

STAFF ANALYSIS: SUB2016-136 North Pointe - Special Exception to authorize Variation from the Application Plan (ZMA2013-7)

The applicant has submitted a request to vary a certain feature shown on the application plan approved for the North Pointe Planned Development (PD-MC). The request is to re-align the middle road entrance in order to avoid and/or minimize impacts of the road on wetlands and/or waters of the U.S. Further justification for the applicant's request and the proposed road re-alignment is provided in Attachment A. Variations are considered by the Board of Supervisors as a special exception under Chapter 18, Sections 33.5 and 33.9. of the Zoning Ordinance. Variations to Planned Development Districts are also reviewed under Section 8.5.5.3 of the Zoning Ordinance (Planned Development Districts- Generally). The following are the established criteria used to evaluate variations to Planned Developments. Staff analysis of the variation request is provided below:

- 1) **The variation is consistent with the goals and objectives of the comprehensive plan.**
The applicant has submitted a variation to request re-alignment of the middle road entrance. The land use designations found in the Places29 Master Plan for this property are Urban -Mixed Use (in Designation and Community Centers), Urban Density Residential, Neighborhood Density Residential, Privately Owned Open Space, Environmental Features, and Institutional. The proposed road is a recommended road connection in the Place 29 Master Plan. The road re-alignment will provide further protection for environmental features and open space amenities consistent with comprehensive plan goals. This request is consistent with the goals and objectives of the comprehensive plan.
- 2) **The variation does not increase the approved development density or intensity of development.**
The road realignment will not affect density.
- 3) **The variation does not adversely affect the timing and phasing of development of any other development in the zoning district.**
The timing and phasing of the development is unaffected.
- 4) **The variation does not require a special use permit.**
A special use permit is not required.
- 5) **The variation is in general accord with the purpose and intent of the approved rezoning application.**
This variation is in general accord with the approved rezoning application. It merely alters the location of the middle road to avoid environmental features.

This request is consistent with all of the review criteria. Staff recommends approval of the Special Exception for Variation of the road re-alignment for the middle entrance as depicted in the applicant's Variation Request dated December 20, 2016, and Exhibit last revised December 16, 2016 and North Pointe Community Application Plan (Attachment A).