

homes; 3) remove one tot lot location; and, 4) modify construction phasing, as outlined in the illustrations contained in Attachment C (on file in the Clerk's office).

Item No. 12.3. Resolution to Amend Board of Supervisors' Meeting Schedule.

(Discussion: Ms. Dittmar asked that this item be pulled for discussion at the end of the meeting.)

Item No. 12.4. Expansion of Photosafe Program to the Intersection of Greenbrier Drive and Seminole Trail **(to defer indefinitely).**

(Discussion: Mr. Sheffield and Mr. Boyd asked for more information from staff as to why this item is being deferred indefinitely.

Mr. Foley said that "indefinite" just means staff does not have an absolute time to move it to yet, but does intend to bring it back to the Board once more information is available from the Route 29 group regarding the timing and impacts of construction. Staff wants to better assess whether it is appropriate to move forward with that light or not. He stated that it is being delayed hopefully for just a few months until there is more information available.

Mr. Boyd said that Chief Sellers said last week that it was not going to be impacted by the new construction, but now it sounds like it is. If there are new developments, he would like to hear what they are.

Mr. Foley said that staff does not have enough information yet to come with anything conclusive at this point. He did speak with Chief Sellers last night about it; so staff needs more time to assess what comes out of the RFP or RFQ process, and things that are going on with the projects.

Mr. Sheffield said that this is the kind of clarification he is looking for.

Mr. Boyd said he wants to make sure the public knows they are not indefinitely putting this off, they just need more information and are not sure when they are going to get it – but hopefully in the next few months.

Mr. Foley said that staff is hoping and planning to bring it back in the next few months.)

By the above-recorded vote, the proposed expansion of the Photosafe Program to the intersection of Greenbrier Drive and Seminole Trail was deferred indefinitely.

Agenda Item No. 13. **Public Hearing: PROJECT: SP-2014-00005. Regents School of Charlottesville (Signs #81&82).** Samuel Miller Magisterial District.

Proposal to increase the student enrollment to 115 students for the 2014 - 2015 school year. To increase the student enrollment to 130 for the 2015 - 2016 school year. Utilize existing structure, no additional buildings proposed.

ZONING CATEGORY/GENERAL USAGE: CO Commercial Office – offices, supporting commercial and service; residential by special use permit (15 units/acre).

SECTION: Chapter 18 Section 23.2.2(6) of the Albemarle County Code, which allows for School of Special Instruction.

COMPREHENSIVE PLAN LAND USE/DENSITY: Rural Area 1 - Rural Areas – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/ density (0.5 unit/acre in development lots).

ENTRANCE CORRIDOR: Yes. LOCATION: 3045 Ivy Road, Charlottesville VA.

TAX MAP/PARCEL: 05900-00-00-023G1.

(Advertised in the Daily Progress on July 28 and August 4, 2014)

Agenda Item No. 14. **SDP-2014-00046. Christian Aid Mission.** Critical Slopes Waiver – Major Site Plan Amendment.

The executive summary forwarded to Board members states that on June 3, 2014, the Planning Commission held a public hearing on this special use permit application and recommended denial of the application due to traffic safety concern due to excessive delay times while exiting the property in the morning hours.

After the Planning Commission's public hearing, the applicant and owner of the property, Christian Aid Mission (CAM), requested approval of a major site plan amendment to construct a new entrance from the site onto Broomley Road (Route 677). The Site Review Committee (SRC) has reviewed the site plan amendment and the proposal appears approvable once all comments provided to the applicant are adequately addressed. The applicant also provided additional traffic study information

assuming the installation of the new entrance on Broomley Road, as well as crash data from 2008 to 2014 for Route 250.

- The traffic study indicates that the level of service (LOS) at the existing modified (right in and out only) entrance on Rte 250 improves from a LOS F to a LOS C or better, and that the Broomley Road entrance will perform at a LOS C or better. (Attachment A).
- VDOT crash data for the site from January 1, 2008 to January 1, 2014 shows no collisions from vehicles turning into or out of the entrance to this site but does show four (4) collisions between 2009 and 2010 from vehicles turning left out of entrances in this general area to travel east on Rte 250 towards Charlottesville. Two of these collisions were at the entrance to Northridge prior to the traffic signal being installed at that location (Attachment B).
- As noted above, the site plan amendment for the new entrance on to Broomley Road has been reviewed by the Site Review Committee and appears approvable once all minor site plan items are addressed. The proposed entrance is located in an area containing critical slopes and will require that the Board approve a special exception to allow grading of those slopes. The critical slopes appear to be man-made, and the County Engineer and planning staff have recommended approval of this special exception. Staff analysis of the special exception is provided as Attachment C.
- Since the public hearing staff has received considerable opposition from residents of neighboring communities in Flordon, West Leigh and Candlewyck neighborhoods with regards to the new entrance on Broomley Road as well as with the increase in enrollment at the site (see Attachment D for letters and emails from citizens).

The Planning Commission recommended denial of this request due to concerns with traffic impacts from the proposed enrollment expansion. Subsequent information provided by the applicant demonstrates that constructing a new entrance on to Broomley Road and modifying the existing entrance on Route 250 (to right in/right out only) will address those traffic concerns. Alternate conditions of approval were provided by staff in the original staff report and include a condition that requires the construction of the Broomley Road entrance prior to allowing any expansion of enrollment. These conditions have been updated to address some technical corrections. Should the Board move to approve this request, staff recommends the following revised conditions of approval:

1. The school is limited to the existing administrative building and grounds, as shown on the concept plan (Attachment A). All parking for the facility shall be located in areas designated on the concept plan as P1, P2, P3, P6, and P7. Any additional buildings or other site changes beyond those shown on the approved site plan for SDP1992-052 titled "Christian Aid Mission Administration Building" prepared by William W. Finley and date approved July 14, 1994 require an amendment to this Special Use Permit. If an entrance to the school from Broomley Road is pursued by the applicant, the final site plan on which the Broomley Road entrance is approved shall supersede the approved site plan for SDP 1992-052 without requiring an amendment to this Special Use Permit.
2. If the entrance to the school is solely from Rte 250, the maximum enrollment shall not exceed 98 students.
3. If an entrance to the school is also provided from Broomley Road, the entrance from Rte 250 shall be reconfigured to be right-in/right-out only and the maximum enrollment shall not exceed 130 students.
4. If the entrance to the school is from Broomley Road, the permittee shall design and construct a vehicle entrance onto the site from Broomley Road according to all applicable VDOT design and construction standards and all other VDOT requirements.
5. All students shall be over the age of two and one-half (2 ½) years old.
6. The hours of operation for the school shall be between 7:45 a.m. and 4:00 p.m., except that occasional school-related events may occur after 4:00 p.m.
7. No food preparation is permitted onsite without an amendment to this Special Use Permit to authorize onsite food preparation.
8. The permittee shall obtain an annual fire inspection from the County fire marshal.
9. In no case shall the total number of people (students and school personnel) utilizing the school building exceed 150.

Staff also recommends approval of the Special Exception to permit grading on critical slopes.

