

ALBEMARLE COUNTY PLANNING
STAFF REPORT SUMMARY

Project Name: SP202400023 and SE202400027 Congregation Beth Israel (CBI) Forest School – Dudley	Staff: Syd Shoaf, Senior Planner II
Planning Commission Hearing: May 13, 2025	Board of Supervisors Public Hearing: To be scheduled
Owner: Jeffrey R. Morrill and Julie Aileen Morrill, Trustees of The Julie Aileen Barron	Applicant: Jill Abbey-Clark (Director of Education for CBI Forest School); Kendra Moon (Line and Grade)
Acreage: 155.96 acres	Special Use Permit: Section 18-10.2.2 (5) for a private school.
TMP: 08900-00-00-06400 Location: No address assigned, located north and south side of Dudley Mountain Rd (State Route 706), beside 1644 and 1658 Dudley Mountain Rd., approx. 1.2 miles west of Old Lynchburg Road (State Route 631)	By-right use: Rural Areas (RA). Allows agricultural, forestal, and fishery uses as well as residential uses (maximum density of 0.5 unit/acre in development lots).
Magisterial District: Samuel Miller	Conditions: Yes EC: No
Proposal: <u>SP202400004:</u> Special use permit (SP) request for a private school with a maximum enrollment of 144 students. <u>SE202400027:</u> Special exception (SE) request to waive the curb and gutter requirements in parking areas and along travelways under Section 18- 4.12.15 (g).	Comp. Plan Designation: Rural Area – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources; residential (0.5 unit/acre in development lots) in Rural Area 2 in the Comprehensive Plan.
DA (Development Area): N/A	Requested # of Dwelling Units: 0
Character of Property: The site is 156 acres total with a 10-acre portion on the south side of Dudley Mountain Road. The property is undeveloped and contains large areas of Critical Slopes and Mountain Protection areas in the northern section of the site There is also a Water Protection Ordinance Stream Buffer on the site.	Use of Surrounding Properties: Single-family residences and other Rural Areas uses such as farms and agriculture.
Positive Aspects: 1. The proposed use limits development to only 15 acres of the 156 acre property and 141 acres would be preserved. 2. Outdoor/environmental education is consistent with Comprehensive Plan goals promoting greater public familiarity with the Rural Area and with natural systems.	Concerns: 1. Staff believe Dudley Mountain Road is not suitable for the expected vehicle trips that would be generated by the proposed school.
Recommendation: Staff recommends denial of SP202400023 Congregation Beth Israel (CBI) Forest School – Dudley.	

STAFF PERSON:
PLANNING COMMISSION:
BOARD OF SUPERVISORS:

Syd Shoaf, Senior Planner II
May 13, 2025
To be scheduled

PETITION:

PROJECT: SP202400023 and SE202400027 Congregation Beth Israel (CBI) Forest School – Dudley

MAGISTERIAL DISTRICT: Samuel Miller

PROPOSAL: Private school

PARCEL ID: 08900-00-00-06400

LOCATION: No address assigned, located north and south side of Dudley Mountain Rd (State Route 706), beside 1644 and 1658 Dudley Mountain Rd., approx. 1.2 miles west of Old Lynchburg Road (State Route 631)

CHARACTER OF THE AREA

The subject property is approximately 155.96 acres and is located on both the north and south sides of Dudley Mountain Road (State Route 706), adjacent to 1644 and 1658 Dudley Mountain Road. The property is approximately 1.2 miles west of the intersection of Dudley Mountain Road and Old Lynchburg Road, and approximately 2.7 miles east of the intersection of Dudley Mountain Road and Red Hill Road. Dudley Mountain Road is a curvy, substandard rural road. Approximately 10 acres of the property are located south of Dudley Mountain Road and are predominantly within the Water Protection Ordinance (WPO) buffer.

The property is primarily undeveloped, except for an existing driveway towards the subject property's western boundary and a farm road towards the subject property's eastern boundary (Attachment 1 – Existing Conditions Map). The existing driveway previously crossed a portion of the subject property to serve a single-family residence on the adjacent property, TMP 89-64A (1644 Dudley Mountain Road). However, the applicant has indicated that a new driveway has been constructed on TMP 89-64A, eliminating the need for access to that property through the subject property.

