

**STAFF PERSON:
PLANNING COMMISSION:
BOARD OF SUPERVISORS:**

**Andy Reitelbach
February 27, 2024
April 17, 2024**

Staff Report for Special Exception SE202300033 to modify the requirement for a minimum rear setback of 20 feet in the Planned Residential Development (PRD) zoning district, in association with ZMA202300006, Woodbrook Apartments. (§ 18-4.19)

WAIVERS AND MODIFICATIONS FOR PLANNED DEVELOPMENTS

The applicant is requesting to modify the requirement for a minimum rear setback of 20 feet in a PRD, Planned Residential Development, to reduce the rear setback to 10 feet. According to County Code § 18-4.19, the Zoning Ordinance, buildings in a PRD must have a minimum rear setback from adjacent property lines of 20 feet. 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 § 18-33.9. The applicant has provided a request and justification for this special exception, which can be found in Attachment 8. Staff analysis for County Code § 18-8.2(b)(3) is provided below:

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:

(No modifications or waivers are requested 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 intent and purposes of the Planned Districts generally, and the Planned Residential Development district in particular, and found that the proposal would allow design flexibility that contributes to implementing the goals and objectives of the comprehensive plan, including the Places29 Master Plan.

Reducing the rear setback would mainly have an impact on the interior buildings, which are closest to the adjacent commercial buildings. It is not expected that this reduction would have an impact on these properties. In addition, the applicant is proposing a 10-ft. landscaping strip around the perimeter of the property. This landscaping would provide a buffer with the adjacent properties that is more substantial than a 20-ft. setback would provide without any sort of landscaping buffer.

The reduction in the rear setback would have allow more flexibility in the design of the buildings without having a significant impact on the nearby properties or neighboring buildings.

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

The application has been reviewed under the Neighborhood Model Principles and has been found to meet those principles, especially Principle #8, Buildings and Space of Human Scale, which is the most applicable to this special exception request. The

request would allow for more flexibility in design of the site, especially with the layout of the site and to maximize the density of the site, which is important to efficiently use the land in the development areas and provide opportunities for additional housing.

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

Staff has found that the public health, safety, and general welfare generally would not be adversely affected by the reduction of the rear setback from 20 feet to 10 feet.

- 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.**

A purpose of the regulation is to create buildings and spaces of human scale that prevent structures from overwhelming people who are nearby and to contribute to the comfort of residents. Waiving this requirement would satisfy the purpose of this regulation to an equivalent degree, allowing more flexibility of design for the buildings located in this development.

Staff recommends approval of SE202300033 (Sec. 18-4.19), a special exception request to reduce the rear setback requirement from a minimum of 20 feet to a minimum of 10 feet.