

ATTACHMENT B – STAFF ANALYSIS

STAFF PERSON: Tori Kanellopoulos
BOARD OF SUPERVISORS: June 19, 2019

Staff analysis of this special exception request to vary from the approved ZMA Code of Development was conducted pursuant to the following applicable provisions and evaluation criteria contained in County Code §18-8.5.5.3:

8 PLANNED DEVELOPMENT DISTRICTS - GENERALLY

8.5 PROCEDURES FOR PLANNED DEVELOPMENT APPLICATIONS

8.5.5.3 VARIATIONS FROM APPROVED PLANS, CODES, AND STANDARDS OF DEVELOPMENTS

- a. The director of planning is authorized to grant a variation from the following provisions of an approved plan, code or standard:
 1. Minor changes to yard requirements, build-to lines or ranges, maximum structure heights and minimum lot sizes;
- c. The director of planning is authorized to grant a variation upon a determination that the variation:
 - (1) is consistent with the goals and objectives of the comprehensive plan;
 - (2) does not increase the approved development density or intensity of development;
 - (3) does not adversely affect the timing and phasing of development of any other development in the zoning district;
 - (4) does not require a special use permit; and
 - (5) is in general accord with the purpose and intent of the approved application.

Staff Analysis – Request #1 for Special Exception to Vary:

Variation request for an additional story in height for proposed mixed-use building with 160 multi-family units and 20,000 square feet of office space in Block D2 of Stonefield. The Code of Development for Stonefield allows buildings of one to five stories by-right in Block D. Variation is per County Code §18-8.5.5.3(a)(1).

Evaluation criteria per County Code §18-8.5.5.3(c):	
(1)	The requested variation is consistent with the goals and objectives in the Comprehensive Plan. This property is designated Destination Center and Urban Mixed Use (in Centers and around Centers) in the Places29 Master Plan. The Places29 Master Plan lists a maximum building height of five (5) stories in Destination Centers. However, the Places29 Master Plan was modeled after Stonefield's (formerly Albemarle Place) Code of Development, which allows a maximum of eight (8) stories in Block E. The Places29 Master Plan includes employment uses as an appropriate use in Destination Centers. Both of these Comprehensive Plan designations (Urban Mixed Use in Centers and around Centers) call for a mixture of uses and encourage residential units located on upper floors. This proposal will have office space on the first floor, with the 160 multi-family units located on the additional floors, as well as structured parking. The location of the proposal within Stonefield provides opportunities for walking to a variety of other uses, including retail and dining. <u>Evaluation criteria met.</u>
(2)	The requested Variation would not increase the approved development density or intensity of development. <u>Evaluation criteria met.</u>
(3)	The requested Variation does not adversely affect the timing or phasing of development of any other development in the zoning district. <u>Evaluation criteria met.</u>
(4)	The requested Variation does not require a Special Use Permit. <u>Evaluation criteria met.</u>
(5)	The requested Variation is in general accord with the purpose and intent of the approved application plan. The proposal will provide greater than or equal to the amount of open and civic space shown on the application plan. The proposed building footprint is different than what is shown on the application plan

(ZMA2013-9), as this application plan was very specific to what was proposed at the time. Therefore, it shows 55 townhomes located in Phase 2 of Block D2. This proposed project will have a similar footprint area compared to the townhomes and will still provide the required open space. Additionally, multi-family units and office uses are by-right in Block D.

Evaluation criteria met.

Additional factors for consideration:

- A. The existing six-story Hyatt was approved with a special exception for its additional story and is also located in Block D.
- B. Mixed-use buildings are called for in Destination Centers and Urban Mixed Use designations in the Places29 Master Plan and in Stonefield's Code of Development.
- C. The boundaries of Blocks D and E have shifted over time. A portion of Block D (adjacent to approximately seven (7) lots of the Commonwealth Drive duplexes and to current Block E) was formerly included in Block E. Therefore, that portion of Block D (formerly Block E) was originally considered acceptable to have eight (8) stories. Please see Page 13 of the applicant's attached letter of justification for more details.
- D. The following comment has been provided by the County's Economic Development Office: "This project is located in a federally-designated census tract known as an Opportunity Zone (OZ). Goal 4, Objective 3 of [Project ENABLE](#) calls for the County to "lead the promotion of Opportunity Zones." OZs present a unique opportunity for the County to attract private capital investment, which is part of the mission of Economic Development. OZs also provide a new way for businesses to access capital because Opportunity Zone Funds can invest directly into businesses located within these tracts. In this case, the proposed height exception allows the creation of non-residential space that will accommodate business(es) seeking this type of access to capital. In addition, Economic Development staff is aware of several growing local companies within target industries that need this type of space. Therefore, staff supports permitting the maximum amount of non-residential space that is consistent with the Comprehensive Plan. In doing so, the County will also be taking the lead to "help businesses take advantage of grant programs, state and federal financing opportunities" (Goal 3, Objective 3)."
- E. The applicant has determined that a by-right building of five (5) stories would also affect the view of adjacent properties along Commonwealth Drive. Therefore, with or without the special exception, the view from those properties will be altered and will block previous sightlines. Views of five (5) and six (6) stories are shown in the applicant's request materials.
- F. Please see the application for Variation Request (Attachment A) for the applicant's description and justification.

Staff Recommendation – Request for Special Exception:

With regards to the findings contained herein, inclusive of the criteria to be considered per County Code §18-8.5.5.3(c), as well as other additional factors, staff recommends approval of this Special Exception Request with conditions. Specifically, staff recommends that the Board adopt the attached Resolution (Attachment C) to approve with conditions the Special Exception Request for a special exception to vary the Code of Development approved in conjunction with ZMA2001-7 Stonefield (formerly Albemarle Place) so as to modify (increase) the maximum number of stories in Block D2 from five (5) stories to six (6) stories pursuant to County Code §18-8.5.5.3(a)(1).