

**RESOLUTION TO APPROVE
SP 2018-11 THE REGENTS SCHOOL OF
CHARLOTTESVILLE – RESERVOIR ROAD**

WHEREAS, the Regents School of Charlottesville submitted an application for a special use permit to construct and operate a private school on Tax Parcels 07600-00-00-01700 and 07500-00-00-06600, located on Reservoir Road, with an initial maximum enrollment of 280 students, and potential future maximum enrollment of 468 students, and the application is identified as SP201800011 The Regents School of Charlottesville – Reservoir Road (“SP 2018-11”); and

WHEREAS, on September 3, 2019, after a duly noticed public hearing, the Albemarle County Planning Commission recommended approval of SP 2018-11 with staff-recommended conditions, as well as minor technical revisions and clarifications to Condition #2 (now Condition #3) regarding potential future increase(s) to student enrollment in excess of 280 students up to a maximum of 468 students and/or a school start time later than 7:45 a.m.; and

WHEREAS, on September 18, 2019, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP 2018-11.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff report prepared for SP 2018-11 and all of its attachments, the information presented at the public hearing, any written comments received, and the factors relevant to a special use permit in Albemarle County Code §§ 18-1.4, 18-1.5, 18-13.1, 18-13.2.2.5, 18-30.7.1, 18-33.39, and 18-33.40, the Albemarle County Board of Supervisors hereby approves SP 2018-11, subject to the conditions attached hereto.

* * *

I, Claudette K. Borgersen, do hereby certify that the foregoing writing is a true, correct copy of a Resolution duly adopted by the Board of Supervisors of Albemarle County, Virginia, by a vote of ____ to ____, as recorded below, at a regular meeting held on _____.

Clerk, Board of County Supervisors

	<u>Aye</u>	<u>Nay</u>
Mr. Dill	_____	_____
Mr. Gallaway	_____	_____
Ms. Mallek	_____	_____
Ms. McKeel	_____	_____
Ms. Palmer	_____	_____
Mr. Randolph	_____	_____

SP-2018-11 The Regents School of Charlottesville – Reservoir Road
Special Use Permit Conditions

1. Development of the subject property shall be in general accord with the concept plan entitled “Special Use Permit Concept Plan and Engineering Study for Regents School of Charlottesville” prepared by Justin Shimp, P.E. of Shimp Engineering, dated July 16, 2018 and revised August 23, 2019, which includes sheets C1 – C6 (the “Concept Plan”), attached hereto, as determined by the Director of Planning and Zoning Administrator. To be in general accord with the Concept Plan, development and use shall reflect the following major elements within the development essential to the design of the development, as shown on the Concept Plan:

- a. the location of the “School Facilities Area,” “School Recreation Area,” and other major school improvements within the 13.12-acre area designated “School Campus Site” on Sheet C3;
- b. the location of the “Lighted Ball Field” within the “School Recreation Area” on Sheet C3;
- c. the location and configuration of 5.99-acre area designated “Undeveloped Residue” on Sheet C3;
- d. the land use chart on Sheets C4 and C5 specifying “Prohibited Uses” and “Permitted Uses” for each different “Land Use” area;

Minor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.

2. Except as otherwise provided herein, initial student enrollment shall be limited to 280 students, and the start time of the school shall be no later than 7:45 A.M.
3. Notwithstanding Condition 2, student enrollment may exceed 280 students up to a maximum of 468 students and/or the start time may be shifted to a time later than 7:45 A.M. (together, “operational changes”), if at the time of any such proposed operational changes the applicant submits a formal request that includes a Traffic Impact Assessment (TIA) which demonstrates the following to the satisfaction of the Director of Community Development and his/her designees:
 - a. The proposed operational changes would not result in any movements with a delay greater than 50 seconds; and
 - b. The proposed operational changes would not result in any movements with a delay greater than 35 seconds, unless it will have a delay greater than 35 seconds in the future no-build, provided that if the future no-build shows a delay greater than 35 seconds the future build cannot increase by more than 10 seconds; and
 - c. The proposed operational changes would not result in any movements increasing by more than 15 seconds between the future build and no build conditions; and
 - d. Operations at the US 29 Bypass interchange at Fontaine Avenue Extended may not result in it being placed on the VDOT Top 100 Potential for Safety Improvement (PSI) locations for intersections or segments.

For the purposes of this Condition:

- e. The Traffic Impact Assessment (TIA) dated October 12, 2018 and associated supplemental TIA’s submitted with SP201800011 may be used for baseline traffic data until August 2021. If any request for any such proposed operational change(s) is made any time after August 2021, a new TIA and traffic counts will be required to establish a new baseline.
- f. The scope of any such new TIA and traffic counts prepared in conjunction with a formal request for any such proposed operational change(s) must be determined in consultation with the Director of Community Development’s designee(s), and must include the following intersections: the southbound exit ramp of US 29 Bypass at the Fontaine Avenue Extended interchange; the northbound exit ramp of US 29 Bypass at the Fontaine Avenue Extended interchange; and the intersection of Fontaine Avenue Extended and Reservoir Road.
- g. The identification of “future build conditions” and “future no-build conditions” in any such new TIA and traffic counts will be based on the following:
 - i. “Future no-build conditions” will include the traffic generated by the private school use at a student enrollment of 280 and other nearby developments, as determined through the TIA scoping process; and

- ii. “Future build conditions” will only include the traffic generated by the proposed increase in number of students over the number of vehicle trips associated with the private school use at a student enrollment of 280 and the traffic generated by any other operational changes;
 - h. Proposed operational changes which do not conform with and adhere to the conditions listed above would require the submittal of an application for a special use permit amendment and approval by the Board of Supervisors.
4. The applicant must plan, fund, and complete the transportation improvements to Reservoir Road shown on the special use permit application materials titled “Reservoir Road Survey for Regents School,” prepared by Justin M. Shimp, P.E. of Shimp Engineering, dated July 1, 2019, prior to the issuance of a Certificate of Occupancy. The proposed improvements are subject to review and approval by VDOT, the County Engineer, and other applicable Site Review Committee members, and are subject to required County approvals of Road Plans, a Water Protection Ordinance Plan, and all other applicable permitting requirements.
5. If the use, structure or activity authorized by this special use permit does not commence within a period of five years after the date of approval, the special use permit shall be deemed abandoned and the authority granted hereunder shall terminate. For the purposes of this condition, the term “commence” means starting the lawful physical construction of any structure shown on the Conceptual Plan referenced in Condition 1 above, and this construction shall commence by September 18, 2024.