

Staff Analysis of Special Exception Application

STAFF PERSON:
PLANNING COMMISSION:
BOARD OF SUPERVISORS:

Ben Holt
March 1, 2022
June 1, 2022

This Staff Report is for Special Exception SE202200019, which would waive the County Code § 18-4.19 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 ZMA202100006, Maplewood. Such waivers may be granted pursuant to County Code § 18-4.19.5.

WAIVERS AND MODIFICATIONS FOR PLANNED DEVELOPMENTS

The applicant is seeking 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 a Planned Residential Development (PRD). County Code § 18-4.19 requires that in residential districts, each story that begins above 40 feet in height or each story above the third story, whichever is less, have a minimum setback of 15 feet. The setback requirement applies only to the front of the building. 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 § 18-33.5. Additionally, § 18-4.19.5 explicitly allows special exceptions to the requirement for a minimum setback of 15 feet. The applicant has submitted an application and justification for this special exception, which can be found in Attachment G. Staff analysis for County Code § 18-4.19.5 and § 18-8.2(b)(3) is provided below:

Though County Code § 18-4.19.5 does not list any criteria for special exceptions, County Code § 18-8.2(b) requires the following findings:

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:

County Code § 18-4.19.5 does not list any criteria for special exceptions, and no modifications or waivers are being sought under sections 5, 21, 26, or 32.

- 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 application and finds the proposal to be in general conformance with the Planned Residential Development (PRD) district. Staff also finds the proposed residential development to be consistent with the goals and objectives of the Comprehensive Plan and the Places 29 Master Plan (see Attachment A, Staff Report for details). The application proposes a total of six residential buildings of four stories in height. The master plan recommends a maximum of four stories for the PRD district. This waiver would remove the required 15 foot setback for the fourth floor of each building.

- ii. to be consistent with planned development design principles;**

Staff has reviewed the application against the Neighborhood Model Principles and finds that the application meets nearly all of these principles. (See Attachment A4 for analysis of the Neighborhood Model Principles.)

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

Staff finds that the public health, safety, and general welfare generally would not be adversely affected by the modification of the requirement for a setback of at least 15 feet for buildings that exceed three stories, or 40 feet, whichever is less. The ordinance requirement for setbacks is generally intended to address the aesthetic aspects of buildings rather than public health and safety.

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.

The regulation for setbacks is intended to create buildings and spaces of human scale and to promote harmonious development with the surrounding area. Furthermore, the setback requirement is intended to avoid the creation of spaces that create a “canyon effect” in their physical impression. The waiver would remove the required setback of 15 feet on the frontage of the building for the fourth floor. Modifying the setback requirement would allow the two-over-two townhome structures of four stories to be uniform in building width on all four floors.

The applicant indicates in its application that each building within the development will front a greenspace with ample distance between each building, as demonstrated on the application plan. Furthermore, the buildings are well removed from the adjacent streets with a pedestrian path and landscaped buffer around the perimeter of the property, which will provide additional space around the buildings. This layout would create a pedestrian environment around and within the property with sufficient room between buildings. Additionally, modifying the setback requirement would not cause the project to exceed the density recommendation by the master plan (an allowance of up to 34 units per acre).

Staff recommends approval of SE202200019, a special exception to waive the setback requirements for buildings in the development, with the following conditions:

- 1) Development of the use must be in general accord (as determined by the Director of Planning and the Zoning Administrator) with the application plan titled, “Maplewood Development, ZMA2021-6” prepared by Collins Engineering, dated April 19, 2021, last revised May 6, 2022.
- 2) The setback requirement is waived only for the fourth story of each of the six multi-family structures as shown on the application plan and identified in the special exception application narrative, titled “Maplewood Special Exception Application Narrative, SE2022-00019,” dated March 17, 2022.