

**COUNTY OF ALBEMARLE**  
**TRANSMITTAL TO THE BOARD OF SUPERVISORS**  
**SUMMARY OF PLANNING COMMISSION ACTION**

<b>AGENDA TITLE:</b> SP202400023 and SE202400027 Congregation Beth Israel (CBI) Forest School – Dudley	<b>AGENDA DATE:</b> August 6, 2025
<b>SUBJECT/PROPOSAL/REQUEST:</b> <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).  <b>SCHOOL DISTRICT:</b> Red Hill Elementary, Walton Middle, and Monticello High School	<b>STAFF CONTACT(S):</b> Filardo, Herrick, Tevendale, Barnes, McDermott, Ragsdale, Shoaf  <b>PRESENTER (S):</b> Syd Shoaf, Senior Planner II

**BACKGROUND:**

The applicant is requesting a special use permit for a private school pursuant to section 18-10.2.2 (5) of the County Code (SP2024000023), and a special exception to waive the curb and gutter requirements in parking areas and along travelways pursuant to section 18-4.12.15 (g) of the County Code (SE202400027). The Planning Commission (PC) voted 3:2 to recommend approval of SP2024000023 with the conditions listed in the staff report at its meeting on May 13, 2025. SE202400027 was not acted on since the PC is not required to take action on special exceptions.

Attachments A, B, and C are the PC staff report, action letter, and meeting minutes. Attachment A details staff's analysis of the applicants' request for the special use permit and special exception.

**DISCUSSION:**

At the PC public hearing, there was a large attendance of community members to provide public input on SP2024000023. Most of the discussion with the PC related to the existing conditions of Dudley Mountain Road and how the proposed use would impact the usage of the road and the nearby area. Prior to the PC meeting, the applicant submitted trip generation data from the Institute of Transportation Engineers (ITE), which estimated the proposal would generate 589 vehicle trips per day. During the public hearing, vehicular traffic on Dudley Mountain Road was a major topic of discussion. During their presentation, the applicant also shared supplemental traffic count data collected from their current location and enrollment. They extrapolated this data based on the proposed enrollment of 144 students, resulting in a lower trip estimate than the original ITE projection that was provided. Additional discussion regarded the by-right use of the property, the proposed school's operations, and if there was communication with the nearby community. Public input from community members included both in favor and opposition of the proposal. The community members that spoke in favor of the proposal provided that the school is an asset in Albemarle County that provides an alternative education program for children, while those who spoke in opposition expressed concerns regarding the current road conditions and traffic on Dudley Mountain Road.

Following the PC meeting, the applicant provided a revised conceptual plan (Attachment D) that removed a proposed fire access road from the Water Protection Ordinance (WPO) buffer area to access the proposed classroom cabins. Additionally, the applicant revised the base camp's maximum square footage from 6,415 square feet to a maximum of 8,000 square feet which is addressed by staff in the draft conditions below. Lastly, the conceptual plan looks visually different due to a change in the firm that prepared the conceptual plan, however, the essential elements remain the same.

Additionally, following the PC meeting, the applicant emailed staff to provide supplemental traffic data. As noted above, the applicant had presented traffic counts collected from their current location and enrollment, then extrapolated those figures based on the proposed enrollment of 144 students. Incorporating this new information, the applicant estimated that the proposed school would generate approximately 460 daily trips, a reduction from the 589 trips projected using ITE Trip Generation data. While staff does not object to the revised trip estimate, staff recommends a traffic count and analysis be conducted on Dudley Mountain Road to better assess the proposal's potential impact.

Based on the findings and analysis in Attachment A, staff recommends denial of SP202400023. However, if the Board approves SP202400023 as recommended by the PC, staff recommends the following conditions:

1. Development of the use must be in general accord with the conceptual plan titled, "Concept Plan: CBI Forest School Special Use Permit SP202400023" drawn by Line and Grade Civil Engineering dated September 16, 2024, last revised June 23, 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 8,000 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. Upon demand of the County, the owners must dedicate to public use the right-of-way shown on the Concept Plan as "Proposed 50' ROW Dedication."
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, to the extent practicable and subject to the Agent's final approval.
8. Stream buffers of 100 feet must be established and maintained consistent with section 17-601 of the Albemarle County Code along all streams.

If the Board approves SP202400023, then staff does recommend approval of SE202400027, applicants' request for a special exception to waive the curb and gutter requirements in parking areas and along travelways, for the reasons set forth in Attachment A.

#### **RECOMMENDATIONS:**

If the Board decides to grant the special use permit as recommended by the PC, and the special exception, staff recommends that the Board adopt the attached resolutions (Attachment F and G) to grant SP202400023 with staff's conditions, and SE202400027 Congregation Beth Israel (CBI) Forest School – Dudley.

If the Board decides to deny the special use permit and special exception, staff recommends that the

Board adopt the attached resolutions (Attachment H and I) to deny SP202400023 and SE202400027 Congregation Beth Israel (CBI) Forest School – Dudley.

**PROPOSED MOTIONS:**

To approve SP202400023:

I move to adopt the resolution attached to the staff report as Attachment F.

To approve SE202400027:

I move to adopt the resolution attached to the staff report as Attachment G.

To deny SP202400023:

I move to adopt the resolution attached to the staff report as Attachment H.

To deny SE202400027:

I move to adopt the resolution attached to the staff report as Attachment I.

**ATTACHMENTS:**

A – May 13, 2025 Planning Commission Staff Report

A1: Existing Conditions Map

A2: Zoning Map

A3: Applicant Narrative

A4: Applicant Conceptual Plan

A5: Applicant Dudley Mountain Road Width Measurements

A6: VDOT Review Comment Letter dated 2025-04-30

A7: Public Comments Received via Email

A8: SE202400027 Special Exception Request

B – May 13, 2025 Planning Commission Action Letter

C – May 13, 2025 Planning Commission Minutes

D – Revised Conceptual Plan

E – Public Comments Received Since Completion of PC Staff Report

F – SP202400023 Resolution to Approve

G – SE202400027 Resolution to Approve

H—SP202400023 Resolution to Deny

I— SE202400027 Resolution to Deny