The surrounding properties are all zoned Rural Areas. The adjacent properties along Dudley Mountain Road each contain a single-family residence. The adjacent properties around the northern part of the subject property appear to be mostly undeveloped, with two parcels within a conservation easement. Beyond the adjacent properties, the properties along Dudley Mountain Road contain single-family residences and other Rural Areas uses such as farm and agriculture (Attachment 2 – Zoning Map).

PLANNING AND ZONING HISTORY

The subject property was created by a subdivision plat recorded in Deed Book 866, Page 96 on December 16, 1985. According to the recorded plat, the subject property has four theoretical development rights remaining.

DETAILS OF THE PROPOSAL

The applicant proposes a private school with a maximum enrollment of 144 students, ages 18 months to 5th grade. The applicant has indicated that it primarily serves children Pre-K and younger. The applicant has provided a detailed project narrative and conceptual plan (Attachment 3 – Applicant Narrative and Attachment 4 – Applicant Conceptual Plan). This includes potential phasing and details on the size of buildings and anticipated parking.

The applicant has also submitted a special exception application (Attachment 8 – SE202400027 Special Exception Request) to waive the curb and gutter requirements for the proposed travelways. The proposed disturbance does not include Critical Slopes, Mountain Protection areas, or the WPO buffer. The applicant has proposed a fire access road in the WPO buffer that is not permitted. It must be removed from the concept plan.

