

Mountain VU Subdivision

The Property that is now the
Phase One Four Seasons at
Charlottesville, the Additional
Land constituting the rest of the
204 acre CIC Subdivision, and
the Clubhouse Parcel

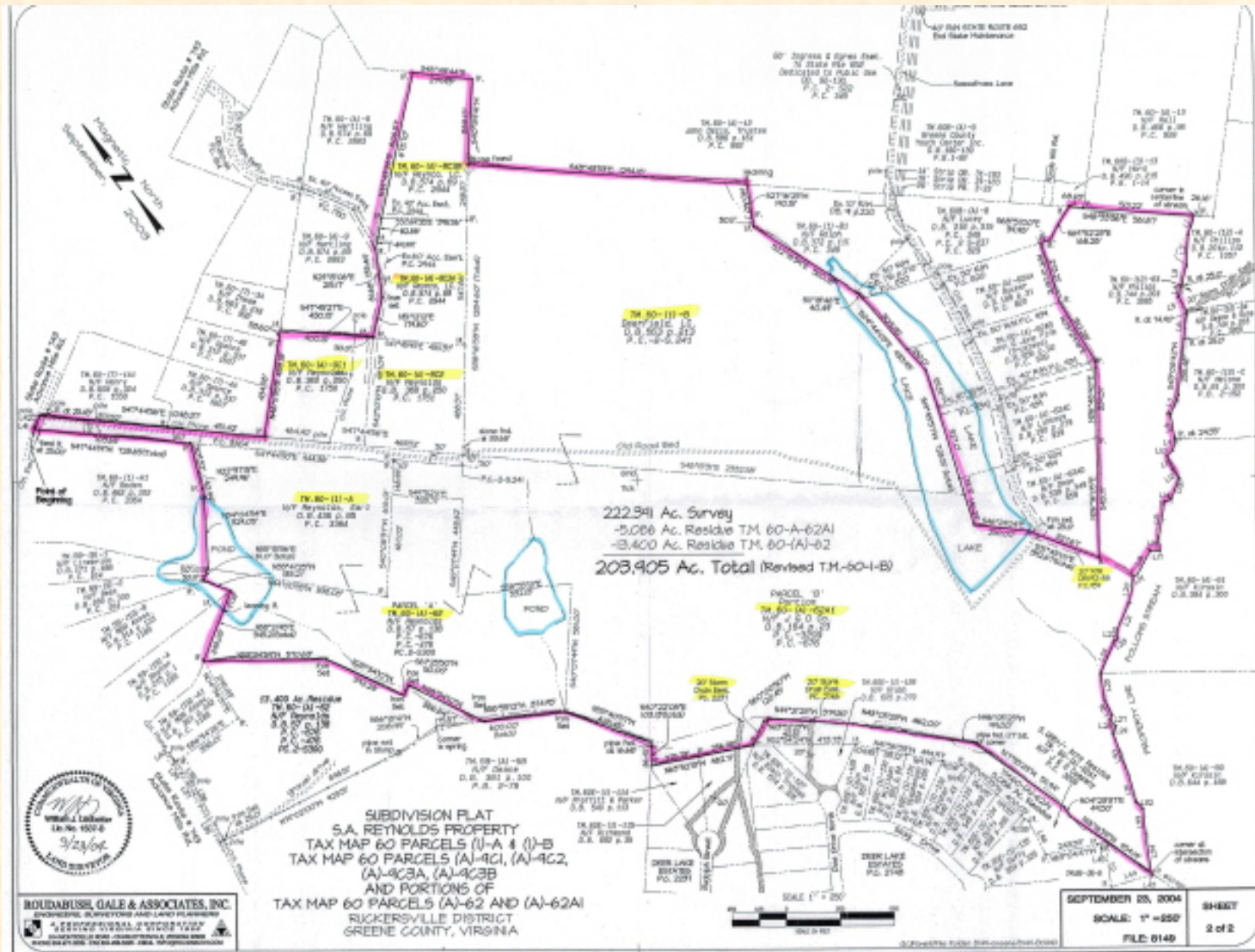
The Mountain Vu Subdivision was Rezoned to SR (Senior Residential)

This is a review of the 2004 Mountain Vu rezoning to SR and what proffers were volunteered, along with the PUD rezoning for Ruckersville Village (which is now Greenecroft)

Greene County Property Map



Reynolds/Deerfield Properties



Mountain Vu Subdivision

Approved for Rezoning from A-1 to SR

On July, 13, 2004, Greene County rezoned the 203.905 acre Reynolds/Deerfield properties, known as Mountain Vu, to be Senior Residential (SR) with the following **proffers**:

- 1) Property would be developed in general conformance with the Reynolds Property Conceptual Plan (“Plan”) prepared by LandDesign.
- 2) Development would not exceed 650 age restricted single-family units, consisting of single-family detached units; duplex, triplex, or quadplex units; townhouses; patio houses; condominiums; or apartments.

