

**STAFF PERSON:
PLANNING COMMISSION:
BOARD OF SUPERVISORS:**

**Andy Reitelbach
August 18, 2020
October 7, 2020**

Staff Report for Special Exception to waive the requirement for a minimum of at least two housing types in an NMD, Neighborhood Model District, in association with ZMA201900003, Albemarle Business Campus (formerly known as Royal Fern). (§ 18-20A.8(a))

WAIVERS AND MODIFICATIONS FOR PLANNED DEVELOPMENTS

The applicant is requesting to waive the requirement for a minimum of at least two housing types in an NMD, Neighborhood Model District. According to County Code § 18-20A.8(a), the Zoning Ordinance, each Neighborhood Model District shall have at least two housing types, provided that this requirement may be waived by the Board of Supervisors if the district is an infill project or at least two housing types are already present within one-quarter mile of the proposed district.

The applicant has provided a request and justification for this special exception, which can be found in Attachment 10.

County Code § 18-8.2(b) permits any planned district regulation to be modified or waived by the Board of Supervisors as a Special Exception under County Code § 18-33.43 through §18-33.51. In addition, as mentioned above, § 18-20A.8(a) specifically allows the Board of Supervisors to waive the requirement for at least two housing types. Staff analysis for County Code § 18-8.2(b)(3) and § 18-20A.8(a) is provided below:

3. Findings. In addition to making the findings required for the granting of a waiver or modification in sections 4, 5, 21, 26, or 32, a waiver or modification may be granted only if it is also found:

(No modifications or waivers are requested under sections 4, 5, 21, 26, or 32.)

- i. **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;**

Staff has reviewed the intent and purposes of the Neighborhood Model District and found the proposal to be consistent with the purposes of the district, including serving as a mixed-use development that integrates diversified uses in close proximity to each other.

In addition, § 18-20A.8(a) specifically permits the Board of Supervisors to waive the requirement for at least two housing types if “at least two housing types are already present within one-quarter mile of the proposed district.” There are at least four housing types that are already present not only within one-quarter mile of the proposed district, but on properties adjacent to the subject property. The property proposed to be rezoned is adjacent to other parcels that include multi-family, single-family attached, single-family detached, or mobile homes. This requirement of the ordinance is met.

ii. to be consistent with planned development design principles;

The application has been reviewed under the Neighborhood Model Principles and has been found to meet those principles. (See Attachment 9 for a more detailed analysis of this project's consistency with the Neighborhood Model Principles.)

iii. that the waiver or modification would not adversely affect the public health, safety or general welfare;

Staff has found that the public health, safety, and general welfare will not be adversely affected by the waiver of the requirement for at least two housing types within a Neighborhood Model District.

iv. 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.

The property of the proposed rezoning is on infill parcels adjacent to a wide range of different housing types within a quarter mile of the proposed development. Although two housing types may not be constructed with this development alone, there are a variety of other housing options within a short distance of this property.

Staff recommends approval of this Special Exception request.