



ALBEMARLE COUNTY PLANNING
STAFF REPORT SUMMARY

Project Name: SP202400009 Our Lady of Peace Amendment	Staff: Cameron Langille, Principal Planner
Planning Commission Hearing: September 10, 2024	Board of Supervisors Public Hearing: To be scheduled
Owner: Our Lady of Peace, Inc.; Catholic Diocese of Richmond	Applicant: Our Lady of Peace, Inc. (John Albert)
Acreage: 19.46 acres (total)	Special Use Permit: Section 18-20.3.2 (3) for an assisted living facility, skilled nursing facility, children's residential facility, or similar institution
TMP: 061Z00300001A0; 061Z0030000800 Location: 635 and 751 Hillsdale Drive, Charlottesville, VA 22901	By-right use: PUD Planned Unit Development – residential (3 – 34 units per acre), mixed with commercial, service and industrial uses.
Magisterial District: Rio	Conditions: Yes EC: No
Proposal: Request for a special use permit amendment to allow an expansion of an existing assisted living facility, skilled nursing facility, children's residential facility, or similar institution.	Comp. Plan Designation: Urban Density Residential – residential (6.01 – 34 units/ acre); supporting uses such as religious institutions, schools, commercial, office and service uses in Neighborhood 2 of the Places29 Master Plan and in the Comprehensive Plan.
DA (Development Area): Places29	Requested # of Dwelling Units: 34 new assisted living facility units and 20 new memory care units
Character of Property: The site is currently developed and occupied by an existing assisted living facility that features 163 total units of independent living, assisted living, and skilled nursing care dwelling units.	Use of Surrounding Properties: Residential to the north, northeast, east, and southeast. Church use immediately to the south. Non-residential offices, hotel, and retail to the west.
Factors Favorable: 1. The proposal is consistent with the review criteria for special use permits contained in the Zoning Ordinance.	Factors Unfavorable: 1. None identified.
Recommendation: Staff recommends approval of SP202400009 Our Lady of Peace Amendment with conditions.	

STAFF PERSON:
PLANNING COMMISSION:
BOARD OF SUPERVISORS:

Cameron Langille, Principal Planner
September 10, 2024
To be scheduled

PETITION:

PROJECT: SP2024-00009 Our Lady of Peace Amendment

MAGISTERIAL DISTRICT: Rio

TAX MAP/PARCEL: 061Z00300001A0; 061Z0030000800

LOCATION: 635 and 751 Hillsdale Drive, Charlottesville, VA 22901

PROPOSAL: Amendment to previously approved Special Use Permit SP199700042 for an expansion of the existing assisted living facility, on two parcels of approximately 12.51 acres and 6.95 acres, in the designated Residential section of the Branchlands Planned Unit Development. Requests for two special exceptions to 1) permit minor changes to yard requirements (18-8.5.5.3(A)1) in a planned development and 2) permit changes to the arrangement of buildings and uses shown on the plan (18-8.5.5.3(A)2) of a planned development.

PETITION: Assisted living facility and skilled nursing facility, in accordance with Section 20.3.2.3 of the Zoning Ordinance.

ZONING: PUD Planned Unit Development – residential (maximum of 35 units/acre), mixed with commercial, service, and uses; in accordance with ZMA198800007.

OVERLAY DISTRICT(S): AIA – Airport Impact Area; Steep Slopes – Managed; and Steep Slopes – Preserved

COMPREHENSIVE PLAN: Urban Density Residential – residential (6.01 – 34 units per acre), along with supporting uses such as religious institutions, schools, and other small-scale non-residential uses; in Neighborhood 2, in the Places29 Master Plan area.

CHARACTER OF THE AREA

The subject properties are located on the southeast side of Hillsdale Drive, approximately 1,000 feet north of the intersection between Hillsdale Drive and Branchlands Boulevard (Attachment 1). TMP 061Z00300001A0 measures 12.51 acres and is currently occupied by a Catholic church, Church of the Incarnation. TMP 061Z0030000800 is immediately north of the church and measures 6.95 acres. It is occupied the Our Lady of Peace Retirement community. Our Lady of Peace features 163 existing dwelling units that are classified as independent living facilities, assisted living units, and nursing units. The finished square feet of the existing Our Lady of Peace facility is approximately 115,000 sq.ft. and the structure is broken into several wings that range between 1 and 3 stories in height. Both properties are within the Branchlands development and are zoned Planned Unit Development (PUD). Both properties have dedicated site entrances/driveways onto Hillsdale Drive. There is also an internal vehicular travelway interconnection between both TMPs.

