

October 22, 2021

Revised February 16, 2022

Cameron Langille  
Senior Planner  
Department of Community Development  
401 McIntire Road, Room 227  
Charlottesville, VA 22902

**RE: Brookhill– REQUEST FOR VARIATION FROM ZMA-2015-007**  
***Variation #4 and Variation #5***

Dear Cameron Langille:

Pursuant to Albemarle County Zoning Ordinance Section 8.5.5.3 VARIATIONS FROM APPROVED PLANS, CODES, AND STANDARDS OF DEVELOPMENTS, and on behalf of our client, Riverbend Development (the “Applicant”), the developers of the Brookhill Property, (the “Property”), we hereby request a variation of the Brookhill Neighborhood Model Code of Development, dated October 13, 2016, approved by the Board of Supervisors on November 9, 2016 as part of ZMA 2015-007, and updated on August 8, 2018 for Variations #1 and #2 (which was approved on September 5, 2018 by the Board of Supervisors) and updated on May 6, 2019 for Variation #3 (which was approved on October 16, 2019 by the Board of Supervisors).

#### **Summary of Request for Special Exception (Variation #4)**

The applicant is requesting two variations to the Code of Development (COD) for the Brookhill Development. The first variation request is to allow a pedestrian mid-block pedestrian access connection in lieu of a vehicular street connection to break up the streetscape. Block 16 and Block 17 are located within the Neighborhood Density Residential district, and the block size within this district is between 400 feet and 700 feet. The intent is for a vehicular street connection within this range to break up the length of the development block. A pedestrian mid-block access is allowed within the Code of Development to break-up the block size; however, it is only allowed within the Neighborhood Service Center. This variation is requesting to utilize the mid-block pedestrian connection in lieu of a vehicular connection for the Block 16 and 17 development area to break-up the block size within this section of the development.

Due to the existing topography within this section of Brookhill, Block 16 and 17 have been designed to work with the existing drainage features and terrain. The connector road adjacent to Block 16 and 17 has been designed as an internal collector road for the development and will have landscaping berms with extensive landscaping trees and shrubs along the roadway corridor. The lots with Block 16 and 17 have been designed to align with the connector road and will be screened from the roadway with the proposed berm and landscaping features. A trailway has been designed to extend from the greenway system through Block 16 and 17 to connect to the sidewalks along the connector road. This trailway is proposed to cross over the roadway internal to Block 16 and 17 as a mid-block crossing in lieu of a vehicular connection, which would impact this landscaping buffer and screening along the corridor. The proposed trailway connection will be located within an approximately 30’ landscaped open space area, connecting the greenway system to the bike path and sidewalks along the connector roadway.

We ask for the County's support of this minor variation #4 request to the Brookhill Code of Development.

- We find that this request is consistent with the goals and objectives of the comprehensive plan. The comprehensive plan focuses on both vehicular connections and pedestrian connections within a development. Allowing this mid-block connection to be only pedestrian oriented in lieu of vehicular creates a more desirable connection for pedestrians as they travel between the sidewalk system along the connector road and the Greenway trail system. Allowing the pedestrian connection only in this location maintains the landscaping features and berms along the connector road.
- We find that this request does not increase the approved development density or intensity of development. The overall density of the Brookhill Development that was established through the Code of Development will not be increased with this variation.
- We find that this request does not adversely affect the timing and phasing of the development or any other development in the zoning district This request has no impact to any other development within the Brookhill Development or any other development in the general vicinity.
- We find that this request does not require a special use permit. The proposed uses within this block are a by-right use within the Brookhill Development.
- We find that this request is in general accord with the purpose and intent of the approved application. The purpose and intent of the Brookhill Code of Development is being met with this variation. A pedestrian access connection is permitted within the Neighborhood Service Center by the COD, and this variation request is to allow the same concept for a mid-block connection with a pedestrian connection for the development of Block 16 and 17, located within a Neighborhood Residential area.

### **Summary of Request for Special Exception (Variation #5)**

In the second variation request, the applicant is requesting a variation to the Code of Development (COD) for Brookhill to update the Minimum and Maximum allowable densities within Blocks 12 & 13 that is listed in Table 5: Density Regulations. The variation request is to allow an increase in the total maximum dwelling units for these (2) Block to accommodate the proposed mixture of housing types. The COD allows a maximum of 25 units within Block 12 and 34 units within Block 13. Block 13 proposes (15) townhouse units, (42) single family attached units, and (12) single family detached units for a total of (69) units within the Block. The increase in density will allow for this mixture of units, providing homes that vary in affordability for the home buyer, which is one of the guiding principles of the Neighborhood Model District. Block 13 also provides a pocket park in addition to the required pocket parks and open spaces by the Code of Development for the Brookhill Neighborhood. This added open space will provide additional active recreational area for the added single family attached and townhouse units. The Albemarle County Code requires 200 SF of active open space per single family attached unit. The proposed pocket park area is 12,700 SF, and the total recreational area per the additional single family attached units within Block 12 is 11,400 SF (57 units x 200 sf)..

Block 12 is proposing 27 single family detached units within this section of Brookhill, which is (2) units over the current maximum dwelling units allowed within the Code of Development. With the additional 0.7 acres Greenspace that Block 12 is providing, the proposed single family detached units are smaller in size, allowing (2) additional units to be provided within this block. The smaller units also create a more affordable SFD house, for the first time home buyer or someone that is looking to

downsize their current single family home. This proposed housing type is another type of housing within the Brookhill development, giving the homebuyer another option for housing types.

