

STAFF ANALYSIS

ATTACHMENT C

STAFF PERSON: Paty Saternye, Senior Planner
BOARD OF SUPERVISORS: July 3, 2019
PROJECT: Request for Special Exceptions to ZMA201600015
Oakleigh Code of Development and Application Plan
(Variations #1, 2 & 3)
Tax Map Parcels: 04500-00-00-026A3, 04500-00-00-026A4, 04500-00-00-026A5, 04500-00-00-026A6, 04500-00-00-026A7, 04500-00-00-026A8, and 04500-00-00-026B6

The applicant is requesting three special exceptions for minor changes to the Oakleigh Code of Development (COD) and Application Plan approved with ZMA201600015. These are the first requests for minor changes to the COD and application plan. The applicant's proposal is provided as Attachment A.

Each special exception request has been reviewed for zoning and planning aspects of the County's regulations. Variations are considered by the Board of Supervisors as Special Exceptions under County Code §§ 18-33.43 and 18-33.49. Staff analysis under County Code § 18-8.5.5.3(c) is provided below.

1) Variation to revise some of the parking and building setbacks on Sheet 5 of the Code of Development (COD) in the Application Plan.

The applicant is requesting changes to table "VIII- Yard Requirements by Block", and the "Restrictions/Requirements/Notes Associated with the Standard above:" listed below the table, in the Code of Development (COD) for Oakleigh, which is also Sheet 5 of the Application Plan. The changes requested are shown on Page 4 and 5 of the Applicant's 5-page request.

The requested changes address six different issues. They are:

- Allowing parking spaces to cross over the parcel boundaries between Blocks IV and V of the Oakleigh NMD.
- Allowing parking to have a 0' setback when the adjoining parcel is part of the Oakleigh NMD.
- Allowing parking turnaround areas, in addition to the curb and gutter, in Block IV to extend beyond the parking setback line as long as they are no closer than 2 feet from any parcel that is not part of the Oakleigh NMD.
- The revision of note 3 to clarify its intent and staff's interpretation of its meaning.
- The removal of superscript 3 for the Blocks I & II Side Building Setback, so that the note 3 is applied as a general note, in order to clarify how staff has been interpreting its meaning.
- The application of note 4 to the Block III Front Parking Setback to clarify how staff has been interpreting the requirement.

The first bulleted item above could impact three trees that were designated as preserved in Proffer #3 of ZMA201600015. Therefore, staff requested that the arborist be consulted on whether the proposed changes would be detrimental to the trees and how to minimize any possible impacts. The letter from the arborist has been included as Attachment B. A condition of approval is recommended to ensure that the trees that were designated as preserved are still sufficiently protected. Recommended condition of approval:

The modification to the design and layout to protect the proffered preserved trees, as specified by the project arborist in their letter on 3/29/2019, are required unless alternative methods that meet or exceed those specified by the project arborist are approved by the Director of Planning.

Staff is in support of the requested changes, with the condition of approval, but notes the following:

- Any reduction in open space that results from the increased parking area required for the proposed Block IV apartment building will not be approved unless all of the “Block Green Space and Amenities” required minimums, listed on Sheet 4 of the Application Plan, are met.
- With the reduction in parking setback requirements, for the parking turnaround areas, all screening requirements must still be met.
- The applicant is required to submit an updated Code of Development and Application Plan reflecting the variations approved prior to final plat approval.

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 maximum residential density within, and intensity of, the development does not change with this variation.

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.

The changes requested are minor and the major elements of the Belvedere application plan and COD will remain in place.

2) Variation to revise the minimum residential parking space requirement in the “Parking” notes on Sheet 4 of the Application plan.

The applicant is requesting a change to the Application Plan for Oakleigh, specifically to revise the minimum parking required for residential uses to be what is specified in the Zoning Ordinance (§§ 18-4.12.6) for “Dwellings” instead of the requirement stated in the “Parking” notes on Sheet 4 of the Application Plan. The Application Plan currently states that “The minimum off-street parking for all residential uses shall be (2) two spaces per unit.” This requirement does not take into consideration the number of bedrooms in, or the sizes of, the residential units. Since the applicant is proposing some 1 bedroom apartments this revision to the Application Plan will reduce the number of parking spaces required for those multi-family residential units. The requested parking amendment is consistent with the requirement of the zoning ordinance.

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 maximum residential density within, and intensity of, the development does not change with this variation.

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.*

The major elements of the development will remain unchanged and the intended purpose will still be achieved.

3) *Variation to revise the “Signage and Architecture” notes in the Application Plan to remove any reference to signage.*

The applicant is requesting the removal of any reference to “signage” in the Application Plan. On Sheet 4 of the Application Plan there is a heading for “Signage and Architecture”. Below that heading the note states “See Code of Development on Sheets 5 for Signage and Architectural Guidelines.” However, there is no mention of “signage” on Sheet 5. This variation will remove the reference to “signage” on Sheet 4.

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 maximum residential density within, and intensity of, the development does not change with this variation.

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.*

The variation does not require a special use permit.

5) *The variation is in general accord with the purpose and intent of the approved rezoning application.*

The major elements of the development will remain unchanged and the intended purpose will still be achieved.