

May 6, 2019
Revised 7/15/19

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 #3***

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).

Summary of Request for Special Exception

The applicant is requesting a variation to the Code of Development (COD) for Brookhill to update the Minimum and Maximum allowable densities within Block 8 that is listed in Table 5: Density Regulations. The variation request is to allow an increase in the total maximum dwelling units for this Block to accommodate the assisted living facility. The COD allows the assisted living facility use within Block 8, and the units associated with the assisted living facility were set up in the COD to not count against the overall density of the development block. However, since the approval of the rezoning, there has been a re-classification of residential units associated with assisted living facilities, and if the units are independent living units within an assisted living facility, then the unit will count as a residential unit. Because of this requirement, the applicant is requesting a variation to the COD to increase the maximum dwelling units allowed in Block 8 from 124 to 200 dwelling units, to allow for the assisted living residential units within Block 8. The remaining portion of the Block 8 is proposed for 110 multi-family units designed as (2) unit townhomes.

The additional density for the proposed residential units within Block 8 shall be transitioned from the adjacent Block 4 density. Block 4, currently allowed for a total density of 816 units, shall be decreased by 76 units to a total allowable maximum density of 740 units. The allowable density for Block 4, with the proposed variation, will decrease to 6 to 30 dwelling units per acres.

We ask for the County's support of this minor variation 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 density for Block 8 is adjacent to the Urban density area of Brookhill, which is currently being developed for multi-family apartments. A total of 76 units will be transitioned from Block 4 to Block 8 for the proposed development.
- 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 density for Block 8 will be increased, but the increase is consistent with the intent of the Code of Development, which contemplated an assisted living facility and residential development within the limits of Block 8. Some of the other blocks, such as Block 4 with the apartment complex, are not being developed at the maximum allowable density, which allows for increases in density in other blocks. In addition, 76 residential units are being decreased from the overall maximum allowable units within Block 4 and transitioned to Block 8 for the proposed development. 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. The site plans for the Block 8 developments are currently under review by County staff.
- We find that this request does not require a special use permit The proposed uses within Block 8 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 is necessary for the classification of the assisted living facility units, but the use was proposed with the code of development for this development block and residential density will be reduced from the adjacent Block 4 development area.

Attached is the revised Table 5: Density Regulations with the proposed modification of the density within Block 8.

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 ¹ (acres)	Maximum/Maximum Use Regulations per Rezoning Plan ^{1, 2}				
		Residential Uses			Non-Residential Uses	
		Density Range (units)	Dwelling Unit Minimum	Dwelling Unit Maximum	Minimum Non-Residential (SF)	Maximum Non-Residential (SF)
1	12.0	3 – 34 units	36	408	50,000	130,000 ²
2	6.3	6 – 34 units	37	214	0	30,000 ²
3	5.8	6 – 34 units	34	197	0	30,000 ²
4	24.0	6 – 30 units	144	740	0	15,000 ⁴
5	6.6	2 – 6 units	13	39	0	0
6	7.2	0 - 1 unit	0	1	0	0
7	17.7	2 – 6 units	35	106	0	0
8	20.7	2 – 10 units	41 ³	200 ³	0	0
9	9.6	2 – 6 units	19 ³	57 ³	0	0
10	4.5	2 – 6 units	9	27	0	0
11	5.7	2 – 6 units	11	53	0	0
12	6.7	2 – 6 units	8	25	0	0
13	11.7	2 – 6 units	11	34	0	0
14	5.4	2 – 6 units	10	32	0	0
15	16.9	2 – 6 units	33	101	0	0
16	9.7	2 – 6 units	19	58	0	0
17	15.8	2 – 6 units	31	94	0	0
18	34.4	2 – 6 units	68	206	0	0
19	3.2	0-1 unit	0	1	0	0
Total Comprehensive Plan Recommended Densities:			552	2,589	50,000	205,000 ²
Total Min. & Max. Allowed Density			800	1550	50,000	130,000²

Variation #3: July 15, 2019 – Increased the Maximum allowable density in Block 8 and reduced the maximum allowable density in Block 4.

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.