

Albemarle County Board of Supervisors  
401 McIntire Road  
Charlottesville, VA 22902

October 30, 2024

**Regarding:                   Overlook Hotel (SDP2024-00050 and ARB2024-00056)**  
**Request for Exception from Section 4.20**  
**Stepbacks in Conventional Commercial Districts**

Overlook Hotel is proposed to be developed on parcels 78-73A7 and 78-13A per the approved Initial Site Plan SDP2024-00050. The frontage of the hotel is to be located on parcel 78-13A which is zoned Highway Commercial (HC). Maximum height of the hotel is proposed at 48' or four stories, which per Sec. 4.20(a) would require a 15-foot setback. Section 4.20 of the current Albemarle County Zoning code specifies setback requirements for HC districts as follows: "For each story that begins above 40 feet in height or for each story above the third story, whichever is less, the minimum setback shall be 15 feet." In accordance with Sec. 4.20(a)(4), the applicant respectfully requests a special exception be granted by the Board of Supervisors to waive the minimum setback requirement in Sec. 4.20(a).

In your review of this request, please consider the following:

Minimum setback requirements are in place to encourage human-scale development that fosters pedestrian-friendly streetscapes and urban design within established yard requirements. The waiver request to the setback would not detract from the pedestrian-friendly streetscape since the building will be sufficiently far from the roadway so as not to negatively impact the pedestrian experience. The proposed hotel on tax map parcel 78-13A fronts on Route 250 (Richmond Rd.), resulting in no maximum setback, per Section 4.20, as the property abuts a principal arterial highway or interstate. If not on a principal arterial highway or interstate, the maximum front setback would otherwise be 30'. As proposed, the building is located 150' from Route 250, and the proposed plan includes extensive landscaping along the frontage of the site. In addition, the building finished floor elevation is 19 feet lower than the elevation at the entrance to the site. With the building set this low into the site, it blends well into the landscape and will not appear to tower over nearby buildings. These factors combine to minimize the visual presence of the proposed four-story building. The distance of the proposed building from Route 250 largely negates the need for a setback, which is an architectural design feature that is incorporated into building design to provide relief from a monolithic streetscape, to mitigate the shadowing of a streetscape, and to

avoid a canyon effect<sup>1</sup>. Given the distance of the proposed building from Route 250, the visual impact on the streetscape is expected to be minimal.

The zoning ordinance requiring the 15-foot setback was adopted in order to implement the Neighborhood Model<sup>2</sup>. In their June 3, 2015 meeting, the Board of Supervisors adopted the zoning text amendment to change the requirement for buildings of 35 feet or higher to have an additional setback requirement of two feet for each foot of building height. In lieu of this regulation, buildings 40 feet or higher now require a 15-foot setback. With the context of the setback regulation being furtherance of the Neighborhood Model principles, it is relevant that elements of the Neighborhood Model are present within the context of this site. New for example, new pedestrian connections are to be created both within the site and along Route 250 for the entirety of the site frontage.

### The Proposed Special Exception Supports the Goals of the Commercial District Zoning

Per Sec. 21.1, commercial districts generally are intended to provide “places to conduct commerce and business as well as to provide places of employment and strengthen the local economic base.” The H-C districts specifically are intended to limit “sprawling strip commercial development by providing sites with adequate frontage and depth to permit controlled access to public streets” (Sec. 24.1). The proposed hotel use would contribute to the density of commercial uses intended to be fulfilled by the H-C district by concentrating development along major transportation corridors and reducing sprawl. At the same time, adequate sidewalks along street frontage promote connectivity and a pedestrian oriented landscape.

### The Proposed Special Exception Supports the Goals of the Comprehensive Plan

The site design as proposed would follow the guidance of promoting infill and redevelopment. Specifically, the placement of the building frontage over 150’ back from Route 250 allows for appropriate “screening, buffering and physical separation”<sup>3</sup>. Additionally, new development is encouraged within the defined growth area, in which the property is located. New hotel square footage on this site would provide for a greater efficiency in transportation, utility, and service provisions<sup>4</sup>, especially due to its proximity to the Rivanna Ridge Shopping Center and numerous restaurants such as Applebee’s, Bojangles, and Tip Top Restaurant.

For these reasons, the applicant requests a special exception from Section 4.20(a) as applied to the proposed four-story hotel. Granting the requested special exception would support goals of the Comprehensive Plan and Neighborhood Model without adverse impacts. The building will be located conveniently within the commercial districts yet appropriately detached visually from the pedestrian streetscape.

