Our Lady of Peace

Special Exception Application Narrative
SE 2024-00006 (Exception to ZO 8.5.5.3(a)(1)
SE 2024-00007(Exception to ZO 8.5.5.3(a)(2)

Tax Map Parcels 061Z0-03-00-00800 and 061Z0-03-00-001A0

Owner: Our Lady of Peace, Inc. and Catholic Diocese of Richmond

Tax Map Parcels: 061Z0-03-00-00800 and 061Z0-03-00-001A0 (collectively, the "Property)

Current Zoning: Planned Unit Development (PUD) (ZMA 1988-007)

Current Use: Assisted Living Facility (SP 1997-042) and Religious Assembly (Church)

Parcel Size: 6.95 acres (TMP 61Z-03-8) and 12.51 acres (61Z-03-1A)

Adjacent Parcel Zoning: Planned Unit Development and R-15 Residential

In connection with the special use permit application SP 2024-00009 (the "SP Application") and associated future boundary line adjustment for Our Lady of Peace, this Application for a Special Exception respectfully requests a modification to the approved application plan for ZMA 1988-007 Branchlands PUD (the "1988 ZMA") to revise the acreage and use for Areas "A" and "B" as shown on the approved application plan (Exhibit 1).

Our Lady of Peace is located on TMP 61Z-03-8, which comprises approximately 6.95 acres, which is Area "A" on the approved 1988 ZMA application plan. Area "A" was designated within ZMA 1988 as a residential use with a total of 7.04 acres. Church of the Incarnation is located on TMP 61Z-3-1A, which comprises approximately 12.51 acres, and is Area "B" on the approved 1988 ZMA application plan. Area "B" was designated within ZMA 1988 as a church use with a total of 12 acres. This special exception request is for a minor modification to the lot sizes and uses as shown on 1988 ZMA application plan in accordance with §18-8.5.5.3(a)(1) and §18.8.5.5.3(a)(2) to allow for the new proposed wing and associated boundary line adjustment to occur with the amendment of Our Lady of Peace special use permit. The proposed special exception would allow Area "A" to be expanded and Area "B" to be reduced by approximately 1 acre for the proposed new wing for Our Lady of Peace.

§18-8.5.5.3 (c) allows the Board of Supervisors to grant a modification upon a determination of the following (Code in italics, response following):

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

The Property is currently designated as Urban Density Residential within the Places 29 Master Plan, shown in orange in the Land Use Map. Urban Density Residential designation recommends residential as a primary use and retail, commercial, office, open space, and institutional uses as secondary uses. The increase of Parcel A to add a new wing to Our Lady of Peace will allow for 20 new assisted living (including memory care) units and 34 new nursing home beds, thereby increasing Our Lady of Peace within the PUD on existing Parcel B land currently being used for parking. While retail, commercial, office, and institutional uses are encouraged to locate in Centers per the Master Plan, exceptions can be made if they are compatible with surrounding uses. Within the master plan,

page 4-8, states that *"Approval of secondary land uses should be based on the designation of the larger area, rather than on a per site or per parcel basis."* Given the history of the use in this location, the existing use of the Church on the adjacent property, which is consistent with the 1988 ZMA PUD, the proposed special exception is consistent with the Places 29 Master Plan and Comprehensive Plan.

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

The proposed special exception to modify Areas "A" and "B" does not increase the density or intensity of the development that is permissible under the approved 1988 ZMA.

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

The proposed modifications to Area's "A" and "B" will not adversely affect the timing and phasing of any other development in the zoning district.

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

This proposed change does not require a special use permit and is permitted under 8.5.5.3(a)(1) and 8.5.5.3(a)(2) "Minor changes to yard requirements, build-to lines or ranges, maximum structure heights and minimum lot sizes" and "Changes to the arrangement of buildings and uses shown on the plan, provided that the major elements shown on the plan and their relationships remain the same."

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

The intent of the PUD per §20.1 of the Zoning Ordinance "is to provide flexibility in residential development by providing for a mix of residential uses with appropriate non-residential uses, alternative forms of housing, flexibility in internal relations of design elements…". This change is in general accord with the purpose and intent of the approved application and PUD, as minor changes to the sizes of Areas "A" and "B" provide for flexibility in allow for additional residential use type to expand its services at Our Lady of Peace without impacting the other existing uses within the PUD.

