

## **STAFF ANALYSIS**

**STAFF PERSON:** Syd Shoaf, Senior Planner II  
**BOARD OF SUPERVISORS:** January 22, 2025  
**PROJECT:** SE202400030 Pantops Overlook Stepback Waiver Request  
**PARCEL IDs:** 07800-00-00-013A0 and 07800-00-00-073A7

**Proposed special exception to waive the 15-foot stepback requirement in County Code §18-4.20.**

### **PROPOSAL**

The applicant requests a special exception to waive the minimum stepback required by County Code § 18-4.20. In commercial districts, the County Code requires for each story that begins above 40 feet in height or for each story above the third story, whichever is less, the minimum stepback shall be 15 feet. However, County Code § 18-4.20(a)(4) allows the minimum 15-foot stepback to be reduced by special exception.

The proposed 48-foot, four story, hotel would front along Route 250, which is a principal arterial highway that does not require a front setback per County Code §18-4.20(a). The applicant has proposed for the hotel to be located 150' from Route 250 with a landscaping area along the frontage of the site. Additionally, the finished floor elevation of the building is proposed to be 19' lower than the elevation at the entrance of the site.

### **CHARACTER OF THE AREA**

The property is currently undeveloped and approximately 4.05 acres in size, combined between Parcel IDs 07800-00-00-013A0 and 07800-00-00-073A7. Currently, the applicant has an approved Initial Site Plan (SDP202400050) to construct a four-story hotel with a maximum height of 48 feet. The proposed hotel would be located on Parcel ID 07800-00-00-013A0, which is zoned Highway Commercial, and Parcel ID 07800-00-00-073A7, which is zoned Planned Development Mixed Commercial and subject to ZMA20200001. The frontage of the site is along Route 250, which is an Entrance Corridor and a principal arterial highway. The surrounding properties are zoned Highway Commercial or Planned Development Mixed Commercial, and are developed with commercial uses.

### **ANALYSIS OF SPECIAL EXCEPTION 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. The Board of Supervisors does not need to make specific findings in order to approve this special exception.

A special exception may be considered under County Code § 18-4.20(a)(4), which provides:

1. *The minimum 15-foot stepback may be reduced by special exception.*

The waiver of the 15-foot stepback requirement may be achieved through a special exception. In this case, the proposed hotel would be four stories at a height of 48 feet. The stepback requirement would be waived for each story that begins over 40 feet or for each story above the third story, whichever is less.

Additionally, § 18-4.20(a)(6) provides:

2. *On any site subject to proffered conditions accepted in conjunction with a zoning map amendment establishing minimum or maximum setbacks or stepbacks, the proffered setbacks or stepbacks shall apply.*

Though Parcel ID 07800-00-00-073A7 is subject to ZMA202000013, because that zoning map amendment did not establish setbacks or stepbacks, the requirements of County Code §18-4.20(a) apply.

In the absence of additional special exception factors, staff has evaluated this request based on the Neighborhood Model Principles of the Comprehensive Plan, including criteria contained in land use recommendations from the Pantops Master Plan and relevant Neighborhood Model Principles contained in Chapter 8 of the Albemarle County Comprehensive Plan.

Staff offers the following analysis of the proposed special exception against these criteria:

**Analysis relative to the Comprehensive Plan:**

Development Areas Objective 2: *Create a physical environment that supports healthy lifestyles through the application of the Neighborhood Model Principles.*

Pedestrian Orientation

Waiver of the 15-foot stepback would not disrupt pedestrians using Route 250. The proposed building would be located roughly 150 feet away from the sidewalk along Route 250. This more distant building setback would allow pedestrians to have clear sight lines into and around the proposed development.

Buildings and Space for Human Scale

The proposed building would be a maximum height of four stories and is proposed to be set back roughly 150 feet from Route 250. The maximum height of four stories is consistent with the Pantops Master Plan, which recommends community mixed use buildings to be a maximum of four stories (or five stories by special exception). Furthermore, the proposed setback of roughly 150 feet would not create a canyon effect for pedestrians using the sidewalk along Route 250. Lastly, because the proposed finished floor elevation of the proposed building would be roughly 19' below the entrance to the site, the building would not tower over pedestrians and would be incorporated into the existing terrain of the site. Reducing the stepback to 0 feet would not result in a building that would make a pedestrian feel confined or small next to the building. Between the building's setback and finished floor elevation 19' below the entrance to the site, the building would not negatively impact the streetscape along Route 250.

**RECOMMENDATION**

Based on these findings, staff recommends approval of the special exception application to waive the 15-foot stepback.