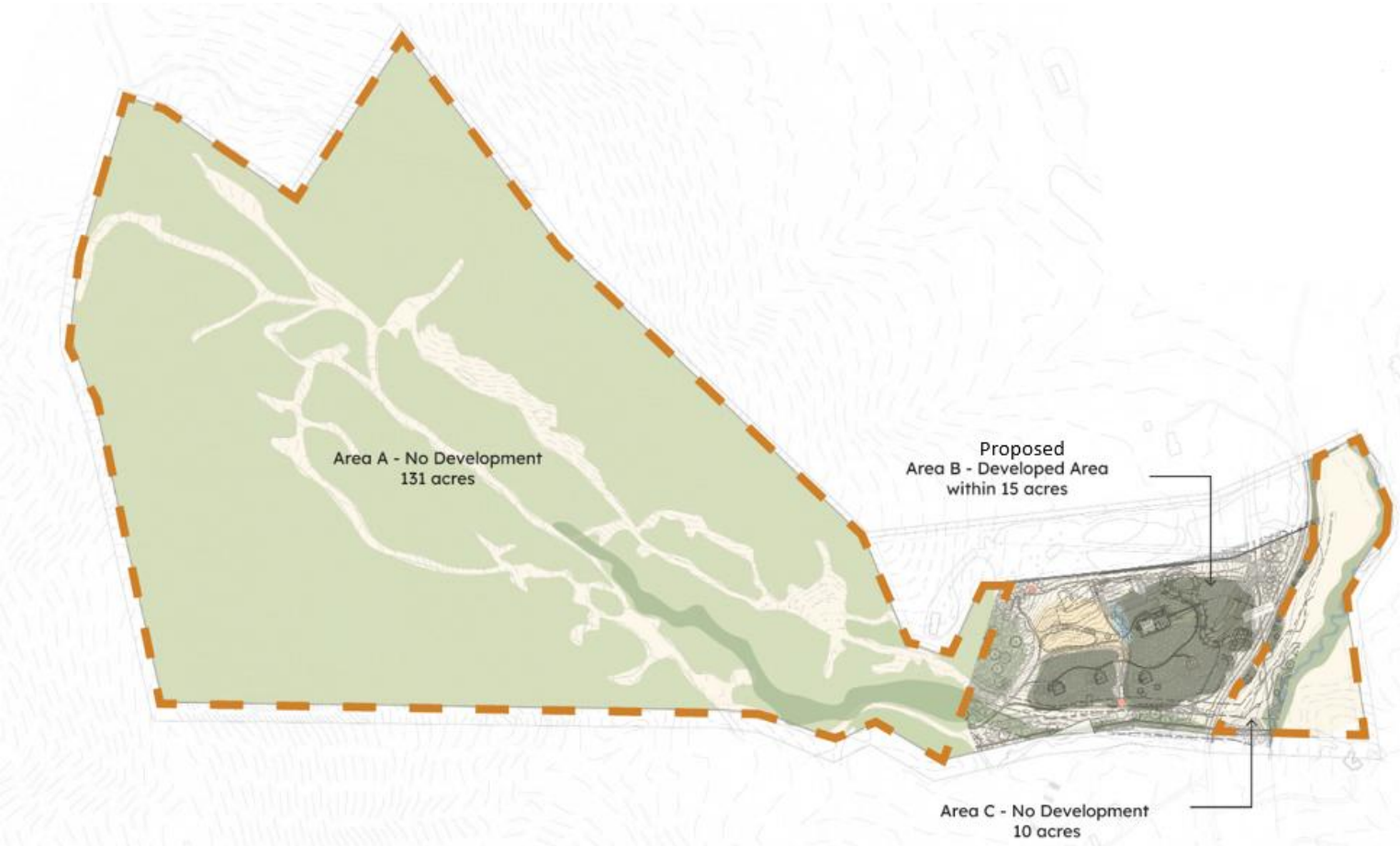


Figure 1: Map provided by the Applicant in Appendix B of Attachment 3 – Applicant Narrative

The property consists of three distinct areas as shown in the map (Appendix B of Attachment 3 – Applicant Narrative) and on the inset above:

1. Area A: Approximately 131 acres which are heavily forested and mountainous, with significant portions designated as Critical Slopes and Mountain Protection areas. The Water Protection Ordinance (WPO) buffer bisects this area towards the northeast of the subject property. This area is proposed for conservation.
2. Area B: Approximately 15 acres directly north of Dudley Mountain Road, currently characterized by a hilly terrain, a large portion of pine trees, an open meadow, and the WPO buffer along the eastern boundary. This area is where the proposed school would be located.
3. Area C: Approximately 10 acres south of Dudley Mountain Road, predominantly within the WPO buffer. This area is proposed for conservation.

Below is a table that summarizes the applicant’s request with improvements limited to Area B on the concept plan:

Summary of proposal	
Maximum Enrollment	144 students
Number of Staff	29 staff
Maximum Enclosed Building Area	23,600 sf* including: Base camp building of 12,559 sf, classroom cabin of 1,200 sf, and a security building of 144 sf
Parking	76 spaces, 31 for daily use and remainder for overflow
Yearly Use of Site	Nearly Year Round, School Year + 8 Weeks Summer
Daily School Operation Hours	8 am to 5 pm
School Drop Off Period	8 am to 9 am
Water and Sewer	Private, On-site
Food Preparation on Site?	No
Proposed Side Building Setbacks	50 ft. (increased from 25 ft. requirement in RA)
Lighting	Full Cut-Off Fixtures, Limited Hours
Traffic Alleviation	Shuttle to be offered in morning; Extended morning drop off period and staggered afternoon pick up

*This includes an 11,000 sf by-right religious assembly building.

If this special use permit were to be approved, the applicant is proposing two phases of development. The first phase would include the main school building referred to as “base camp,” with additional associated school buildings. The second phase would include additional school buildings as well as a religious assembly building. Per County Code §18-10.2.1 (34), religious assembly uses of not more than 200 persons are permitted by-right.

COMMUNITY MEETING/PUBLIC INPUT

The required community meeting for the proposal was held at Walton Middle School on Tuesday, November 19, 2024, at 6 pm. The applicant shared details and answered questions regarding the proposal to the approximately 120 members of the public that were present. Primary themes from the meeting were concerns regarding transportation, groundwater, and overall impact on the neighboring community. Numerous emails have been received in support of the school as well as some with concerns. (Attachment 7 – Public Comments Received via Email)

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.

According to the applicant’s conceptual plan, the closest residence to the proposed improvements within Area B is north at 1644 Dudley Mountain Road which is approximately 218’ to the closest proposed school building. The next closest residence is west at 1658 Dudley Mountain Road which is approximately 475’ to the closest proposed school building. Additionally, within 1,000 feet of the proposed improvement area, there appears to be roughly six residences. Although the proposal is within the Rural Areas zoning district, the applicant has proposed a minimum 50’ side setback from adjacent properties which is double the required setback from the Rural Areas zoning district and is consistent with a general commercial zoning district setback. In the applicant’s narrative and conceptual plan, the applicant has provided that additional vegetated screening will be provided to mitigate any negative effects to nearby residences. Staff have drafted a condition that limits the areas of disturbance as well as requires

additional landscaping for screening, consistent with what would be required for a commercial site developing adjacent to residential or rural property. This includes a use buffer (County Code §18-21.7 (c)) of 20' which includes screening.