Mr. David Benish, Chief of Planning, reported that this is a proposal to amend the existing conditions for a private school, to increase the enrollment from its current 83 students under the existing special use permit and ultimately allow 130 students. Mr. Benish said that the proposal is to increase to 115 students this academic year, and then go up to 130 students. He stated that the site is located on Route 250 West and is in the Christian Aid Mission complex. The property is designated rural area in the Comp Plan – with the property zoned CO-commercial office. The properties to the east and west are zoned C1-commercial and HC-highway commercial. Properties to the north and south of the site are zoned rural areas. Mr. Benish said that the complex is comprised of four buildings on 12.5 acres, with the proposal for the administrative building – which is used for the school and is multiple stories with a basement. He presented a concept plan with revisions for the use, and pointed out the location of the parking areas and the circulation on the site. He, also, presented an aerial view of the site.

Mr. Benish said that the site conditions that are favorable for the request are that the site utilizes existing buildings; there is adequate parking onsite; and the Health Department has approved the capacity for septic for the proposed size of the school. He stated that the primary issues of concern with this site are traffic impacts from its existing access, and the increased number of persons at the facility may create an unsafe condition due to the excessive delay time as the traffic exist the site in the morning. He said this would encourage unsafe movement to avoid those long delays – a “median merge” whereby people trying to cross the westbound lane of Route 250 use the median area where the right-turn lane is into the site, then merge into the westbound lane; or U-turn movements that would occur on Route 250 as people make a right turn at the site and ultimately do a U-turn to head back west. He stated that this is an existing condition, and under the current operation, based on the traffic modeling, the leg on the site – which is the primary issue of concern – is functioning at a level of service “F.” Mr. Benish said that the right and left turn movements from Route 250 into the site are functioning adequately, so the primary issue is existing the site and queuing into existing traffic.

Mr. Benish presented a picture of the entrance looking west, stating that the predominant movement is heading eastward. During the review of this proposal, a number of improvements or approaches to address the traffic issue were discussed with the applicant, who offered many of the proposals – including a two-stage merge lane westbound on Route 250; that essentially allows traffic to queue into what would have been a marked lane, and then allowing the traffic to merge into the eastbound lane. Mr. Benish said that unfortunately the width and spacing on the existing road does not allow that option, so that is not a viable option. He stated that another option was to provide some type of bus or shuttle service to reduce trips to the site, but while they may reduce traffic, it is difficult to guarantee that level of improvement and it is also a difficult condition to enforce at the County staff level. He said that police directing traffic at peak periods was also considered, but it is dependent on the quality and judgment of the individual doing the traffic management onsite, and requires the person to be located within the roadway – which is a higher volume and speed road, and is not seen as a viable long-term solution for a use that could be on the site for a very long time. Mr. Benish said that restricting left-turn movements out of the site as a sole method would require turning movements to be right out westward, and would require U-turning movements for the predominant traffic heading eastward into town – so that also was not seen as a desirable long-term solution.

Mr. Benish reported that the proposed solution before the Board is a combination of restricting left-turn movements at the existing entrance, and the proposed construction of an entrance onto Broomley Road. He said that this would address the delays that are occurring – both the existing delays at the Route 250 current intersection, and accommodation of future expansion. Traffic from the site would have access to a signalized intersection, and according to the traffic study, Broomley Road’s intersection would still function at an adequate level of service “C.” He then presented a rendering of the proposed entrance onto Broomley Road, and noted the proposed entrance to existing Route 250 that would restrict turning movements out but would still allow for left turning movements from Route 250 into the site. Mr. Benish said that the proposed entrance modifications and new entrance to Broomley Road would address the level of service at the existing entrance, and that improvement does allow for an adequate level of service at both the new entrance onto Broomley and the intersection of that road with Route 250. He stated that crash data for the area did not indicate any collisions in the area from 2008-2014, but there were 10 incidents in the general corridor roughly between Northridge and west of Broomley Road.

Mr. Benish said that the applicant has submitted a major site plan amendment to install the entrance onto Broomley Road, which requires a critical slopes waiver from the Board of Supervisors and impacts some areas of critical slope – which staff believes are old manmade slopes created by construction of Broomley Road and reconstruction of the frontage on the site to eliminate an old entrance. He stated that it also requires a waiver from VDOT for the spacing requirements between Route 250 and the new entrance location into the roadway. It is his understanding that the waiver has not yet been approved by VDOT, but local department staff is recommending favorable on that waiver although the process has not been completed yet. Mr. Benish presented a map showing location of critical slopes and entrances.

Mr. Benish said that the Planning Commission recommended denial of this request due to concerns with traffic impacts as discussed. The subsequent information provided by the applicant does demonstrate that the new Broomely Road entrance and restriction of left turning movements at the existing entrance onto 250 do address the traffic concerns. He stated that the proposed improvements address an existing failing condition that exists today at the one leg of the Route 250 intersection. Mr. Benish said that conditions of approval require construction of the Broomley Road entrance before there is expansion of enrollment to the site. Mr. Benish said that there are some technical corrections to the conditions, including an error in the number used for enrollment. They are changing the reference to “total people on site,” to include staff and not just enrolled students, so the total number of 83 equates to 96. He said that the next change is to clarify that what is acceptable to VDOT and staff is the restriction of left turn movements at the existing entrance on route 250, but it does allow for left turns in from Route 250 into the site; the prior language would have inadvertently precluded that movement.

Ms. Dittmar asked what the best way to proceed would be in considering this application. Mr. Davis said that only the special use permit requires a public hearing, but this would be an opportunity for anyone to speak on either of the issues. At the conclusion of the public hearing, the Board would need to take separate actions – one on the special permit, and one on the critical slopes waiver.

Mr. Boyd asked Mr. Benish to elaborate on what VDOT has not yet approved. Mr. Benish stated that the proposed entrance location does not meet VDOT's spacing requirements, but there is a waiver process to allow VDOT to approve it.

Mr. Troy Austin, area land use engineer with VDOT for the County, said that the applicant would need to get a waiver for the spacing from Route 250. He said that VDOT is in the process of reviewing that now; it looks like something that VDOT can approve and move forward.

Mr. Boyd asked if the applicant would have to pass the VDOT process in order to get the road open, regardless of what the Board decides tonight. Mr. Austin said he would, if there is going to be an entrance put there.

Ms. Palmer said that normally VDOT would ask for a 400-foot spacing, but this one is 115 feet. Mr. Austin said that it is 125 feet. The required spacing in the access management regulations is 440 feet – which is fairly close to where the bridge is in this case, so almost any entrance the applicant has on Broomley Road would require this exception.

Ms. Palmer said that it was explained to her as 400 feet, if they were having just the one lane going out. Mr. Austin said that any full-access entrance, which means any maneuver can be made, requires 440 feet – but if you restrict any of those movements, it is reduced.

Ms. Palmer asked if the 125 feet was from the start of the intersection, and asked how many cars that would be. Mr. Austin said that the measurement is the center of the entrance to the center of the intersection with Route 250, and that would allow for five or six cars to back up on Broomley Road.

Ms. Palmer stated that you would want the exit behind the queue in a rush hour situation for safety reasons. Mr. Austin said that would be ideal, but what will end up happening based on the study is that vehicles leaving the school site will have to wait until it is clear for them to go. He said that the study indicates that when the signal at Broomley Road changes to green, the entire queue clears out, so at that point the vehicles will be able to leave the school; but during the peak hour, it is very likely they will have to wait in their entrance until the queue clears out.

