

ATTACHMENT C – STAFF ANALYSIS

STAFF PERSON:
BOARD OF SUPERVISORS:

Mariah Gleason
October 7, 2020

BACKGROUND AND DETAILS OF THE PROPOSAL

This special exception request is attached to a Letter of Revision for site plan SDP199600094 Comdial, which is currently under review by staff. The subject parcel, Tax Parcel 061W0-03-00-01800, is located along Route 29 at 1180 Seminole Trail (the former Comdial building).

The applicant is requesting a special exception to disturb a required 30-foot use buffer area in order to construct two picnic table shelters along the western property boundary of the site. This location is separated from the abutting Costco parking area and gas pumps by an existing fence and tree line, the latter of which is located on the Costco property. The proposed shelters would be 300 square feet and 140 square feet in size, enough to accommodate three (3) picnic tables and one (1) picnic table, respectively. As the applicant explains in its proposal materials, the picnic tables and shelters will be used as outdoor space for lunch and small gatherings by the building's tenants, which include Albemarle County Public Schools' Center I and others.

The proposed locations of the picnic table shelters have been disturbed previously. The existing concrete pads to which the proposed shelters will be affixed were previously constructed as generator pads. At the time the generator pads were originally approved, both this site and the western abutting property were zoned Light Industry. As a result, construction activity in this location was permitted, as the site was adjacent to another industrial district. However, with the rezoning of Albemarle Place, now generally known as Stonefield, in 2001, the abutting property was rezoned to Neighborhood Model District, allowing additional uses, including residential, to be located adjacent to the subject property. Thus, the subject property is now subject to this requirement. This potential conflict between zoning districts was recognized during the rezoning of Albemarle Place (Stonefield).

The applicant's request has been reviewed against the following applicable provisions and evaluation criteria contained in County Code §18-26.5(d):

26 - INDUSTRIAL DISTRICTS – GENERALLY **26.5 – MINIMUM YARDS**

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

- c. *Use buffer adjacent to district other than commercial or industrial district.* For the purpose of this subsection, a use buffer shall not be required when a commercial or industrial district zone is across a street from a residential or rural area district. No construction activity, including grading or clearing vegetation (collectively, "disturbance"), shall occur within 30 feet of any district other than a commercial or industrial district except in the following circumstances: (i) adequate landscape screening does not currently exist and disturbance is necessary to install screening that meets or exceeds the screening requirements in section 32.7.9; (ii) an arborist or landscape architect certifies that trees in the buffer are dying, diseased or will constitute a fall hazard and must be removed; (iii) the county engineer determines that disturbance is necessary in order to address an existing drainage problem; or (iv) disturbance will result in improved screening through the use of a berm, a retaining wall or similar physical modification or improvement. When disturbance is allowed under subsection (i), (ii), (iii) or (iv), the developer shall submit an illustration showing the existing screening without disturbance and the screening that would be installed after the disturbance, and disturbance shall be allowed only if the screening installed after the disturbance is equal to or exceeds the screening existing prior to disturbance.
- d. *Special exception to disturb use buffer abutting district other than a commercial or industrial district.* The board of supervisors may authorize a disturbance in the use buffer required to be maintained under subsection (c) by special exception. The board shall consider whether disturbance is necessary or would result in an improved site design, provided that: (i) minimum

screening requirements are met; and (ii) existing landscaping in excess of minimum requirements is substantially restored.

STAFF ANALYSIS:

Staff finds that the first and second evaluation criteria are not applicable to this request. Under County Code §18-32.7.9.7 Screening, screening is required (1) when deemed necessary by the agent and (2) to mitigate features that may have negative visual impacts, such as refuse areas, storage yards, etc. Based on the applicant's proposal, staff does not consider the addition of picnic table shelters to be of an objectionable nature. Therefore, no onsite screening is required. With the rezoning of Albemarle Place, Stonefield, the abutting property is required to maintain the current coniferous plantings that are established along the common property boundary. These required plantings will provide separation between activities occurring on the Stonefield property and the subject property.

Staff finds that the proposed picnic table shelters will result in an improved site design. The picnic table shelters will serve as amenity to students and staff by providing an outdoor space for eating, small gatherings, and activities onsite, potentially reducing daily traffic to and from the site. Staff finds that this proposal will not adversely affect adjacent districts or properties.

RECOMMENDATION:

Based on the findings herein, staff recommends that the Board adopt the attached Resolution (Attachment D) approving the special exception to disturb the required use buffer, subject to the following conditions:

1. Disturbance of the use buffer adjacent to Tax Parcel 061W0-03-00-019B0 is permitted solely for the construction, installation, and maintenance of two (2) picnic table shelters.
2. Development of the picnic table shelters must be in general accord (as determined by the Director of Planning and the Zoning Administrator) with the special exception request dated August 5, 2020 and as shown on the plan exhibit titled "Seminole Trail Site Plan: Site," Sheet A1, dated July 10, 2020.