



Albemarle County

Legislation Text

File #: 16-569, **Version:** 1

AGENDA DATE: 10/5/2016

TITLE:

ZMA201500001 Special Exception to Vary Old Trail Village Code of Development

SUBJECT/PROPOSAL/REQUEST: Resolution approving a special exception to vary the approved Code of Development. White Hall Magisterial District.

ITEM TYPE: Consent Action Item

STAFF CONTACT(S): Foley, Walker, Davis, Kamptner, Benish, Yaniglos, Newberry

PRESENTER (S): N/A

LEGAL REVIEW: Yes

REVIEWED BY: Thomas C. Foley

BACKGROUND: A zoning map amendment was approved for Old Trail Village on February 10, 2016 to amend the original 2005 rezoning of the property from Rural Areas, R-1, and R-6 to Neighborhood Model District, inclusive of an Application Plan and Code of Development. An application for an initial site plan has been approved for this property (SDP2016-00033). Thirty-two (32) variations to the Application Plan and/or Code of Development have previously been granted. The Applicant has requested a special exception to vary the minimum and maximum number of dwelling units required by Table 5 of the Code of Development. This variation is necessary to move forward with the review of the final site plan for Blocks 5, 20 and 21.

STRATEGIC PLAN: Development Areas: Attract quality employment, commercial, and high density residential uses into development areas by providing services and infrastructure that encourage redevelopment and private investment while protecting the quality of neighborhoods.

DISCUSSION: County Code § 18-8.5.5.3 allows special exceptions to vary approved Application Plans and Codes of Development upon considering whether the proposed variation: (1) is consistent with the goals and objectives of the comprehensive plan; (2) does not increase the approved development density or intensity of development; (3) does not adversely affect the timing and phasing of development of any other development in the zoning district; (4) does not require a special use permit; and (5) is in general accord with the purpose and intent of the approved application. County Code § 18-33.5(a)(1) requires that any request for a variation be considered and acted upon by the Board of Supervisors as a special exception. Staff opinion is that the two requested variations meet the five criteria listed. A detailed analysis is provided in the Staff Report (Attachment A).

BUDGET IMPACT: There is no budget impact.

RECOMMENDATION:

Staff recommends that the Board adopt the attached Resolution (Attachment D) approving the special exception to permit the requested variation for Table 5, as described in the attached staff report.

ATTACHMENTS:

A - Staff Report

B - Blocks 5, 20 and 21 Initial Site Plan (Sheet C1 and Sheet C4)

C - Figure 18, Old Trail Stormwater Master Plan

D - Resolution