Thank you for your consideration of this request.

Attachments

Exhibit 1: ZMA 1988-007 Branchlands PUD Application Plan

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COUNTY OF ALBEMARLE
Dept. of Planning & Community Development
401 McIntire Road
Charlottesville, Virginia 22901-4596
(804) 296-5823

July 13, 1988

Branchlands First & Second Land Trust
c/o Ron Langman, Tr
P. O. Box 7060
Charlottesville, VA 22906

Republic Homes, Inc
c/o Mark Bullock
2788 Hydraulic Road
Charlottesville, VA 22901

Virginia Gardner
P. O. Box 8147
Charlottesville, VA 22906

RE: SP-88-4 Republic Homes
SP-87-9 Branchlands First & Second Land Trust
ZMA-88-7 Branchlands PUD

Dear Sir or Madam:

The Albemarle County Board of Supervisors, at its meeting on July 6, 1988, unanimously approved the above-noted petitions as follows:

- **SP-88-4 Republic Homes** - To allow for filling in the floodway fringe of an unnamed branch of Meadowcreek. Property, located on the southeast side of Greenbrier Drive adjacent to Brookmill Subdivision. Tax Map 61Z, Parcel 1. Charlottesville District. Approved with the following conditions:

  a. County Engineer approval in accordance with requirments of 30.3 FLOOD HAZARD OVERLAY DISTRICT

simultaneous with approval of unified drainage plan;
b. Approval of appropriate local, state and federal agencies;
c. All channel improvements with in Brookmill (Area D), to be accomplised at time of any filling in the floodplain under SP-88-04 Republic Homes.

- **SP-88-9 Branclands First & Second Land Trust** - To fill in approximately 40,000 cubic yards of earth into the floodway fringe of Meadowcreek. Zoned PUD. Property, located on the west side of Branchlands Drive approximatley one-fourth mile north of the intersection with Greenbrier Drive in Branchlands Village. Tax Map 61Z, Parcel 4 and 5. Charlottesville Magisterial District. Approved with the following conditions:

  a. County Engineer approval in accordance with requirments of 30.3 FLOOD HAZARD OVERLAY DISTRICT simultaneous with approval of unified drainage plan;
  b. Approval of appropriate local, state and federal agencies;
  c. All channel improvements within Brookmill (Area D) to be accomplished at time of any filling in the floodplain under SP-88-04 Republic Homes.

- **ZMA-88-7 Branchlands, PUD** - To amend application plan and conditions of SP-80-63 and ZMA-80-26 Branchlands PUD. Zoned PUD, Property, located on Greenbrier Drive, off Rt. 29N, within the Branchlands PUD. Tax Map 61Z, Sections 3, 4, and 5. Charlottesville Magisterial District. Approved as follows:

A. General

A.1. The revised application plan is appended to this document as Exhibit 1. Documentation supporting the unified drainage plan contained herein has been forwarded to Albemarle County Engineering under a separate cover.

A.2. For Areas A, C and D of the Application Plan, open space requirements of 20.8.2 and recreational area requirements in 20.8.3 of the Zoning Ordinance shall be met for each area individually. Modification: For Area C a minimum of 50 square feet/dwelling unit of recreational area shall be developed for adult recreation purposes. No recreational area for pre-school or elementary school-aged children shall be required.

A.3. Approval by County Attorney's Office of homeowners association agreements for the maintenance of driveways, open space, and other commonly-owned or common-use amenities.

Owners of properties designated for commercial use and Walter F. Sullivan, Bishop of Richmond, as owner of Area B (a 12.0 acre tract to be reserved for church purposes and not sold as part of the planned community property referred to hereinafter as the church property) shall not be required to be members of the homeowners' association; provided that these owners shall be solely responsible for the maintenance of the driveways, open space, etc. located within their respective tracts, and that such maintenance shall be comparable to that level established in the homeowner's association agreements for other such uses.

Should commercial development or sale of commercially designated property occur prior to the establishment of homeowners' association agreements, the Planning Commission may require in the deed restrictions for such property, provisions for the maintenance of such driveways, open spaces, etc., as the Commission shall deem appropriate for adequate buffering and protection of residential areas and for the reasonable usage of such areas by future residents of the planned community.