Ms. Mallek said that this is a similar situation to the school where she used to teach near the bypass, and when there is a long line of cars you just wait your turn with two or three cars getting out at a time.

Ms. Palmer stated that VDOT and the County seem to have separate concerns, with Mr. Benish expressing concern about a backup of cars on the site, and VDOT expressing concern about what happens on Route 250.

Mr. Benish said that there are three legs of the existing intersection. The one leg on the property is where the long delay is – and the County Engineer expressed concern that it would encourage unsafe movements to circumvent the long delay, which include turning movements, U-turn movements on Route 250, or using the merge lane there. He stated that VDOT was more concerned about the movements that occur directly to the site, and understood the concern about U-turn movements because Route 250 does not have an area that is good for making that movement in the right-of-way.

Mr. Austin said that when VDOT look at the initial traffic study, their primary focus is the impact on the Route 250 corridor and making sure it is not adversely affected. He said that they realize there is an issue with the traffic trying to leave the Regents School, but that is on private property and should be addressed at the local level – which is what the County Engineer did.

Ms. Palmer said that the County is not really concerned with how long people have to wait; it is what it encourages people to do.

Mr. Austin mentioned that there is no history of accidents of vehicles leaving or going into the site. Typically if it is a problem there will be angle-type crashes at that location, and in that timeframe from 2008-2014, there was no record of that type of crash at their entrance. He said that the number of crashes is how they often judge problems at entrances, and there is no history of it there.

Ms. Mallek said that the eastbound Route 250 traffic would still be able to turn into the entrance where it is now, so the wedge that would be put in would somehow be changed to allow them to get in. Mr. Benish said that it is not a full "pork chop," so you can make a left from Route 250 into the site which would be advantageous because it allows for turning movements from the westbound to have two places to turn into the site and would not be restricted to the Broomley Road entrance. He stated that this has never been a concern based on the traffic study, either in the existing condition or future, as that turning movement functions adequately – with the bigger issue being the left turns out of the site.

Ms. Mallek asked if the proposed driveway to Broomley Road would be exit only. Mr. Benish said that his understanding is that it is a full entrance. The primary purpose is to allow for traffic to exit and make a left turn at a controlled entrance, so it might be able to be one way but those are sometimes

difficult to enforce. He said that he believes it is designed as a two way, but the primary goal is to get exiting traffic to the controlled intersection.

The Chair then opened the public hearing.

Ms. Valerie Long addressed the Board on behalf of the applicant, the Regents School of Charlottesville. Ms. Long introduced Ms. Courtney Palumbo, head of the school, and Mr. Don Richardson, chair of the school's board of directors. She thanked the Board for the time spent talking with her, constituents and VDOT, and digging into the facts of the application. Ms. Long also recognized staff and VDOT for the significant amount of time they have spent with her.

Ms. Long reported that the School would like to grow at a modest amount. The primary purpose behind the request to increase enrollment is to accommodate siblings of existing families, with some additional numbers built in for cushion. She said that the current site is not their permanent home and was never intended to be, but it is working well for them now. Ms. Long said this is the third special use permit the school has applied for, and they have come in at the Planning staff's direction in increments. She stated that the proposed enrollment is for a maximum of 130 students. The current enrollment is 86 students, and they are proposing an interim step of increasing enrollment to 98 students – which would allow them to accommodate the students on their existing waiting list, more than one-half of which are siblings. Ms. Long said that one of the new families has four children, and there will not be a lot of new vehicles coming to the site. In future years, she said, they are proposing to increase enrollment to 130, with the school calculating at least 26 siblings potentially attending with their older siblings within the next four years. Ms. Long said that the 130 enrollment would allow for those students, and about 10 new students.

Ms. Long stated that they do not want to create additional safety concerns or anxiety on the part of their neighbors, and the school felt that the Broomley Road entrance was the only option. She said that when she got involved, she realized there were concerns and they worked hard to come up with a package of solutions that could be implemented to avoid the need for the Broomley Road entrance, if that is the preference of the Board. Ms. Long presented a summary of the current school enrollment. She said that the first option would not involve the creation of the Broomley Road entrance; it would prohibit left turns out of the site onto Route 250 – the modified “pork chop,” allowing everything except a left out – which means everyone would need to turn right. She said that about three-fourths of the families eventually will need to turn around somewhere, and the school has worked hard to secure agreements with adjacent landowners to permit their property further west on Route 250 to be used as a U-turn location – one is the And George antique store, and one is All Saints Church. Ms. Long stated that while there is no requirement to secure a turn around, having at least one would be a good faith effort to demonstrate to the Board, and many families have indicated they are very willing to drive an extra one-half mile west on Route 250 and make a U-turn at the antique store to avoid creating any safety problems and avoid the need to have the entrance on Broomley Road. She said that the school has also worked with another local church that has two vans, and they have agreed to loan them to the school for van pools, which would help reduce the overall number of vehicle trips that would come to the site. Ms. Long stated that staff has said that is not an enforceable mechanism, and if this were a long-term permanent location for the school, the applicant would understand that it is not a permanent solution. The applicant is willing to have this as a condition of approval, with staff and neighbors monitoring it in addition to the school's commitment to making it work. She said that they would also be willing to have the special use permit expire once Regents School vacates the property, although they are aware that is not typically advised or approached in that manner. Ms. Long added that there would also be no entrance on Broomley Road. She stated that the second option, which is least preferred, would be to construct the new entrance on Broomley Road, subject to VDOT approving the waiver and the Board approving the slope waiver. In addition they would still build the modified pork chop and prohibit turns out of the site.

Ms. Long then presented a map showing where families are located, with about six or seven families west of town and the remainder to the east, north or in town. She also presented letters from the All Saints Church and the And George antique store in support of using their properties as turnaround spots.

Ms. Mary Caldejon addressed the Board, stating that her family lives in Crozet in the White Hall District. Ms. Caldejon stated that she and her husband moved from Washington, D.C. to the area due to the location, the lifestyle, healthcare, transportation options and the wide range of educational choices the County has to offer. She said that they visited the Regents School at its first location at Jefferson Park Baptist Church in 2011, and although the school was small at that time, they were elated to locate a school that provided a classical curriculum. The incorporation of Latin, classical literature, and logic represented a unique framework that they value and want for their daughters at this stage of their education. Ms. Caldejon said that this fall, their daughters will begin their third year at Regents, and the education they have received has been superb, with the caliber of teachers being quite impressive. She said that she and her husband have been actively involved in a number of ways, i.e., homeroom parents, dad's curbside duty, helped paint walls and participates in annual fundraising. She stated that there is only one classical Christian School in Albemarle County. She believes that the growth of the school speaks to the need it is filling in the community and adds to the extensive education portfolio here. She thanked the Board for its consideration of the request.

Mr. Pierre Poindexter, a City resident, said that Regents School points his children to what is “true, good and excellent”. The school requires excellence in character, academics and thought. Mr. Poindexter said that the school is giving his children opportunities he did not have growing up. This country is in an educational crisis because there are not enough schools like Regents that require excellence from children. He stated that regardless of the color of students’ skin, the opportunities afforded them at Regents are generation-changing, culture changing, and life-changing. He asked the Board not to limit the number of children who are given this opportunity.

