 8, 2022 UPDATE

THE BOARD HELD A PUBLIC HEARING AT THE JANUARY 25TH MEETING AND DEFERRED ACTION TO MARCH 8TH, IN ORDER TO ALLOW SUPERVISOR FOREHAND THE OPPORTUNITY TO EXPLORE ALTERNATIVE LANGUAGE FOR THE APPLICANT AND BOARD CONSIDERATION.

THE FOLLOWING IS FROM THE JANUARY 25TH STAFF REPORT.

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).

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 all of the dwellings are to be occupied by at least one person age 55 years or older (the “Age Qualifying Occupant), except that the surviving spouse of an Age Qualifying Occupant shall be permitted to continue to reside in the same dwelling following the death of the Age Qualified Occupant, regardless of the age of the surviving spouse, for the remainder of the surviving spouse’s lifetime. 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 as amended). 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.

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 _____, 2022,
by _____, on behalf of _____.
(Name and Title)

(Signature of Notary Public)

Notary Public #: _____

My Commission Expires: _____