

HEIGHT LIMITATION WAIVER

Other structures in Williamsburg Landing have received Height Limitation Waivers (HW) over the 35' that is currently permitted:

- HW-02-96: Construction of a building that is 42' in height.
 - HW-02-01: Construction of a building that is 50' in height
 - HW-04-08: Construction of two 50', 3-story apartment buildings.
 - The Landing Building, constructed in the mid-80's under different ownership, is over the height as well.
- **The R-5 Zoning District allows structures to be built up to 35 feet in height.**
 - The request is for a 25-foot height waiver to allow building(s) to be constructed up to 60 feet in height above finished grade. As proposed, the taller building(s) will contain up to 70 proposed independent living facility apartments.
 - Section 24-310(g) of the Zoning Ordinance states that structures in excess of 35 feet may be erected only upon the granting of a height limitation waiver by the Board of Supervisors, upon finding that:
 1. Structure will not obstruct light from adjacent property;
Staff finding: Structures will be approximately the same height or shorter than other Williamsburg Landing buildings adjacent to the site. The structure(s) will be located approximately 150' feet from structures in Williamsburg Landing. Therefore, staff finds the proposed structures will not obstruct light from adjacent property.
 2. Structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments;
Staff finding: Staff did not identify any historic attractions or areas of significant historic interest in close proximity to this project.
 3. Structure will not impair property values in the area;
Staff finding: The Director of Real Estate Assessments reviewed the proposal and determined that buildings will not negatively affect the surrounding property values. The Building Safety and Permits Division indicated that the buildings will need to comply with building code requirements, including in-building emergency communication coverage.
 4. Structure is adequately designed and served from the standpoint of safety and the County Fire Chief finds the fire safety equipment installed is adequately designed and that the structure is reasonably well located in relation to fire stations and equipment, so as to offer adequate protection to life and property;
Staff finding: The Fire Department indicates that there are building details that will need to be developed during the site plan process but they have no concerns with the proposed building(s) from a fire service standpoint.
 5. Such structure will not be contrary to the public health, safety and general welfare.
Staff finding: Generally, staff finds that the proposed buildings will not adversely affect the public health, safety or general welfare. However, one area of concern is the development's proximity to the airport. The Department of Aviation (DOAV) indicated its principle concern is the safe ingress and egress of air traffic to/from the Airport. The DOAV has indicated that no structure should be permitted to penetrate certain airspace areas (known as the FAR Part 7 surface). SUP Condition

#2 would require submission of materials and review by the Federal Aviation Administration (FAA). The FAA is already evaluating the proposal; however, their findings are not available at this time.

The Draft Height Limitation Waiver conditions are attached to this staff report (Attachment #3).