



**ALBEMARLE COUNTY PLANNING**  
**STAFF REPORT SUMMARY**

<b>Project Name:</b> SP2014-00002, Montessori Community School	<b>Staff:</b> Claudette Grant, Senior Planner
<b>Planning Commission Public Hearing:</b> June 16, 2015	<b>Board of Supervisors Hearing:</b> To be determined.
<b>Owner(s):</b> The Montessori Community School of Charlottesville	<b>Applicant(s):</b> Montessori Community School of Charlottesville represented by Eugene Ryang
<b>Acreage:</b> 6.72 acres	<b>Special Use Permit for:</b> Educational School under Section 23.2.2(6) of Zoning Ordinance.
<b>TMP:</b> 078000000012A0 <b>Location:</b> 440 Pinnacle Place (See Attachment A)	<b>By-right use:</b> CO, Commercial Office - allows offices, supporting commercial and service; residential by special use permit (15 units/ acre).
<b>Magisterial District:</b> Rivanna	<b>Conditions:</b> Yes
<b>Proposal:</b> Request to amend special use permit conditions to eliminate the requirement for fencing on a portion of the site.	<b>DA (Development Area):</b> Neighborhood 3
<b>Requested # of Dwelling Units/Lots:</b> N/A	<b>Comp. Plan Designation:</b> Urban Density Residential - residential (6.01-34 units/acre) and supporting uses such as religious institutions, schools, commercial, office and service uses.
<b>Character of Property:</b> The subject property has the existing school, associated parking, and outdoor fields.	<b>Use of Surrounding Properties:</b> The area is surrounded by a mix of commercial and residential uses.
<b>Factors Favorable:</b> 1. There are no anticipated detrimental impacts to the use or on adjacent property, resulting from the proposed revisions to the special use permit conditions.	<b>Factors Unfavorable:</b> 1. None
<b>Recommendation:</b> Based on the findings contained in this staff report, staff recommends approval of SP 2014-00002, Montessori Community School with conditions.	

**STAFF CONTACT:**

Claudette Grant, Senior Planner

**PLANNING COMMISSION:**

June 16, 2015

**BOARD OF SUPERVISORS:**

TBD

**PETITION:**

PROJECT: SP201400002 Montessori Community School of Charlottesville

MAGISTERIAL DISTRICT: Rivanna

TAX MAP/PARCEL: 078000000012A0

LOCATION: 440 Pinnacle Place

PROPOSAL: Amend special use permit conditions to eliminate the requirement for fencing on a portion of the site

PETITION: Educational School on 6.72 acres under Section 23.2.2(6) of Zoning Ordinance. No dwelling units proposed

ZONING CATEGORY/GENERAL USAGE: CO, Commercial Office which allows offices, supporting commercial and service; residential by special use permit (15 units/ acre); school of special instruction under Section 23.2.2(6)

ENTRANCE CORRIDOR: Yes

MANAGED STEEP SLOPES: Yes

COMPREHENSIVE PLAN LAND USE/DENSITY: Urban Density Residential - residential (6.01-34 units/acre) and supporting uses such as religious institutions, schools, commercial, office and service uses in Neighborhood 3 (Pantops) Development Area

**CHARACTER OF THE AREA:**

This site is developed with a school campus on it. The immediate surrounding area is combined with a mix of commercial and residential uses. The North Pantops Townhouses are located adjacent to the north and east of the subject property. The Rite Aid Pharmacy is also located adjacent to the east of the subject site. Immediately to the west is the former American Legion site, which is now part of the Montessori campus. The Carmax Superstore is also located to the west and to the south, across U.S. Route 250, are a variety of commercial uses along with the Rivanna Ridge\Giant Shopping Center inclusive of the Giant grocery store.

**PLANNING AND ZONING HISTORY:**

- The Montessori Community School located at the Pantops Mountain site in 1991.
- ZMA 82-03 rezoned the property from R-15 to CO zoning district and included proffers.
- ZMA 95-12 and SP 95-22 eliminated the previous proffers and permitted up to 120 students at the school. On May 12, 1999 SP 99-04 was approved to allow expansion of the school with 9 modular buildings, multi-purpose building, an increase of 25 additional parking spaces and an increased enrollment up to 300 students and additional grade levels.
- SP2006-38 was an approved amendment to allow for replacement of modular trailers with permanent buildings for 40,700 square feet of total building area.
- SP2009-01 was approved to extend the approval of SP2006-38.

**DETAILS OF THE PROPOSAL:**

The applicant is requesting to amend the special use permit conditions 3 and 4 from SP2009-00001. Condition 3 requires the installation of fencing around a central lawn and play area which was previously to be located near a steep drop in grade on the site near Rt. 250 and Rolkin Road. That play area has now been moved to another location on the site and a new building is being constructed in that area. This change in location eliminates the need for the fence around this play area. Without the removal of Condition 3, a fence has to be provided. The applicant does not wish to construct a fence that is no longer needed.