Mountain Vu Subdivision

Approved for Rezoning to SR

- 3) In accordance with the age-restricted portions of the “Federal Housing for Older Persons Act of 1995,” occupancy of the age-restricted units on the Property shall be:
- 100% of the residential units shall be occupied by at least one person 55 years of age or older with an exception for surviving spouses.
 - Anyone under the age of 20 is only permitted to reside for a maximum of 21 days total in any calendar year.

Mountain Vu Subdivision Approved for Rezoning to SR

- 4) The developer must record a Declaration of Covenants, Conditions and Restrictions (“DCCR”) to facilitate the planning and development of the Property in a unified and consistent manner such that:
- The DCCR would impose design and architectural guidelines for dwelling units and the common areas.
 - The DCCR would provide for organizing and establishing a homeowners association as a non-stock corporation under the laws of Virginia to manage the common areas.

Property Development Plan 2005



Senior Residential Zoning in Greene County Virginia

The Greene County Zoning Ordinance (Revised July 12, 2016) defines the Senior Residential (SR) zone in Article 6A:

- ✓ The use permitted includes assorted single and multiple family housing types and community use facilities
- ✓ Age restrictions per revised **Federal Fair Housing for Older Persons Act (HOPA)**
- ✓ Minimum single family dwelling unit lot size of 0.1 acre
- ✓ Maximum density average of 25 dwelling units per acre
- ✓ Minimum lot frontage of 40' for single family dwelling units, less for multiple family housing

Senior Residential Zoning in Greene County Virginia

The Greene County Senior Residential Zoning Ordinance (continued)

- ✓ Setback of 20' front, 0' side (5' between buildings), 15' in back unless bordering common area then 5'
- ✓ The average height of all buildings over the entire community must be 50 ft or less
- ✓ Each dwelling Unit must front a street
- ✓ Public water and sewer must be used
- ✓ Private streets must be built to VDOT design standards

Senior Residential Zoning in Greene County Virginia

The Greene County Senior Residential Zoning Ordinance (continued)

- ✓ Each dwelling unit must have a minimum of 1 off-street parking space of at least 162 sq ft and the community must average at least 1.5 parking spaces per dwelling unit. Community recreation facilities must have an adequate amount of parking space.
- ✓ All community facilities in the preliminary subdivision plan must be built before more than 55% of the planned dwelling units can be built.

Senior Residential Zoning in Greene County Virginia

The Greene County Senior Residential Zoning Ordinance (continued)

- ✓ 20% of the gross site area must be open space for communities with a density of 4 dwelling units or less per acre. (For a density of 4 to 8 du/acre this is 25% and for a density over 8 du/acre this is 30%.)
- ✓ A community must set aside 4% of the site to be a community clubhouse or recreational center for the residents.

Impact of Senior Residential Zoning for the Mountain Vu Subdivision

The Greene County SR zoning for the 204 acres of this property requires that:

- 1) Homes have at least one adult 55+ and no children under 20.
- 2) At least 20% (~ 41 acres for Mountain Vu) must be open or common area.
- 3) At least 4% (~ 8 acres for Mountain Vu) must be a community clubhouse and recreational facilities for the use of the residents.

To date, the Phase One development and the Clubhouse have met these zoning standards.

Age-Qualified Occupant per the Four Seasons DCCR

- ✓ Any individual 45 years of age or older who owns and occupies a Dwelling Unit and was the original purchaser of the Dwelling Unit from the Declarant, or
- ✓ Any individual 55 years of age or older who occupies a Dwelling Unit.

(DCCR Section 1.2)

Age-Qualified Resident per DCCR

- ✓ an Age-Qualified Occupant,
- ✓ Any Person 19 years of age or older occupying a Dwelling Unit with an Age-Qualified Occupant, and
- ✓ Any Person 19 years of age or older who occupied a Dwelling Unit with an Age-Qualified Occupant and who continues, without interruption, to occupy the same Dwelling Unit after termination of the Age-Qualified Occupant's occupancy thereof.

