



COUNTY OF ALBEMARLE
Department of Community Development
401 McIntire Road, North Wing
Charlottesville, Virginia 22902-4596

Phone (434) 296-5832

Fax (434) 972-4126

May 28, 2019

Michael Matthews
1047 Woodlands Road
Charlottesville, VA 22901

RE: OFFICIAL DETERMINATION OF USE – Westminster Canterbury of the Blue Ridge Adult Daycare Center at TMP 07800-00-00-055A6 (“Westminster-Canterbury”)

Mr. Matthews:

In response to your request for confirmation that the proposed adult daycare center is permitted by right as a subset of “senior service center” under ZMA199700003 and two unnumbered special use permits, I have consulted with the Zoning Administrator and the County Attorney. It is my official determination that the proposed adult daycare center is an approved by-right use for Westminster-Canterbury of the Blue Ridge on parcel 07800-00-00-055A6 as a subset of “senior service center.”

Background

Establishment of Use

Westminster-Canterbury of the Blue Ridge was established through ZMA198700009, which approved a “retirement facility” on Tax Map Parcels 07800-00-00-055A0, 07800-00-00-055A5, and 07800-00-00-055A4. At the time, all three parcels were owned by Westminster-Canterbury of the Blue Ridge.

Parcel 07800-00-00-055A4 was later subdivided, and the parcel where the retirement facility is located was assigned parcel number 07800-00-00-055A6.

Under ZMA199700003 and two unnumbered special use permits, Westminster-Canterbury of the Blue Ridge rezoned 07800-00-00-055A0 and portions of 07800-00-00-055A5 and 07800-00-00-055A4 to allow “expansion of an established retirement community” at 07800-00-00-055A6.

The special use permit for the retirement community listed the following uses under “PROJECT DATA” on the ZMA199700003 Application Plan: cottages, homes for adults, health center beds, a community center expansion, independent living apartments, duplex cottages, single family villas, a fitness center, a catered living building, dementia households, and a senior service center, as well as office uses.

Condition 5 of the action letter for ZMA199700003 explicitly restricted “professional offices” to parcel 07800-00-00-055A5. The retirement community is not explicitly restricted to any parcels.

Parcel 07800-00-00-055A5 was later sold and subdivided, and the professional office use permitted by ZMA199700003 and clarified in ZMA199900009 was commenced on those parcels.

Senior Service Center

A “senior service center” was listed as an approved use as part of the established retirement community under the PROJECT DATA table on the approved Application Plan for ZMA199700003.

As recorded in the meeting minutes of the Planning Commission public hearing held on August 5, 1997, Mr. Henry Hennan, then-President and Chief Executive Office of the WCBR, noted that the retirement community was intended to “provide services to the entire community, e.g. **day care**, wellness programs, and meeting rooms for physicians and others.” (Emphasis added.)

Additionally, the Staff Report to the Planning Commission for ZMA199700003 noted that the “large building in the center [of the application plan] would **house senior center activities for residents and the general community.**” (Emphasis added.)

Analysis

Approval of ZMA199700003 allowed the establishment of a senior service center, including a day care, for use by the residents of Westminster-Canterbury as well as the general community.

The senior service center was described as part of an expansion of the established retirement community. Professional office uses permitted by the same approval were explicitly restricted to parcel 07800-00-00-055A5. Under the rezoning, the retirement community was allowed to expand to parcels 07800-00-00-055A0, 07800-00-00-055A5, and 07800-00-00-055A4, but was not explicitly restricted to any parcels.

Conclusion

Through this analysis, it is my determination that an adult daycare for use by the residents of Westminster-Canterbury of the Blue Ridge as well as the general community is a permitted by-right use as part of the Westminster-Canterbury of the Blue Ridge retirement facility.

If you are aggrieved by this determination, you have a right to appeal it within thirty (30) days of this notice, in accordance with *Virginia Code* § 15.2-2311. If you do not file a timely appeal, this determination will be final and unappealable.