The maximum overall density of Brookhill will not change with this variation request. Each development Block within Brookhill has a minimum and maximum density. With the increase of 37 residential units within Blocks 12 and 13, the overall maximum residential development for Block 3 has been reduced by 37 residential units. The reduction in the maximum density of Block 3 allows for the additional units within Blocks 12 and 13. The total density of 2 units – 6 units per acre allowed within Block 12 and 13 will also not change. The increase in density is still consistent with the allowable density within the Neighborhood Density Residential area of Block 12 and Block 13.

We ask for the County's support of this minor variation #5 request to the Brookhill Code of Development.

- We find that this request is consistent with the goals and objectives of the comprehensive plan. The Brookhill Neighborhood Model District was approved as being consistent with the Land use Plan of Albemarle County. The Development provides opportunities for economic development in Albemarle County and a variety of new housing options within the Development Area. Brookhill, proposed as a mixed-use and walkable community, is consistent with the principles of the Neighborhood Model while also protecting areas of environmental sensitivity. This variation does not propose any change that would impact the Application Plan for the Development's overall consistency with the Comprehensive plan. The increase of greenspace and active recreational area within Blocks 12 and 13 provided additional amenities for the increase in density within the Blocks.
- We find that this request does not increase the approved development density or intensity of development. The overall density of the Brookhill Development that was established through the Code of Development will not be increased with this variation. The maximum development units in Block 3 are being reduced by 37 units to allow for the increase of 37 residential units within Blocks 12 and 13. The overall Brookhill Development will not change or exceed the approved 1550 residential units for the property.
- We find that this request does not adversely affect the timing and phasing of the development or any other development in the zoning district This request has no impact to any other development within the Brookhill Development or any other development in the general vicinity.
- We find that this request does not require a special use permit. The proposed uses within Block 12 and Block 13 are a by-right use within the Brookhill Development.
- We find that this request is in general accord with the purpose and intent of the approved application. The purpose and intent of the Brookhill Code of Development is being met with this variation. A maximum density increase allows for a mixture of housing types within these (2) Blocks, and additional greenspace and active recreational open space is being provided for the additional density.

Attached is the revised Table 5: Density Regulations with the proposed modification of the density within Blocks 12 & 13.

Thank you again for the consideration of this variation for the Brookhill project, and please contact me if you have any questions or require any further information.

Sincerely,

Scott Collins

designated Growth Area, thus protecting the rural surroundings. Table 5 lists the allowable density range for each block (not including the acreage of the Greenway) based on unit type and mixture of uses.

**Table 5: Density Regulations**

Block Number	Block Area <sup>1</sup> (acres)	Maximum/Maximum Use Regulations per Rezoning Plan <sup>1, 2</sup>				
		Residential Uses			Non-Residential Uses	
		Density Range (units)	Dwelling Unit Minimum	Dwelling Unit Maximum	Minimum Non- Residential (SF)	Maximum Non- Residential (SF)
<b>1</b>	12.0	3 – 34 units	36	408	50,000	130,000 <sup>2</sup>
<b>2</b>	6.3	6 – 34 units	37	214	0	30,000 <sup>2</sup>
<b>3</b>	5.8	6 – 28 units	34	160	0	30,000 <sup>2</sup>
<b>4</b>	24.0	6 – 30 units	144	740	0	15,000 <sup>4</sup>
<b>5</b>	6.6	2 – 6 units	13	39	0	0
<b>6</b>	7.2	0 - 1 unit	0	1	0	0
<b>7</b>	17.7	2 – 6 units	35	106	0	0
<b>8</b>	20.7	2 – 10 units	41 <sup>3</sup>	200 <sup>3</sup>	0	0
<b>9</b>	9.6	2 – 6 units	19 <sup>3</sup>	57 <sup>3</sup>	0	0
<b>10</b>	4.5	2 – 6 units	9	27	0	0
<b>11</b>	5.7	2 – 6 units	11	53	0	0
<b>12</b>	6.7	2 – 5 units	8	27	0	0
<b>13</b>	11.7	2 – 6 units	11	69	0	0
<b>14</b>	5.4	2 – 6 units	10	32	0	0
<b>15</b>	16.9	2 – 6 units	33	101	0	0
<b>16</b>	9.7	2 – 6 units	19	58	0	0
<b>17</b>	15.8	2 – 6 units	31	94	0	0
<b>18</b>	34.4	2 – 6 units	68	206	0	0
<b>19</b>	3.2	0-1 unit	0	1	0	0
Total Comprehensive Plan Recommended Densities:			552	2,593	50,000	205,000 <sup>2</sup>
<b>Total Min. &amp; Max. Allowed Density</b>			<b>800</b>	<b>1550</b>	<b>50,000</b>	<b>130,000<sup>2</sup></b>

**Variation #3: May 6, 2019 – Increased the Maximum allowable density in Block 8.**

**Variation #5: February 16, 2022–Increased the Max. allowable density in Block 12&13, reduced Block 3 Max.**

1. Block areas are exclusive of Greenway area. A total of 53.6 acres is not included in the Density calculations for Brookhill.
2. Maximum non-residential square footage in each of these blocks and the total maximum non-residential square footage do not include the square footage of ancillary uses as listed in Section 2.2 of the Code of Development.
3. Assisted living facilities & rest homes, nursing homes, and convalescent homes shall qualify as meeting the residential component of the block, and shall not count against the minimum or maximum dwelling units in this block.
4. Non-residential uses shall only be allowed at the corners of the North/South Connector Road and Main Street within Block 4.