The applicant has indicated that of the 156 acres of the subject property, they would put Area A (131 acres) and Area C (10 acres) in a conservation easement which would restrict development in these portions of the subject property. At this time, the site has not been put in a conservation easement and the details for the proposed conservation easement are unknown. Staff have drafted a condition that limits the areas of disturbance.

Both the Virginia Department of Transportation (VDOT) and Albemarle County Transportation staff have reviewed this proposal and have concerns regarding transportation related to Dudley Mountain Road which is expanded upon in a later section.

This proposal is not expected to be a substantial detriment to adjacent parcels with the conditions proposed by staff.

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 proposed conceptual plan limits land disturbance to the minimum necessary for construction of the associated school buildings, parking area, and travelways. In the applicant's narrative and conceptual plan, they provided that the proposed buildings will be spaced out within the disturbance area and surrounded by both existing and proposed vegetation for additional screening. By spreading out the location of buildings within the forested areas, it will be less visible and blend into the forested environment. Additionally, if the subject property was to be put within a conservation easement, it would extinguish the remaining four development rights. Although staff cannot condition a proposed conservation easement, staff have drafted a condition that limits the areas of disturbance and building footprints.

The applicant has provided traffic counts from the Institute of Transportation Engineers (ITE) Trip Generation data. From the table provided on page 9 of the applicant's narrative, there will be an additional 589 vehicles per day generated by this use if it were to be approved. According to average daily traffic (ADT) data from VDOT, it was reported in 2018 that Dudley Mountain Road had an ADT of 130 vehicles per day. If this proposal were to be approved, the ADT would be approximately 719 vehicles per day, which is 5.5 times greater than the current ADT on Dudley Mountain Road.

Staff believe that the proposal will not change the character of adjacent parcels or the nearby area through the site specific elements, however, the increase in traffic on Dudley Mountain Road will have a significant impact on the number of vehicles that use Dudley Mountain Road that will change the character of the adjacent parcels and nearby area.

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

Section 10 of the Zoning Ordinance outlines the purpose of Rural Areas (RA) zoning:

This district hereafter referred to as RA is hereby created and may hereafter be established by amendment of the zoning map for the following purposes:

- *Preservation of agricultural and forestal lands and activities;*
- *Water supply protection;*
- *Limited service delivery to the rural areas; and*
- *Conservation of natural, scenic, and historic resources.*

Private schools are generally considered a use by special use permit that could be acceptable in the Rural Areas zoning district. The special use permit process evaluates impacts and whether a use is appropriate at a specific location in the Rural Area and whether it is in harmony with the RA district.

In this case, the proposal does not affect agricultural activities and conserves the majority of the parcel, which is in harmony. Water supply will not be affected as the site is not within a public water supply watershed. Service delivery increases would be largely relate to occasional public-safety services, in the event of emergencies.

with the uses permitted by right in the district,

The uses permitted by right in the Rural Areas zoning district support agriculture, forestry, and land conservation, or permit residential uses. The school use would be more intense than by-right uses, but would be limited to an approximately 15-acre area of the 156-acre site.

with the regulations provided in Section 5 as applicable,

This section is not applicable to this proposal.

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.

Transportation

Both the Virginia Department of Transportation (VDOT) and Albemarle County Transportation staff have reviewed this proposal and have concerns regarding safety related to Dudley Mountain Road. As is, Dudley Mountain Road is approximately 3.7 miles and is designated as a secondary route. It is bidirectional with its northern terminus at the intersection with Old Lynchburg Road and its southern terminus at the intersection with Red Hill Road. The properties along this road consist of Rural Areas zoned properties which include single-family residences, agricultural, and farm uses.

In evaluating the suitability of the road for the school traffic, staff considered current average daily traffic, anticipated trip generation from the school, road conditions such as the width of the road, lack of shoulders, curve radii, sight distance, crash data, and other potential hazards such as trees and clear zones.

In the applicant's narrative, they provided ITE Trip Generation figures that estimate 589 vehicles per day would be generated from this proposal. According to VDOT, the ADT was 130 vehicles from a 2018 report. If this proposal were to be approved, the ADT would be approximately 719 vehicles per day, which is 5.5 times greater than the current ADT on Dudley Mountain Road.