An appeal may be taken only by filing an appeal application with the Zoning Administrator and the Board of Zoning Appeals, in accordance with § 18-34.3 of the Zoning Ordinance, along with a fee of \$258 plus the actual cost of advertising the appeal for public hearing.

Applications for Appeal of the Zoning Administrator’s Determination are available at the Department of Community Development located at 401 McIntire Road, Charlottesville, Virginia 22902 or online at www.albemarle.org/cdapps. This form applies to the appeal of a decision of the zoning administrator or any other administrative officer pertaining to the Zoning Ordinance.

Regulations pertaining to the filing of an appeal to the Board of Zoning Appeals are located in Chapter 18, Section 34.3 of the Zoning Ordinance. They may be reviewed online at www.albemarle.org/countycodebza.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Leah Brumfield".

Leah H. Brumfield
Senior Planner, Designee of the Zoning Administrator

Attachments: ZMA199700003 Action Letter ZMA 1997-08-07.pdf
ZMA199700003 Plan – Approved Zoning Map Amendment 1997-04-27.pdf

Copy: Amelia McCulley, Zoning Administrator
Claudette Borgersen, Clerk of the Board of Supervisors



COUNTY OF ALBEMARLE
Dept. of Planning & Community Development
401 McIntire Road
Charlottesville, Virginia 22902-4596
(804) 296-5823

August 7, 1997

Michael Matthews
Brinkman Management & Development Corp
210 East High St
Charlottesville, VA 22902

RE: ZMA-97-03 Westminster Canterbury of the Blue Ridge

Dear Mr. Matthews:

The Albemarle County Planning Commission, at its meeting on August 5, 1997, unanimously recommended approval of the above-noted petition to the Board of Supervisors. Please note that this approval subject to the following conditions and modifications as provided by 8.5.4 (d) of the zoning ordinance:

1. Special use permit approval for the retirement community (as distinguished from professional offices) shall not expire but shall remain in effect so long as approval of ZMA-97-03 remains in effect. The Application Plan shall be considered as conceptual only in terms of site layout of features such as building footprint, building location and road alignment. Approval shall be for uses and limitations as specified in PROJECT DATA on the Application Plan. Setbacks from internal roads and other vehicular areas shall maintain sight distances as determined by the Department of Engineering and Public Works. Perimeter setbacks and yard requirements from abutting residentially zoned properties shall not be less than required for such abutting properties.
2. Special use permit approval for professional offices shall be valid for a period not to exceed five (5) years to commencement of construction. For the purpose of this condition, "commencement of construction" shall be construed to mean the commencement of construction of the office building(s). Gross floor area of the professional office building(s) shall not exceed 15,000 square feet. Professional office usage is restricted to Tax Map 78, parcel 55A as depicted in Attachment C of this report.

Minimum setbacks for building and parking from Rte. 250 and external residential areas shall comply with section 21.0 of the Zoning Ordinance.

3. The wooded area on the Application Plan shown for passive recreation usage shall be maintained in a natural state except for trail and related improvements as depicted generally on the Application Plan. This area shall not be subject to general building development.
4. Access easement shall be provided to Tax Map 78, parcel 55A5 (residue) and Tax Map 78, parcel 55A1 as depicted on Attachment C of this report. WCBR will not be required to participate in construction of any such access. At time of development of those properties, maintenance agreements as required by the private roads regulations of the subdivision ordinance shall negotiated by the owners of TM 78, Parcel 55A5 and TM 78, Parcel 55A1 and WCBR.

Please be advised that the Albemarle County Board of Supervisors will review this petition and receive public comment at their meeting on August 13, 1997. Any new or additional information regarding your application must be submitted to the Clerk of the Board of Supervisors at least seven days prior to your scheduled hearing date.

If you should have any questions or comments regarding the above noted action, please do not hesitate to contact me.