In respect to usage, the homeowners' association members shall enjoy the same rights and privileges of use of driveways, open space, etc., within commercially designated area but not including the church property, as shall be established by homeowners' association agreements for other such uses within the planned community.

In addition to the foregoing, for Areas A, C, and D, portions of the open space and recreational facilities provided may be reserved for the exclusive use of the residents of such area, either in common or individually, subject to Commission approval.

A.4. Approval by the County Attorney's Office of deed restrictions for sections to be sold. The County Attorney shall review such documents for provisions adequate to insure compliance with conditions of approval contained herein. Currently the church has a deed restriction in place which restricts commercial

development on it's boundaries. In specific this deed restriction says "that portion of the property which is located within 200 feet of the boundaries of the 12 acres reserved by the grantor as described above, shall be developed only for residential uses unless the grantor or his successors agree in writing to some other use." Deed Book 709, Page 688.

A.5. In addition to current deed restrictions, twenty (20) foot landscaping buffers shall be provided at the time of development by the developer between commercial areas and residential areas within the PUD. In particular the developers of commercial properties of the PUD shall supply these 20 foot landscaping buffers on their properties. Twenty foot landscaping buffers shall be established between Hillsdale Drive and the residential areas within the PUD. The members of the PUD shall establish twenty foot landscaping buffers between the PUD property and other adjacent property. Fencing and/or appropriate screening may be required between residential and commercial areas and between the PUD and adjoining parcels. Area B of the PUD is specifically exempt from these landscaping requirements; provided that the Planning Commission may require landscaping in accordance with § 32.7.9 LANDSCAPING AND SCREENING REQUIREMENTS of the Zoning Ordinance at time of approval of any development within Area B.

A.6. Each owner of a specific section (A,B,C,D,E, OR F) shall be responsible for any and all improvements indicated on this plan which falls on their property. The church Area B is specifically excluded from any responsibility for any improvements on their property (For Area B only). The only exceptions to this are as follows:

a. The owners of Area C and E shall split the cost of adding the fifth 72" pipe under Greenbrier Drive.

b. The owner of Area C shall construct the walk on one side of the church road.

B. STORM WATER DETENTION AND DRAINAGE PLAN

The requirements established herein are based on studies by engineering consultants hired by the owners to be reviewed and approved by the Albemarle County Engineering Department. This report dated 3/28/88 from Gloeckner & Osbourne is attached hereto as supporting documentation. Portions of a

general and unified drainage plan have already been approved and have allowed for the initial development of the PUD. In order to accommodate the ultimate impact to the PUD on surrounding properties, the following unified drainage plan is submitted.

B.1. The individual members of the PUD agree to grant drainage easements for the benefit of the PUD. The owners of the PUD agree to take the necessary measures to implement these improvements.

B.2. A Wetlands Water Quality area will serve as a partial detention area. In cooperation with the County Engineering Department and the University of Virginia, the owners of the PUD empowered the owner of Area E to build a Wetlands Area. Due to the probable transfer of properties to owners other than the original PUD members, the owner of Area E will deed an easement to the County of Albemarle for the most effective continual monitoring of the Wetlands area. If at some future time the County Engineering Department determines that the wetlands is not longer serving its intended purpose of water quality management the project will be terminated and the easement vacated. Alternative development of this land will be possible at that time, following standard site plan procedures, and provision of stormwater management measures in accordance with § 32.7.4 of the Zoning Ordinance for all of Area E and F.

B.3. The 27" diameter pipe positioned under the existing church road will not be increased or decreased in diameter. The size of this pipe limits the velocity of storm water flow, effectively creating a natural detention area on Lot 4 of Area F. The storm water detention capacity of the area upstream of this pipe within the PUD will not be decreased in any way whatsoever. This natural detention area and the 27" diameter pipe under the church road shall be maintained by the owner of Lot 4 Area F.

B.4. The six foot by six foot box culverts though Area E control storm water runoff from areas west of Rt. 29 through the PUD the point shown on Exhibit 1.

