

County of Albemarle
Department of Community Development
401 McIntire Road
Charlottesville, VA 22902

April 5, 2021

Regarding: ZMA2020-13 [An Amendment to ZMA2002-08] (Overlook Hotel)
Request for Exception from Section 21.4
Height Regulations

Section 8.2(b) of Chapter 18 of the Code of Albemarle permits the board of supervisors to vary or except certain regulations of the Zoning Ordinance for planned developments. In accordance with Section 8.2(b), it is our request for the board of supervisors to grant an exception from Section 21.4 of Chapter 18 of the Code of Albemarle for ZMA2020-00013, a proposed hotel development known as “Overlook Hotel” within a planned development mixed commercial (PD-MC) district, known as “Rivanna Ridge Shopping Center.” Section 20.7.1 states, “minimum stepback 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 provided in section 4.20.”

Further details on Overlook Hotel’s proposed amendment are provided with the Application Plan dated December 7, 2020 and last revised April 5, 2021. The ZMA associated with this special exception is to amend ZMA2002-08 to allow for a hotel use within the tax map parcel designated as 07800-00-00-073A7.

In your review of this request, please consider the following:

- 1) Section 8.2(B)-3:
(i) the waiver or modification is to be consistent with the intent and purposes of the planned development district under the particular circumstances, and satisfies all other applicable requirements of section 8

Per Section 25A of the Albemarle County Zoning Ordinance, PD-MC districts are intended to facilitate the “development of large-scale commercial areas with a broad range of commercial uses under a unified planned approach...on major highways in the urban area,” with planned districts, generally, as districts that seek “to implement the various goals and objectives set forth in the comprehensive plan” (Sec. 8.1). The 2020 rezoning, that serves as an amendment to

ZMA2002-08, would further enhance the development of the Rivanna Ridge PD-MC. The proposed hotel use would contribute to the diversity of commercial uses intended to be fulfilled by the PD-MC district for neighboring residential areas along major transportation corridors. Moreover, the 2019 Master Plan designates the Rivanna Ridge area as an Urban Center, areas that generate high levels of community activity. Allowing for a waiver of the minimum setback requirement for any story above 40 feet in height or 3 stories, whichever is less, supports the established intent of the planned districts and the Comprehensive Plan designation of an Urban Center. The PD-MC seeks to establish a cohesive commercial and service area, facilitating vehicular and pedestrian movement throughout an economic center of Albemarle County. Minimum setback requirements are in place to encourage human-scale development that fosters pedestrian-friendly streetscapes and urban design within established yard requirements. The proposed hotel on tax map parcel 78-73A7 fronts on Route 250, resulting in no maximum setback, per Section 4.20, as the property abuts a principal arterial highway or interstate. While the plans provided in the ZMA2020-13 application are conceptual, due to the existing topography and shape of the subject property, it is likely that the proposed building footprint will be sited in this approximate location. The approximate edge of the building is positioned over 100' from Route 250 and the waiver to the setbacks would not detract from the cohesion of the Rivanna Ridge Shopping Center.

(ii) the waiver or modification is to be consistent with planned development design principles

The addition of a use that has not been fulfilled by the Rivanna Ridge Shopping Center would further enhance the existing PD-MC district. Allowing for a waiver to the minimum setbacks would allow for economical and efficient land use as designated by Section 8.1. As a parcel of an unusual shape and topography, the site needs to accommodate the proposed building footprint, parking and travelways, stepped retaining walls, and pedestrian infrastructure. Design iterations of the site has led to the building footprint along the length of the parcel, set back from Route 250 more than 100'. The proposed hotel structure is not required to be positioned to 'enclose' Route 250, and therefore, a waiving of the setback requirement would not detract from "appropriate and harmonious physical development" along Route 250 as designated by Section 8.1, whereas setback requirements may necessitate a larger building footprint and diminish the economical and efficient site design currently set forth.

(iii) the waiver or modification will not adversely affect the public health, safety or general welfare

A special exception in minimum building setback requirement of the subject parcel will not adversely affect the public health, safety, or general welfare. As previously discussed, the intent of minimum setbacks is to establish human-scale streetscapes that encourage active transportation within minimum required yards set forth by the Albemarle County Zoning Ordinance. However, due to the property's location on Route 250, the property has no maximum front setback. As a result of the existing topography and the shape of the parcel, the building will

need to be positioned over 100' from Route 250, and waiving the setback requirement would not detract from the streetscape of Route 250 and deter opportunities of active transportation.

(iv) in the case of the waiver or modification, the public purposes of the original regulation would be satisfied to at least an equivalent degree by the modification

Allowing for a four-story structure without a setback would achieve the same purpose of a hotel structure with the required setbacks. Due to the distance from Route 250 to the proposed structure, the presence of setbacks would not necessarily enhance cohesion among this commercial district. While setbacks may significantly impact urban streetscapes in creating streetscape enclosures, the proposed hotel is located off of a principal arterial, featuring four lanes of 45-mph traffic. Requiring setbacks at a distance of 100' or more would provide a negligible impact on this principal arterial and would not fulfill the intention of building setbacks.