Ms. Laura Oktay addressed the Board, stating that she is a resident of Greene County. She said that she has two children enrolled at Regents, having joined the school at a time of educational crisis for their family when they felt their children’s academic growth had become stagnant. Ms. Oktay said they desired an environment where their children could develop their strengths and work on their areas of challenge, which they found at Regents. She stated that her children have gained confidence at the school, and she is grateful for the teachers’ support, encouragement and instruction. Ms. Oktay read a letter from her daughter, Danielle, asking the Board to allow the expansion; and from her son, Christopher, speaking to the attributes of the school and its curriculum.

Mr. Greg Brown, a resident of Charlottesville, said that he will have two children who enrolled in Regents this year. He said that he recently moved back to the area after 12 years in the military. Mr. Brown said that there is a sense of love and community at the school, and he would like his two younger children to attend also – but they might not be able to if the expansion is not allowed.

Mr. Don Richardson addressed the Board, stating that he is a retired physician who practiced medicine in Charlottesville for 40 years, living most of his life in the White Hall District. Mr. Richardson asked those in the audience to support Regents School to stand (a majority of the audience stood). Mr. Richardson said that he is a member of the Regents School Board. In his retirement he has chosen to get involved with things that he thinks will help the community. He said that he has good friends who have grandchildren at the school, and many other younger friends who have children at the school. He stated that the families tell him that the students are not only growing academically, they are growing in character and are just great kids. Mr. Richardson said that the school fulfills both academic and character needs. Mr. Richardson said those who come out of Regents School will be great kids.

Mr. Brian Johnson addressed the Board, stating that he is a resident of the Flordon neighborhood in the Jack Jouett District. The neighbors who are present are not present to talk against the school; they are concerned about the safety issues related to the traffic problems that the options will create, particularly option 2. He said that those who are present in opposition to the special use permit amendment and the critical slopes waiver are focused on the safety issues related to the Broomley Road driveway. Mr. Johnson stated that if someone makes a left-hand turn onto Broomley heading down toward the bridge, there is only about a second or second and a half to make a decision as to stopping if someone pulls out in front of you – and that is not addressed in the traffic study. He said that it is a real safety issue to put the driveway that close, as there are people making left-hand turns heading uphill, and car traffic coming down Broomley Road. Mr. Johnson said that the other concern he has is that the driveway placement is being driven by the fact there will be bridge construction, and if that was already in place they could just move the driveway further down the hill to make it safer and have more clearance. He stated that if the Board is going to make a decision to expand the school, the only responsible thing to do is option 1, because it protects those who are using Broomley Road. If the Board cannot do that, he said, residents would urge them to keep the enrollment where it is and hopefully have the school transition soon to a new location.

Mr. Tommy Everett addressed the Board, stating that he is also a Flordon neighborhood resident, and emphasizing that this is a safety issue and a process of the Board of Supervisors. Mr. Everett stated that he is a former board member of the Pantops Montessori School and is a CPA, and he understands Regents’ situation – but it is a school and a business, and to sustain itself it has to grow, with that growth causing problems. He said that the original special use permit was in the 45-person range, and it will eventually reach 130 students with 150 total people including staff, a three-fold increase. Mr. Everett stated that the incrementalism is what is causing the safety issues. He said that he was not aware of option 1 until this meeting; Broomley Road is a “C” level of service. He stated that there is only 100 feet to stop coming down the hill, and this would be a real issue when there is ice on the road, with Broomley Road being notorious for not being plowed very much. Mr. Everett said that this is a T-bone accident situation waiting to happen, and residents would hate to see kids in vehicles getting hit from the side. He stated that option 1 is the best choice to resolve the situation.

Mr. Jim Speers addressed the Board, stating that he is a resident of the Scottsville District and is before the Board as a concerned and caring citizen and a taxpayer in Albemarle County. Mr. Speers said that private education is good for children, their families and the community, especially at a time when public schools are struggling to make ends meet. He stated that as a retired businessman, many of the businesses he dealt with were seeking ways to continue to grow. To have a business that is not able to grow is a “special curse.” Mr. Speers said that any plan that would restrict Regents School’s growth is giving them that curse to deal with going forward. Regents School is a young business and he urges the Board to approve a plan that will allow them to grow.

Mr. Jared Christophel addressed the Board, stating that he is a physician at UVA. He stated that he and his family moved here four years ago from Minneapolis after he finished his training. He said that enrolling their two oldest children at Regents has been the most substantial part of their lives. He added that he also serves on the schools' board of directors. Mr. Christophel said that they are a growing school, and it is important to maintain this quality of education – especially at this price point, which is one-third of what other private schools charge in Charlottesville and Albemarle. He stated that the school has a viable product, but still needs some runway in order to continue to grow and take off – and to be limited in that would severely restrict them. Mr. Christophel urged the Board to make the safest decision for the entrance and exit out of the property. He thanked the Board for its consideration.

Mr. Alvin Edwards addressed the Board, stating that he is Pastor of Mount Zion First African Baptist Church and is a resident of the City of Charlottesville. Mr. Edwards said that he supports Regents School and is a firm believer in quality education. He urged the Board to do what was necessary to make it safe for students and help to guarantee a good education for other students.

Mr. Kevin Lee addressed the Board, stating that he is a resident of the Flordon Subdivision in the Jack Jouett District and stands in support of Regents School. Mr. Lee said that this is the first he has heard of option 1, and he encourages the Board to embrace that as the Broomley Road option does not seem like something they want.

Mr. Vaden Warren, a resident of Flordon, said he would like to applaud Regents School for their success. He said that as a father of a nine and eleven-year-old, he understands the importance of finding a good school that's a good fit for your children, but he is very concerned about having a driveway onto Broomley Road. Mr. Warren said that traffic typically comes west on Route 250, and makes a right onto Broomley Road, and those cars are traveling at 25-35 mph if the light is green when they make the turn. He stated that the average stopping distance for a vehicle going 35 mph is approximately 135 feet, and that does not allow much stopping distance there. Mr. Warren said he is concerned about the safety of his own family, as well as the families who use the school. If they are granted expanded enrollment he would like the Board to consider option 1.

Ms. Kristen Brockmeier addressed the Board, stating that she also resides in Flordon. She stated that there is a misconception that neighbors do not support the Regents School. Ms. Brockmeier stated that this is completely a safety issue for her family and the neighborhood, and she feels that it will be very dangerous – with all of the special waivers speaking for themselves as to why it is not safe. She said that there is a reason the rules are in place, and that is to protect people because it is dangerous. Ms. Brockmeier urged the Board to consider the first option, as it resolves a lot of the neighbors' concerns and the unwanted traffic on Broomley Road. She said that anything that is done will be permanent, while the school will only be there a few more years.

Mr. Ben Maiden addressed the Board, stating that he is a resident of the Samuel Miller District and the father of rising 4th and 6th graders at Regents School, and where he also hopes to enroll his kindergartener next year. Mr. Maiden said that Regents is a "veritable machine" for turning out good citizens and conscientious members of the community, with invaluable classical and Christian virtues cultivated among students. He stated that two of the virtues cultivated there are hospitality and neighborliness, and he knows that there is a deep commitment by the school to those things. Mr. Maiden said that the last thing they want to do is be adversaries to the neighbors, and they are doing all they can to minimize the traffic issues there.