B.5. The current HUD flood hazard overlay map indicates a 100 year floodplain at elevation 399 within the Branchlands PUD. It is understood that an actual 100 year flood may exceed this limit, hence the members of

the PUD have agreed to this unified drainage plan. A channel designed to accommodate the 100 year storm shall be approved by the Albemarle County Engineering Department. The channel will be constructed though the PUD as shown on Exhibit 1 and as shown on the specific drainage plan prepared by Gloeckner & Osborne. Riprap of the channel will be installed to a standard sufficient to provide channel stability and control effects of channel erosion. This channel will allow the development of Area C to fill to the drainage easement necessary for the channel. Construction of the channel will proceed with the development of Area E, Area F, or the filling of Area C whichever shall occur first. In addition a fifth 72" pipe shall be added under Greenbrier Drive at the time of the construction of the drainage channel.

C. TRANSPORTATION PLAN

C.1. Primary ingress and egress for Areas A,B,E & F will derive from 29 North, north and south at Branchlands Boulevard. Secondary access will derive at Rio Road and Fashion Square Mall through Squire Hills, by way Hillsdale Drive. Branchlands Boulevard and Section 1 of Hillsdale Drive to Branchlands Boulevard are currently under construction to a standard approved by VDOT for acceptance into the state highway system. The remainder of Hillsdale Drive shall be designed for acceptance into the state system by VDOT, and constructed at time of development of any portion of Area E or F.

Direct access to 29 North shall occur only at Branchlands Boulevard, and the developer shall provide signalization of the intersection of Rt. 29N and Branchlands Boulevard at time of any development of Area E or F.

C.2. The extension of Greenbrier Drive from the end of state maintenance to Hillsdale Drive shall be designed in accordance with VDOT standards to accommodate traffic anticipated from the Hillsdale Drive and Areas C and D, and dedicated for acceptance into the state highway system at time of development of any portion of Area E or F. From Hillsdale Drive to Areas C and D, Greenbrier Drive shall be designed in accordance with VDOT standards to accommodate traffic anticipated from Areas C and D, and dedicated for acceptance into the

state highway system.

C.3. Access Road II from 29N to Hillsdale Drive and then through Area C is no longer deemed necessary and shall not be installed.

C.4. With the exception of Brookmill Drive pedestrian walkways will be provided on one side of all public roads to VDOT standards. An additional pedestrian walkway will be provided across Area C to Hillsdale Drive along one side of the existing church road. Pedestrian trails should be constructed along open space corridors (stream beds) or sewer easements. Such construction shall occur with each phase of development on the open space corridors and sewer easements located within or immediately adjacent to that phase of development.

D. LAND USE PLAN

Locations and acreages of various land uses and residential densities shall comply with the Revised Application Plan, Exhibit 1.

Staff recommends the following land use schedule:

AREA		ACREAGE	USE
A		7.04	82 dwellings OR 106 low/moderate cost units
B		12.00	Church
C		26.63	312 dwellings elderly housing
D		14.915	90 dwellings
E	Lot 5	1.5	Net usable acres - office
	Lot 6	8.11	Net usable acres - commercial/service
	Lot 6A	1.0	Net usable acres commercial/service OR wetlands
F	Lot 1	4.09	Marriott (commercial/service)
	Lot 2	1.00	Net usable acres - office
	Lot 7	5.84	Net usable acres - commercial/service
	Lot 4	3.285	No development

E. MODIFICATION AND WAIVER OF ZONING ORDINANCE REGULATIONS

1. Section 8.5.6.4 Building Permits shall not apply to existing structures in Areas B and C unless the provisions of 32.0 require a site plan prior to issuance of such permit.

2. Section 20.8.6 Setback and Yard Regulations shall be established at time of final approvals as opposed to establishment at time of rezoning.

3. Section 20.4 Permitted Uses: Commercial/Service; Section 20.9 Regulations Governing Commercial/Service Areas: Section 20.4 shall apply to Areas C, E and F. For Area C, Commercial/Service areas established in accordance with 20.8.3 shall be in addition to uses to be located in the existing manor house. Limitations of 20.9.3 shall not apply to Areas E and F.

