



## Legislation Text

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**File #:** 13-0199, **Version:** 1

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**TITLE:**

Lloyd Square AIS CUP Minor Modification

**PURPOSE:** Layton and Mary Wheeler, the developers of the Lloyd Square AIS, a 16 unit subdivision, seek permission from the Board to revise the layout of the subdivision, reduce the density by one unit, and replace the affordable units with payments-in-lieu.

**DEPARTMENT:** Planning

**CONTACT INFORMATION:** Jeff Kleaveland

**INFORMATION:** The Lloyd Square Architecturally Integrated Subdivision (AIS) Conditional Use Permit was approved by the Board of Aldermen on September 22, 2009. The permit and minutes to this meeting are attached (Attachments B). The permit allowed for the creation of a 16 unit development. Of these units 2 were designated as affordable by the provisions of the LUO and a fractional unit (.55) was offered as payment in lieu of affordable housing. This fractional payment enabled the development to be exempt from the “small house” requirements of Section 15-188 by providing 85% of the affordable units available to the project (the maximum number of affordable units available (with the density bonus) is 3;  $(2.55/3 = 85\%)$ )

The developers wish to reduce the total number of units in the subdivision from 16 to 15 and replace the affordable units with payments-in-lieu equal to three units. The written justification and proposed site plan for the modification are attached (Attachments C & D). This results in a total of 15 market rate units and 3 payments-in-lieu of affordable units. Community Home Trust, who was intended to market the affordable units, has been notified of the proposed modification. Their response is attached (Attachment E).

In addition, this modification revises the stormwater design of the plan, consolidating four private bioretention cells that were each located on private lots, to one unified cell serving the four houses located within the open space. Also, a crossing (a driveway) of the intermittent stream along the southern border of the property has been removed. Removing this crossing frees the applicant from the HEC/RAS stormwater analysis requirement of the original permit.

Please see the Conditional Use Permit of the original approved Lloyd Square AIS that is attached (Attachment B). If the Board approves of the proposed minor modification, Conditions 3, 5 and 8, which pertain to long term management of affordable units and the HEC/RAS study, need to be removed from the original permit and Condition 4 needs to be reworded. Because of this the following conditions are recommended:

- That conditions 3, 5 and 8 from the original approved Conditional Use Permit be removed from the permit as the proposed changes to the permit no longer require provisions pertaining to the long term management of affordable units and the revised layout no longer requires a HEC/RAS study.
- That Condition 4 from the original approved Conditional Use Permit be replaced with the following

condition: Certificates of Occupancy for each of the three (3) bonus ‘market-rate’ units may not be issued until such time as a corresponding *payment in lieu* for an affordable unit is made to the Town. This is equivalent to a total of three payments in lieu of affordable units. The fee shall be set in accordance with the Town’s fee schedule at the time of payment. The three bonus units are to be identified on the plans prior to construction plan approval and shall be identified on the final plat.

The revised plans were distributed to the Town Engineer, OWASA, Public Works and the Environmental Planner for review. All comments have been addressed subject to the following Public Works recommendations:

- That the existing sanitary sewer service to serve Lot 12 can be realigned beginning within 2’ of the existing Lisa Dr. pavement edge and angled south across the Lisa Dr. roadway shoulder and swale to access the established Lot 12 sanitary sewer service easement.
- That the realigned Lot 12 sanitary sewer service line shall be constructed of 4” ductile iron pipe and associated fittings from its connection point 2’ outside of the pavement edge and extending to the property line or 1’ outside of the existing Lisa Dr. public right-of-way.
- That all excavated soils shall be sufficiently compacted and all disturbances within the public right-of-way fully restored to existing conditions and surface elevations within 5 days of the initial excavation.
- That the contractor shall provide appropriate Traffic Control Devices, Road Work Ahead(2); traffic cones for separating the work area from public traffic lane and flagman provided as needed to safely direct motorist around the work area. All excavations shall be backfilled daily. That Public Works will be notified prior to beginning work within the Lisa Dr. public right-of-way.

**FISCAL & STAFF IMPACT:** Staff time; fees collected from the applicant, reduction in building density.

**RECOMMENDATION:** Town Staff recommends that the Board of Aldermen review, deliberate and make a decision regarding the applicant’s request. If the request is approved it is recommended that the attached resolution approving the Minor Modification to the Lloyd Harbor Conditional Use Permit be adopted subject to the following conditions:

1. That conditions 3, 5 and 8 from the original approved Conditional Use Permit be removed from the permit as the proposed changes to the permit no longer require provisions pertaining to the long term management of affordable units and the revised layout no longer requires a HEC/RAS study.
2. That Condition 4 from the original approved Conditional Use Permit be replaced with the following condition: Certificates of Occupancy for each of the three (3) bonus ‘market-rate’ units may not be issued until such time as a corresponding *payment in lieu* for an affordable unit is made to the Town. This is equivalent to a total of three payments in lieu of affordable units. The fee shall be set in accordance with the Town’s fee schedule at the time of payment. The three bonus units are to be identified on the plans prior to construction plan approval and shall be identified on the final plat.
3. That the existing sanitary sewer service to serve Lot 12 can be realigned beginning within 2’ of the existing Lisa Dr. pavement edge and angled south across the Lisa Dr. roadway shoulder and swale to access the established Lot 12 sanitary sewer service easement.
4. That the realigned Lot 12 sanitary sewer service line shall be constructed of 4” ductile iron pipe and

associated fittings from its connection point 2' outside of the pavement edge and extending to the property line or 1' outside of the existing Lisa Dr. public right-of-way.

5. That all excavated soils shall be sufficiently compacted and all disturbances within the public right-of-way fully restored to existing conditions and surface elevations within 5 days of the initial excavation.
6. That the contractor shall provide appropriate Traffic Control Devices, Road Work Ahead(2); traffic cones for separating the work area from public traffic lane and flagman provided as needed to safely direct motorist around the work area. All excavations shall be backfilled daily. That Public Works will be notified prior to beginning work within the Lisa Dr. public right-of-way.