

STAFF ANALYSIS

STAFF PERSON:	Mariah Gleason
PLANNING COMMISSION:	N/A
BOARD OF SUPERVISORS:	November 2, 2022
PROPERTY OWNER:	FTV Investments LLC
LOCATION:	In the undeveloped area behind 600 Fifth Street Lndg 07600-00-00-055A0 Scottsville
PARCEL ID:	
MAGISTERIAL DISTRICT:	

Staff Report for Special Exception SE202200048 to waive the requirement for a minimum front setback of 15 feet for each story that begins above 40 feet in height or for each story above the third story, whichever is less, in the Highway Commercial zoning district (§ 18-4.20(a)(4)). This application is associated with the development of a proposed building on Parcel 76-55A.

SPECIAL EXCEPTION PROPOSAL:

The applicant has applied for a special exception to waive the requirement for a minimum setback of 15 feet to develop a four (4) story self-service storage facility building on Parcel ID 76-55A. The proposed building height would be approximately 62 feet, which is below the maximum permitted height (65 feet) for structures in the Highway Commercial zoning district.

The subject property is roughly L-shaped with the longer side situated at the rear of the property, away from 5th Street. The proposed location of the self-service storage building would be in the corner of the subject property farthest from the public right-of-way, behind existing buildings on the subject parcel and adjacent to the property that would immediately front 5th Street (see Figure 1 in Attachment D).

The applicant's narrative and justification for this special exception is provided in Attachment C.

PLANNING HISTORY:

- ZMA199900013 – Approved a rezoning of the property from Industrial to Highway Commercial with proffers and a concept plan.
- ZMA201200007 – Approved an amended concept plan and proffers previously approved with ZMA199900013. This proposal also included a special exception that was approved to increase the maximum front setback allowed.
- SDP201700012 – Approved a final site plan for development of three buildings on the property. The site plan was later amended with minor site plan amendment SDP201900045.

The approved concept plan and final site plan show the eventual build out of three (3) commercial buildings and associated parking on the subject property. One building, located in the area that fronts the 5th Street public right-of-way, has been developed and is currently occupied by Starbucks, Christian's Pizza, and other commercial businesses. The remaining two buildings have not been developed. The applicant is seeking approval of the setback waiver for

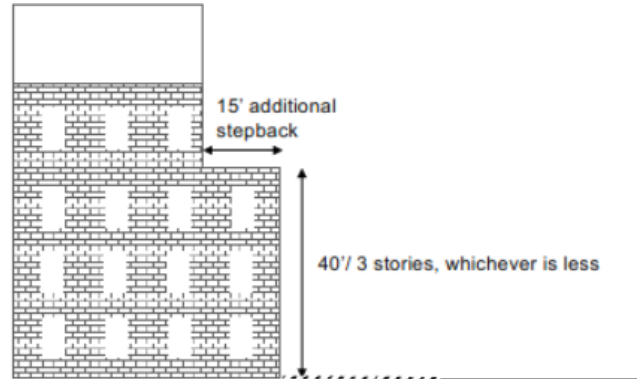
the proposed self-service storage building, located on the approved concept plan in the area associated with “Building C”, prior to pursuing site plan amendment.

The Director of Planning and Zoning Administrator have determined that the proposed self-service storage building location and use would be in general accord with the approved ZMA20120007 concept plan and proffers.

RELEVANT CODE SECTIONS:

The following building setback and height regulations in the County Code apply to conventional commercial districts:

- **§18-4.20(a).**
 - *Front setback.* For each story that begins above 40 feet in height or for each story above the third story, whichever is less, the minimum setback shall be 15 feet
 - *Side and Rear setback.* None.
- **§18-4.20(a)(4).** The minimum 15-foot setback may be reduced by special exception.
- **§18-21.4. Height regulations.** Except as otherwise provided in section 4.10, structures may be erected to a height not to exceed 65 feet. The minimum setback requirements for any story that begins above 40 feet in height or for each story above the third story, whichever is less, in height shall be as provided in section 4.20.



