

STAFF ANALYSIS

STAFF PERSON: Cameron Langille, Principal Planner
BOARD OF SUPERVISORS: February 2, 2022
PROJECT: SE202100015 Belvedere Special Exceptions
Five (5) Variations to Belvedere Code of Development
TAX MAP PARCELS: 062A3-00-00-001B0, 06200-00-00-002B0, 06200-00-00-002A0,
06100-00-00-160R5, 062G0-00-07-000E0

County Code § 18-8.5.5.3 authorizes the Board of Supervisors to grant variations to allow minor changes to a Code of Development (COD) through the special exception process. Under County Code § 18-8.2(b), the applicant can request a waiver to the applicable planned development regulations specified in the COD. The Belvedere project is zoned Neighborhood Model Development (NMD) and is subject to the Code of Development (COD) of ZMA2004000007. The applicant has requested five variations.

ANALYSIS OF SPECIAL EXCEPTION REQUESTS: Requests for modifications must be reviewed under the criteria established in County Code § 18-33.9, taking into consideration the factors, standards, criteria and findings for each request; however, no specific finding is required in support of a decision. Staff analysis under County Code 18-8.5.5.3(c) is provided below for each request.

1) Variation #62 to Waive Condition #3 of Variation #54

The COD establishes the development regulations that apply to the overall Belvedere project. The COD contains landscaping and screening requirements throughout each block of Belvedere. On November 7, 2018, the Board of Supervisors approved a variation request (variation #54) to modify the acreage/locations of conservation and preservation open space in Blocks 9 and 10. A condition was approved with the variation to provide landscaping for screening purposes in a conservation area on the west side of Block 9, with conservation area located at the corner of Farrow Drive/Fowler Drive adjacent to a residential lot. The condition reads as follows:

3. **Screening shall be installed in accordance with County Code § 18-32.7.9.7 and completed prior to a certificate of occupancy for the lot adjacent to the Conservation Area. The landscape plan for the screening must be submitted and approved prior to a building permit being issued for that lot.**

The applicant has requested a special exception to remove condition #3 as it was applied to variation #54. The applicant now seeks to develop this land as a standard street intersection as opposed to a larger open space area that would need landscaping to provide screening for adjacent residential units. The applicant has already posted a bond to install the landscaping as required by the condition, and would like for the bond to be released. The minimum acreages of conservation areas required by the COD would still be met by being provided elsewhere in the block. Staff believes that given the changes in adjacent development, the landscape screening is no longer needed.

(i) Consistent with the goals of the Comprehensive Plan;

The variation would be consistent with the Comprehensive Plan. The purpose of planned developments is to promote variety and flexibility in design allowing for a unified site design. Approval of this special exception would not change the quantity of conservation areas within Belvedere. The proposed street intersection is similar to other throughout Belvedere, including several within the street network of Block 9 that do not have landscaping screening between residential units and adjacent streets. This request would be consistent with the Comprehensive Plan and Neighborhood Model Principles.

The purpose of the condition applied with variation #54 was to ensure that screening measures would be provided between residential buildings and open space areas. This land is now proposed to be developed as a public street to provide necessary vehicular access to future phases of the project. As mentioned above, the applicant is expanding the acreage of conservation areas elsewhere in Belvedere to ensure the minimum amounts of conservation areas are met, per the COD. The need for landscaping in this specific area is no longer necessary, and removal of the condition would be a reasonable modification.

(ii) Does not increase the approved development density or intensity of the development;

The density and intensity of the development would be unaffected by the variation.

(iii) Does not adversely affect the timing and phasing of development of any other development in the zoning district;

The timing and phasing of development would not be affected.

(iv) Does not require a special use permit;

A special use permit would not be required.

(v) Is in general accord with the purpose and intent of the approved application.

Major elements of the Belvedere Application Plan and COD would remain in place.

2) Variation #63 to Modify Architectural Standards in Blocks 8 and 10

The applicant is requesting to modify some of the architectural standards for residential units in Blocks 8 and 10. Specifically, the applicant requests to waive the requirement that at least 50% of the residential units in either block be two stories, and that at least 50% of residential units in either block have porches.

The applicant is also proposing to add language to the COD that would allow the Belvedere Homeowners Association (HOA) to amend the existing architectural provisions in the HOA covenants (recorded in Deed Book 3545, page 1) for the project if 2/3 of the property owners agree once the entire project has been constructed and built.

(i) Consistent with the goals of the Comprehensive Plan;

This Variation would be consistent with the Comprehensive Plan. Architectural standards were put into the COD to ensure that the development is consistent with the County's Comprehensive Plan and Neighborhood Model Principles. Staff has had many discussions with the developer regarding the units and their architectural form proposed in Blocks 8 and 10. The modifications would not reduce the project's consistency with the Comprehensive Plan recommendations and Neighborhood Model principles.

(ii) Does not increase the approved development density or intensity of the development;

The density and intensity of the development would be unaffected by the variation.

(iii) Does not adversely affect the timing and phasing of development of any other development in the zoning district;

The timing and phasing of development would not be affected.

(iv) Does not require a special use permit;

A special use permit would not be required.

(v) Is in general accord with the purpose and intent of the approved application.

