

## ATTACHMENT D – STAFF ANALYSIS OF SPECIAL EXCEPTION REQUEST

**STAFF PERSON:** CAMERON LANGILLE

**BOARD OF SUPERVISORS:** JULY 15, 2020

The applicant is requesting that the minimum required 15' front building setback requirement of §18-4.20 be waived for one (1) four-story structure within the Presidio Apartments at Martha Jefferson Hospital development. The parcel is zoned PD-MC, which is a planned development district, and is subject to the proffers and Application Plan of ZMA200100015 - Martha Jefferson Hospital at Peter Jefferson Place. The development is located within the Pantops Development Area.

County Code §18-33.18(B) states that Application Plan's for PD-MC districts must specify the applicable development standards for buildings in the district. Per County Code §18-25A.6, §18-21.4, §18-8.5.5.2(d), and §18-8.2(a), buildings in PD-MC districts must comply with the building setback requirements of §18-4.20. However, the Application Plan of ZMA200100015 did not specify specific development standards for building setbacks.

County Code §18-33.49(b) ("Factors to be considered") states that "In acting on a special exception, the Board shall consider the factors, standards, criteria, and findings, however denominated, in the applicable sections of this chapter, provided that the Board shall not be required to make specific findings in support of its action."

Per County Code §18-8.5.5.2(d) and §18-8.2(b), an applicant may request the Board of Supervisors to waive any requirements of County Code §18-4 at any time. Therefore, staff analysis of this special exception request to waive the required 15' building setback was conducted pursuant to the following relevant following application provisions and evaluation criteria contained in County Code §18-8.2(b)(3), land use and form recommendations from the Pantops Master Plan, and relevant Neighborhood Model Principles contained in Chapter 8 of the Albemarle County Comprehensive Plan.

### **Staff Analysis:**

#### **County Code §18-8.2(b)(3)**

Requests to waive building setback requirements of §18-4.20 may be granted only if the request meets findings specified in County Code §18-8.2(b)(3).

<b>Findings per County Code §18-8.2(b)(3):</b>	
(i)	<p><i>Consistent with the intent and purposes of the planned development district under the particular circumstances, and satisfies all other applicable requirements of <a href="#">section 8</a>.</i></p> <p>The intent of planned districts such as PD-MC is to "accomplish the goals and objectives of the comprehensive plan to a greater extent than the regulations of conventional districts" and "promote: economical and efficient land use through unified development; improved levels of amenities; appropriate and harmonious physical development; creative design; and a better environment than generally realized through conventional district regulations."</p> <p>The waiver request would not be inconsistent with the intent of the PD-MC district, because the proposed design of buildings and outdoor spaces within the development will create an appropriate and harmonious form within the complex. Furthermore, ZMA200100015 allows for 250 total dwelling units to be constructed on the parcel.</p>

	<p>As explained by the applicant in Attachment A, requiring a setback for building #3 could result in units being relocated to another structure, which would not be an economical and efficient use of land.</p> <p>Certain Neighborhood Model Principles from <a href="#">Chapter 8</a> of the Comprehensive Plan are relevant when evaluating setback waiver requests relative to the intent of PD-MC districts. These principles include the “Buildings and Spaces of Human Scale” and “Pedestrian Orientation.” Granting the waiver would not expect to be inconsistent with the objectives of these principles. Greater detail on this can be found in the Analysis Relative to Comprehensive Plan section below.</p> <p><b><u>Evaluation criteria is met.</u></b></p>
(ii)	<p><i>Consistent with planned development design principles.</i></p> <p>The only planned development design principles contained in the Zoning Ordinance for PD-MC districts can be found in County Code §18-25A.5. The Ordinance states that “Buildings shall be arranged in a fashion to encourage pedestrian access of customers and minimize internal automotive movement.”</p> <p>The site is designed so that a complete pedestrian network of sidewalks and trailways extend through the development from Peter Jefferson Parkway south to the Old Mills Trail along the Rivanna River greenway system. Waiving the building setback requirement will not affect the site’s consistency with this finding.</p> <p>The development is located within the boundaries of the Employment District of the Pantops Development Area, as specified in the <i>Character &amp; Land Use</i> chapter of the <a href="#">Pantops Master Plan</a>. The Pantops Master Plan contains guidance on building form and design (page 38). Structures within the Employment District should be between 2-4 stories in height, and building massing and heights should “promote visibility of significant views and view corridors.” Staff finds that all buildings within the project are consistent with the Master Plan’s height recommendations. The massing and form of building #3 is consistent with the Master Plan’s architectural recommendations because windows, porches and other elements are incorporated into the façade design (Attachment 3).</p> <p>As explained in the applicant’s narrative, topography on the site slopes downward from the front (northeast) property line along Peter Jefferson Parkway to the rear (southwest) property line closest to the Rivanna River. The overall elevation drop across the parcel is 106 feet. Building #3 is located near the center of the parcel, approximately 350’ from the highest onsite elevation on this parcel at Peter Jefferson Parkway. The finished floor elevation (FFE) of building #3 will be 487.67’ which is approximately two feet higher than the elevation of Peter Jefferson Parkway. Therefore, the height and massing of building #3 would not be expected to impede views of the Rivanna River and Monticello for pedestrians and from other buildings in Pantops further north of this site.</p> <p>Staff representing the Architectural Review Board (ARB) have verified that the waiver request will not create any impacts to the Entrance Corridor of Route 250, and they have no objections to granting the waiver.</p> <p><b><u>Evaluation criteria is met.</u></b></p>

