

**STAFF PERSON:
PLANNING COMMISSION:
BOARD OF SUPERVISORS:**

**Andy Reitelbach
February 27, 2024
April 17, 2024**

Staff Report for Special Exception SE202300026 to waive the requirement for a minimum setback of 15 feet for each story that begins above 40 feet in height or for each story above the third story, whichever is less, in the Planned Residential Development zoning district, in association with ZMA202300006, Woodbrook Apartments. (§ 18-4.19.5)

WAIVERS AND MODIFICATIONS FOR PLANNED DEVELOPMENTS

The applicant is requesting to waive the requirement for a minimum setback of 15 feet for each story that begins above 40 feet in height or for each story above the third story, whichever is less, for five buildings in a PRD, Planned Residential Development. According to County Code § 18-4.19.5, the Zoning Ordinance, all buildings on the property must meet the requirement that each story that begins above 40 feet in height or for each story above the third story, whichever is less, the minimum setback shall be 15 feet. County Code § 18-8.2(b) permits any planned district regulation to be modified or waived by the Board of Supervisors as a Special Exception under County Code § 18-33.9. In addition, § 18-4.19.5 specifically allows the Board of Supervisors to waive the requirement for a minimum setback of 15 feet. The applicant has provided a request and justification for this special exception, which can be found in Attachment 6. Staff analysis for County Code § 18-8.2(b)(3) and § 18-4.19.5 is provided below:

3. Findings. In addition to making the findings required for the granting of a waiver or modification in sections 4, 5, 21, 26, or 32, a waiver or modification may be granted only if it is also found:

(No modifications or waivers are requested under sections 5, 21, 26, or 32. There are no specific findings required for the granting of a waiver or modification as listed in § 18-4.19.5.)

- i. to be consistent with the intent and purposes of the planned development district under the particular circumstances, and satisfies all other applicable requirements of section 8;**

Staff has reviewed the intent and purposes of the Planned Districts generally, and the Planned Residential Development district in particular, and found that the proposal would allow design flexibility that contributes to implementing the goals and objectives of the comprehensive plan, including the Places29 Master Plan. The master plan recommends that residential buildings in the Urban Density Residential land use designation be a maximum of four stories.

The setback waiver is for all buildings in the development – Buildings 1-5. Waiving the requirement for a setback on Buildings 1-4 is consistent with the Places29 Master Plan's recommendation for a maximum height of four stories. The waiver of this requirement also allows for more density in this development, since additional units can be included in the buildings when there is no setback. These additional units that could be included without a setback is consistent with the recommendation of the Master Plan for the Urban Density Residential land use designation and for the Comprehensive Plan's policy of concentrating development in the Development Areas of the County.

Although Building 5 is proposed to be five stories, one story higher than the recommended maximum height found in the Places29 plan, this building is interior to the site and largely surrounded by parking lots and internal travelways. The nearest building is a commercial structure to the southeast, on the opposite side of where the setback is required on Building 5. It is not expected that waiving the requirement for a setback for both stories 4 and 5 of Building 5 would have an impact on adjacent properties or create a "canyon effect," and waiving this requirement would allow further design flexibility on the site.

ii. to be consistent with planned development design principles;

The application has been reviewed under the Neighborhood Model Principles and has been found to meet those principles, especially Principle #8, Buildings and Space of Human Scale, which is the most applicable to this special exception request.

iii. that the waiver or modification would not adversely affect the public health, safety or general welfare;

Staff has found that the public health, safety, and general welfare generally would not be adversely affected by the waiver of the requirement for a setback of at least 15 feet for buildings that exceed three stories, or 40 feet, whichever is less.

iv. in the case of a requested modification, that the public purposes of the original regulation would be satisfied to at least an equivalent degree by the modification.

A purpose of the regulation is to create buildings and spaces of human scale that prevent structures from overwhelming people who are nearby and to contribute to the comfort of pedestrians, as reflected in the Neighborhood Model Principles, especially #8, outlined in the comprehensive plan. Waiving this requirement would satisfy the purpose of this regulation to an equivalent degree, allowing more flexibility of design for the buildings in this development.

Staff recommends approval of SE202300026 (Sec. 18-4.19.5), a special exception request to waive the setback requirements for buildings in the development.