

**03-20-2019 Town Council Meeting**  
**Responses to Council Questions #2**

**ITEM #7: Consider an Application for Zoning Atlas Amendment - Independent Senior Housing, 2217 Homestead Road**

**ITEM #8: Consider an Application for Special Use Permit - Independent Senior Housing, 2217 Homestead Road**

**Council Question:** Would it be possible to send us a compilation of the Q&A we have had on this during the previous reviews so we can avoid asking you the same questions again?

**Staff Response:** *Staff is working to provide a compilation of the questions and answers on this project and will be forwarding those shortly.*

**Council Question:** In the rezoning findings of fact document, for the arguments in opposition, the phrase "upsets the rational and orderly character" is used several times. Is this a legal term? If so, how is it defined?

**Staff Response:** *It is not a legal term and generally summarizes the comments heard from nearby residents.*

**Council Question:** Could you please confirm (or correct) - when we have applications that are fully affordable housing developments, we waive all building permit fees? Does staff recommend that we apply a percentage approach to fee waiving in this case and moving forward - i.e. if 10% affordable units, we waive 10% of the fees?

**Staff Response:** *The Town currently waives building permit and development fees for developments where 100% of the units are provided as affordable housing. Examples include single-family development projects through Habitat for Humanity and Empowerment, Inc., and larger scale multi-family development projects such as DHIC's Greenfield Development. The Inclusionary Zoning Ordinance allows development and building permit fees to be waived proportionally (i.e. if 15% of the units are affordable, 15% of the building permit and development fees would be waived). We believe this is a reasonable policy and could evaluate the impact of applying this approach to developments that meet the Council's affordable housing goals. For example, if an applicant proposes to develop at least 15% of units as affordable to be occupied by households earning less than 60% of the AMI for at least 30 years, they could be eligible for a fee waiver. If the Council supports this approach, we could further explore the feasibility of this policy and propose language to be included in the FY 20 fee schedule.*

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**Council Question:** I appreciate that the applicant intends to provide the minimum required parking spaces to start with and only add additional parking at a later point if there is documented need. The Q&A and resolution are confusing on this point - the staff response states that the applicant proposes a maximum of 280 spaces, with 232 to start. The applicant's response requests an allowance up to 264 spaces, with stormwater and impervious based on this number. The resolution only lists the required minimum (232) and maximum (289) spaces allowed and then in the "deferred parking" section, states that the parking "may" be phased, and that remaining parking "may be subsequently constructed".

- Can we please clarify the number of total spaces we are allowing (regardless of the timeframe) so that stormwater and impervious requirements match that number?
- Can we please add more specific language to the resolution regarding number of spaces allowed initially and in total to eliminate the possibility of changing the plan at a later date?

**Staff Response:** *The Special Use Permit permits a minimum of 232 parking spaces and a maximum of 289 parking spaces. The applicant is proposing to construct 232 parking spaces as the first phase of the project, deferring additional parking spaces for up to 12 months. During the final plan phase, Town staff would ensure that all of the proposed parking areas would be adequately addressed.*

**Council Question:** Conversion to condos stipulation - are we legally required to include an option for PIL or is this at the discretion of the Council?

**Staff Response:** *If a conversion were considered at some point in the future, from rental to condominium, the applicant at that time could propose as an option a payment in lieu. The Council would have an option at that time of whether to accept the proposal or not. Including the option at this time only acknowledges that it is an option at some point in the future that could be considered, if proposed.*

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**Council Question:** Has the applicant communicated its choice to revert back to its original 4-story building application to the Courtyard residents? If so, what has been their feedback?

**Staff Response:** *Yes, the residents have been aware of the change for several weeks. They have not provided formal feedback to the Town but in meetings with Town staff they expressed a preference for the three story proposal. They have also met with the applicant.*

**Council Question:** Have residents communicated with town staff since the applicant returned to its original 4-story building application? If so, what has been their response to this return?

**Staff Response:** *Town staff has met twice with the Courtyard residents since the February 13, 2019 Council meeting. We have explained the review process and believe they understand the necessary steps.*