

ATTACHMENT B – STAFF ANALYSIS

STAFF PERSON: Tim Padalino
BOARD OF SUPERVISORS: January 16, 2019

Staff analysis (pages 2-3) of this special exception request was conducted pursuant to the following applicable provisions and evaluation criteria contained in Zoning Ordinance (ZO) Sections 33.49.B and 8.5.5.3.a:

Section 33. Zoning Text Amendments, Zoning Map Amendments, Special Use Permits And Special Exceptions

Sec. 33.49 Action by the Board of Supervisors.

The Board of Supervisors shall act on an application for a special exception as follows:

- B. *Factors to be considered.* In acting on a special exception, the Board shall consider the factors, standards, criteria, and findings, however denominated, in the applicable sections of this chapter, provided that the Board shall not be required to make specific findings in support of its action.

SECTION 8. PLANNED DEVELOPMENT DISTRICTS – GENERALLY

8.5.5.3 VARIATIONS FROM APPROVED PLANS, CODES, AND STANDARDS OF DEVELOPMENT

The director of planning may allow a site plan or subdivision plat for a planned development to vary from an approved application plan, standard of development and, also, in the case of a neighborhood model district, a code of development, as provided herein:

- a. The [Board of Supervisors] is authorized to grant a variation from the following provisions of an approved plan, code or standard:
1. Minor changes to yard requirements, build-to lines or ranges, maximum structure heights and minimum lot sizes;
 2. Changes to the arrangement of buildings and uses shown on the plan, provided that the major elements shown on the plan and their relationships remain the same;
 3. Changes to phasing plans;
 4. Minor changes to landscape or architectural standards;
 5. Minor changes to street design and street location, subject to a recommendation for approval by the county engineer; and
 6. Minor changes to the design and location of stormwater management facilities, minor land disturbance including disturbance within conservation areas, and mitigation, all subject to a recommendation for approval by the county engineer.
- c. The [Board of Supervisors] is authorized to grant a variation upon a determination that the variation:
- (1) is consistent with the goals and objectives of the comprehensive plan;
 - (2) does not increase the approved development density or intensity of development;
 - (3) does not adversely affect the timing and phasing of development of any other development in the zoning district;
 - (4) does not require a special use permit; and
 - (5) is in general accord with the purpose and intent of the approved application.

Staff Analysis – SE Request for Variations to the Approved Willow Glen Application Plan (ZMA-2006-00019):

Staff Analysis per ZO 8.5.5.3.c(1): is consistent with the goals and objectives of the comprehensive plan
▪ None of the proposed variations are inconsistent with the goals and objectives of the comprehensive plan. ▪ The proposed variations are consistent with the Future Land Use Plan contained in the Places29 Master Plan, which designates the subject properties for “Urban Density Residential” future land use with a gross density range between 6.01 and 34 units/acre. ▪ The proposed variations would support and advance several Neighborhood Model (NM) principles (as appropriate for the proposed uses on these specific subject properties), including Pedestrian Orientation; Neighborhood Centers; Interconnected Streets and Transportation Networks; and Parks, Recreational Amenities, and Open Space. <u>Factor met.</u>
Staff Analysis per ZO 8.5.5.3.c(2): does not increase the approved development density or intensity
▪ In total, the proposed variations do not increase the development density or intensity. Approved ZMA-2006-00019 permitted a maximum density of 9.88 units/acre, and the proposed variations would result in a density of 7.13 units/acre. <u>Factor met.</u>
Staff Analysis per ZO 8.5.5.3.c(3): does not adversely affect the timing and phasing of development of any other development in the zoning district
▪ The proposed variations would not affect (adversely or otherwise) the timing or phasing of any other development of any other projects in the zoning district, as Willow Glen is the only development in this PRD Planned Residential Development district. <u>Factor met.</u>
Staff Analysis per ZO 8.5.5.3.c(4): does not require a special use permit
▪ The proposed variations do not require a special use permit. ▪ However, the requested variation to reduce the number of previously-approved double frontage lots does not completely eliminate all double frontage lots – Block 3 would still contain 12-14 double frontage lots. These double frontage lots require a special exception. ▪ The applicant has provided justification for the proposed double frontage lots in Block 3 which satisfactorily addresses relevant factors in County Code Sections §14-203.1.B(2)-(3), and has proposed screening for these double frontage lots (comprised of a 6’ privacy fence and evergreen landscaping materials that exceed minimum screening requirements, as shown on SE Application Plan Sheet V5 – Detail A “Conceptual Landscape Buffer”) which satisfies the requirements of County Code Section §18-32.7.9.7. <u>Factor met.</u>
Staff Analysis per ZO 8.5.5.3.c(5): is in general accord with the purpose and intent of the approved application
Relative to the approved application plan for ZMA-2006-00019 (dated 9/17/2007), staff makes the following findings for each requested variation: 1. The proposed modifications to the unit types and their arrangement, and the proposed reduction to the approved density, are in general accord; 2. The proposed modifications to existing setbacks and yard regulations and the proposed modification (elimination) of perimeter setbacks are in general accord (note: perimeter setbacks are no longer required by County Code); 3. The proposed reduction in the number of double-frontage lots in several blocks is in general accord, provided that the remaining proposed double-frontage lots are screened as shown on SE Application Plan Sheet V5 – Detail A “Conceptual Landscape Buffer”; 4. The proposed adjustments to the private street layout are minor, and are in general accord (note: Shannon Glen Court is constructed and provides interparcel connection to Towncenter Boulevard);

