

## STAFF ANALYSIS

**STAFF PERSON:** Syd Shoaf, Senior Planner I  
**BOARD OF SUPERVISORS:** January 17, 2024  
**PROJECT:** SE202300049 Berkmar Self Storage  
**PARCEL IDs:** 04500-00-00-112E0

**Proposed special exceptions (a) to modify the 30-foot maximum front setback permitted in County Code §18-4.20 to 55 feet and (b) to waive the 15-foot stepback requirement in County Code §18-4.20.**

### PROPOSAL

The applicant requests a special exception to increase the maximum front setback permitted by County Code § 18-4.20(a) as it applies to Parcel ID 04500-00-00-112E0. The County Code permits a maximum front setback of 30 feet in commercial districts. However, County Code § 18-4.20(a)(2) allows a maximum front setback to be increased by special exception to accommodate low impact design, unique parking or circulation plans, or a unique target market.

Additionally, the applicant requests a special exception to waive the minimum stepback required by County Code § 18-4.20(a) as it applies to the proposed four-story hotel on Parcel ID 04500-00-00-112E0. In commercial districts, the minimum stepback is 15 feet for each story that begins above 40 feet in height or for each story above the third story, whichever is less. However, County Code § 18-4.20(a)(4) allows the minimum 15-foot stepback to be reduced by special exception.

### CHARACTER OF THE AREA

This 1.73-acre property is currently undeveloped. The property has frontage along Berkmar Drive, where its proposed entrance would be located. Right-of-way dedication for a future shared use path would span the parcel's entire frontage along Berkmar Drive. Additionally, an existing cemetery is to remain in the northwest corner of the site on Berkmar Drive. The surrounding properties are developed with a mix of commercial and residential uses. To the north, properties are zoned Highway Commercial while the properties to the south are a mix of Highway Commercial and C-1 Commercial. Across Berkmar Drive to the west, the properties are zoned R-6 Residential. The Board previously approved a special exception to waive the front maximum setback requirement for a new building fronting Berkmar Drive on the parcel directly to the north of the subject parcel.

Currently, the subject site has a Final Site Plan (SDP202200062) to construct a new four-story 42,984 gross square foot hotel, a new four-story 90,200 gross square foot self-storage facility, and a new parking area. Though the site is subject to ZMA201600009's proffers, the zoning map amendment does not include minimum or maximum setbacks or stepbacks for this site. Because the setbacks and stepbacks were not proffered, the setback and stepback requirements of § 18-4.20(a) apply.

### 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 to approve this special exception.

County Code §18-4.20(a)(1) lists certain circumstances where a front setback may be increased administratively:

1. *The maximum front setback shall be increased to the depth necessary to avoid existing utilities, significant existing vegetation, steep slopes, perennial and intermittent streams, stream buffers, public spaces and public plazas shown as such on an approved site plan or subdivision plat, to satisfy a condition of a certificate of appropriateness, and in*

*circumstances where there are multiple buildings on the same lot and prevailing development patterns. On any parcel with multiple main buildings, at least one main building shall meet the maximum setback.*

Though there are Managed Steep Slopes at the northwest corner of the site, along with a cemetery and utilities, not all the criteria of this section were met for an administrative increase to the front setback.

A special exception may instead be considered and approved by the Board under County Code § 18-4.20(a)(2):

2. *The maximum front setback may be increased by special exception to accommodate low impact design, unique parking or circulation plans, or a unique target market design.*

The increase in maximum front setback may be achieved through a special exception, given the location of the cemetery at the front of the parcel. This design will also allow parking to be relegated behind the hotel with no impacts to the cemetery.

A second special exception for the setback requirement may be considered under §18-4.20(a)(3):

3. *The minimum 15-foot setback may be reduced by special exception.*

The waiver of the 15-foot setback requirement may be achieved through a special exception. In this case, the proposed hotel would be four stories at a height of 49 feet. The setback requirement would be waived for each story that begins over 40 feet or for each story above the third story, whichever is less.

In the absence of additional special exception factors, staff has further evaluated this request based on the intent of the zoning ordinance for Commercial Districts – Generally and the Neighborhood Model Principles of the Comprehensive Plan, including criteria contained in land use recommendations from the Places29 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:

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

#### Pedestrian Orientation

If the special exceptions were approved, pedestrian orientation would not be impacted. Right-of-way is reserved for a future shared use path along the frontage of the Berkmar Drive. Though an increase in the front maximum setback would push the building farther back from the right-of-way, a proposed sidewalk would connect the development to the future shared use path, creating a safe, convenient connection. Additionally, the setback waiver would not disrupt pedestrians or bicyclists using the shared use path or the sidewalk to the development. Users of the shared use path along Berkmar Drive and onto the development would have clear sight lines as well as safe infrastructure, such as sidewalks and curb ramps adjacent to the proposed hotel. The proposal would be an opportunity to provide safe, convenient connections and infrastructure for pedestrians.

#### Buildings and Space for Human Scale

The proposed increase in the front maximum setback would not result in the loss of a design element that provides tangible benefits for the public. Though the Places29 Master Plan does not designate a maximum height limit, County Code § 18-21.4 provides a maximum building height of 65 feet. At a height of 49 feet, the proposed hotel building would comply with the County Code. Additionally, the first floor of the proposed hotel would be approximately seven feet below road grade, resulting in a three-story appearance along Berkmar Drive. Waiving the building's setback requirement would not

result in a building out of scale for pedestrians. The increased setback and future shared use path along Berkmar Drive would create an area with open-air atmosphere that is not confined.

#### Relegated Parking

The approved ZMA20160009 includes proffers that parking be relegated and that there be pedestrian access from Berkmar Drive. A reduced front maximum setback would support the approved proffer by relegating parking to the rear of the proposed hotel. Additionally, the applicant is proposing to construct a pedestrian path from the right-of-way that would connect to an entrance on both sides of the hotel. The combination of the relegated parking and the proposed pedestrian pathways would allow safe and convenient connections for pedestrians.

#### Respecting Terrain and Careful Grading and Re-grading of Terrain

Both an existing cemetery and adjacent Managed Steep Slopes are along the property's Berkmar Drive frontage. The approved special exception would preserve both the existing cemetery and Managed Steep Slopes from being disturbed and provide more buffer to the proposed development. The applicant is proposing a retaining wall with a maximum height of eight feet between the existing cemetery and proposed hotel. The proposed wall is intended to respect the existing terrain and disturb as little area as possible.

Staff believes that granting both the setback and stepback special exceptions are appropriate given the unique circumstances of this site. Staff has no concerns with this proposal's consistency with ordinance criteria or NMD principles.

#### **RECOMMENDATION**

Staff recommends that the Board adopt the attached Resolution (Attachment C) to approve special exceptions (SE202300049) both (a) to modify the maximum front setback to 55 feet and (b) to waive the 15-foot stepback requirement for the proposed hotel on the subject parcel.