



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 10, 2019

Valerie W. Long
Williams Mullen
321 East Main Street, Suite 400
Charlottesville, VA 22902

RE: OFFICIAL DETERMINATION OF USE - University of Virginia Research Park – Relocation of Encompass Health Rehabilitation Hospital (the “Rehabilitation Hospital”) | University of Virginia Research Park at TMPs 03200-00-00-01800, 03200-00-00-018B0, 03200-00-00-006R0 (the “Property”)

Ms. Long:

In response to your request for confirmation that the proposed UVA Encompass Health Rehabilitation Hospital will be a by-right use at the Property, I have consulted with the Zoning Administrator and the County Attorney. It is my official determination that the Encompass Health Rehabilitation Hospital owned by an entity co-owned by the University of Virginia is a by-right use in Planned Development - Industrial Park (PD-IP) districts of the County of Albemarle.

Background

Use History

The UVA Encompass Health Rehabilitation Hospital is a rehabilitation hospital owned by UVA Encompass Health Rehabilitation Hospital, LLC, an entity jointly owned by the University of Virginia and Encompass Home Health of the Mid-Atlantic, LLC (“Encompass Health”). This hospital is currently located in the University of Virginia Fontaine Research Park on TMP 07600-00-00-017B7, in a Planned Development - Mixed Commercial (PD-MC) district under ZMA 200700013. It was approved as the UVA HealthSouth Rehabilitation Hospital under SP200900013 as a Hospital, and later changed its name to UVA Encompass Health Rehabilitation Hospital.

Public Use

The applicant has asserted that the Rehabilitation Hospital is funded, owned, and operated by an entity in which the public state entity the University of Virginia owns a fifty percent interest. Additionally, the applicant has asserted that the medical staff, doctors, nurses, and medical technicians of the Rehabilitation Hospital are University of Virginia employees.

Albemarle County Code § 18-3.1 defines “public use” as:

Public uses: Public uses, buildings and structures including, but not limited to, schools, offices, parks, playgrounds and roads funded, owned or operated by local, state or federal agencies and including temporary or mobile facilities for these purposes; public water and sewer transmission, main or trunk lines, treatment facilities, pumping stations and similar facilities owned and/or operated by the Rivanna Water and Sewer Authority (reference 5.1.12).

The University of Virginia is a state agency, which makes its uses, buildings and structures a public use. As a controlling interest in the Rehabilitation Hospital is owned by the University of Virginia, the Rehabilitation Hospital is a public use.

Public uses are allowed by-right in Planned Development – Industrial Park districts, per Albemarle County Code § 18-26.2(a).

Future Use

The UVA Encompass Health Rehabilitation Hospital proposes to relocate from the University of Virginia Fontaine Research Park to the Property, zoned Planned Development – Industrial Park (PD-IP). The applicant has asserted that the hospital's functions and ownership will remain unchanged in this new location. The Property was established as a PD-IP district under ZMA199500004, which was later amended by ZMA199800027 and ZMA200500003.

Under ownership and operations as described above, the UVA Encompass Health Rehabilitation Hospital is a by-right public use in the University of Virginia Research Park.

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 shall 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,



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

Attachment: University of Virginia Research Park Application Overlay Plan, dated 7/06/09, exhibit K-4

Copy: Claudette Borgersen, Clerk of the Board of Supervisors