(iii)	<p><i>The waiver or modification would not adversely affect the public health, safety or general welfare.</i></p> <p>As explained by the applicant in Attachment A, building #3 will be a stick frame structure. Load bearing patterns in stick frame buildings that feature stepbacks on upper floors can result in difficulty attaining and maintain load patterns as weight increases higher in the structure. Although it is possible to achieve load consistencies with stepbacks and maintain the structural integrity of stick frame buildings, doing so presents cost and construction challenges.</p> <p>Staff representing the Architectural Review Board (ARB) have verified that the waiver request will not create any impacts to the Entrance Corridor of Route 250, and they have no objections to granting the waiver.</p> <p>For these reasons, waiving the stepback on the northeast façade would not be expected to adversely affect the public health, safety, or welfare due to the location and FFE of building #3.</p> <p><b><u>Evaluation criteria is met.</u></b></p>
(iv)	<p><i>In the case of a requested modification, that the public purposes of the original regulation would be satisfied to at least an equivalent degree by the modification.</i></p> <p><b><u>Not applicable, this is a waiver request.</u></b></p>
<p><b>Analysis relative to Comprehensive Plan</b></p> <ul style="list-style-type: none"> <li>Development Areas Objective 2: “Create a physical environment that supports healthy lifestyles through application of the Neighborhood Model Principles” [including “Pedestrian Orientation” and “Buildings and Spaces of Human Scale”].</li> </ul>	
<b>Pedestrian Orientation</b>	<ul style="list-style-type: none"> <li>Requiring front stepbacks is one way the County attempts to ensure that Development Areas have high quality development” with a significant degree of “pedestrian orientation.”</li> <li>The requested front stepback waiver for the northeast façade of building #3, as shown on Attachments B and C, would not be contradictory to this pedestrian orientation principle because of the building’s location and distance from to the public right-of-way. It is located away from Peter Jefferson Parkway and only extends approximately 2’ above the grade of the road. Waiving the stepback requirement would not result in a pedestrian experience that is unsafe, inconvenient, or uncomfortable for pedestrians.</li> <li><b><u>Request is consistent with this principle.</u></b></li> </ul>
<b>Buildings and Spaces of Human Scale: Form, Massing, and Proportion</b>	<ul style="list-style-type: none"> <li>Requiring front stepbacks is one way the County attempts to ensure that Development Areas have “relationships among building height, yards, parking and architectural features” that create a positive “perceived scale of buildings and development.”</li> <li>Building #3 is oriented so that the longest facades (southeast and northwest elevations) are on the sides of the building and do not face the public right-of-way of Peter Jefferson Parkway. The “front” façade that is subject to the stepback requirement is the shorter elevation on the structure, and this façade is only adjacent to an internal vehicular travel way and parking area. Therefore, waiving</li> </ul>

	<p>the stepback requirement would not be expected to result in the loss of a design element that provides tangible benefits for residents and/or the public.</p> <ul style="list-style-type: none"> <li>▪ The distance from building #3 to Peter Jefferson Parkway is approximately 350'. The FFE of building #3 is only 2' higher than the FFE of the Peter Jefferson Parkway public right-of-way. This means that the requested front stepback waiver would not result in form, massing, or proportionality that would be objectionable as viewed from the front property line along Peter Jefferson Parkway.</li> <li>▪ Attachment C identifies architectural elements that will be provided on all four sides of building #3. As shown, windows and porches along these facades will "help create proportionality for the pedestrian" when walking through the development.</li> <li>▪ <b><u>Request is consistent with this principle.</u></b></li> </ul>
<b>Buildings and Spaces of Human Scale:</b> Building Heights and Spatial Enclosure	<ul style="list-style-type: none"> <li>▪ Requiring front stepbacks is one way the County attempts to ensure that Development Areas have appropriate "spatial enclosure" and a desirable "relationship of building height and setback to road widths."</li> <li>▪ Waiving the 15' front stepback on the northeast façade of building #3 would not be expected to result in any "feeling of pedestrian confinement" which "often occurs when buildings are very tall and streets are narrow." Building #3 is situated behind and below other buildings that will be closer to Peter Jefferson Parkway. The façade which is subject to the stepback requirement is the shortest façade on building #3, and it faces an internal vehicular travel way and parking area. The longer sides of Building #3 are oriented toward surface parking areas, and an open deck and swimming pool behind the complex clubhouse. These features will create an open-air atmosphere around building #3. Waiving the front stepback requirement will not create a sense of spatial enclosure that lacks human scale.</li> <li>▪ <b><u>Request is consistent with this principle.</u></b></li> </ul>

### **RECOMMENDATION:**

In summary, staff finds that the requested waiver meets the applicable findings specified in the Zoning Ordinance. The request is also consistent with recommendations for building form contained in the Pantops Master Plan. The request is also consistent with the relevant Neighborhood Model Principles of the Comprehensive Plan.

Staff recommends approval of the applicant's request to waive the 15' front stepback on the northeast façade of building #3.