Condition 4 requires an existing old chain link fence located on the site at the time of the SP approval be replaced with another fence that satisfies the requirements of the ARB. SDP2014-32 is an approved site plan for the property that is currently under construction. This site plan approved the demolition of the chain link fence. In its review of the site plan, the Architectural Review Board staff determined that removal of fences from any phase of the proposed development is not expected to have an impact on the Entrance Corridor and replacement fencing was not needed for entrance corridor protection purposes. Condition 4 is proposed to be eliminated because the existing chain link fence is no longer in place and there is no need for replacement fencing to be installed.

#### **ANALYSIS OF THE SPECIAL USE PERMIT REQUEST**

**Section 33.8 of the Zoning Ordinance states that the Planning Commission and Board of Supervisors shall reasonably consider the following factors when reviewing and acting upon an application for a special use permit:**

**No substantial detriment. The proposed special use will not be a substantial detriment to adjacent lots.**

No substantial detriment is anticipated. The elimination of the fences on this site is not anticipated to impact adjacent properties. There is no other change to the use on site with this Special Use Permit request.

**Character of district unchanged. The character of the district will not be changed by the proposed special use.**

The character of the district will not be changed by the proposed changes to the SP conditions.

**Harmony. The proposed special use will be in harmony with the purpose and intent of this chapter.**

The approved Special Use Permit will remain in harmony with the purpose and intent of this chapter with the proposed changes to the conditions.

**...with the uses permitted by right in the district**

The proposed changes will not prohibit or affect permitted uses of adjacent property.

**...with the regulations provided in section 5 as applicable.**

There are no supplemental regulations in section 5 applicable to this use.

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

Staff has identified no aspects of this proposal which is contrary to the general public health, safety, and welfare.

**Consistency with the Comprehensive Plan. The use will be consistent with the Comprehensive Plan.**

The use and the proposed changes to the conditions will remain consistent with the Comprehensive Plan.

## **SUMMARY:**

The proposed changes to the Special Permit conditions are focused solely on the elimination of conditions requiring the installation of fencing which is no longer necessary due to site modifications. Staff has identified factors which are favorable to this proposal and has identified no unfavorable factors:

### **Factors favorable to this request include:**

1. There are no anticipated detrimental impacts to the use or on adjacent property resulting from the proposed revisions to the special use permit conditions.

### **Factors unfavorable to this request include:**

1. No Unfavorable factors.

## **RECOMMENDED ACTION:**

Based on the findings contained in this staff report, staff recommends approval of SP 2014-00002 Montessori Community School with the following conditions:

1. Maximum enrollment shall be three hundred (300) students;
2. Development of the use shall be in ~~conformity~~ general accord with the "Montessori Pantops Mountain Community School Sheets SP01-SP-03", prepared by Neal R. Deputy, Architecture & Master Planning, last revised January 16, 2007, as determined by the Director of Planning and the Zoning Administrator. To be in ~~conformity~~ general accord with the plan, development shall reflect the general size, arrangement, and location of proposed Buildings A, B, C, D, and E, Central Lawn, Amphitheatre, playgrounds and ball fields, wooded natural area, and parking areas. Minor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance;
3. ~~Fencing shall be provided at a minimum around the perimeter of the Central Lawn, Lower Elementary Playground, and Children's House Playground, or at other locations as required by the County to ensure safety of children adjacent to Route 250 and Rolkin Road. Final design of the fence shall be subject to review and approval by the Architectural Review Board. However, to address safety concerns, the fence details shall include:~~
  - \* ~~At least forty-eight (48) inches tall;~~
  - \* ~~No more than a two (2) inch gap under the fence;~~
  - \* ~~Openings shall be small enough that a four (4) inch sphere will not pass through;~~
  - \* ~~No ornamental indentations that can be used as a ladder;~~
  - \* ~~Maximum mesh size for chain link fences is two and one-quarter (2-1/4) inches; and~~
  - \* ~~Maximum mesh size for diagonal lattice fences is one and three-quarter (1-3/4) inches.~~
4. ~~The existing chain link fence shall be replaced with a new fence that satisfies the requirements of the Architectural Review Board by September 1, 2009. Alternatively, planting shall be installed by September 1, 2009 that will screen the fence from the Entrance Corridor. That planting shall be in accord with an approved landscape plan that satisfies the requirements of the Architectural Review Board; and~~
5. Construction of proposed buildings as shown on the concept plan shall commence on or before March 11, 2015 or this special use permit shall expire.

**Motions:**

**Special Use Permit**

- A. Should the Planning Commission **choose to recommend approval** of this special use permit:  
**I move to recommend approval of SP 201400002 Montessori Community School with the conditions outlined in the staff report.**
- B. Should the Planning Commission **choose to recommend denial** of this special use permit:
- C. **I move to recommend denial of SP 201400002 Montessori Community School with reasons for denial.**

**ATTACHMENTS**

[Attachment A – Location Map](#)