

# COUNTY OF ALBEMARLE

## TRANSMITTAL TO THE BOARD OF SUPERVISORS

### SUMMARY OF PLANNING COMMISSION ACTION

<b>AGENDA TITLE:</b> ZMA201200007 5 <sup>th</sup> Street Commercial	<b>AGENDA DATE:</b> September 14, 2016
<b>SUBJECT/PROPOSAL/REQUEST:</b> Request to rezone 4.35 acres to amend proffers and plan and to approve special exception	<b>STAFF CONTACT(S):</b> David Benish, Elaine Echols
	<b>PRESENTER (S):</b> Elaine Echols

#### BACKGROUND:

On March 15, 2016, the Planning Commission (the "Commission") heard the Applicant's request for ZMA 201200007 and for a special exception and provided comments, then continued the hearing to June 21, 2016 to allow the Applicant and staff to address specific issues.

At its meeting on June 21, 2016, the Commission voted 5:0 (Keller, Firehock absent), to recommend approval of ZMA-2012-00007 with the changes to the proffers identified in the June 21 staff report. In addition, the Commission voted 5:0 (Keller, Firehock absent) to recommend approval of a special exception to allow a 74' maximum front setback.

#### DISCUSSION:

Attachments A - E contain the Commission's action letter, staff reports and minutes from the March 15, 2016 and June 21, 2016 meetings. Staff did not recommend approval of the request for four reasons, including a lack of relegated parking, which is a principle of the Neighborhood Model. The Commission, however, disagreed with staff's recommendation for relegated parking and recommended approval of both the rezoning and the special exception to allow a 74' maximum front setback.

At the June 21 meeting, the Applicant agreed to remedy the other outstanding issues between the Commission meeting and the Board meeting. The Applicant has made all the modifications to the proffers as requested by staff and as noted in the June 21 staff report, and the modified proffers and proffered plan are provided as Attachments F and G. The County Attorney has prepared the attached Resolution (Attachment H) to approve the special exception and the attached Ordinance (Attachment I) to approve the ZMA should the Board wish to approve the Applicant's request.

#### RECOMMENDATIONS:

The Planning Commission recommends that ZMA201200007 be approved with a special exception to allow for a 74' maximum front setback. If the Board wishes to approve this ZMA, staff recommends that the Board adopt the Resolution to approve the special exception (Attachment H) and the Ordinance to approve the ZMA (Attachment I).

#### ATTACHMENTS:

- A - Planning Commission action letter dated August 1, 2016
- B - Planning Commission staff report for June 21, 2016
- C - Planning Commission staff report for March 15, 2016
- D - Planning Commission minutes June 21, 2016
- E - Planning Commission minutes March 16, 2016
- F - Proffers dated September 1, 2016
- G - Proffered plan dated July 28, 2016
- H - Resolution to approve special exception
- I - Ordinance to approve ZMA 201200007