

**ATTACHMENT B – STAFF ANALYSIS**

**STAFF PERSON:** Tim Padalino  
**BOARD OF SUPERVISORS:** September 5, 2018

Staff analysis of this special exception request has been conducted pursuant to County Code §§ 18-18.8, 18-4.19, 18-33.5, and 18-33.9.

County Code §18-33.9(a) (“*Factors to be considered when acting*”) states that “In acting upon a special exception, the board of supervisors shall consider the factors, standards, criteria, and findings, however denominated, in the applicable sections of this chapter, provided that the board shall not be required to make specific findings in support of its decision” (emphasis added). However, the applicable sections containing regulations which the Applicant requests to be waived and modified through a Special Exception (County Code §§ 18-18.8 and 18-4.19) contain no explicit factors, standards, criteria, or findings.

Therefore, Staff has conducted a general analysis of this SE request relative to the “Intent” of the R-15 – Residential zoning district (County Code § 18-18.1), and relative to Comprehensive Plan policies and recommendations that front setback requirements are intended to support or advance, including “Pedestrian Orientation” and “Buildings and Spaces of Human Scale.”

**Staff Analysis:**

<b>Analysis relative to the Intent of the R-15 Residential zoning district (per County Code §18-18.1):</b>	
<ul style="list-style-type: none"> <li>▪ If applied as required per County Code §18-4.19, the required front yard setback would result in the elimination of a number of apartment units from the “West” building.</li> <li>▪ As requested by the Applicant, waiving the front setback requirement from the “West” building (which is located approximately 440’ from the front property line) would allow the Applicant to construct more dwelling units – and thereby help enable this property in the Development Areas to be more intensively used for “compact, high-density residential development,” as intended in this zoning district.</li> <li>▪ The resulting density on-site is consistent with the existing zoning district.</li> <li>▪ <b><u>No objection.</u></b></li> </ul>	
<b>Analysis relative to Comprehensive Plan:</b>	
<ul style="list-style-type: none"> <li>▪ Appendix A.8: “<i>Neighborhood Model Design Guidance</i>” and</li> <li>▪ Development Areas Objective 2: “Create a physical environment that supports healthy lifestyles through application of the Neighborhood Model Principles” [including “Pedestrian Orientation” and “Buildings and Spaces of Human Scale”].</li> </ul>	
<b>Pedestrian Orientation</b>	<ul style="list-style-type: none"> <li>▪ Requiring front setbacks is one way the County attempts to ensure that Development Areas have “high quality development” with a significant degree of “pedestrian orientation.”</li> <li>▪ The requested front setback modifications (reductions) for the “South” and “North” buildings, as shown on the Application Materials, would not be contradictory to this pedestrian orientation principle because the modified front setbacks would be so minor that they would not be expected to result in a pedestrian experience that would feel unsafe, inconvenient, or uncomfortable. (See “<i>Additional Factor</i>” B, below.)</li> <li>▪ The proposed locations of the “South” and “North” relative to the public right-of-way (ROW) – 18’ front setback and 95’ front setback, respectively – would further minimize any anticipated impacts of reduced (modified) front setbacks.</li> <li>▪ The requested waiver for the “West” building would not be contradictory to pedestrian orientation principles because of its location far from South Pantops Drive and away from the public ROW.</li> </ul> <p><b><u>No objection.</u></b></p>
<b>Buildings and Spaces of Human Scale:</b>	<ul style="list-style-type: none"> <li>▪ Requiring front setbacks is one way the County attempts to ensure that Development Areas have “relationships among building height, yards, parking and architectural features” that create a positive “perceived scale of buildings and development.”</li> </ul>

Form, Massing, and Proportion	<ul style="list-style-type: none"> <li>▪ The requested front setback modifications (reductions) for the “South” and “North” buildings would still reasonably “reduce the mass of a large building to make the building more visually interesting and not overwhelming to the pedestrian,” and would still result in a “combined effect of the form and size of a building or group of buildings” that is not overwhelming or uninviting.</li> <li>▪ The distance of the “West” building from the public ROW means that the requested waiver of that front setback requirement would not result in form, massing, or proportion that would be objectionable as viewed from the front property line along South Pantops Drive.</li> </ul> <p><b><u>No objection.</u></b></p>
<b>Buildings and Spaces of Human Scale:</b> Building Heights and Spatial Enclosure	<ul style="list-style-type: none"> <li>▪ Requiring front setbacks is one way the County attempts to ensure that Development Areas have appropriate “spatial enclosure” and a desirable “relationship of building height and setback to road widths.”</li> <li>▪ The requested modified front setbacks for the “South” and “North” buildings would be so minor that they would not be expected to result in any “feeling of pedestrian confinement” which “often occurs when buildings are very tall and streets are narrow.”</li> <li>▪ The distance of the “West” building from the public ROW means that the requested waiver of that front setback requirement would not result in buildings that would feel overwhelming to a person standing next to the property on South Pantops Drive.</li> </ul> <p><b><u>No objection.</u></b></p>

**Additional factors for consideration:**

- A. The requested front setback modifications for the “South” and “North” buildings (from 15’ to 12’4”) represent a request for an approximately 18% reduction from the required front setback. This Special Exception request, as shown in the Application Materials, would still require these two buildings to have front setback dimensions that are equivalent to approximately 82% of the front setback that would otherwise be required by County Code.
- B. The requested front setback waiver for the “West” building (from 15’ to 0’) is a response to County Code §18-4.19, Note 5, which states “*The minimum 15 foot setback applies to all buildings on the property and may be reduced by special exception.*” Staff believes setback requirements most directly benefit the public when applied to structures that have a spatial relationship with the public realm; conversely, when buildings are located with a large setback far away from the front property boundary with the public ROW (or with a front setback of 440’ in this case), the front setback requirement has less relevance to the public and creates less benefit for the public.
- While building setbacks can contribute to high-quality development in many situations and can be efficacious in many different contexts, the location of the “West” building relative to South Pantops Drive nullifies much of Staff’s concerns about the Applicant’s request to waive (eliminate) the front setback requirement for the “West” building.
- C. Please reference the Application Materials (Attachment A) for the applicant’s explanation and justification.

**Staff Recommendation:**

With regards to the findings contained herein, **staff recommends approval with conditions** of this special exception request. Specifically, staff recommends that the Board adopt the attached Resolution (Attachment C) to approve the special exception request to waive and modify the “Height Regulations – Setbacks and Stepbacks in Residential Districts” for The Vistas at South Pantops, in accordance with the specific terms and details contained in the Application Materials, and subject to the conditions attached thereto.