

**STAFF PERSON:
BOARD OF SUPERVISORS:**

**Christopher Perez
November 14, 2018**

Staff Analysis of the Special Exception to waive the requirements of County Code § 18-21.7(c) to disturb buffers between a commercial district and residential districts.

SPECIAL EXCEPTION REQUEST

Special exceptions are considered by the Board of Supervisors under County Code §§18-33.43 through §§18-33.54. Staff analysis under County Code §§18-21.7(c) is provided below.

The applicant is requesting to disturb two separate 20' undisturbed buffer areas as part of a commercial site plan for a gas station located on a commercially zoned parcel adjacent to residentially zoned land.

Area A is a 20' x 180' strip of vacant commercially zoned land adjacent to TMP 76-52P (R-4 residentially zoned land). The applicant requests to disturb this area to facilitate the proposed development. Disturbance of this buffer will consist of removing an existing mobile home and existing asphalt, and relocating an existing powerpole then running the line underground. Per staff's request the applicant is not grading or installing improvements in 15' of the buffer in order to preserve the root systems of a large stand of existing evergreen trees on the adjacent property. These trees provide an extensive amount of vegetative screening between the two uses. Additionally, per staff's request the applicant has agreed to install a 6' tall wooden fence and a single row of evergreen screening trees on the commercial property, within the remaining 5' of the required buffer (see Attachment B).

Additionally, the subject property is split zoned C-1 and R-4, as such a 20' undisturbed buffer, depicted as Area B, between the two districts on the subject parcel applies. The applicant proposes minimal grading within the buffer in order to channel stormwater to the intermittent stream near the southern portion of the property. County Engineering has reviewed the request and has no objections as it meets stormwater regulations. No other disturbance in this area is proposed, and existing vegetation will be preserved to satisfy screening requirements.

The Board of Supervisors may waive the prohibition of construction activity, grading or the clearing of vegetation in the buffer in a particular case upon consideration of whether:

- 1) The developer demonstrates that grading or clearing is necessary or would result in an improved site design;** Area A - The developer has demonstrated that the disturbance would result in an improved site design. There is no grading or installation of improvements within 15' of the property line in order to protect and preserve the root systems of a large stand of existing evergreen trees on the adjacent property. The remaining 5' of the 20' buffer will contain required screening consisting of a 6' tall wooden fence and a single row of evergreen trees. Area B - The developer proposes minimal grading within the buffer in order to channel stormwater to the intermittent stream near the southern portion of the property.
- 2) Minimum screening requirements will be satisfied;** The minimum screening requirements are being met with this proposal.
- 3) Existing landscaping in excess of minimum requirements is substantially restored;** Area A - This criteria is not applicable, as the area is void of existing vegetation in the buffer. Area B has sufficiently met this requirement as the area of disturbance does not contain any useful screening and mostly consists of low scrub bushes and grass.

Staff recommends approval of this request.