(DCCR Section 1.38)

DCCR 13.9 Sales By Declarant.

Notwithstanding the restriction set forth in Section 2.6, Declarant reserves the right to sell Dwelling Units to Persons between the ages of 45 and 55 years of age, inclusive; provided, such sales shall not affect Four Season's compliance with all applicable state and federal laws under which the Properties may be developed and operated as an age-restricted community.

DCCR 16.3 Amendment of Age Restriction Provisions

Notwithstanding any provisions contained herein to the contrary, in the event that the **Declaration** is amended in any manner **that would cause Four Seasons at Charlottesville** to be operated as other than an age-restricted community, the **Association shall be liable to pay to Greene County**, upon demand, an amount equal to any school or other infrastructure **fees** that would be **chargeable against** the Dwelling Units within the Properties if such **Units were then approved for development as a non-age-restricted** community. If the Association does not promptly pay such fees to Greene County, **Greene County shall be entitled to a judgment against the Association** in the amount of such fees and any such judgment shall include court costs and reasonable attorney's fees.

Ruckersville Village Subdivision

What is now the Greenecroft
Subdivision

Ruckersville Village Subdivision was Approved for Rezoning from A1 to PUD (Planned Unit Development)

A review of the 2004 Ruckersville
Village rezoning and what proffers
were volunteered along with an
amendment to the proffers

Ruckersville Village Subdivision

Approved for Rezoning from A-1 to PUD

On July, 13, 2004, Greene County rezoned the 75.77 acre Ruckersville Village LLC/Westside Land Trust properties, known as Ruckersville Village, to be Planned Unit Development (PUD) with the following proffers:

- ✓ Commit 24 acres to commercial development with a maximum of 21 one acre lots
- ✓ Provide for 5 acres of common space to include a tennis court, covered picnic area, and a **fishing pond if permitted by DEQ and US Army COE**
- ✓ Use public water and sewer