Parcels to the north are zoned R-15 Residential and are part of the Cobalt Ridge neighborhood which consists of multi-family dwelling units. Properties to the east/southeast are zoned R-1 Residential and feature single-family detached dwellings that are in the Chapel Hills subdivision. Parcels to the north and west are located on the west side of Hillsdale Drive and are zoned PUD and are part of the Branchlands development. A mix of uses exist on these properties, including a 3-story Courtyard by Marriott Hotel, offices owned by the Jefferson Area Board for the Aging (JABA), and a Big Lots retail store. Properties to the south are also zoned PUD and are within the Branchlands development. A mix of uses occupy these parcels, including the Branchlands Independent Living Facility, the Linden House Assisted Living and Memory Care at Branchlands, and a standalone office building. Structures on these parcels range from 1 to 5 stories in height.

RELEVANT PLANNING AND ZONING HISTORY

- **ZMA1980-26:** Zoning Map Amendment application for the 26.62-acre Branchlands Planned Unit Development (PUD) Zoning District. Approved by the Albemarle County Board of Supervisors on February 8, 1981.
- **ZMA1988-07:** An amendment to the Application Plan and conditions of the original Branchlands Planned Unit Development (PUD) Zoning Map Amendment (ZMA1980-26). Primary changes were related to stormwater management standards and acreage available for non-residential uses within the Branchlands PUD. Subject to an Application Plan that designated TMP 061Z0-03-00-00800 as “Parcel A” within the Branchlands PUD. Parcel A was designated for development of 82 low-income, or 106 moderate-income residential dwelling units. Approved by the Albemarle County Board of Supervisors on July 6, 1988.
- **SP1990-65:** Special Use Permit to allow 64 independent living units, with 52 assisted living accommodations, with not more than 16 units providing 30 beds of intermediate nursing care on TMP 061Z0-03-00-00800 (“Parcel A”) within the Branchlands PUD. Approved by the Albemarle County Board of Supervisors on September 5, 1990.
- **SP1997-42:** An amendment to the original Special Use Permit (SP1990-65) to allow an additional 16-room, 20 bed skilled nursing units for dementia care to the existing facility on Parcel A within the Branchlands PUD. Approved by the Albemarle County Board of Supervisors on November 12, 1997.
 - A key component of this special use permit was that the applicant asserted that the traffic impacts and population density generated by 106 moderate-income dwelling units permitted with ZMA1988-07 would be equivalent to 270 total occupants of any assisted living facility use on Parcel A. The increase of skilled nursing units proposed with this SP application would bring the total number of beds (occupants) on Parcel A to 171, which remains below the 270 total occupants of dwellings theoretically possible with by-right residential development permitted by ZMA1988-07.

DETAILS OF THE PROPOSAL

As explained in the application narrative (Attachment 2), the Special Use Permit is requesting to increase the number of units within the Our Lady of Peace facility. This includes twenty (20) new assisted living units and thirty-four (34) new skilled nursing units/beds. This would increase the total number of units/beds within the facility from 163 to 217. To accommodate the new units, a new 2-story wing would be added at the southeast side of the existing structure, closest to the Church of the Incarnation. The applicant has provided a concept plan that shows the location and layout of the building addition, which is visible on Sheet C2.0 (page 4) of Attachment 3. A single level of parking would be located underneath the new wing (identified on the concept plan as “parking garage”). The combined square footage of the new wing (including the at-grade level of parking) would be approximately 63,000 total sq.ft.

Other improvements proposed include new sidewalks/pedestrian facilities outside of the building, and a reconfiguration of the existing interparcel connection and outdoor surface level parking spaces on both parcels. The new addition to Our Lady of Peace would not require any new driveways or site entrances from either parcel onto Hillsdale Drive.

In order to construct the new wing, a boundary line adjustment (BLA) would need to be approved by the County to add 0.92 acres from the Church of the Incarnation property to the Our Lady of Peace property. Should the special use permit be approved, the applicant would submit the BLA application to County staff for review. Based on the information provided with the Special Use Permit, staff have no concerns that the BLA could be approved, provided that all technical requirements of the Subdivision Ordinance are met on the plat.

There are two (2) Special Exception applications proposed as part of the Special Use Permit request, SE202400006 and SE202400007 (Attachment 4). Since Branchlands is zoned PUD, there is an Application Plan associated with ZMA1988-07 that governs the general development pattern of all properties within the Branchlands PUD. The Application Plan assigns acreages to each parcel, as well as the general location of buildings. SE2024-06 is requesting a variation to adjust the acreages of both subject parcels shown on the Application Plan, and SE2024-07 is requesting a variation to allow the proposed building arrangement of the new addition to Our Lady of Peace. Both requests are analyzed later in this report.

