

# **SPECIAL EXCEPTION REQUEST #1**

*SDP 2018-0091, ZMA 2016-0015*

## **BACKGROUND**

Oakleigh Albemarle, LLC (the “Applicant”), requests a Special Exception Amendment to the existing Oakleigh project. The current zoning for this project is a Neighborhood Model Development (NMD). The request in this Application includes the following parcels (collectively, the “Property”):

|         |                                     |
|---------|-------------------------------------|
| 45-26A3 | 1.232 (Building A- Block 1)         |
| 45-26A4 | 0.993 acres (Building B- Block 2)   |
| 45-26A5 | 0.527 acres (Building C- Block 3)   |
| 45-26A6 | 0.661 acres (Apartment- Block 4)    |
| 45-26A7 | 4.685 acres (Building D- Block 5)   |
| 45-26A8 | 0.270 acres (Lot 6)                 |
| 45-26B6 | 0.234 acres (Lot 6A- Pocket Park A) |
| 45-26A9 | 0.200 acres (Lot 4A)                |

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Total: 8.802 acres (8.822 acres is actual survey info.)

*Note: Acreage noted is from the County GIS information. Actual acreage may differ.  
References noted relate to the Site Plan on file with the County.*

The Oakleigh community is located along W. Rio Road (State Route 659) next to Berkmar Cross and across from Woodburn Road in the Rio District.

Oakleigh is a Neighborhood Model district comprised on both residential and commercial entities. In 2016, the Board of Supervisors approved the request to introduce an Assisted Living facility into the project. Later, in 2017, a Minor Site Plan Amendment was approved for the subdivision of the property and other minor plan changes (e.g. setbacks and redesign of Building C and the Vet Memorial). Just like those before, we are seeking a new Minor Site Plan Amendment to respond to the changing market. This current review request to swap six previous approved townhomes for twenty-four apartments located on Lot 4 at the end of Eckerson Court. The building has been reviewed already by the ARB and they have given approval to the design.

## PROJECT PROPOSAL

Within this special exception, the Applicant is proposing the following changes to the plan in accordance with Chapter 18, Section 8.5.5.3a.

|    | Requested Variation                                                                                                                                                                                                                                                     | Zoning Reference to 8.5.5.3.a |
|----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|
| 1. | Modification to the existing parking, building setbacks and yard regulations found in table titled "Lot/Parking/Building Regulations" on Sheet 5 of 7 in the Code of Development under Section VIII-Yard Requirements by Block dated 12/16/16 related to ZMA 2016-0015. | 8.5.5.3.a(1)                  |

## REASONS BEHIND THE REQUESTED VARIATIONS

The primary reason for this request is in direct response to market changes associated with Lot 4. At the same time we want to also perform some housekeeping to clarify past reviews so as we move forward things are transparent and clear to the staff on the remaining lots.

We now have Lot 4 and under contract and are trying to successfully respond to the buyer's program within the Oakleigh development. As result we need to adjust a few setbacks particularly pertaining to parking (Request #1). This will help make the plan cleaner and allow for fewer restrictions on buildable areas. The suggested changes also appear consistent and compatible with the NMD development and overall goals of both the Comprehensive Plan and Places29 Study. As you will see, at this time no changes are being proposed to the building setbacks.

With regards to the housekeeping point, we need to clear up some differences between our approved 2016 ZMA and 2018 approved SDP. These mainly entail clarifications to the setbacks associated with both parking and the building. These issues were caught by staff. On a whole, we feel this is the appropriate time to address, given our Lot 3 is also being considered by another potential client.

**REV1:** In addition, as a result of the comments raised from our current Minor Site Plan review we realize that our approved ZMA 2016-0091 states on Sheet 4, titled *Block Plan* in the Parking section that the minimum off-street parking for all residential uses shall be (2) spaces per unit. This was a carryover from our original ZMA request back in 2007 that we didn't catch and is more restrictive than what is presently adopted in the Albemarle County Zoning Ordinance in section 4.12.6 (*Minimum Number of Required Parking Spaces for Scheduled Uses*) related to Dwellings. We request the approved ZMA be amended to allow this development to be held to the current (and any future) adopted parking requirements determined in the Dwellings section of the Albemarle County Zoning Ordinance.