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Factors for consideration in a special exception request are described in County Code § 18-33.9(A). This section states that factors, standards, criteria, and findings, however denominated, are to be taken into consideration. The Board of Supervisors does not need to make specific findings in order to approve a special exception.

In the absence of applicable special exception factors, staff has evaluated this application based on the intent of the Highway Commercial (HC) zoning district and Neighborhood Model Principles of the Comprehensive Plan.

County Code §18-24.1 HC Highway Commercial Intent:

HC districts are hereby created and may hereafter be established by amendment to the zoning map to permit development of commercial establishments, other than shopping centers, primarily oriented to highway locations rather than to central business concentrations. It is intended that HC districts be established on major highways within the urban area and communities in the comprehensive plan. It is further intended that this district shall be for the purpose of limiting sprawling strip commercial development by providing sites with adequate frontage and depth to permit controlled access to public streets.

Thus, the intent of the HC zoning district is to establish a development pattern where buildings are primarily oriented towards public rights-of-way, as opposed to shopping centers which tend

to face inward and draw activity away from public rights-of-way. The orientation of the proposed self-service storage building would be consistent with the intent of the zoning district.

Comprehensive Plan: Development Areas Objective 2

*Create a physical environment that supports healthy lifestyles through application of the Neighborhood Model Principles. (*Individual principles include "Pedestrian Orientation" and "Buildings and Spaces of Human Scale".)*

As stated in the Neighborhood Model Principles, the relationships among building height, yards, parking, and architectural features affect the perceived scale of buildings and development. Requiring front setbacks is a means for the County to ensure that Development areas feature livable communities with sidewalks and pedestrian orientation. Where taller buildings are situated close to sidewalks within the public right-of-way, setbacks may reduce the canyon-like impression of buildings by decreasing the massing of a building's upper floors.

Staff finds that the design proposed by the applicant, which does not incorporate the required minimum 15-foot setback, would be acceptable for the proposed self-service storage building. The proposed building location would be set back approximately 275 feet from the public right-of-way and behind existing buildings that immediately front 5th Street. As the primary intent of the setback requirement is to facilitate active and welcoming human-scale environments along public roadways, the required minimum 15-foot setback is not as necessary for this building as it may be for others located closer to the roadway.

In addition, staff has considered the pattern of development on the subject property and surrounding areas. Development in this area is considerably constrained by the City of Charlottesville to the north, natural areas (including a floodplain area, existing stream (Biscuit Run), railways, and a greenway easement) to the east, I-64 to the south, and a Holiday Inn and 5th Street to the west, and is not expected to connect to additional areas of development in the future. As the location of the proposed self-service storage building would be relegated to the rear corner of development on not only this parcel but the cluster of buildings in this area, waiving the setback requirement on the proposed self-service storage building would be acceptable.

However, the design of the proposed self-service storage building should not be blank or seen as unwelcoming or imposing to visitors. The applicant has addressed this concern by incorporating transparent tower structures at the corners of the proposed building and providing articulation in the building's massing and colors (See Figure 5 of Attachment D). The design of the towers would successfully give prominence and interest to entry points, which would support a welcoming environment for visitors, while articulation to the building massing and color creates visual variation along the building façade, reducing the perceived scale of the building and avoiding blank walls.

In conclusion, staff finds that the modification to the required setback design standard on the proposed building would be approvable.

RECOMMENDATION:

Staff recommends approval of SE202200048, granting a special exception to modify the setback requirements for the proposed self-service storage building, with the following condition:

1. Development of the proposed self-service storage building must be in general accord (as determined by the Director of Planning and the Zoning Administrator) with the Stepback Waiver Exhibits (Attachment D). To be in general accord, development must reflect the following major elements:
 - a. Location of building
 - b. Architectural design elements, including transparent corner tower structures with pedestrian entryways and articulation in building massing and color.Minor modifications that do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance or to improve safety.