Mr. Don Woodsmall addressed the Board, stating that he is a resident of the Dunlora community and has been a real estate lawyer and a developer for 33 years. He encouraged the Board to support the expansion of the school. He noted that with 130 students, the school is saving the County between \$1.3 and \$1.9 million every year because those students are not enrolled in the public school system at a cost of \$10,000-\$15,000 per child. Mr. Woodsmall said that the benefits to the County both financially and spiritually are enormous, and the cost is minimal. He stated that he has made the turn off of Route 250, and he is never going 25 mph – with plenty of room for cars to stop. Mr. Woodsmall said that if the cars have to queue to wait, they must do so on the school property at their own disadvantage. He encouraged the Board to approve the permit.

Mr. Danny Baer addressed the Board, stating that he is a resident of Carrsbrook and a self-employed contractor. He often spends his time helping many nonprofits in the area. Mr. Baer said that both of his children are enrolled at Regents and if it means children will be safer, they will go the extra driving distance. Mr. Baer said that he and his wife pay County taxes and believe in it overall, but made personal choices to use Regents and hopes the Board will help make this happen.

There being no further public comment, the Chair asked the applicant to make a final comment.

Mr. Boyd asked staff if the applicant had considered the preferred option 1, because that seems to be a win/win approach.

Ms. Long stated that the applicant is committed to working with the Board and the neighbors to find a solution that works for the school. She said that she has discussed with staff a compromise that would work for the community and the school, and staff's concern is that reducing left turns out of the site

at Route 250 requires people to go down and find a U-turn – which is not an optimal solution for expanding an existing use. Ms. Long said that staff has said that van pools are not an enforceable option, and while those solutions are not ideal for the long term, they may suffice since this is not a permanent location for the school. She stated that Mr. Baer expressed that they are already making a commitment and a personal sacrifice to drive their children to school, and driving an extra half mile to make a U-turn probably is not an issue for them, although she realizes that it is an issue for staff. Ms. Long said that the school has offered other suggestions, but none yet have been identified as perfect solutions.

Ms. Mallek asked if the school had made an arrangement for a public safety officer. Ms. Long said that the head of school has been working with the County Police Department, and there is a process by which you can apply and contract with the police to do that. She said that the applicant is more than willing to do that, but there is concern that a police officer in the road will hold up traffic – as is done at Western Albemarle and Henley Middle Schools – and cause more delays. Ms. Long said that if the goal is to prevent left turns, the modified pork chop seems like a good option. She said that they have also talked about having a parent volunteer to remind people they must turn right.

Mr. Boyd said that the first question is whether the County has the right to approve option 1, and whether VDOT would be okay with it.

Mr. Davis stated that Mr. Benish and VDOT should probably speak to the U-turn movements and the enforceability of the van pool, noting that Ms. Long's proposed condition is not very specific. He said that condition #10 proposing that the special use permit run with the applicant rather than the property owner is not something the County can legally require under the established case law, because special permits run with the land, not with the applicant. However, if that condition were imposed and not appealed within 30 days, it would be a final condition and no one would have standing to challenge it. Mr. Davis said that what has been done in the past is imposing an expiration date for a special use permit, and if it needed renewal an applicant would have to go back through the special permit process, and that would limit the term of the enrollment increase with a future opportunity to revisit it to see if conditions were appropriately addressed.

Mr. Boyd asked if that change in conditions would require the Board to hold another public hearing. Mr. Davis responded, "no".

Ms. Mallek said that it would be an automatic renewal as long as all the conditions were met and all the same players were involved. Mr. Davis said they would have to have an expiration date that would require the applicant to go back through the process.

The Chair closed the public hearing portion of the meeting.

Recess. At 8:41 p.m., the Board recessed its meeting, and reconvened at 8:54 p.m.

Ms. Dittmar stated that the Board's task tonight was to consider a special use permit to increase enrollment, and secondarily to consider a critical slopes waiver if they are looking at the Broomley Road option.

Mr. Davis clarified that the special use permit can be either approved or denied. If it is approved it can be approved with reasonable conditions. Should the Board approve the permit, staff has proposed nine conditions. He said that the applicant has proposed option 1 and option 2, which have conditions that staff would likely want to modify depending on which option the Board selects. Mr. Davis stated that if the Board does not feel the increased enrollment could be adequately addressed by conditions, the alternative is to deny the special use permit request. He said that the critical slopes waiver involves a separate issue from this application, but it is required if there is going to be an entrance onto Broomley Road – and that application is by the property owner, not by the school. Mr. Davis stated that an entrance could be approved as part of a site plan amendment that has been filed if the critical slopes waiver is granted by the Board. He said that the determination of whether to grant the waiver is based on certain criteria set forth in the ordinance, one of which is that the special exception would be required for the purposes of the Zoning Ordinance, or otherwise serve the public health, safety or welfare. If the Board does not make that finding, then it would be appropriate to deny the critical slopes waiver, which would not allow the entrance to be approved as part of the site plan amendment proposed by the property owner. If the Board finds there is grounds to advance the ordinance, he said, the environmental criteria has been deemed by the Engineering Department to have been met – and under that circumstance the Board could approve the critical slopes waiver – which would allow the site plan amendment to be approved for that entrance. Mr. Davis said those are the two decisions before the Board, although there are a lot of variations to consider. Depending on the Board's findings, there are grounds for the Board to approve or deny the special use permit based on whether they find the impacts can be adequately addressed.

Ms. Palmer asked what order the Board should take the two items in. Mr. Davis said the special use permit should be addressed first and that staff's recommendation initially – unless the traffic issue for

Route 250 was addressed – was for denial, because the increased enrollment would cause additional traffic that would exacerbate the entrance movements onto Route 250. He stated that Mr. Benish can further address staff's position on the Broomley Road entrance option, because that is the essence of what is before the Board.

Mr. Benish said that planning and engineering staff feel that the modified pork chop eliminates the left turn conflicts occurring at the existing entrance and provides for an adequate entrance that functions properly that provides access to the site to a controlled intersection. It also eliminates the concern of the resulting U-turn movements that the modified pork chop would create – and that is why staff recommended that as the best option.

Mr. Boyd asked for clarification that the modified pork chop as a special condition would allow the application to get staff's approval. Mr. Benish said that staff's proposal, which includes the Broomley Road entrance, is one that eliminates the concern with the modified pork chop as the sole traffic control measure. He said that is why the Broomley Road entrance was proposed – to help address the U-turn movements that would be created by that modified pork chop limiting the left-turn movements, which account for about three-quarters of all traffic movements. Mr. Benish stated that the concern with the modified pork chop alone is that it generates U-turn movements, which would be needed for people traveling west but wanting to travel east because they would have to find a place to turn around. He said that they are not within the VDOT right of way, unlike Route 29 or Route 250 west where there are medians or better controlled locations in some situations – and there are not really any good intersections that allow for a U-turn. The Broomley Road/250 West intersection does not accommodate that turning movement. He said that the applicant's proposal is to identify sites where U-turn movements can be made, which is a good effort, but there is no way for staff to enforce that or ensure that people will use those. Mr. Benish added that the special permit runs with the land, not the school, so a future business would be bound to these same unenforceable conditions – and the modified pork chop creates that U-turn demand. He said that as a general rule, bus service can address traffic growth that might occur – but this proposed condition does not have any particular minimums for capture, and it is difficult to guarantee that you will capture that amount of traffic so the benefit is unknown. Mr. Benish said that having a van pool in place might be a benefit, but there is no way to enforce that.