4. Section 20.9.4 Building Permits shall not apply to Areas C, E and F.

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

Sincerely,

John T. P. Horne
Director of Planning & Community Development

JTPH/jcw

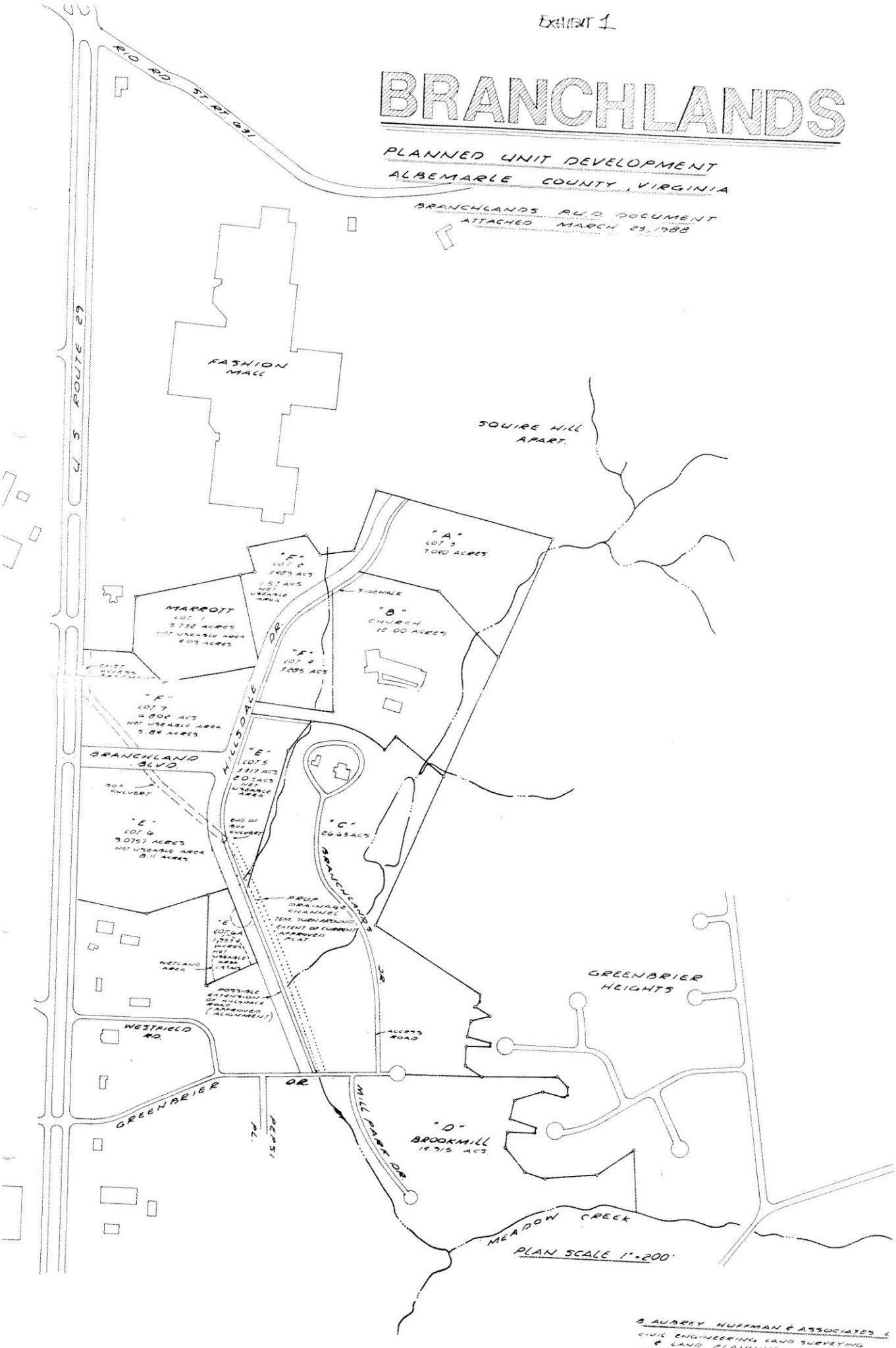
cc: Kathy Brittain

Exhibit 1

BRANCHLANDS

PLANNED UNIT DEVELOPMENT
ALBEMARLE COUNTY, VIRGINIA

BRANCHLANDS R.U.S. DOCUMENT ATTACHED MARCH 23, 1988



B. AUBREY HUFFMAN & ASSOCIATES
CIVIL ENGINEERING, LAND SURVEYING & LAND PLANNING
CHARLOTTESVILLE, ALBEMARLE CO., VIRGINIA

PLAT2.LAND