5. The proposed flexibility for the location and arrangement of recreational amenities within Block 6 is in general accord, and is consistent with review comments (requested changes) provided by CDD-Zoning staff;
6. The SE application plan (dated 12/14/2018) shows three interparcel connections; the requested variations involve a modification to one of the three interparcel connections. Overall, the proposed interparcel connections are as follows:
 - two vehicular interparcel connections that are virtually identical to those shown on the approved application plan for ZMA-2006-00019 (including one future interconnection with the adjoining parcel to the north, and Shannon Glen Court which has been constructed and which provides interparcel connection with Towncenter Boulevard to the south); and
 - one future non-vehicular interparcel connection to the adjoining parcel to the south (TMP #03200-00-00-05600). This future non-vehicular interparcel connection would be a variation that replaces the future vehicular interparcel connection shown on approved application plan for ZMA-2006-00019.

Staff finds that this requested variation would still provide a significant amount of the benefits of an “Interconnected Transportation Network” (NM principle #5), but would do so by utilizing sidewalks and shared use paths that support “Pedestrian Orientation” (NM principle #1), “Multimodal Transportation Opportunities” (NM principle #6), and “Recreational Amenities and Open Space” (NM principle #7), while also “Respecting Terrain” (NM principle #11).

Staff further acknowledges the significant site-specific constraints and environmental features (topography and stream) which are located in this area where a future vehicular interparcel connection was previously established. This requested variation would provide a (non-vehicular) interconnection that requires significantly fewer impacts to environmental features than would be required for the engineering and site works associated with building a private road through those slopes and across the stream.

Additionally, staff acknowledges that the adjoining parcel to the south (TMP #03200-00-00-05600) has extensive frontage along both Towncenter Boulevard and Dickerson Road which reasonably allows a second access point (either an unrestricted commercial entrance, or a restricted emergency access entrance) to be constructed in conjunction with any future development of that parcel in a location that does not require a stream crossing.

Finally, staff also draw attention to the applicant’s reasoning in the SE Request – Written Narrative (Attach. A) that providing this vehicular interparcel connection would potentially result in the Willow Glen development being impacted by a very large number of vehicle trips associated with the residential development of the adjoining parcel that is zoned R15 Residential. Considering the adjoining parcel’s frontage on and access to two larger public roads (Towncenter Boulevard and Dickerson Road), the applicant concludes that this vehicular interconnection would not provide a significant public benefit to justify such impacts.

In conclusion, staff find that the requested variation to modify the one future interparcel connection from vehicular to non-vehicular is within an acceptable range of general accord; and

7. The proposed modification to the overall project phasing is in general accord.

Factor met.

Additional Staff Analysis:

- Please reference the applicant’s explanations and justifications for these requested variations contained in the SE Request – Written Narrative (Attach. A).

Staff Findings:

- Staff finds that the applicant has successfully addressed and resolved all review comments (requested changes) provided by all applicable members of the Site Review Committee; and finds that the requested variations included in this special exception request are all acceptable per the relevant factors outlined in ZO Sections 8.5.5.3.c(1)-(5).
- Staff further finds that the special exception request for double frontage lots included in this special exception request for variations is justified per the relevant factors in County Code Sections §14-203.1.B(2)-(3), and that the proposed double frontage lots will be properly screened per the required standards in County Code Section §18-32.7.9.7 and as shown on SE Application Plan Sheet V5 – Detail A “Conceptual Landscape Buffer.”

Staff Analysis – SE Request for Variations to the Approved Willow Glen Application Plan (ZMA-2006-00019):

With regards to the findings contained herein, inclusive of the factors to be considered per County Code Sections §§ 14-203.1.B(2)-(3), 18-33.49.B, and 18-8.5.5.3.c(1)-(5) as well as other additional factors, **staff recommends approval** of this special exception request with conditions.

Specifically, staff recommends that the Board adopt the attached Resolution (Attachment C) to approve the special exception request for variations to the approved Willow Glen application plan (ZMA-2006-00019) (including approval of the remaining double frontage lots in Block 3) with the conditions of approval specified therein.