The width of the road varies from a range of 15' to 18' according to information provided by the VDOT. Using a measuring wheel, staff measured various locations along Dudley Mountain Road along the frontage of the subject property. Staff found near the proposed entrance area there were widths under 16' and at the fire road entrance found the width to be approximately 16.5'. The applicant provided a road width exhibit for Dudley Mountain Road (Attachment 5 – Applicant Dudley Mountain Road Width Assessment) that illustrates the width of the road every 500 feet. Inconsistencies between the applicant's measurements and staff measurements are likely the result of an extremely variable width throughout the length of the road. According to the applicant, this was measured via GIS and some locations were checked in the field due to

conflicts with existing vegetation. Dudley Mountain Road also has a substandard shoulder width or no shoulder at all, which makes passing difficult, especially when large vehicles are involved.

Additionally, staff assessed the intersection of Dudley Mountain Road and Old Lynchburg Road and have concerns with sight line visibility when attempting a turn onto Old Lynchburg Road from Dudley Mountain Road. Old Lynchburg Road has a speed limit of 45 mph and when heading southbound, it has a hill that disrupts the sight line prior to the intersection with Dudley Mountain Road. Staff are concerned about safety at this intersection with the higher level of traffic utilizing it under this proposal.

The road does not meet the applicable road standards. According to the VDOT Road Design Manual Appendix A1 Page A1-20 GS-4, Geometric Design Standards for Rural Local Road System, the following are the minimum considerations:

- For a road with less than 400 average daily traffic (ADT), the following are applicable:
 - Minimum pavement width of 18'.
 - Stopping sight distance of 250'.
 - Minimum width of graded shoulder of 2'.
- For a road with greater than 400 ADT to a maximum of 2,000 ADT, the following are applicable:
 - Minimum pavement width of 20'.
 - Stopping sight distance of 305'.
 - Minimum width of graded shoulder of 3'.

The proposal would increase traffic volumes beyond 400 ADT while the standard for under 400 vehicles per day is not being met currently. As is, Dudley Mountain Road is too narrow and by adding a use that would increase the ADT by 5.5, it would create more unsafe conditions.

The applicant has proposed:

- A 50' ROW dedication along its frontage on both the north and south sides of Dudley Mountain Road.
- An internal travelway that has approximately 700 feet of internal queuing space from the parking lot area to the point of drop-off. According to the applicant, this allows up to 30 vehicles to be queued within the site. The internal queuing in tandem with the extended morning drop off hours, and the proposed shuttle, is not expected to create queuing on Dudley Mountain Road and would be contained within the site.
- A shuttle may be offered to alleviate potential vehicles on the road. However, it is difficult to assess if this shuttle will be utilized by the school and it will be difficult to enforce from Zoning. Additionally, the school is for children 18 months to 5th grade which may impact the amount of usage the shuttle has if most of the students are required to have a car seat or additional staff support within the shuttle.

Regarding emergency access, in the applicant's conceptual plan, they proposed improvements to the western fire access road for 20' reinforced turf. Albemarle County Engineering has reviewed this proposal and provided the comment that improvements are not allowed within the required Water Protection Ordinance (WPO) buffer. The applicant will need to provide an alternative road to access the proposed classroom cabins to meet Albemarle County Fire Rescue requirements. Although this may be determined at the site plan phase if this were to be approved, the applicant should provide a revised conceptual plan with fire access so that staff can verify the buildings can be safely accessed in the event of an emergency.

In summary, staff have significant concerns regarding the existing conditions of Dudley Mountain Road and if this proposal were to be approved, it would contribute to the existing unsafe conditions of the road. Additionally, staff are concerned about fire access to the proposed buildings although it is recognized that this issue could be addressed prior to construction.

The Virginia Department of Health (VDH) has also reviewed this proposal. Since the subject property is located outside of the development area, the school cannot be served by public water and sewer. The school would be served by private well and septic. VDH provided a comment that an approved septic construction permit is required prior to site plan approval if this special use permit were to be approved. Additionally, VDH commented that the water supply will be regulated by the Office of Drinking Water (ODW) and the applicant is advised to contact ODW to obtain the necessary approvals needed to construct a commercial well. Staff heard at the community meeting, and have received numerous public comments from nearby residents, regarding concerns about adequate groundwater supply. The applicant provided a Tier III Groundwater Assessment to address concerns regarding water supply.

If the special use permit is approved, the use cannot commence without the appropriate site development plans (as applicable), 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. This will include final approval of well and septic.

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

The Rural Area Chapter ([Chapter 7](#)) of the Comprehensive Plan designates the subject property for this proposal for Rural Area land uses. The intent of the Rural Area designation is to allow uses that preserve and protect agricultural, forestal, open space, and natural, historic, and scenic resources.