Sincerely,



Ronald S. Keeler
Chief of Planning

RSK/jcf

cc: Ella Carey
Hank Hinnant

Amelia McCulley
Jack Kelsey

A:\ZMA9703.RPT

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approval of the Rural Preservation Development approved in accord with this permit on the Preservation Tract.

Agenda Item No. 12. ZMA-97-3. Westminster Canterbury of the Blue Ridge (Sign #87). **PUBLIC HEARING** on a request to rezone $\pm$ 38.2 acs from R-10 [TM78, P55A, 7.651 acs] & R-1 & R-6 [TM78, Pcls55A4 (pt of)&55A5 (pt of)] to allow for expansion of estab retirement community [TM78, Pcls 55A6, 28.39 acs] & allow professional offices. Located on N side of Rt 250E extending from Rt 250 E to Ashcroft PRD. (Properties in Neighborhood 3 of Urban Area & recommended for Neighborhood & Urban Residential densities in Comp Plan.) Rivanna Dist. (Advertised in the Daily Progress on July 28 and August 4, 1997.)

Mr. Cilimberg summarized the staff's report, which is on file in the Clerk's office and a permanent part of the record. Staff opinion is that the proposed expansion of Westminster-Canterbury of the Blue Ridge generally satisfies the requirements as to findings by the Commission under Sections 8.5.4 and 19.5.2 together with the criteria for issuance of special use permit (31.2.4.1) of the Zoning Ordinance. Staff recommends approval subject to conditions.

Mr. Cilimberg said the Planning Commission, at its meeting on August 5, 1997, unanimously recommended approval of ZMA-97-03. This approval is subject to four conditions and modifications as provided by Section 8.5.4(d) of the Zoning Ordinance.

Mrs. Humphris opened the public hearing.

Mr. C. Henry Hennett, III, President and CEO of Westminster Canterbury of the Blue Ridge, and Mr. Mike Matthews, President of Brinkman Management and Development Corporation, were present.

Mr. Matthews said he appreciated the interaction with staff. The retirement center is full and has a waiting list, so there is a need to expand. The company has met with the Ashcroft and Glenarchy neighborhoods.

Mr. Hennett said Westminster Canterbury is an extension of Episocopal and Presbyterian churches in the area. The current facility is one half of the originally proposed size. Retirement communities are full, with people moving to the area because of its beauty. The company will hire people from the welfare rolls without impacting school systems and other commodities. Being cognizant of the visual impact on the community, the company chose natural colors when designing the facility. They have acquired acreage behind them so that the taller buildings will not be visible from the highway. There is a planned senior services building to offer adult and child day care center to the community in the future.

There being no one else present to speak, the Chairman closed the public hearing.

Mr. Marshall moved, seconded by Ms. Thomas, to approve ZMA-97-3 subject to the conditions and modifications as provided by §8.5.4(d) of the Zoning Ordinance, as recommended by the Planning Commission. Roll was called and the motion carried by the following recorded vote:

AYES: Mrs. Humphris, Mr. Marshall, Mr. Perkins, Mrs. Thomas and Mr. Bowerman.
NAYS: None.
ABSENT: Mr. Martin.

(The conditions are set out below:)

1. Special use permit approval for the retirement community (as distinguished from professional offices) shall not expire but shall remain in effect so long as approval of ZMA-97-03 remains in effect. The Application Plan shall be considered as conceptual only in terms of site layout of features such as building footprint, building location and road alignment. Approval shall be for uses and limitations as specified in PROJECT DATA on the Application Plan. Setbacks from internal roads and other vehicular areas shall maintain sight distances as determined by the Department of Engineering and Public Works. Perimeter setbacks

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and yard requirements from abutting residentially zoned properties shall not be less than required for such abutting properties;