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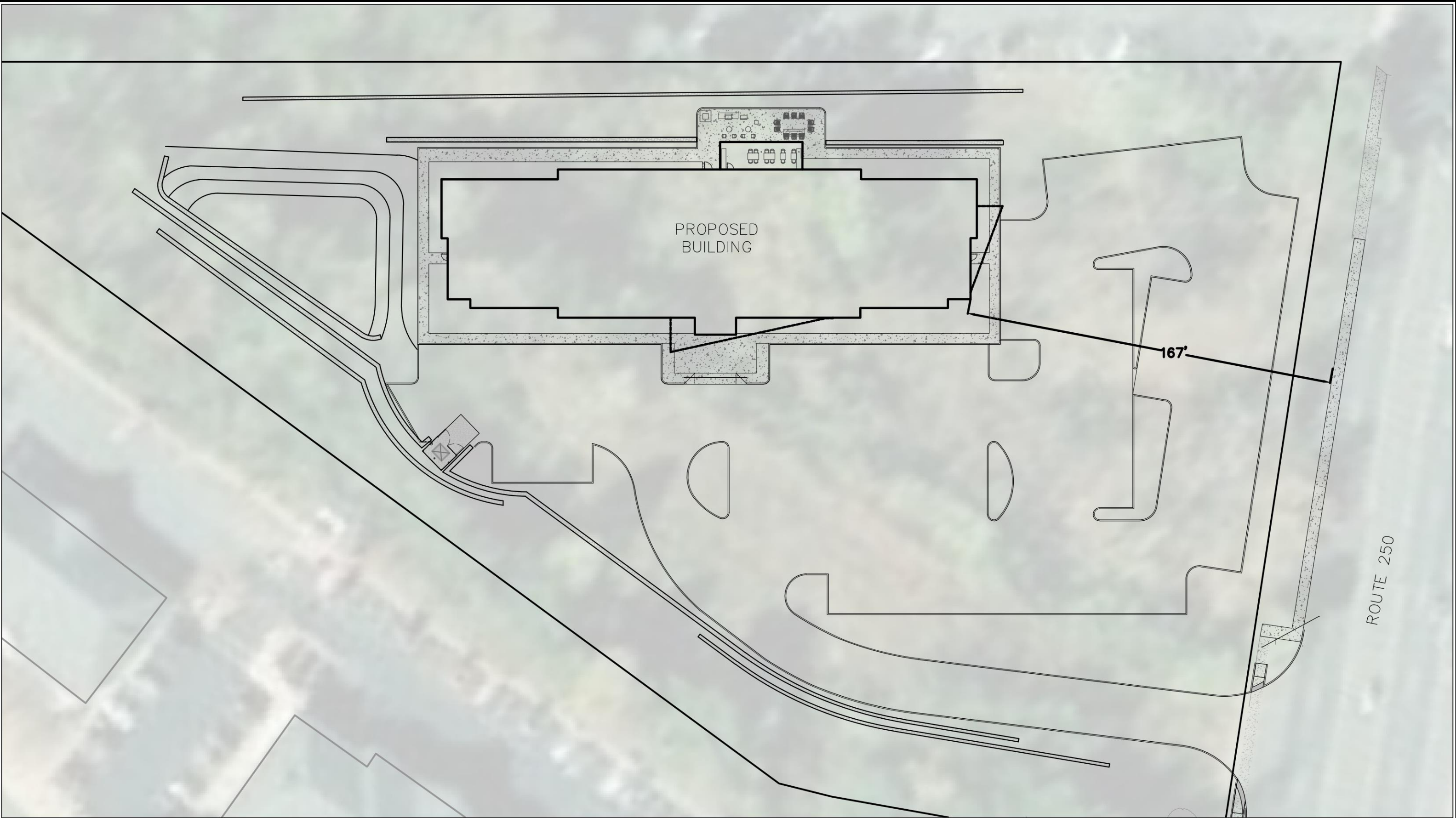
<sup>1</sup> Board of Supervisors Meeting Minutes, June 3, 2015 (p. 99). Ron Higgins, Deputy Zoning Administrator, noted that the setback requirement “avoids a ‘canyon’ effect”

<sup>2</sup> Staff report recommends approval of ZTA 2014-00003, noting the zoning text amendment is “further implementing the Neighborhood Model.

<sup>3</sup> Strategy 6c under Objective 6 of the Development Area chapter of the adopted Comprehensive Plan encourages “screening, buffering, and physical separation where necessary”, page 261

<sup>4</sup> Objective 6 of Development Areas in the County’s Comprehensive Plan promotes infill and development. Infill on vacant land shall be prioritized and thus available for new development, page 260.





**SHIMP ENGINEERING, P.C.**

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**OVERLOOK HOTEL  
Building Setback Exhibit**