Ms. Dittmar commented that there is not currently an accident problem along that stretch, but the concern is that increasing cars might cause that – and there is no way to quantify reducing cars.

Mr. Benish said that the existing condition has the time delay already associated with it, but the van pool might at least mitigate that and/or mitigate the growth that would occur from going from 83 to 130 – which is almost 50 students. As proposed, he said, there is not a guarantee that there would be a certain amount of capture, and it is difficult to enforce that performance anyway.

Ms. Palmer said that she has spent an incredible amount of time looking at this, and she appreciates all the emails to the Board and the work the school has done on this. She stated that she has no doubt that Regents is a wonderful school, but this is not about that – it is about safety, and it always must be about safety. Ms. Palmer said that she drives this road regularly and also comes down Old Ballard a lot, waiting in a queue just to get across the bridge because of people coming out of Flordon – and she questions how quickly those cars would get out of the entrance onto Broomley Road. She stated that she tried to make a left-hand turn out of the church at 10:30 a.m. when there was almost no traffic at all, and she was amazed at how poor the sight distance is – and she feels it is probably quite dangerous. Ms. Palmer said that she also got an email from a parent who was on traffic detail at the school, and he said there have been many near misses out there although the school and its families are vigilant about making sure there is someone there at all times to ensure the safety of the students. She stated that initially she thought the Broomley Road entrance could potentially work and could improve the safety of the area, but there is a bridge going in and the corridor will probably look much different after that happens. She added that she would not approve the Broomley Road entrance at this time. Ms. Palmer said that they do not want to put in an entrance they have to live with that is in the wrong spot, and they may be creating something very dangerous that will be there for years – so they could look at this at a later date and put the entrance further back if they chose.

Ms. Palmer said that she is also having a difficult time with option 1. The Anglican Church came to the Albemarle County Service Authority when she was on that board and asked for removal of a waterline because they were trying to put in a turn lane – and a number of parishioners came in and told the ACSA how dangerous it was to try to turn into that church heading west. She stated that she would not want anyone turning around there, and there was a crash somewhat recently there. Ms. Palmer said that the road in front of the antique shop is only two lanes, and there is not a way to turn around – and staff has indicated that it is not enforceable, along with being very far down the road. She stated that she understands the school's need to grow, especially to accommodate siblings, so this is a struggle. She wondered if there could be a van with just the siblings, although she is concerned about enforcing that. Ms. Palmer emphasized that this is not a great place for this school – it is a dangerous stretch, it is old zoning from the 1960s, it is in the rural areas, the roads cannot take it, and she is afraid someone is going to get hurt.

Ms. McKeel asked how other private schools handle siblings.

Mr. Sheffield said that other schools often create a placeholder when they know siblings are coming up, and build those numbers into future enrollment so that they only take a certain number of new applicants in order to accommodate the siblings.

Ms. Mallek asked if the traffic generation numbers were based on total people, or on families, because a large percentage of siblings would greatly change the traffic dynamics. Ms. Long said that she believes that the traffic study was more vehicle-based, and one note in the traffic study pointed out that upon visual observation, many vehicles entering the site had two to three students in the vehicles.

Mr. Justin Shimp, the Project Engineer, explained that the traffic count is done two ways – one based on standard trip generation, and one looking at a prorated increase of who is already there. He said that if there were more siblings coming in, there would be fewer cars than projected in the study.

Ms. Dittmar asked how many Supervisors want to discuss a Broomley Road entrance to see if they could focus on it or eliminate it, and then they could discuss the disparate options.

Mr. Sheffield said that if Broomley Road is required, he does not support the expansion because he does not support use of that road – specifically because there is a better opportunity to create the entrance once the bridge is built.

Ms. McKeel stated that the new bridge will go out to bid in December, so the construction will start fairly quickly and will take 18 months – so that area would look very different. She said that approving an entrance onto Broomley Road would be very short-sighted, because it is possible they could end up with an entrance VDOT might not approve, or would not be safe, so it is just not the time to be putting an entrance there.

Mr. Boyd said that he could not support Broomley Road due to concerns over the safety of neighbors there.

Ms. Mallek said she would like to focus on option 1.

Mr. Boyd said that he would like to hear VDOT's opinion of the pork chop approach.

Ms. Dittmar said that if they take Broomley Road off, they take critical slopes off and consider whether to increase enrollment and what options they want to put into a requirement.

Mr. Cilimberg stated that the critical slopes waiver is associated with a site plan amendment, which can occur without the special use permit, so the Board will need to act on that waiver as well.

Mr. Austin said that the pork-chop option addresses the primary concern with the existing entrance, which is the left turns out of the site, and it prohibits those. He stated that the majority of vehicles leaving the site are wanting to travel back towards Charlottesville, and the vehicles leaving have several options as to how to do that regardless of whether there is an agreement or not. Mr. Austin said they can use Dick Woods Road and take the interstate back to town, or use any other public entrance that is a safe turnaround to pull off the right of way – unless the landowner prohibits it. He stated that VDOT does not want to see drivers make a U-turn within the right of way, although it does happen.

Mr. Boyd asked for confirmation that putting a pork chop in so that you could not turn left would not create a problem as far as VDOT's approval of the entrance. Mr. Austin confirmed that was the case.

Ms. Palmer asked for staff's opinion on using the antique shop. Mr. Benish said that it would be a U-turn movement on a high volume road, and he has not looked yet to see if there is a left-turn lane in that area.

Ms. Long said that Mr. Shimp pulled up a Google map image that showed there is a left-turn lane there at the store.

Ms. Mallek said that the Field School has used a bus very successfully, with more than 60% of students riding it, and it seems that having a van pool for Regents is a viable option. She stated that in the 1960s, there was a nightclub and theater in that spot, and there were dozens of cars there late every night – so it has a long history as a commercial site as well as an office facility. Ms. Mallek said that she is trying to find an improvement to a current situation that does not make it worse in the future or force something to revert to something which would be a whole lot worse. She stated that she found condition #10 to be appealing, because it runs with the applicant and not the land, so if there is a way for the Board to impose a sunset clause on the permit that would accomplish the same objective.

Ms. McKeel stated that this is a conundrum because there is an old zoning designation that is in conflict with the Comprehensive Plan and the intent to keep the rural area rural. She said that the Planning Commission noted that it is debatable whether the proposed increase in the school's enrollment would constitute a small-scale use as recommended in the rural areas chapter. Ms. McKeel said that her concern is that Route 250 is already full and congested, especially at the peak times, and she is concerned about increasing enrollment because of the traffic and safety issues. She stated that it seems

to her that requiring so many conditions indicates that perhaps this is not the right spot, and she is concerned about improving an increase in enrollment at this time.

Ms. Dittmar said that her understanding is that a condition that prohibits left-hand turns and encourages van usage might actually yield a reduction in the number of cars. She asked how it would be handled for the Board to put in stipulations that are enforceable.

