COUNTY OF ALBEMARLE

EXECUTIVE SUMMARY

AGENDA TITLE:	AGENDA DATE: April 2, 2014	
SDP201300011 – Old Trail Village, Block 2B – Special Exception to Authorize Variation #14 from ZMA2004-0024.	ACTION: INFORMATION:	
SUBJECT/PROPOSAL/REQUEST: Special exception to authorize variation from the spatial enclosure and building height regulations for the Rutherfoord Hotel.	CONSENT AGENDA: ACTION: X INFORMATION: ATTACHMENTS: Yes	
STAFF CONTACT(S): Mr. Benish and Mr. Newberry	REVIEWED BY:	
LEGAL REVIEW: No		

BACKGROUND:

The Board of Supervisors approved the original rezoning for Old Trail Village on September 14, 2005. Another rezoning was approved November 12, 2008 to amend the Code of Development for Block 2 to allow "rest home, nursing home, convalescent home, orphanage or similar institution" as a by-right use, which now contains an assisted living facility known as the Lodge at Old Trail. Block 2B is a 0.80 acre area located in the southwest corner of Block 2 between the Lodge and Block 1 (see Attachment A). The applicant is proposing a hotel and restaurant on this site, which is a by-right use within this block.

STRATEGIC PLAN:

Goal 5: Ensure the health and safety of the community.

DISCUSSION:

VARIATIONS FROM APPROVED PLANS, CODES, AND STANDARDS OF DEVELOPMENT

This variation request has been reviewed for Zoning and Planning aspects of the regulations. Variations are considered by the Board of Supervisors as a Special Exception under Chapter 18 Sections 33.5 and 33.9. Staff is recommending approval of this variation request.

VARIATION REQUEST #14:

The Code of Development uses a spatial enclosure ratio for regulating building height and massing. This ratio caps the maximum number of stories for each building based on several factors such as the width of right-of-way, sidewalk and planting strip width and front setback. In the CT5 section of Old Trail, the Code of Development permits building heights up to 3.5 stories (or up to 6 stories, if located at an intersection with a roundabout), but the proposed hotel is a 4 story structure (see Attachment B). Therefore, the applicant is requesting a variation from the 3.5 story height limit to allow the proposed 4 story building.

Staff notes that the Code of Development aims to integrate a range of uses in this section by using a variety of building facades and architectural features that are properly proportioned to their surrounding areas. Permitting an additional 0.5 story for Block 2B would support this intent without compromising health, safety or welfare. The applicant has also received a County-wide Certificate of Appropriateness from the ARB. Staff analysis of the variation request under Section 33.9 is guided by factors in Section 8.5.5.3(c) as provided below:

- 1. The variation is consistent with the goals and objectives of the comprehensive plan. This request is consistent with the goals and objectives of the comprehensive plan.
- 2. The variation does not increase the approved development density or intensity of development. It would be possible to achieve a similar height and massing as the proposed building without a variation because the Code of Development specifies that attics do not count as a "story" when calculating the spatial enclosure ratio. This proposal does not increase the density beyond the maximum permitted density in this block.

3. The variation does not adversely affect the timing and phasing of development of any other development in the zoning district.

The timing and phasing of any development in this district is unaffected.

- **4.** The variation does not require a special use permit. A special use permit is not required.
- 5. The variation is in general accord with the purpose and intent of the approved rezoning application. This variation is in general accord with the approved rezoning application.

RECOMMENDATION:

Staff recommends that the Board approve the special exception, subject to the following condition:

1. Development results in a building that is in general accord with the architectural drawings numbered A2.1 and A2.2 entitled "The Rutherfoord Hotel at Old Trail" and dated 07-08-2013 (provided as Attachment B).

ATTACHMENTS:

- A. <u>GIS map of the subject property and surrounding area</u>
- B. Architectural Drawings of Rutherfoord Hotel at Old Trail

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