

## **STAFF ANALYSIS**

**STAFF PERSON:** Syd Shoaf, Senior Planner I  
**BOARD OF SUPERVISORS:** November 1, 2023  
**PROJECT:** SE202300032 Sentara Martha Jefferson Hospital  
Early Learning Center  
**PARCEL IDs:** 07800-00-00-03110

**Proposed special exception to waive the 30-foot maximum front setback requirement in County Code §18-4.20.**

### **PROPOSAL**

The applicant requests a special exception to waive the maximum front setback required by County Code §18-4.20 as it applies to Parcel ID 07800-00-00-03110. The County Code requires commercial districts to have a maximum front setback of 30 feet. However, County Code § 18-4.20(a)(2) allows any maximum front setback to be increased by special exception to accommodate low impact design, unique parking or circulation plans, or a unique target market design.

Currently, the site has a Major Amendment under review (SDP202300058) to construct a new one-story 13,250 square foot daycare building, a new 11,600 square foot playground, and 17 new parking spaces on an existing lot with a three-story, 90,730 square foot medical office (Martha Jefferson Outpatient Care Center) and 432 parking spaces. This special exception request is for the new one-story daycare building to be set back between 90-120 feet from Martha Jefferson Drive. The applicant is proposing for the new parking area to be between the daycare building and the right-of-way. The purpose of this configuration is to provide adequate separation between vehicles and the playground area. If this special exception were to be approved, it would allow the playground area to be on the opposite side of the proposed daycare building away from the parking lot and right-of-way.

### **CHARACTER OF THE AREA**

Though the property is 13.39 acres in total, this proposed special exception would be limited to the proposed daycare building area, which is 1.95 acres. The property is zoned Planned Development Mixed Commercial (PDMC) and is subject to ZMA200100015. The property has frontage on both Peter Jefferson Parkway and Martha Jefferson Drive. Though currently the only access is from Peter Jefferson Parkway, the Major Amendment under review (SDP202300058) is proposing to create an entrance on Martha Jefferson Drive. Though the surrounding area is all zoned PDMC, existing commercial buildings were built prior to the County's current commercial maximum setback requirement.

### **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. Though County Code §18-4.20(a)(1) provides for an administrative increase in certain maximum front setbacks, not all of its criteria are met:

- 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.*

The one main building located on the parcel does not meet the maximum setback. The prevailing building pattern within the PDMC is buildings set back farther than 30 feet from adjacent roads.

A special exception may instead be considered 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. In this circumstance, existing circulation patterns and the location necessary for parking, given the daycare use and need to safely locate the playground, are sufficient circumstances to grant a special exception.

In the absence of additional special exception factors, staff has further evaluated this request based on the intent of the Planned Development Districts – Generally zoning district and the Neighborhood Model Principles of the Comprehensive Plan, including criteria contained in County Code § 18-8.5.5.3(c), 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:

**County Code § 18-8.5.5.3(c):**

- (1) Is consistent with the goals and objectives in the comprehensive plan;*

The intent of planned districts such as PDMC is “to permit development of large-scale commercial areas with a broad range of commercial uses under a unified planned approach.” Additionally, “In recognition that such large-scale development may substantially reduce the functional integrity and safety of public roads if permitted with unplanned access, it is intended that multiple access to existing public roads be discouraged and that development and access be oriented toward an internal road system having carefully planned intersections with existing public roads.”

The proposed special exception would not be inconsistent with the intent of PDMC district because the proposed front setbacks would be consistent with other existing buildings within this PDMC district. The proposed daycare building supports the surrounding employment centers and neighborhood. Additionally, if the proposed special except request were to be approved, it would create a new entrance/exit onto an existing public road in the existing PDMC district’s internal road system.

**Evaluation criteria is met.**

- (2) does not increase the approved development density or intensity of development;*

The proposed waiver would not increase the density or intensity of development. The application plan from ZMA200100015 did not include a maximum square footage limitation for this PDMC district.

**Evaluation criteria is met.**

- (3) does not adversely affect the timing and phasing of development of any other development in the zoning district;*

The proposed waiver would not affect the timing and phasing of development of any other development in the zoning district.

**Evaluation criteria is met.**

(4) *does not require a special use permit;*

**Not applicable. This is a special exception waiver request.**

(5) *is in general accord with the purpose and intent of the approved application.*

**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**

If the special exception were to be approved, the developer would build the parking lot between the proposed building and Martha Jefferson Drive. Part of this construction would include new sidewalks that would connect the new building and other sidewalks/pedestrian pathways within this parcel and PDMC district. Currently there are no sidewalks in this part of the PDMC district. This proposal would be an opportunity to provide more connectivity and safety for pedestrians.

**Multimodal Transportation Opportunities**

The waiver of the maximum front setback would allow the developer to build new sidewalks that would connect to new and existing buildings and to existing sidewalks in the PDMC district.

**Buildings and Space for Human Scale and Relegated Parking**

The building setback would vary between 90-120 feet from the right-of-way. Waiving the maximum setback would allow a parking lot, landscaping areas, and new sidewalks to be constructed between the building and the right-of-way. Although a parking lot would be created, the additions of new landscaping areas and sidewalks would provide open-air space and buffering for pedestrians.

Development Areas Objective 5: *Promote density within the Development Areas to help create new compact urban places.*

By waiving the front maximum setback requirement, the developer would be able to construct a playground behind the proposed daycare building. This would result in infill for a use in this PDMC district that would serve employees and residents of the nearby area by providing childcare close to an employment center and surrounding residential areas.

**RECOMMENDATION**

Staff recommends that the Board adopt the attached Resolution (Attachment C) to approve a special exception to waive the front-maximum setback requirement on the subject parcel.