Mr. Davis stated that in a special use permit process, the Board has authority to impose reasonable conditions, so they can construct whatever conditions they think are necessary to address the impacts of the proposed increase in enrollment. He said that staff has proposed some conditions, and the applicant has proposed some alternate conditions for an approval. The condition that prohibits the left turns out are not problematic to staff. The condition regarding van pools does not have any teeth in it. Mr. Davis stated that Mr. Cilimberg was going over the condition required with the Field School application, and that required 50% of the students to be bussed, Monday through Friday, morning and evening – which is far more specific than saying, “There will be van pools.” Mr. Davis said that if the Board felt that was an important part of the approval conditions, staff would need to discuss with the applicant what could reasonably be expected and put those in specific terms in the condition to address that. He stated that staff’s recommendation would be that if they are going to try just the right-turn movement, having an expiration date on the permit would be advisable because they would have an opportunity to correct the situation if it did not work out appropriately. Mr. Davis said that the expiration date could be any timeframe, and that would be an enforceable condition. The condition proposed by the applicant that was tied to the applicants no longer using the private school for a period of 120 days, is not an enforceable condition under Virginia law. He said that if any condition is not challenged within 30 days, those conditions become final, and no one would have standing to oppose it at that time – so it could be an enforceable condition if it was not challenged, but that is not something staff would recommend the Board do.

Ms. Dittmar asked if the construction of the bridge at Broomley Road would mean that no traffic would come through there at all, which would mean less traffic overall.

Ms. Palmer said that is not necessarily the case because it would depend on how they divert the traffic. She stated that VDOT is talking about putting a light at Owensville Road and diverting it there, so some people would come out of there and go to Garth Road, but some would come to Owensville Road and get back on Route 250 or try to get on I-64.

Ms. Mallek said that what Ms. Dittmar was saying is that between the railroad tracks and Route 250, there would be no traffic quite a lot of time.

Ms. Palmer stated that it does not mean there will necessarily be a lot less cars on Route 250. She said that while she would love the school to use a van, the County cannot enforce it. She said that she would be willing to implement the modified pork chop, and have the school take the 11 kids on the waiting list, using the turnaround at the antique shop – and allow the permit for three years, encouraging the school to find a new site.

Ms. McKeel asked if a condition would be needed to stipulate that the enrollment increase does not follow with the property. Mr. Davis said that the entire special use permit could have an expiration date. Regents School is proposing that if they vacated the property for 120 days, the permit would expire –but that would be tying it to the applicant and not the property, which is not enforceable under Virginia law. He stated that one way to tie the enrollment to the students who are currently on the waiting list would be to increase the maximum enrollment to 98 students, along with the other condition implementing a right-turn out only traffic movement. Mr. Davis said this would address the school’s immediate need and would address to some extent the safety conditions of the entrance, and the Board could still add the condition of the van pool knowing it is not enforceable. He stated that the Board could then determine whether a time limit for the special use permit would still be desired, which would signal the school that there was only a limited amount of time under which they could operate the school under those circumstances.

Ms. Palmer said that the school’s plan is to find a new site in the next two years, which would give them ample time to incorporate the kids currently on the waiting list and to find a new site.

Ms. McKeel and Ms. Mallek expressed concern that the timeframe was too short.

Ms. Palmer said that her idea was three years.

Mr. Sheffield said that going with two years would give them time to see if the van pool strategy is working, and that seems to be a reasonable time to measure the success of some of the traffic strategies.

Ms. Palmer said that she just does not think this is a good place for a school. There are other things the building could be used for where not all the traffic would come in during the morning and leave all in the afternoon.

Mr. Boyd said he is prepared to make a motion.

Ms. Mallek asked if there was interest among fellow Supervisors to ask the school to document the percentage of students carpooling and the number of vehicle trips per day, then the Board could grant them increased enrollment toward their 130 for the year after based on success achieved through their mitigation measures. She stated that looking for a new site is difficult and takes longer than everyone thinks it will.

Ms. McKeel and Ms. Palmer said they were not willing to support that, expressing concerns about putting more traffic onto Route 250 and the need to encourage the school to find a new site.

Ms. Dittmar said that she was willing to explore Ms. Mallek's proposal, because their strategies may result in fewer cars. Broomley Road will not be in use for approximately 24 months – which will help give the applicant time to find another site. She asked if the school could comment on what enrollment number would accommodate just siblings.

Ms. Courtney Palumbo addressed the Board, stating that this year, six out of seven kindergartners are siblings; the following year, there are eight kindergartners that are siblings – so they estimate about 15 students added every year. She stated that with the sibling factor, and factoring in students who do not return to Regents, they would be looking at an additional seven cars per year for the next two years. Ms. Palumbo said that they are already looking for a new spot and hope to be there in two years, but deals fall through and they need to increase enrollment to increase their ability to raise money and then move.

Ms. McKeel asked what the enrollment was when the school started. Ms. Palumbo said that they started with seven students, but from this point forward the school is looking at 12-15 new students a year – not doubling.

Ms. McKeel pointed out that the enrollment would be 130 though. Ms. Palumbo said that they are thinking 115 the second year, 130 the third year, and the school would like to not keep coming back to the Board as it is expensive and time-consuming.

Mr. Sheffield said that he understands that concern, but two years gives a chance to measure the success of traffic mitigation. There is also the possibility of having a new Board who does not know the history. Ms. Palumbo said that the original concern with the traffic was that the increase in students would increase the stacking, and her understanding is that just turning right would fix the problem – and the van pool was just an additional gesture from the school to help address any traffic problems. She stated that safety is an unquantifiable thing here, because there have not been any problems.

Ms. Palmer clarified that the lack of traffic on Broomley Road during construction does not necessarily affect the ability to make a left-hand turn out of the site, because it may not change the traffic on Route 250.

Ms. Dittmar said that she understood that, but there is a flow of traffic coming up Broomley Road in the morning that would no longer be there while the bridge is under construction.

Mr. Davis presented the 10 conditions before the Board from the applicant as option 1. He said that there are three decision points the Board needs to make in order for those conditions to be something staff would be comfortable with. The changes shown in condition #1 are acceptable to staff. For condition #2 the Board would need to determine if it wants a maximum number of students based on the fact there would be no left turns, with this proposing 98 students in the 2014-15 school year and 130 in the 2015-16 school year and thereafter. He said the Board could also put an absolute number that would be effective going forward, in order to address the traffic impacts. Mr. Davis said that condition #3 is acceptable, but staff continues to have concerns about the U-turn movements going into properties.

Mr. Boyd asked if it has to even be in there. Mr. Davis said that it does not, and it would be hard to enforce that condition.

Mr. Cilimberg suggested not including it.

Mr. Boyd suggested striking condition #3.

Mr. Davis said that condition #4 regarding the van usage does not have any teeth in it, but is a good faith effort on the part of the school. He stated that with condition #10, staff recommends that the special use permit expire on a certain date, and three years out would be August 13, 2017. He stated that the revisions would mean nine conditions, and the proposed resolution would incorporate those by reference if it were approved.

Mr. Benish said that he would recommend an expiration date of at least three years, because it takes an amount of time to bring a special use permit forward, which cuts into the second year, and it takes a number of years to find a site.

Ms. Mallek said that someone made a comment about not being able to get feedback on the success of the mitigation measures, but that will come immediately because everybody will be watching the site. She added that she still proposes five years for expiration.

