



# Albemarle County

## Legislation Text

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

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**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