

STAFF ANALYSIS

STAFF PERSON: Rebecca Ragsdale, Planning Manager
BOARD OF SUPERVISORS: April 2, 2025
PROJECT: **SE202400038 Oakleigh Variations**
TAX MAP PARCELS: 04500-00-00-026A3, 04500-00-00-026A4, 04500-00-00-026A5, 04500-00-00-026A8, 04500-00-00-026B

PROPOSAL

The applicant requests several variations to the code of development and application plan approved with Oakleigh for yard/lot regulations and changes to the arrangement of uses. (Attachment A and B) Under County Code §18-8.5.5.3(a)(1), the Board of Supervisors may grant a variation of an approved plan, code, or standard for minor changes to yard requirements. Under County Code §18-8.5.5.3(a)(2), the Board may also grant changes to the arrangement of uses provided major elements of the application plan remain the same. Variations are proposed within Blocks I, II, and III and include:

1. Eliminate lot width
2. Reduce parking setbacks
3. Reduce rear building setback
4. Allow 4-story buildings (max building height remains 65')
5. Allow the number of units permitted by block to shift within blocks (max number of units remains 109 total)
6. Allow the public park (Veteran's Park) to meet the required minimum non-residential use within the NMD (max non-residential permitted remains 115,000 sq. ft. total)
7. Allow already permitted uses within the NMD in additional blocks (including churches, daycares, drive-in windows, eating establishments, hotels, and retail shops)

CHARACTER OF THE AREA

Oakleigh is located along Rio Road West, across from Woodburn Road and west of Berkmar Drive. Oakleigh is zoned Neighborhood Model District (NMD) and is subject to the application plan and code of development most recently approved with ZMA201600015. The site includes Veteran Park, The Blake assisted living facility, and undeveloped blocks within the NMD. The Places 29 Master Plan designates the property Urban Density Residential. Parcels to the east and west are zoned commercial, to the south are zoned residential with an assisted living facility, and across Rio Road West are zoned Rural Areas, residential, and commercial.

ANALYSIS OF VARIATION REQUEST

Under County Code § 18-33.9(A), factors, standards, criteria, and findings, however denominated, in the applicable sections of the Zoning Ordinance, are to be considered in special exception applications.

Under County Code § 18-8.5.5.3(a), an applicant may request a variation from its application plan. Required determinations are listed in § 18-8.5.5.3(c) and are analyzed below:

(1) Whether the proposed variation would be consistent with the goals and objectives of the comprehensive plan;

The proposed variations are consistent with the goals and objectives of the Places29 Master Plan for the proposed uses and adjustments to uses allowed by block. The property is designated Urban Density Residential. The originally-approved NMD uses, which provide both residential as the primary use and non-residential as a secondary use, remain consistent with the land use designations. The proposed setback and height variations are consistent with the Neighborhood Model design principles of the Comprehensive Plan.

(2) Whether the proposed variation would increase the approved development density or intensity of development;

The proposed variations would not increase the overall approved development density or intensity of development. Staff believes that adjustments to permitted uses in blocks are consistent with the expected uses within those blocks. The total maximum square footage of non-residential uses and total residential units would not be increased. The variations to setbacks would not increase intensity. Most of those changes would make the code of development easier to administer and consistent with changes granted through a previous special exception for other blocks. Staff is not concerned about rear parking setback changes because screening of parking is required by the ordinance. The location of parking is primarily internal to the development as well. The Architectural Review Board has indicated that the proposed change to allow four stories, and not limit the number of stories to three stories, would allow greater design flexibility to achieve the maximum 65' height limit already allowed by the code of development.

(3) Whether the proposed variation would adversely affect the timing and phasing of development of any other development in the zoning district;

The proposed variations would not have any impact on the timing or phasing of other development in the zoning district.

(4) Whether the proposed variation would require a special use permit; and

A special use permit would not be required.

(5) Whether the proposed variation would be in general accord with the purpose and intent of the approved application.

Staff believes that the requested variations maintain consistency with the purpose and intent of the approved application plan and code of development. The variations would allow flexibility for the applicant but also improve administration of the code of development for staff. The major elements of the application plan would remain, including the mixed use blocks. The development would continue to meet the zoning ordinance requirement that NMD districts include residential and non-residential uses consistent with the land use designation of the master plan.

RECOMMENDATION

Staff recommends that the Board adopt the attached Resolution (Attachment D) to approve the proposed variations to the approved code of development and application plan.