

STAFF ANALYSIS

STAFF PERSON:	Mariah Gleason
BOARD OF SUPERVISORS:	February 15, 2023
PROPERTY OWNER:	Parkside I, LLC
LOCATION:	Undeveloped property on the east side of Berkmar Dr., approximately 160 feet north of the Greenfield Ln. intersection
PARCEL ID:	04500-00-00-094A2
MAGISTERIAL DISTRICT:	Rio

Staff Report for Special Exception SE202200067 to request relief from County Code § 18-20C.2(B)(3), which requires Rio29 Form-Based Code regulations apply to an entire subject property as it existed on September 1, 2021. This request is associated with site plan amendment SDP202200065 Woodbrook Station.

SPECIAL EXCEPTION REQUEST:

The applicant is requesting a special exception to waive the requirements of § 18-20C.2(B)(3), which requires that the Rio29 FBC regulations must apply an entire parcel as it existed on September 1, 2021. The request is associated with a site plan (SDP202200065) for a portion of Parcel 45-94A2 ("subject property"), which is under review.

Currently, the subject property is 0.68 acres. The applicant has proposed a boundary line adjustment (BLA) (Attachment E) that would revise the parcel boundaries that existed on September 1, 2021. The proposed BLA would combine 0.310 acres (13,503 square feet) of the subject property with the abutting property to the south, Parcel 45-94A1.

The applicant's narrative (Attachment C) details the request and justification for this special exception.

RELEVANT PLANNING HISTORY:

- ZMA200300008 – Approved a rezoning of parent Parcel 45-94A from Planned Development Shopping Center (PD-SC) to Neighborhood Model District (NMD) with proffers, an application plan, and a code of development.
- SDP200600020 – Approved a final site plan for a 12,000 square foot apartment building, containing eight (8) units, and a 9,600 square foot office building on parent Parcel 45-94A.
- SUB200900015 – Approved a subdivision of parent Parcel 45-94A into two (2) parcels: Parcel 45-94A1 (0.4 acres) and 94A2 (0.68 acres).
- SUB202200183 – A proposed boundary line adjustment plat to combine 0.310 acres (13,503 square feet) from Parcel 45-94A2, the subject property, with Parcel 45-94A1. Though staff has reviewed the proposed subdivision plat (Attachment E) and deemed it approvable, signature copies of the plat have not been submitted to the County for final approval and the plat has not yet been recorded.
- SDP202200065 – A proposed site plan to develop the revised Parcel 45-94A2 under the Rio29 FBC Overlay District regulations within the revised boundaries proposed by SUB2022000183. The proposed site plan amendment is currently under review.

STAFF ANALYSIS:

County Code § 18-33.9(A) provides that factors, standards, criteria, and findings, however denominated, in the applicable sections of the Zoning Ordinance are to be taken into consideration. The factors for consideration of a special exception under Section 20 are contained in County Code § 18-20C.2(D)(2) and used as the basis for staff's evaluation of the applicant's request.

Ordinance language is presented in ***bold italics*** followed by staff comment.

1. In addition to special exceptions granted under § 18-33, special exceptions from the Rio29 FBC may be granted by the Board of Supervisors for the following:

- e. Relief from the provisions of 20C.2.B.3 to allow the Rio29 FBC to apply to a portion of a parcel existing on September 1, 2021. In addition to the submittal requirements of section 33 the applicant must submit a conceptual plan showing how the entire property could be developed in accord with the regulations of the Rio29 FBC.***

The applicant has requested a special exception for relief from the provisions of §18-20C.2(B)(3) for the 0.310-acre area to be combined with Parcel 45-94A1 and has submitted the required concept plan (Attachment D), which shows proposed Phase 1 development and Phase 2 future development. The purpose of the concept plan is to demonstrate that it is still feasible to develop the entire property, once combined with the adjacent parcel, under the Rio29 FBC. Staff has no concerns. Of note, though many of the specific and detailed requirements of the Rio29 FBC are not shown on the submitted concept plan, it is sufficient for the evaluation of this request.

2. Special exceptions from the provisions of the Rio29 FBC may be granted by the Board of Supervisors upon a finding that the special exception:

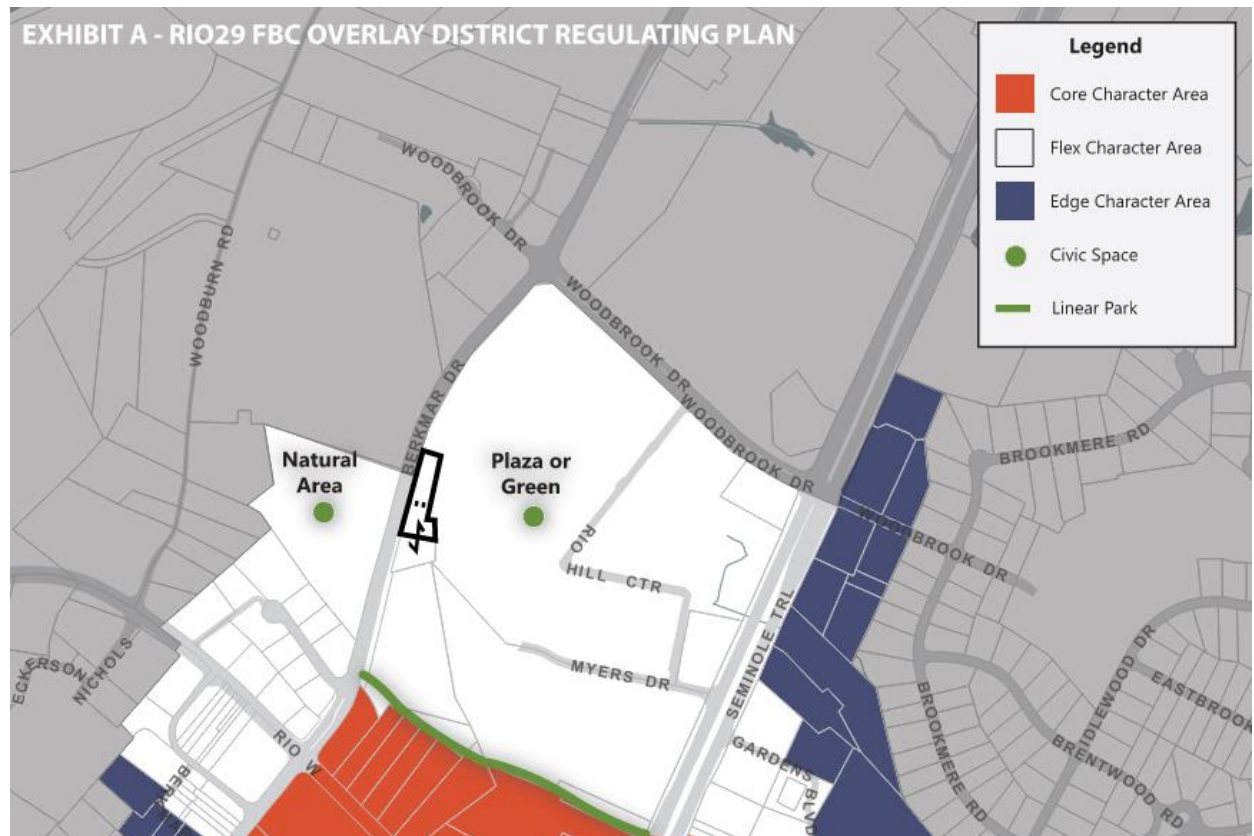
- a. Furthers the purpose and intent of the provisions of the Rio29 FBC as described in section 20C.1 (Purpose and intent);***

The proposed special exception would further the purpose and intent of the provisions of the Rio29 FBC because more than half of the parcel as it existed on September 1, 2021 would opt into the Rio29 FBC. The proposed site plan amendment, being reviewed under SDP202200065, would ensure that the requirements of the Rio29 FBC are met. However, Parcel 45-94A1, including the 0.310-acre area added, may still elect to develop under the underlying NMD zoning.

- b. Is consistent with the Regulating Plan; and***

The Rio29 FBC Regulating Plan indicates the designated character area for each property within the Rio29 FBC District as well as the general location of required civic spaces. The subject property for this special exception is located within the Flex character area, which "*accommodates a range of building forms and uses to transition from higher intensity urban development in the Core to the lower intensity development along the Edge. The Flex physically connects the Core and the Edge and has a variety of building heights and block sizes. This connection is enhanced through a network of civic spaces and pedestrian, bike, and transit options.*"

Properties surrounding the subject property, except for land associated with Agnor-Hurt Elementary School located across Berkmar Dr., opposite the northern portion of the subject property, are also designated as Flex character area (see a map of the Regulating Plan below with the subject property and proposed BLA shown in black). The development of surrounding properties, including their ability to opt into the Rio29 FBC overlay district on the subject property, are not adversely impacted. As a result, although the subject property would be smaller than on September 1, 2021, staff finds that the special exception request and development of the subject property would not inhibit or create inconsistencies with the Rio29 FBC Regulating Plan.



c. Is consistent with the Comprehensive Plan.

In addition to the justifications provided in the applicant's narrative, with which staff agrees, the Comprehensive Plan and long-term vision for development in this area are also informed by the Rio29 Small Area Plan. A significant portion of Parcel 45-94A2 would develop consistently with the goals and vision of the Rio29 Small Area Plan and County Comprehensive Plan.

Based on this analysis, staff finds that the special exception request to relieve the proposed site plan amendment from the requirements of § 18-20C.2(B)(3) meets all requirements. This application would impact only a small area within the Rio 29 FBC District.

RECOMMENDATION:

Staff recommends that the Board adopt the attached Resolution (Attachment F) to approve the proposed special exception to allow the Rio29 Form-Based Code regulations to apply to the newly-adjusted Parcel 04500-00-00-094A2, and not its remaining 0.310 acres.