COMMUNITY MEETING

The required community meeting for the proposal was held with the Places29-Rio Community Advisory Committee (CAC) on Thursday, March 28, 2024, at 6 pm. County staff and the applicant shared details and answered questions regarding the proposal. CAC members asked questions about how stormwater management would be handled during construction to mitigate runoff on surrounding parcels. Staff and the applicant explained that if the special use permit were to be approved, development of the site would comply with all applicable State and County regulations for stormwater management. Details of stormwater runoff mitigation measures would be enforced at time of site plan review.

ANALYSIS OF THE SPECIAL USE PERMIT REQUEST:

Special Use Permits are evaluated under reasonable standards, based on zoning principles which include the proposal's compliance with the Comprehensive Plan. Any impacts caused by the proposal may be addressed through conditions which must be reasonably related and roughly proportional to the impacts.

Section 33.8(A) states that the Commission, in making its recommendation, shall consider the following factors:

1. No substantial detriment. Whether the proposed special use will be a substantial detriment to adjacent parcels.

ACSA has indicated that adequate water and sewer utility capacity is available to support the expansion of the use and not affect utility service to any adjacent properties. VDOT has reviewed the proposal and has no concerns with transportation impacts to adjacent roadways used by surrounding parcels. As noted earlier in the report, all existing driveway entrances onto public roadways will be maintained, and trip generation figures created by the use expansion are minimal at peak travel hours in both the AM and PM hours. A detailed breakdown of trip generation figures at peak hours is provided by the applicant on page 6 of the Application Narrative (Attachment 2).

Therefore, staff believes that the proposed special use would not be a substantial detriment to adjacent parcels.

2. Character of the nearby area is unchanged. Whether the character of the adjacent parcels and the nearby area will be changed by the proposed special use.

The character of the nearby area would remain unchanged by this proposal. Our Lady of Peace is similar in use to other properties within Branchlands, and would only be an expansion of an existing use that has operated in harmony with surrounding residential neighborhoods for more than thirty (30) years.

3. *Harmony. Whether the proposed special use will be harmony with the purpose and intent of this chapter,*

The proposed special use is expected to be in harmony with the purpose and intent of the chapter, specifically Section 18-20.1 which states that PUD districts should include a mix of residential use types and alternative forms of housing that can be supported by nearby commercial uses.

with the uses permitted by right in the district,

The proposed assisted living facility would not affect the by-right uses in the district on this property or adjacent properties.

with the regulations provided in Section 5 as applicable,

The supplemental regulations of Section 18-5.1.13 apply to assisted living facilities and are listed below:

Assisted living facility, skilled nursing facility, children's residential facility.

- a.** Such uses shall be provided in locations where the physical surroundings are compatible to the particular area;
- b.** No such use shall be established in any area either by right or by special use permit until the Albemarle County fire official has determined that adequate fire protection is available to such use;
- c.** Generally such uses should be located in proximity to or in short response time to emergency medical and fire protection facilities. Uses for the elderly and handicapped should be convenient to shopping, social, education and cultural uses;
- d.** No such use shall be operated without approval and, where appropriate, licensing by such agencies as the Virginia Department of Welfare, the Virginia Department of Health, and other such appropriate local, state and federal agencies as may have authority in a particular case.

Based on reviews conducted by County staff and partner agencies (VDOT, Albemarle County Fire Rescue, VDH, etc.) the proposal would be able to comply with all applicable supplemental regulations in Section 5.1.13.

and with the public health, safety, and general welfare.

The public health, safety, and general welfare of the community are protected throughout the special use permit process, which assures that the proposed use is appropriate in the location requested. Architectural Review Board staff (ARB), Zoning, Engineering, Building Inspections, Transportation Planning, the Virginia Department of Transportation (VDOT), Albemarle County Fire Rescue and the Albemarle County Service Authority (ACSA) have all reviewed this application and have provided no objections.

If the special use permit is approved, the use cannot commence without the appropriate site development plans, building permits, and zoning clearances. These processes will ensure that all State and County regulations, special use permit conditions, and all necessary building and fire inspections have been approved.