The following specific objective of the Comprehensive Plan is relevant to this site:

- Chapter 7 Rural Areas, Objective 2: Protect and preserve natural resources, which include mountains, hills, valleys, rivers, streams, groundwater, and retain continuous and unfragmented land for agriculture, forestry, biodiversity, and natural resource protection. The retention of forested landcover and Mountain Protection areas as part of the proposed use is consistent with Objective 2, “[p]rotect and preserve natural resources, which include mountains, hills, valleys, rivers, streams, groundwater, and continuous and unfragmented land for agriculture, forestry, biodiversity and natural resource protection.”
- Operation of an educational school use on a rural parcel with a limited area of disturbance and construction is consistent with Objective 7, “provide information to citizens so they are well-informed and understand the cultural, economic, and ecological aspects of the rural area.

The proposed private school does not directly support agricultural or forestal uses, however, the premise of the private school is to be a forest school which according to the applicant, “its curriculum is centered around the natural environment and outdoor learning.” In the applicant’s conceptual plan, the buildings are proposed to be spaced out and integrated into the existing forested area. The applicant has proposed additional screening to be provided in areas that may remove vegetation or do not have existing vegetation.

The applicant needs to revise their conceptual plan to illustrate that the WPO buffer is not impacted by any improvements. Furthermore, the applicant has indicated they intend to put 141 acres of the site into a conservation easement. Regardless of whether there is a future easement on the property, staff recommend conditions that address limits of disturbance if this use were to be approved. Additionally, development must be in general accord with the provided conceptual plan to minimize disturbance outside of the proposed areas and address Rural Area concerns. Lastly, the property would not utilize the four available development rights if used for the proposed school.

SUMMARY

Staff have identified the following positive aspects with this request:

1. The proposed use limits development to only 15 acres of the 156-acre property and 141 acres would be preserved.
2. Outdoor/environmental education is consistent with Comprehensive Plan goals promoting greater public familiarity with the Rural Area and with natural systems.

Staff have identified the following concerns with this request:

1. Staff believe Dudley Mountain Road is not suitable for the expected vehicle trips that would be generated by the proposed school.

RECOMMENDATION:

Based on the findings contained in this staff report, staff recommends denial of SP202400023 Congregation Beth Israel (CBI) Forest School – Dudley.

However, if the Planning Commission chooses to recommend approval of this proposal, staff have provided the following draft conditions for consideration:

1. Development of the use must be in general accord with the conceptual plan titled, “CBI Forest School Dudley Mountain Road Property SP202400023” drawn by JCLA Studio and Thrive Architecture dated September 16, 2024, last revised January 6, 2025. To be in general accord with the Conceptual Plan, development must reflect the following major elements essential to the design of the development:
 - a. Location of proposed buildings;
 - b. Location of proposed parking areas;
 - c. Limits of disturbance;
 - d. Maximum building footprint of the admin/base camp building of 6,415 square feet;
 - e. Maximum building footprint of each classroom cabin of 1,200 square feet;
 - f. Establishment of a 50-foot side building setback;
 - g. Additional screening must be provided along the property’s boundary where vegetation does not exist to meet the requirements of Section 32.7.9

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

2. The maximum student enrollment must not exceed one hundred and forty-four (144) students.
3. Classroom instruction must not begin before eight o’clock a.m. (8:00 a.m.) and must not continue later than five o’clock p.m. (5:00 p.m.). Classes shall not be held on Saturday or Sunday.
4. The school morning drop off period must be between eight o’clock a.m. (8:00 a.m.) and nine o’clock a.m. (9:00 a.m.).
5. The maximum height of structures must not exceed 35 feet in height.
6. A 50-foot right-of-way dedication along the property’s north and south frontage on Dudley Mountain Road is required.
7. The applicant must improve Dudley Mountain Road within the bounds of their property to a minimum width of 20 feet with a graded shoulder that is a minimum 3’ wide.
8. Stream buffers must be established and maintained consistent with Section Sec. 17-601 of Chapter 17 of the Albemarle County (the “Water Protection Ordinance”) along all streams.

POSSIBLE PLANNING COMMISSION MOTIONS:

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

I move to recommend denial of SP202400023 Congregation Beth Israel (CBI) Forest School – Dudley for the reasons stated in the staff report.

