



# Albemarle County

## Legislation Details (With Text)

<b>File #:</b>	16-389	<b>Version:</b>	1	<b>Name:</b>	
<b>Type:</b>	Special Exception	<b>Status:</b>		Consent Agenda	
<b>File created:</b>	5/19/2016	<b>In control:</b>		Board of Supervisors	
<b>On agenda:</b>	6/8/2016	<b>Final action:</b>			
<b>Title:</b>	SUB201600004 Briarwood Variation to the Phasing Plan.				
<b>Sponsors:</b>					
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. Attachment A - Application for Variation.pdf, 2. Attachment B - Phasing plan.pdf, 3. Attachment C_Staff Report.pdf, 4. 16-389 Att. D Resolution				

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

**AGENDA DATE:** 6/8/2016

**TITLE:**

SUB201600004 Briarwood Variation to the Phasing Plan

**SUBJECT/PROPOSAL/REQUEST:** Special exception to allow a variation to the phasing plan

**ITEM TYPE:** Consent Action Item

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

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

**LEGAL REVIEW:** Yes

**REVIEWED BY:** Thomas C. Foley

**BACKGROUND:** The Briarwood development is located off of Seminole Trail (Route 29) and is zoned Planned Residential Development (PRD) and has proffers associated with it. The development has been through numerous rezonings (ZMA91-13, ZMA95-05, ZMA2004-14, and ZMA2005-09) and over the years has been granted multiple variations to the phasing of the application plan to allow for changes in the size of lots to react to market demands. With this special exception request the applicant is seeking a variation to the phasing plan for the development as authorized by County Code § 18-8.5.5.3.

**STRATEGIC PLAN:** Goal 3: Development Areas - Attract quality employment, commercial and high density residential uses into development areas by provided services and infrastructure that encourage redevelopment and private investment while protecting the quality of neighborhoods.

**DISCUSSION:** The applicant's request is for a special exception to modify the phasing plan to react to the current market and builder demands and fulfill the maximum lot counts permitted in phase 4 and phase 6. The current lot layout for phase 4 yields 58 lots, based on the desired lot sizes. This lot count exceeds the maximum lots permitted in phase 4, which is 52. The current lot layout of phase 6, based on the updated County mapping of the preserved slopes can only accommodate 20 lots; however, this phase is permitted 31

lots. The applicant requests a special exception to vary the phasing lines between phase 4 and phase 6 to accommodate the permitted lot yields per phase. The total number of townhouse units and single family units in each phase shall remain unchanged for each phase, and the total number of units within the entire development will also remain unchanged pursuant to Proffer #9. With this variation, phase 4 would be returned to its original lot boundaries per the amended application and phasing plan for ZMA2004-14.

The applicant submitted a request and justification for the special exception by letter dated January 4, 2016, which was updated on May 18, 2016, to address staff comments (Attachment A) with the revised phasing plan dated March 19, 2016 (Attachment B). The request has been reviewed for zoning, engineering and planning aspects of the zoning regulations and staff finds no objection. This special exception would allow the revised phases as depicted on "Briarwood Phasing Letter of Revision" prepared by Collins Engineering, dated March 19, 2016 to become the phasing plan for Briarwood. County Code

§ 18-8.5.5.3 allows special exceptions to vary approved Application Plans and Codes of Development upon considering whether the 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 requested variation meets the five criteria listed. A detailed analysis is provided in the staff report (Attachment C).

**BUDGET IMPACT:** There is no budget impact related to this special exception request

**RECOMMENDATION:**

Staff recommends that the Board adopt the attached Resolution (Attachment D) approving this special exception request.

**ATTACHMENTS:**

- A) Application for Variation
- B) Briarwood Existing and Proposed Phasing Plan
- C) Staff Report
- D) Resolution