

STAFF ANALYSIS

STAFF PERSON: Kevin McCollum, Senior Planner
BOARD OF SUPERVISORS: September 7, 2022
PROJECT: SE202200022 DS Tavern
TAX MAP PARCELS: 05900-00-00-015A0

Proposal

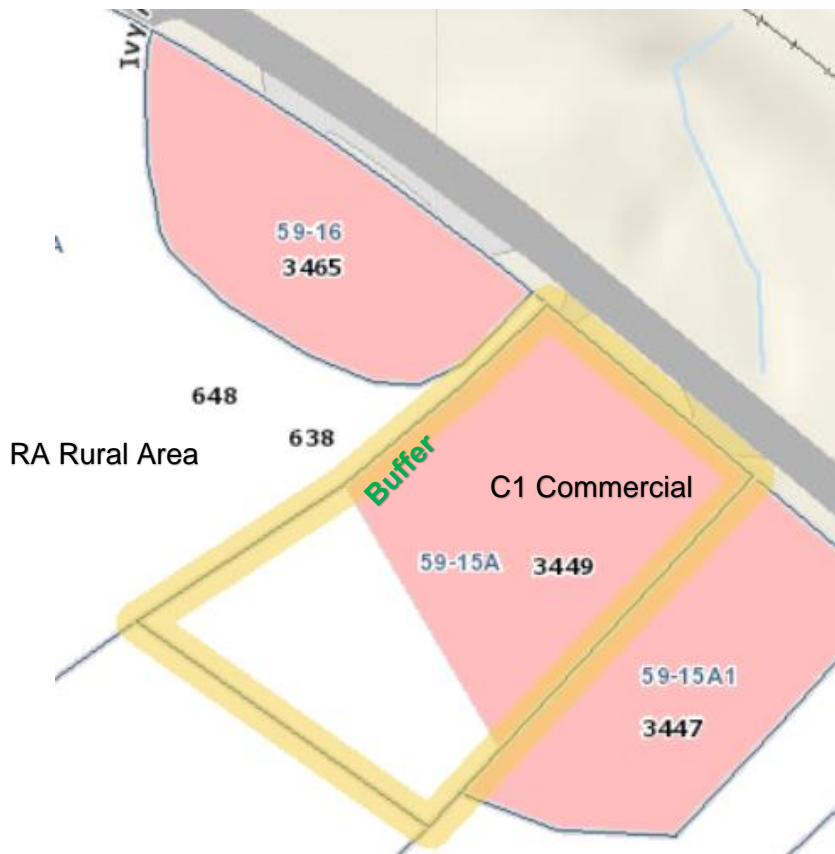
The applicant has requested a special exception to County Code § 18-21.7(c) for the purpose of installing underground utilities near the subject property's western property line, as shown in the application materials and on the major site plan amendment for DS Tavern (SDP202200025).

Specifically, the applicant has requested this special exception to allow for three site improvements: i) installation of a new septic line that would run through the buffer but to a new drainfield outside the buffer, ii) burial of an underground propane tank partially within the buffer, and iii) maintenance and improvements to the existing stormwater channel located within the buffer. Disturbance of the buffer would be required to install these utilities.

Analysis of Special Exception Request

County Code § 18-21.7(c) outlines minimum yard requirements for commercially-zoned properties, including a use buffer adjacent to residential and rural areas districts. It provides: *No construction activity including grading or clearing of vegetation shall occur closer than 20 feet to any residential or rural areas district.*

The map below shows the zoning district boundaries of the subject parcel and surrounding parcels, along with the general location of buffer requirements to the Rural Areas (RA) district:



County Code § 18-33.5(B) provides that the Board of Supervisors may approve special exceptions to waive, modify, vary, or substitute any requirement of Chapter 18 that is expressly authorized to be waived, modified, varied, or substituted.

County Code § 18-21.7(c) further provides that the board of supervisors may waive by special exception the prohibition of construction activity, grading or the clearing of vegetation in the use buffer in a particular case upon consideration of whether: (i) the developer or subdivider demonstrates that grading or clearing is necessary or would result in an improved site design; (ii) minimum screening requirements will be satisfied; and (iii) existing landscaping in excess of minimum requirements is substantially restored.

The applicant's application (Attachment A) and major site plan amendment (Attachment C) addresses these findings in detail. Staff offers the following analysis of the proposed special exception against these criteria:

(1) Whether the developer or subdivider demonstrates that grading or clearing is necessary or would result in an improved site design;

The applicant indicates that disturbance of the buffer is necessary and would result in an improved site design. The new septic line would avoid existing critical slopes, minimize disturbance within the stream buffer, and provide no visual impact to the use buffer after installation. The burial of the propane tank would disturb the buffer underneath the ground, but would have no visual impact above the ground. The grading and disturbance to the buffer for the stormwater channel would greatly reduce the impacts of scour and erosion on the site.

(2) Whether minimum screening requirements will be satisfied

The applicant indicates that existing screening between the properties would not be disturbed and would remain in place. The Planting Plan shown on major site plan amendment shows in detail the landscaping and screening requirements that would be satisfied along the use buffer.

(3) Whether existing landscaping in excess of minimum requirements is substantially restored

The Planting Plan shown on major site plan amendment shows in detail the landscaping to be restored and provided on site. Though only the minimum requirements for street trees and parking area trees would be met, the applicant has proposed parking area landscaping and a total site canopy that far exceeds ordinance requirements.

As indicated on the Planting Plan, though only 201 square feet of parking area landscaping is required for this site, 2,465 s.f. has been proposed. Similarly, though only 3,962 square feet of canopy is required, the total site canopy proposed is 35,040 s.f., 40.6% of the entire site.

Recommendation

Staff recommends that the Board adopt the attached Resolution (Attachment D) to approve the special exception request, subject to the condition below.

1. Development of the use must be in general accord (as determined by the Director of Planning and the Zoning Administrator) with the plan titled, "DS Tavern Major Site Plan Amendment" (SDP202200025) prepared by Woolley Engineering, last revised August 9, 2022.