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

I moved to recommend approval of SP202400023 Congregation Beth Israel (CBI) Forest School – Dudley with the conditions provided by staff. *Should a commissioner motion to recommend approval, he or she should state the reason(s) for recommending approval.*

SPECIAL EXCEPTION APPLICATION

SE202400027 PROPOSAL

If the special use permit were to be approved, the applicant requests a special exception to modify the curb and gutter requirements required by County Code §18-4.12.15 (g). According to County Code §18-4.12.15 (g), curbs shall be established at the edges of parking areas or access aisles in the following circumstances: (1) in all commercial or institutional developments requiring eight or more parking spaces; (2) in all multi-family dwelling and townhouse developments requiring eight or more parking spaces; (3) where necessary to control or direct stormwater runoff; (4) where a sidewalk is located closer than four feet from the edge of an access aisle; and (5) where necessary to contain vehicular traffic to protect pedestrians and/or property. Gutters shall be required where necessary to control or direct stormwater runoff. When applied to this site, the applicant is proposing a private school on a Rural Areas zoned property which is an institutional development with more than eight parking spaces.

The applicant has submitted a special exception application to waive the curb and gutter requirements on site. In the applicant's narrative for the special exception request (Attachment 8 – SE202400027 Special Exception Request), they provide their reason for the request as well as the alternative solutions.

ANALYSIS OF THE SPECIAL EXCEPTION REQUEST

Under County Code § 18-33.9 (A), factors, standards, criteria, and findings, however denominated, in the applicable sections of the Zoning Ordinance, are to be considered in special exception applications.

County Code § 18-4.12.2 (c) allows for modification or a waiver in the design requirements of County Code § 4.12.15 (g) if the Board of Supervisors finds that the public health, safety, or welfare would be equally or better served by the modification or waiver and that the modification or waiver would not otherwise be contrary to the purpose and intent of the Zoning Ordinance. Furthermore, County Code §4.12.2 (2) provides that the Board of Supervisors may modify or waive a design requirement in County Code §4.12.15 only after consultation with the County Engineer, who shall advise the zoning administrator whether the proposed waiver or modification would equally or better serve the public, health, safety or welfare. Lastly, County Code §4.12.15 (g) states, the Board of Supervisors may waive or modify this requirement if deemed necessary to accommodate stormwater management/BMP facility design or existing uses located in the Rural Areas (RA) zoning district.

Staff offer the following analysis of the waiver against these criteria:

County Code § 18-4.12.2 (c) – that the public health, safety or welfare would be equally or better served by the modification or waiver and that the modification or waiver would not otherwise be contrary to the purpose and intent of this chapter.

Planning, Engineering, and Zoning staff have reviewed this request and believe that waiving the curb and gutter requirements would not have an impact on the public health, safety, or welfare. Due to the rural nature of the proposal, the limited amount of impervious area, and the slope of the site, staff

supports this request. Water quality and quantity requirements will need to be satisfied during Virginia Erosion and Stormwater Management Program (VESMP) review.

County Code County Code § 18-4.12.15 (g) – if deemed necessary to accommodate stormwater management/BMP facility design or existing uses located in the Rural Areas (RA) zoning district.

Due to the rural nature of the proposal, the limited amount of impervious area, and the slope of the site, staff supports the waiver request to allow alternatives to curb and gutter. The applicant will need to adhere to VESMP requirements and final details reviewed with a site development plan.

RECOMMENDATION

Based on these findings, staff recommend approval of the special exception application to waive the curb and gutter requirements in the parking areas, provided than alternatives are used to achieve equivalent stormwater management.

The Planning Commission is not required to make a recommendation on this special exception. However, if the Planning Commission chooses to provide comments on the special exception, staff will include those comments in the Transmittal Summary to the Board of Supervisors.

ATTACHMENTS:

- Att. 1 – [SP2024-23 CBI Forest School – Existing Conditions Map](#)
- Att. 2 – [SP2024-23 CBI Forest School – Zoning Map](#)
- Att. 3 – [SP2024-23 CBI Forest School – Applicant Narrative](#)
- Att. 4 – [SP2024-23 CBI Forest School – Applicant Conceptual Plan](#)
- Att. 5 – [SP2024-23 CBI Forest School – Applicant Dudley Mountain Road Width Measurements](#)
- Att. 6 – [SP2024-23 CBI Forest School – VDOT Review Comment Letter dated 2025-04-30](#)
- Att. 7 – [SP2024-23 CBI Forest School – Public Comments received via Email](#)
- Att. 8 – [SE202400027 Special Exception Request](#)