4. *Consistency with the Comprehensive Plan. Whether the proposed special use will be consistent with the Comprehensive Plan.*

Overall, the applicant’s proposal would be consistent with the Comprehensive Plan. Specifically, Chapter 8 which governs how development should occur within the County’s designated development areas such as Places29 where this project would be located. A staff analysis of the application’s consistency with the Neighborhood Model Principles from Chapter 8 is included as Attachment 5 to this report.

SE202400006 & SE202400007 REQUEST TO MODIFY LOT SIZES AND USES OF ZMA1998-07 APPLICATION PLAN

County Code §18-8.5.5.3(a)(1) allows the Board of Supervisors to grant variations to the minimum lot sizes of Application Plans that apply to PUD districts. County Code §18-8.5.5.3(a)(2) allows the Board of Supervisors to grant variations to the arrangement of buildings/uses shown on the Application Plans that apply to PUD districts.

The ZMA19998-07 Application Plan identifies the Our Lady of Peace property, TMP 061Z0-03-00-00800, as “Area A” and the Church of the Incarnation property, TMP 061Z0-03-00-001A0, as “Area B.” The Application Plan states that Area A is intended for residential uses and must be 7.04 acres and Area B is intended as a church use and must be 12 acres. The SE202400006 special exception request is to adjust those acreage figures to 7.91 acres for Area A and 11.58 acres for Area B. The SE202400007 special exception request is to allow the location of the new wing of the Our Lady of Peace facility proposed with the SP202400009 special use permit.

The findings for granting modifications to an approved Application Plan are found in County Code §18-8.5.5.3(c) and are provided in bold italics below. Staff analysis of the findings is provided beneath each finding:

(1) is consistent with the goals and objectives of the comprehensive plan;

The requested acreage changes and building expansion are consistent with the future land use recommendations called for on both properties by the Places29 Master Plan.

(2) does not increase the approved development density or intensity of development;

As acknowledged through the previous approval of SP1997-42, the development potential of Parcel A could generate up to 270 total occupants of residential dwellings. The building addition requested with SE2024-07 would only bring the total occupants of dwellings on Parcel A to 217. Therefore, neither special exception request increases the approved development density or intensity of the Branchlands PUD development

(3) does not adversely affect the timing and phasing of development of any other development in the zoning district;

Neither special exception request affects the timing or phasing of development of any other development in the zoning district.

(4) does not require a special use permit; and

The proposed changes do not require a special use permit. The acreage change would occur through a by-right boundary line adjustment plat that could be reviewed and approved administratively by staff.

(5) is in general accord with the purpose and intent of the approved application.

The requests are in general accord with the purpose and intent of the approved ZMA1998-07 application. The intent of the PUD district, as described in County Code §18-20.1 is to “provide flexibility in residential development by providing for a mix of residential uses with appropriate

nonresidential uses, alternative forms of housing, flexibility in internal relationships of design elements...” The minor acreage and building arrangement changes would provide flexibility to the residential development within this section of the Branchlands PUD and would not adversely impact other uses in the PUD.

Recommendation for SE202400006 and SE202400007:

Staff recommends approval of both special exception requests because they are consistent with the findings of County Code §18-8.5.5.3(c).

SUMMARY

Staff has identified the following factor favorable to the SP202400009 special use permit request:

1. The proposal is consistent with the review criteria for special use permits contained in the Zoning Ordinance.

Staff has identified the following factor which is unfavorable to this request:

1. None identified.

RECOMMENDATION:

Based on the findings contained in this staff report, staff recommends approval of the special use permit applications with condition drafted below:

1. Development of the property must be in general accord with the concept plan titled Our Lady of Peace Special Use Plan, dated 2/19/2024 and last revised 5/20/2024. The following major elements will be developed as shown on the concept plan:
 - General location, sizes, and heights of buildings, and parking areas;
 - Limits of disturbance;
 - Interparcel connection.

POSSIBLE PLANNING COMMISSION MOTIONS:

- A. Should the Planning Commission **choose to recommend approval** of this special use permit:

Move to recommend approval of SP202400009 Our Lady of Peace Amendment with conditions as stated in the staff report.

- B. Should the Planning Commission **choose to recommend denial** of this special use permit:

Move to recommend denial of SP202400009 Our Lady of Peace Amendment. *Should a commissioner motion to recommend denial, he or she should state the reason(s) for recommending denial.*

ATTACHMENTS:

Attachment 1 – Location Map

Attachment 2 – Application Narrative

Attachment 3 – Conceptual Plan

Attachment 4 – SE202400006 & SE202400007 Application Materials

Attachment 5 – Staff Analysis of Consistency with Neighborhood Model Principles