



# Albemarle County

## Legislation Text

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**File #:** 16-527, **Version:** 1

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**AGENDA DATE:** 10/5/2016

**TITLE:**

ZMA2002-04 Special Exception to Vary Cascadia Code of Development (Variation #13)

**SUBJECT/PROPOSAL/REQUEST:** Resolution approving a special exception to vary the approved Code of Development standards for street sections to eliminate a sidewalk on one side of Delphi Drive

**ITEM TYPE:** Consent Action Item

**STAFF CONTACT(S):** Foley, Walker, Kamptner, Benish, Yaniglos, Ragsdale

**PRESENTER (S):** N/A

**LEGAL REVIEW:** Yes

**REVIEWED BY:** Thomas C. Foley

**BACKGROUND:** Cascadia is located in the Pantops neighborhood, on Route 20 across from Darden Towe Park and near Fontana and Avemore. It was rezoned (ZMA 2002-04) to Neighborhood Model District, with an associated Application Plan and Code of Development (COD), in August 2006. The owner has requested a special exception to allow a variation from the approved COD street section standards that apply to Delphi Drive, a street connecting Cascadia to Fontana Drive.

**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:** The applicant is requesting a variation from the approved COD street section standards approved with Cascadia that would apply to Delphi Drive. The request is to eliminate a section of sidewalk on the east side of Delphi Drive due to a conflict with Dominion Power utilities. 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. The Board has approved 12 other variations for Cascadia. Staff opinion is that the requested variation meets 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 C) approving the special

exception to eliminate the sidewalk on the east side of Delphi Drive, as described in the attached staff report.

A - Staff Report

B - Site Plan

C - Resolution to Approve