Major elements of the Belvedere Application Plan and COD would remain in place.

3) Variation #64 - Modify Road Standards for Blocks 8 and 10

The applicant is requesting to modify Section 4 of the COD, which establishes the design standards for each street in Belvedere. Section 4 contains a design table that identifies the cross-section for every road in the project. For example, the table identifies how many lanes of traffic, bike lanes, on-street parking, sidewalks, etc. are required for each street in the entire project.

The applicant is asking to add a footnote under Table 8 that states:

“Streets within Blocks 8 and 10 are not subject to the street design standards specified in this table; however they continue to be subject to VDOT and Fire Marshal approval.”

When the original COD was approved, VDOT and Fire Code design requirements for public streets were more relaxed than the current standards. In some instances, the cross-sections required by Table 8 for certain roads in Blocks 8 and 10 are practically infeasible under current public road standards. The requested footnote would allow roads to be approved and constructed that meet minimum design requirements that must be adhered to in order for VDOT and the Fire Marshal to approve and accept public roads in Blocks 8 and 10 of Belvedere. The County’s Subdivision Ordinance and Zoning Ordinances, in conjunction with VDOT and Fire Code standards, still require public streets to have most of the actual improvements that the COD intended to capture. The variation would be consistent with the planned development design principles.

(i) *Consistent with the goals of the Comprehensive Plan;*

This variation would be consistent with the Comprehensive Plan.

(ii) *Does not increase the approved development density or intensity of the development;*

The density and intensity of the development would be unaffected by the variation.

(iii) *Does not adversely affect the timing and phasing of development of any other development in the zoning district;*

The timing and phasing of development would not be affected.

(iv) *Does not require a special use permit;*

A special use permit would not be required.

(v) *Is in general accord with the purpose and intent of the approved application.*

Major elements of the Belvedere Application Plan and COD would remain in place.

4) Variation #65 - Modify Residential Unit Counts in Blocks 8 and 10

The Belvedere COD establishes the overall number of residential units permitted throughout the entire project, which is 775 total dwelling units. Section 2 of the COD contains tables that identify the minimum (Table 2) and maximum number (Table 1) of residential units permitted in each block by unit type. Each block of Belvedere is permitted to have one or more dwelling unit types, which include single-family detached, single-family attached/townhomes, multifamily units, and carriage houses.

Under Table 1 of the COD, the maximum number of units in Blocks 8 and 10 are as follows:

- Block 8: 27 single family detached, 16 single family attached, 26 carriage houses.
- Block 10: 50 single family detached, 2 single family attached, 10 carriage houses.

This variation request is to allow any of the units permitted in Block 8 to be provided in Block 10. The

intent of this variation is to allow flexibility in unit types and quantities in Block 10, and to ensure that the overall minimum and maximum restrictions imposed by the original COD are still met once both blocks are completed.

(i) Consistent with the goals of the Comprehensive Plan;

This variation would be consistent with the Comprehensive Plan.

(ii) Does not increase the approved development density or intensity of the development;

This variation would allow shifting of units between only Blocks 8 and 10. Both blocks would remain predominantly single family. The intensity would not be affected and the overall density would remain unchanged.

(iii) Does not adversely affect the timing and phasing of development of any other development in the zoning district;

The timing and phasing of development would not be affected.

(iv) Does not require a special use permit;

A special use permit would not be required.

(v) Is in general accord with the purpose and intent of the approved application.

Major elements of the Belvedere Application Plan and COD would remain in place.

5) Variation #66 - Modify Descriptive Text of Section 2 of the COD

This variation proposes to modify descriptive text of the land use section (Section 2) on page 9 of the COD as it applies to Blocks 8 and 10 by adding the following:

Add the following to the end of **Regulating Land Use**:

Blocks 8 and 10 – These blocks represent buildout of Belvedere. Although the general descriptions provided above will still apply, specific references to housing typology and lot width are amended to allow for SFD, SFA, and TH units in both blocks. Multifamily units are prohibited. The minimum lot width shall be 20’.

The purpose of this variation is to ensure that the descriptive text of the COD is consistent with variation #65 mentioned earlier in this report. By adding the language above, the developer would be able to provide the mixture of single-family detached and attached dwellings sought through variation #65. The lot width established by the new text would allow flexibility in block design to ensure that the minimum and maximum number of units between Blocks 8 and 10 would not encroach into sensitive environmental features.

(i) Consistent with the goals of the Comprehensive Plan;

This variation would be consistent with the Comprehensive Plan.

(ii) Does not increase the approved development density or intensity of the development;

This variation would not affect density of the development. Intensity of the development would remain consistent with the intent of the original COD.

(iii) Does not adversely affect the timing and phasing of development of any other development in the zoning district;

The timing and phasing of development would not be affected.

(iv) Does not require a special use permit;

A special use permit would not be required.

(v) Is in general accord with the purpose and intent of the approved application.

Major elements of the Belvedere Application Plan and COD would remain in place.

RECOMMENDATION:

Staff recommends that the Board adopt the attached Resolution (Attachment C) to approve as special exceptions Variations #62-#66 to the Belvedere Code of Development, in general accord with the special exception application submitted by Roudabush, Gale & Assoc., Inc. dated November 4, 2021.