

## ATTACHMENT B – STAFF ANALYSIS

The following staff analysis was conducted pursuant to the restrictions, provisions, and considerations contained in Albemarle County Code Chapter 18 (“Zoning”), Section 21 (“Commercial Districts – Generally”):

### 21.7 MINIMUM YARD REQUIREMENTS

The minimum yard requirements in the commercial districts are as follows:

c. *Buffer zone adjacent to residential and rural areas districts.* No construction activity including grading or clearing of vegetation shall occur closer than twenty (20) feet to any residential or rural areas district. Screening shall be provided as required in section 32.7.9. The board of supervisors may waive by special exception the prohibition of construction activity, grading or the clearing of vegetation in the buffer in a particular case upon consideration of whether: (i) the developer or subdivider demonstrates that grading or clearing is necessary or would result in an improved site design; (ii) minimum screening requirements will be satisfied; and (iii) existing landscaping in excess of minimum requirements is substantially restored.

#### Summary of Staff Analysis:

Zoning Ordinance 21.7.c – criteria for consideration:	
(i)	Grading within 20’ buffer is necessary in order for the proposed parking lot expansion to match the alignment of the existing parking lot.  <i>(Note: The existing parking lot was constructed in connection with approved Site Plan SDP201200063, which included a very similar special exception request that was approved on December 20, 2011).</i>
(ii)	The proposed landscape plan would satisfy minimum screening requirements.
(iii)	Existing landscaping would be restored equal to, or in excess of, what was previously approved (SDP201100082 and SDP201200063); with growth and maturity, the proposed landscaping (as shown on page 6 / “Landscape Plan”) would be an improvement over existing conditions.
Additional factors for consideration:	
A. The subject property (TMP 59-D2-1-15 / Boar’s Head) and the adjoining property which is zoned R-1 (TMP 75-63 / Birdwood) are both owned/controlled by the same entity (UVA Foundation). There is no objection to the proposed grading and landscaping from the owner of the adjoining property in the R-1 district.	
B. Staff has concluded that no residential properties (dwellings) or residents in the abutting R-1 district would be adversely impacted by the proposed grading or the requested special exception, because of the following property-specific details: <ul style="list-style-type: none"><li>• <i>Use of R-1 property:</i> Although the adjoining property is zoned R-1, the primary use of that property is institutional (Birdwood Golf Course).</li><li>• <i>Size of R-1 property:</i> The adjoining R-1 property is 544 acres in size, and does not actually contain any residential uses or structures in the vicinity of the subject property; the nearest occupied dwelling is approximately one thousand six hundred (1,600) feet away from the proposed improvements.</li></ul> Therefore, strict application of the buffer zone requirements is not warranted in this particular context.	

#### Staff Recommendation:

With regards to the findings contained herein, inclusive of the criteria to be considered per Zoning Ordinance 21.7.(c) (i), (ii), and (iii), as well as other additional factors, **staff recommends approval** of this request for a special exception.

Specifically, staff recommends that the Board adopt the attached Resolution (Attachment C) to approve the special exception to waive the buffer zone requirements as depicted on the proposed Grading Plan (dated July 10, 2017 and identified as “Page 5 of 7”), and as described in this staff analysis, subject to the conditions attached thereto.