

**STAFF PERSON:**  
**BOARD OF SUPERVISORS:**

**J.T. Newberry**  
**October 5, 2016**

**Staff Report for Variation #33 from ZMA201500001 Old Trail Village**

**VARIATIONS FROM APPROVED PLANS, CODES, AND STANDARDS OF DEVELOPMENT**

Each variation request has been reviewed for zoning and planning aspects of the regulations. Variations are considered by the Board of Supervisors as a Special Exception under Chapter 18 Sections 33.5 and 33.9. Staff analysis of the variation request under County Code § 18-8.5.5.3(c) is provided below.

**VARIATION #33 – To adjust the minimum and maximum dwelling units permitted in Block 20 and Block 21:**

The revised Code of Development for Old Trail Village was approved on February 10, 2016 (ZMA201500001). Table 5 of the revised Code of Development limits the maximum number of dwelling units in Block 20 to 80 units and establishes a 12 dwelling unit minimum for Block 21. On July 22, 2016, the County approved an initial site plan for Blocks 5, 20 and 21 to permit multi-family units within Block 5 and Block 20 and single-family attached units in Block 21 (Attachment B). However, the applicant has requested to adjust the minimum and maximum dwelling units established by Table 5 to better accommodate the stream buffers and stormwater facilities shown in Figure 18 of the Old Trail Stormwater Master Plan, which was accepted by the Engineering Division on April 25, 2016 (Attachment C). The applicant is requesting to increase the maximum permitted units in Block 20 from 80 units to 90 units and decrease the minimum permitted units in Block 21 from 12 units to 5 units.

The applicant plans to jointly develop Blocks 5, 20 and 21. The existing Code of Development limits the number of dwelling units within these blocks to a range of 42-240 units. The adjustment requested by the applicant would expand this range to 35-250 units, but would not increase the total number of units approved by the initial site plan (190 units), which is significantly below the currently approved maximum number of dwelling units. As a result, the request also does not impact the total allowable dwelling units for the development overall.

Planning staff supports this special exception request to adjust Table 5 of the Code of Development and confirmed with the Building Official, Fire Rescue Division and the Zoning Division that public health, safety and welfare would not be impacted by this request. Further staff analysis is provided below:

- 1) The variation is consistent with the goals and objectives of the comprehensive plan.**  
The variation is consistent with the comprehensive plan.
- 2) The variation does not increase the approved development density or intensity of development.**  
The variation does not increase the approved development density for the overall development.
- 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. The variation results in a very small change to the minimum and maximum number of units within these blocks.

**VARIATION #33 RECOMMENDATION:**

Staff recommends that the Board adopt the attached Resolution (Attachment D) approving the special exception to vary the Code of Development to adjust the density regulations in Table 5, subject to the following conditions:

1. The maximum number of units permitted in Block 20 shall be 90 units.
2. The minimum number of units permitted in Block 21 shall be five units.