To demonstrate, if you apply the two (2) spaces per all Residential Uses then we are required overall to have 303 spaces but can only provide 271 spaces. This specifically relates to the twelve (12) one bedroom units found in the proposed apartment building on Lot 4. On the other hand, if we reduce and apply the currently adopted Albemarle County Zoning Ordinance requirements, the results reveal we are required to have only 297 spaces (a reduction of 6 spaces) - which get us closer to what we can provide at this time. In addition, we are executing a shared parking agreement as part of the Oakleigh Declaration and submitting a revision to our original parking reduction request.

Furthermore, in the Signage and Architecture section on Sheet 4, we refer to Sheet 5 (titled Code of Development) for Signage and Architectural Guidelines. Upon further review, there is no language specifically related to signage. We respectfully request to amend this to just reference the Architectural Guidelines and omit the wording related to signage as an additional housekeeping measure. **[End of REV1]**

We hope that through this simple and minor request we get on the Board's consent agenda schedule quickly into order to incorporate these into our next Minor Site Plan Amendment and avoid bringing these types of items forward in future variation request.

**Note:** Proposed Changes to Section VIII in the COD titled *Yard Requirements by Block*

| <b>LOT / PARKING / BUILDING REGULATIONS</b> |                       |                               |                              |                              |                             |                              |                             |                          |                             |
|---------------------------------------------|-----------------------|-------------------------------|------------------------------|------------------------------|-----------------------------|------------------------------|-----------------------------|--------------------------|-----------------------------|
| <b>BLOCK</b>                                | <b>MIN. LOT WIDTH</b> | <b>FRONT BUILDING SETBACK</b> | <b>FRONT PARKING SETBACK</b> | <b>SIDE BUILDING SETBACK</b> | <b>SIDE PARKING SETBACK</b> | <b>REAR BUILDING SETBACK</b> | <b>REAR PARKING SETBACK</b> | <b>MIN / MAX STORIES</b> | <b>MAX. BUILDING HEIGHT</b> |
| <b>I</b>                                    | 125'                  | 30'                           | 15'                          | 0'                           | 0' <sup>4</sup>             | 30'                          | 0'                          | 1/3                      | 65'                         |
| <b>II</b>                                   | 125'                  | 30'                           | 15'                          | 0'                           | 0' <sup>4</sup>             | 30'                          | 0'                          | 1/3                      | 65'                         |
| <b>III</b>                                  | 120'                  | 75'                           | 10' <sup>4</sup>             | 5'                           | 0'                          | 0'                           | 5'                          | 1/3                      | 65'                         |
| <b>IV</b>                                   | 16'                   | 20'                           | 0'                           | 6'                           | 5' <sup>11</sup>            | 10'                          | 5' <sup>11</sup>            | 1/3                      | 65'                         |
| <b>V</b>                                    | 50'                   | 70'                           | 0'                           | 10'                          | 10' <sup>12</sup>           | 0'                           | 5'                          | 1/3                      | 65'                         |

**RESTRICTIONS / REQUIREMENTS / NOTES ASSOCIATED WITH THE STANDARDS ABOVE:**

1. Regulations established above are based upon an Assisted Living Facility development in general accord with ZMA-201600015 "Scenario A" Concept.
2. Refer to the Code of Development in ZMA-201600015 for detail on the Permitted Uses.
3. Buildings will have a 0' setback along interior streets, roads, access easements or lot lines.
4. A 4' setback shall be enforced from any interior access easement.
5. Attached units with common walls will have a 0' Side Building Setback. Side Building Setbacks apply to exterior end units.
6. Curb and gutter may fall into all parking setbacks.
7. All roads are private with public access easements as shown over them.

8. Architectural features and overhangs may encroach into Building Setbacks up to four feet (4').
9. Parking setbacks shown are only for parking lots with five (5) or more spaces.
10. Subterranean parking shall not be considered a building story.
11. The turnaround areas, curb and gutter of parking lots in Block IV may encroach into Parking Setbacks but may not be closer than two feet from any exterior parcel boundary.
12. The Side Parking Setback to interior lot lines in Block V is zero feet (0').