FOUR SEASONS

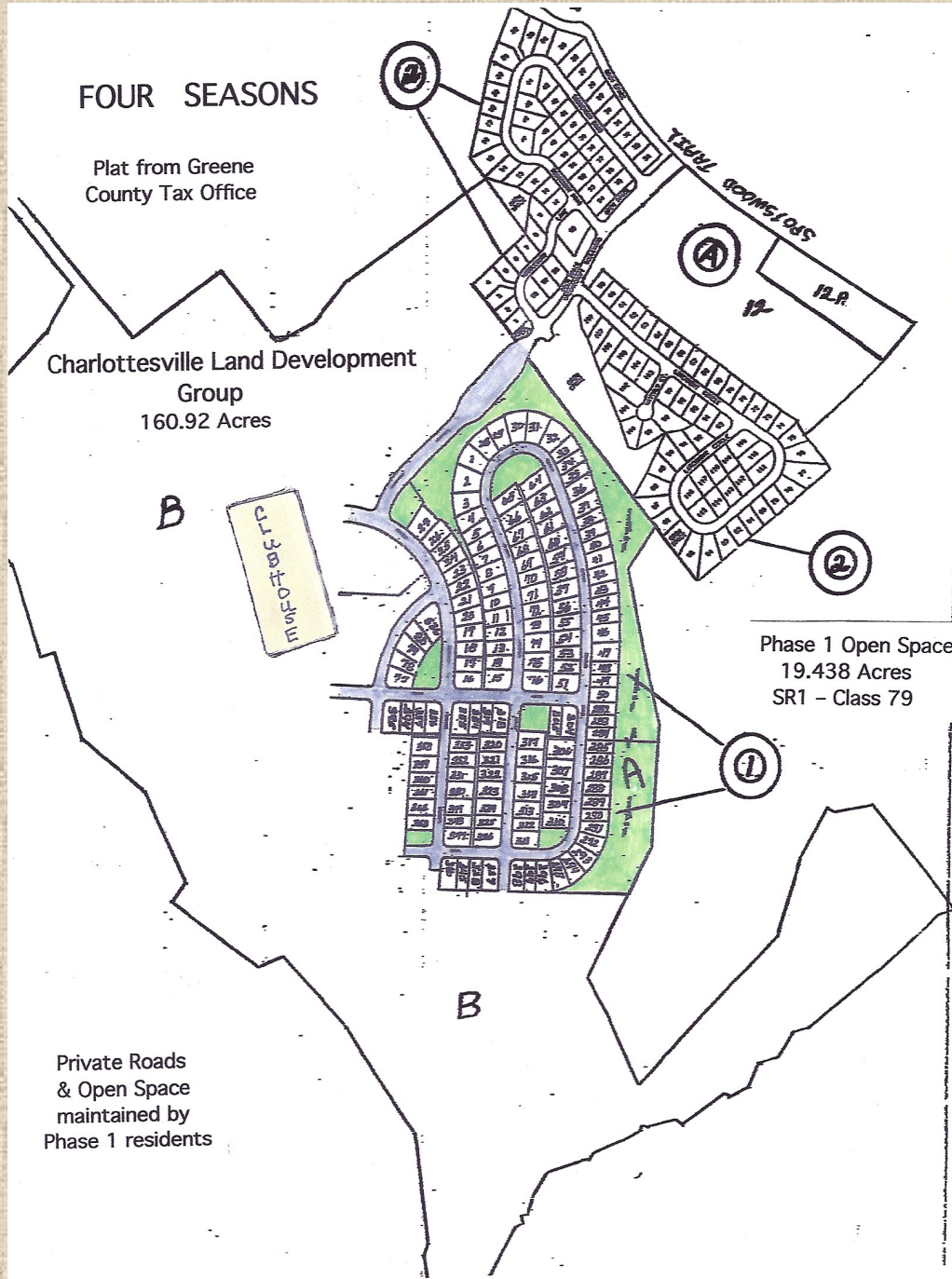
Plat from Greene
County Tax Office

Charlottesville Land Development
Group
160.92 Acres

B
P130403010

Phase 1 Open Space
19.438 Acres
SR1 - Class 79

Private Roads
& Open Space
maintained by
Phase 1 residents



Ruckersville Village Subdivision

Approved for Rezoning to PUD

(continued)

- ✓ State approved roads through community
- ✓ Minimum square footage for houses with 2-car garages will be 2600 for one story and 2800 for two story
- ✓ \$200,000 in cash offered to Greene County at time of final approval for project
- ✓ Request of approval to use larger setbacks to avoid using narrow lot design homes in the residential portion of the project.

Ruckersville Village Subdivision

Approved for Rezoning to PUD

(continued)

- ✓ Use extensive screen plantings between the residential and commercial areas
- ✓ Install screen plantings to buffer residential areas from view of State Routes 33 and 743
- ✓ Provide a 50' buffer on each side of Greenecroft Blvd
- ✓ Fried Project (Mountain Vu) to supply and maintain decorative landscaping along Greenecroft Blvd
- ✓ No homes to front Greenecroft Blvd from Route 33 to the Fried Property

Ruckersville Village Subdivision

Amended Proffers

On Jan 5, 2009, the Greenecroft Planned Unit Development (PUD) proffers were amended to:

- Change the minimum house square footage to 1800
- Contribute an additional \$4,100 to Greene County for any house built with less than 2600 square footage
- Build some Earthcraft certified homes
- Provide bus stop for public transportation to commercial area
- Work with VDOT to provide Greenecroft Blvd crosswalks to allow better pedestrian access to the commercial area and bus stop

Ruckersville Village Subdivision

Amended Proffers

The 2009 amended proffers note the endeavor to create a high quality neighborhood and cited working with Four Seasons to improve amenities of the development by:

- Installing decorative light posts along Greenecroft Blvd
- Improving landscaping along Greenecroft Blvd
- Installing a decorative, lighted brick entrance sign
- Installing tennis court, basketball court, and picnic shelters

Mountain Vu Subdivision

Summation of the rezoning for a planned CIC development

In summary, the proffers and zoning worked to imposed many conditions and restrictions on a homeowner's title to a portion of the properties well before any DCCR was ever recorded or any association had been established.

Homeowner Property Title

Each homeowner has a title to the common areas of the planned Mountain Vu subdivision. The minimally required amount of common area and facilities are specified with the SR zoning. Any and all declarations that are placed on the Property must delineate those common areas.

Mountain Vu is a Common Interest Community

Real estate located within Virginia subject to a declaration which contains lots, at least some of which are residential or occupied for recreational purposes, and common areas to which a person, by virtue of his ownership of a lot, is a member of an association and is obligated to pay assessments provided for in a declaration – Virginia Code 55.528