2. Special use permit approval for professional offices shall be valid for a period not to exceed five (5) years to commencement of construction. For the purpose of this condition, "commencement of construction" shall be construed to mean the commencement of construction of the office building(s). Gross floor area of the professional office building(s) shall not exceed 15,000 square feet. Professional office usage is restricted to Tax Map 78, parcel 55A as depicted in Attachment C of this report. Minimum setbacks for building and parking from Rt 250 and external residential areas shall comply with section 21.0 of the Zoning Ordinance;
3. The wooded area on the Application Plan shown for passive recreation usage shall be maintained in a natural state except for trail and related improvements as depicted generally on the Application Plan. This area shall not be subject to general building development;
4. Access easement shall be provided to Tax Map 78, parcel 55A5 (residue) and Tax Map 78, parcel 55A1 as depicted on Attachment C of this report. WCBR will not be required to participate in construction of any such access. At time of development of those properties, maintenance agreements as required by the private roads regulations of the subdivision ordinance shall be negotiated by the owners of TM 78, Parcel 55A5 and TM 78, Parcel 55A1 and WCBR.

Agenda Item No. 13. **PUBLIC HEARING** on an Ordinance to amend and reordain Section 2.1-4, of Chapter 2.1, Agricultural & Forestal Districts, of the Albemarle County Code, in subsection (e) known as the "Keswick Agricultural and Forestal District" by the add of 4 parcels, totaling 190.872 acs. TM64, Pcls1011 & TM81, Pcls15B&15A6. Two pcls located on W side of Louisa Rd (Rt 22) & 2 pcls located at end of Clark's Tract Rd (Rt 648). Rivanna Dist. (Advertised in the Daily Progress July 28 and August 4, 1997.)

Mr. Cilimberg summarized the staff's report, which is on file in the Clerk's office and a permanent part of the record. Staff recommends approval. The Agricultural/Forestal District Advisory Committee, at its meeting on June 23, 1997, recommended approval of the addition as submitted.

Mr. Cilimberg said the Planning Commission, at its meeting on July 15, 1997, unanimously recommended approval of the request to add four parcels described as Tax Map 64, Parcels 10 and 11; Tax Map 81, Parcels 15A6 and 15B. Two parcels are located at the end of State Route 648 (Clark's Tract Road). Two parcel are located on the west side of Route 22. The proposed addition contains approximately 190.872 acres.

Mrs. Humphris opened the public hearing. There being no one present to speak, the public hearing was closed.

Mrs. Thomas asked if a letter of appreciation would be sent to people adding acreage to the district. Mr. Cilimberg said Ms. Mary Jo Scala works with them closely and lets them know the County appreciates their participation. Mrs. Thomas suggested staff send such letters.

Motion was offered by Mr. Perkins, **seconded** by Mrs. Thomas to adopt the ordinance as presented. Roll was called and the motion carried by the following recorded vote:

AYES: Mrs. Humphris, Mr. Marshall, Mr. Perkins, Mrs. Thomas and Mr. Bowerman.
NAYS: None.
ABSENT: Mr. Martin.

(The Ordinance is set out below:)

REVISIONS

DATE
APRIL 21, 1997

SCALE
1"=100'

WESTMINSTER CANTERBURY
ALBEMARLE COUNTY, VIRGINIA
MASTER PLAN REZONING DOCUMENT

JOB NUMBER
97-004-00

DWG. NAME
9700401.DWG

GLOCKNER ENGINEERING/SURVEYING INC.
ENGINEERS - SURVEYORS - PLANNERS
2246 HWY. ROAD SUITE 11
Charlottesville, VA 22903
Tel. 804-971-1591
Fax. 804-293-7612
SHEET
1 OF 1



