

# **SPECIAL EXCEPTION REQUEST**

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)

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

Oakleigh is a Neighborhood Model district comprising both residential and commercial uses. 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 special exception to respond to the changing market and eventually amend the current site plan.

Oakleigh has been developed in accordance with Scenario A of the approved plan, so Scenario B is removed in this requested amended application.

## **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.

	<b>Requested Variation</b>	<b>Zoning Reference to 8.5.5.3.a</b>
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. <i>In addition, adjust the Development Block Summary table on Sheet 4.</i>	8.5.5.3.a(1)

Specifically, the following revisions have been made to the plans:

1. Updated Sheet Table on cover sheet to reflect revised sheet numbers. (The original Rezoning Amendment Application included Sheets 6A and 6B, reflecting alternate scenarios and scenario B is being removed with this application.)
2. Sheet 4 (new sheet Z4): Amended the Development Block Summary Table
  - a. Removal of Scenario A and Scenario B from table. This is to reflect the current form of development that has been built.
  - b. Removal of Permitted Residential Housing Types from table. This is already addressed in the uses table.

- c. Block I:
    - i. Max Dwelling Units increased from 8 units to 20 units
    - ii. Max Density increased from 8 units/acre to 18.98 units/acre
    - iii. Removed minimum gross square footage of non-residential
  - d. Block II:
    - i. Max Dwelling Units increased from 8 units to 10 units
    - ii. Max Density increased from 10 units/acre to 11.63 units/acre
    - iii. Removed minimum gross square footage of non-residential
  - e. Block III:
    - i. Max Dwelling units decreased from 20 units to 15 units
    - ii. Max Density noted as 35.71 units/acre
  - f. Updated associated notes according to the proposed changes and existing built condition of the development.
3. Sheet 4 (new sheet Z4): Revised Application Plan to show the block layout and remove site plan details.
  4. Sheet 5 (new sheet Z5): Amended Code of Development II. Block Characteristics to reflect application plan change and description of blocks to match proposed Block Summary Table on sheet Z4.
  5. Sheet 5 (new sheet Z5): Amended Code of Development IV- Tables of Residential Uses by Block:
    - a. Removed Note #2 related to scenario B if not accepted.
  6. Sheet 5 (new sheet Z5): Amend Code of Development V- Tables of Non-Residential Uses by Block:
    - a. Revised Permitted Uses to be included the following:
      - i. Churches- Block 3
      - ii. Day Care- Blocks 1-2
      - iii. Drive-in windows- Block 3
      - iv. Eating establishment- Block 3
      - v. Hotels, motels and inns- Blocks 1-3
      - vi. Retail Stores and shops- Block 3
  7. Sheet 5 (new sheet Z5): Amended Code of Development VIII- Yard Requirements by Block
    - a. Revised minimum/maximum stories for all blocks to state only maximum stories
    - b. Block I:
      - i. Revised minimum lot width from 125 feet to 15 feet
      - ii. Revised minimum front parking setback from 15 feet to 0 feet
      - iii. Revised minimum rear building setback from 30 feet to 0 feet
      - iv. Revised rear parking setback from 5 feet to 0 feet
      - v. Revised min/max stories to reflect maximum only of 4 stories
    - c. Block II:
      - i. Revised minimum lot width from 125 feet to 15 feet
      - ii. Revised minimum front parking setback from 15 feet to 0 feet
      - iii. Revised minimum rear building setback from 30 feet to 0 feet
      - iv. Revised rear parking setback from 5 feet to 0 feet
      - v. Revised min/max stories to reflect maximum only of 4 stories
    - d. Block III:
      - i. Revised minimum lot width from 120 feet to 15 feet
      - ii. Revised minimum front building setback from 75 feet to 30 feet
      - iii. Revised minimum front parking setback from 10 feet to 0 feet
      - iv. Revised minimum side building setback from 5 feet to 0 feet
      - v. Revised minimum rear building setback from 30 feet to 0 feet
      - vi. Revised rear parking setback from 5 feet to 0 feet

- vii. Revised min/max stories to reflect maximum only of 4 stories
  - e. Added notes #11 and #12 to reflect revisions in chart
- 8. Sheet 6A (new sheet Z6): Revised application plan to reflect changes
- 9. Sheet 6B: Removed sheet/scenario from application plan, no longer applicable with reflected changes.

## **REASONS BEHIND THE REQUESTED VARIATION**

The primary reason for this request is to allow flexibility given the current market, which shows increased demand for residential and significantly less demand for retail and office uses than when the Rezoning Plan was approved in 2016. We have recently had new interest in these particular blocks and are trying to successfully respond to the buyer's program within the Oakleigh development. As a result we are proposing to adjust the block summary and code of development (Request #1). This will allow for more flexibility for potential buyers without increasing the overall density or number of units of the development. The suggested changes remain consistent and compatible with the NMD development and overall goals of both the Comprehensive Plan and Places29 Study.

We hope that through this simple request we get on the Board's consent agenda schedule quickly into order to incorporate these into our next site plan amendment.