- PROJECT DATA
1. PROJECT NAME: WESTMINSTER CANTERBURY OF THE BLUE RIDGE
 2. OWNER: WESTMINSTER CANTERBURY OF THE BLUE RIDGE
 3. ADDRESS: c/o MR. C. HENRY HINNANT, III
250 PANTOPS MOUNTAIN ROAD
CHARLOTTESVILLE, VA 22901
 4. TAX MAP 78, PARCELS 55A(6), 55A, X AND Y
 5. BOUNDARY PERFORMED BY R. AUBREY HUFFMAN & ASSOCIATES LTD.
 6. TOPOGRAPHY OBTAINED FROM ALBEMARLE COUNTY SERVICE AUTHORITY G.I.S. INFORMATION.
TOPOGRAPHY IS BASED ON U.S.C. & G.S. (NGVD 1929)
 7. MAGISTRAL DISTRICT: RIVANA
 8. ZONING: PRD, PLANNED RESIDENTIAL DEVELOPMENT; ENTRANCE CORRIDOR OVERLAY DISTRICT.
 9. PRESENT USE: RESIDENTIAL/ELDER CARE
 10. PROPOSED REZONING OF PARCELS 55A, X, AND Y
 11. THE SITE IS NOT WITHIN A DRINKING WATER RESERVOIR WATERSHED.
 12. THIS PROPERTY IS NOT LOCATED WITHIN A DEFINED 100 YEAR FLOOD ZONE.
 13. THIS PROJECT IS SERVED WITH PUBLIC WATER AND SEWER.
 14. MINIMUM SETBACKS:
FRONT: EQUIVALENT TO SETBACKS ON ADJACENT TRACTS PER ZONING (VARIES)
SIDE:
REAR:
15. PARKING CALCULATIONS:
- | TYPE | CURRENT UNITS | ADDITIONAL UNITS | TOTAL UNITS | SPACES PER UNIT | TOTAL SPACES |
|----------------------------|---------------|------------------|-------------|-----------------|--------------|
| COTTAGES | 40 | - | 40 | 2 | 80 |
| HOME FOR ADULTS | 81 | - | 81 | 1.25 | 101.25 |
| HEALTH CENTER BEDS | 34 | 32 | 66 | 25 | 16.5 |
| STAFF (MAX. SHIFT) | 63 | 5 | 68 | 1 | 68 |
| TOTAL SPACES REQUIRED | | | | | 266 SPACES |
| TOTAL SPACES EXISTING | | | | | 275 SPACES |
| ADDITIONAL SPACES PROVIDED | | | | | 19 SPACES |
| NEW TOTAL | | | | | 294 SPACES |

15. I, II, III AND IV = SCHEDULED PHASING. THIS WILL VARY ACCORDING TO NEED AND DEMAND - THIS IS FOR INFORMATIONAL PURPOSE ONLY AND WILL CHANGE. BUILDINGS, BUILDING LOCATION AND PARKING ARE SCHEMATIC ONLY.

PROPOSED ADDITIONAL PARKING

TYPE	SPACES PER UNIT	PARKING SPACES
COMMUNITY CENTER EXPANSION (20,000) (3 STAFF)	1 SPACE/STAFF	3
INDEPENDENT LIVING APARTMENTS (125 UNITS)	1 PER UNIT	125
DUPLEX COTTAGES (17 UNITS)	2 PER UNIT	34
SINGLE FAMILY VILLAS (10 UNITS)	2 PER UNIT	20
FITNESS CENTER (2,000 S.F.) (1 STAFF)	1 PER STAFF	1
CATERED LIVING BUILDING (3 UNITS-42 BEDS)	1 SPACE/3 BEDS	14
DEMENTIA HOUSEHOLDS (2 UNITS-24 BEDS)	1 SPACE/3 BEDS	8
SENIOR SERVICE CENTER (THREE FLOORS) (10 STAFF)	1 SPACE/STAFF	10

OFFICE - SQ. FOOTAGE AND PARKING NOT DETERMINED-WILL MATCH OFFICE AND PARKING TO SPACE AVAILABLE.

TOTAL SPACES REQUIRED 215 SPACES
TOTAL SPACES PROVIDED 236 SPACES



ZMA-97-3
received 4-21-97