Mr. Davis said that if the condition is five years, the impact may be immediately known but there is nothing the Board can do about it until the expiration date in five years.

Mr. Sheffield stated that his concern is that the Board would have to wait five years to be able to do anything if there is an issue, whereas two years would allow them the ability to check in.

Mr. Boyd asked if they could put an automatic renewal in so it would extend for another three years beyond an original two. Mr. Davis said the Board could not because this is a legislative act and they would have to go through the legislative process to extend it.

Ms. McKeel said that she appreciates the work of the school and the efforts to try to help them out, she does not feel that it is an appropriate place for the school, and thus cannot support an increase in enrollment for safety reasons and the potential of putting more cars on Route 250. She added that all of the conditions indicate to her that it is not an appropriate place for the school.

Mr. Boyd **moved** to adopt the proposed resolution to approve SP-2014-005 with the nine conditions as proposed., with an expiration date of August 13, 2019. Ms. Mallek **seconded** the motion.

Ms. Dittmar asked if Mr. Boyd would consider dropping that by one year, although two years is too short.

Mr. Boyd **amended** his **motion** to make condition #9 expire on August 13, 2018.

Mr. Sheffield said that he would be more comfortable with three years, and said he is concerned about being able to see results with the things the County can enforce – and there will also be the work on the bridge.

Mr. Boyd stated that it is not like it is a brand new school; it has been there for a while.

Ms. Dittmar asked Ms. Long or Ms. Palumbo to comment on the three-year timeframe.

Ms. Long stated that it is not just about finding the new school; it is about finding the location and working through this process all over again with that site. In many zoning districts a private school requires a special use permit, so they need to allocate enough time for that, the site plan approval process, possibly the ARB approval process, and a construction time period if necessary. She said that five years is preferred but they could probably live with four years. There is a lot of future planning that goes into running the school. Ms. Long said that 130 is 32 more than the number of adding just what is on the waiting list now, so the number of 98 would not accommodate any future growth; 26 of the 32 students are siblings, so there would be a maximum of six new vehicles. She stated that she is open to some options of a check-in period, and the school could provide activity logs of traffic, U-turns, van pooling, etc. She said that there is no guarantee people will use the van option, but when things are made to be convenient, people take advantage of them.

Mr. Sheffield said that he is not using three years for the school's relocation, he is using it to measure the effectiveness of the safety mitigation – and the shorter the time period, the sooner they can evaluate that. He also stated that he would like the time period to cover a point where he can take responsibility for the decision, and in four years he may not be there.

Mr. Boyd said that he would be willing to modify his **motion** to change condition #9 to be three years.

Mr. Davis clarified that the condition would read, "SP2014-005 shall expire on August 13, 2017."

Ms. Mallek **seconded** the motion.

Roll was called, and the motion passed by the following recorded vote:

AYES: Ms. Dittmar, Ms. Mallek, Mr. Sheffield and Mr. Boyd

NAYS: Ms. McKeel and Ms. Palmer.

Mr. Davis said the matter before the Board now is the critical slopes waiver. Staff has also prepared a resolution that would set forth the basis to deny the waiver, should that be the finding of the Board.

Ms. Mallek said that in previous applications the Board was told that access to a property would be exempted from the critical slopes issue, and asked why it is not exempt in this case. Mr. Davis said

that this property already has an access, and confirmed that if this was the only access the process would be exempt.

Ms. Palmer asked if the owner of the property could come in and put in the entrance, if the Board were to approve the waiver. Mr. Davis said that the owner could. This process is a site plan amendment that is a ministerial approval – so if it was approved and VDOT approved the entrance, the property owner could connect to Broomley Road with the site plan amendment. He said that it cannot happen without the critical slopes waiver, and in order to approve it the Board must make a determination that it serves the public health, safety and welfare. The record demonstrates that has not been established.

Mr. Boyd asked for confirmation that the resolution to deny the critical slopes waiver does not keep them from increasing their enrollment. Mr. Davis responded that it does not.

Mr. Shimp said that the applicant would like to request a withdrawal of the consideration of the waiver at this time.

Mr. Davis said that if it is withdrawn, the site plan would have to be denied.

Mr. Benish asked if the applicant was requesting withdrawal of the site plan, which is for the entrance.

Mr. Shimp said that he would withdraw the entire site plan as long as they do not need one for the pork chop arrangement.

Mr. Boyd suggested just denying the critical slopes waiver.

Ms. Palmer **moved** to deny the critical slopes waiver. Ms. McKeel **seconded** the motion.

Mr. Davis said that a denial of the critical slopes waiver would be a final decision on the critical slopes issue for purposes of the major site plan amendment that is before the staff for administrative approval, and unless the site plan was modified to no longer show the entrance, it could not be approved.

Mr. Shimp said that they will just modify the plan to reflect that the critical slopes will no longer be disturbed.

Mr. Benish said that the essence of the action means that the site plan before them has to be modified or it cannot be approved, and it is just a matter of resubmitting minus the entrance location.

Ms. Long said that her only concern is the timing, because the condition as approved is to install the pork chop within 30 days – and if they withdraw the amendment and then resubmit it based on the review schedule, it is probably impossible to get a brand new one approved in time to get the construction done.

Mr. Benish said that the action for denial of the special exception will require a revision anyway because it cannot be shown on the site plan. He stated that this change will not create a significant review; they just need to make sure the erasure does not cause other mistakes. He confirmed that there is no need for another site review meeting.

Roll was then called, and the motion passed by the following recorded vote:

AYES: Ms. Dittmar, Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Sheffield and Mr. Boyd

NAYS: None.

(Note: The adopted resolution is set out below:)

RESOLUTION

WHEREAS, Christian Aid Mission is the owner of Tax Map and Parcel Number 05900-00-00-023G1 (the "Property"); and

WHEREAS, Christian Aid Mission filed applications to amend its site plan to establish an entrance on Broomley Road and to obtain a special exception identified as SDP-2014-00046 ("SDP-2014-46") to disturb critical slopes in conjunction with the construction of the entrance on Broomley Road; and

WHEREAS, the Property has an existing entrance on Route 250; and

WHEREAS, it is premature to evaluate an entrance on Broomley Road until the Broomley Road bridge over the railroad tracks abutting the Property is replaced; and

WHEREAS, establishing a second entrance on the Property would facilitate more intensive use of the Property and would not improve the level of service on this segment of Broomley Road; and

WHEREAS, the Property is zoned Commercial Office (CO) but is designated as Rural Area in the Comprehensive Plan (the "Plan") and facilitating the intensification of the use of the Property is contrary to the Plan's policy of preserving the rural character of the County's Rural Area, and, in considering the scale and intensity of the use of the Property, is contrary to several of the guiding principles for the Rural Area including, but not limited to, protecting and enhancing the rural quality of life for present and future Rural Area residents.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff report prepared in conjunction with SDP-2014-46, which is Attachment C to the executive summary for Special Use Permit 2014-00005, also considered on August 13, 2014, and all of the factors relevant to a special exception to disturb critical slopes in Albemarle County Code §§ 18-4.2.5 and 18-33.8, the Albemarle County Board of Supervisors does not find that disturbing the critical slopes as proposed would forward the purposes of Chapter 18, Zoning, of the Albemarle County Code or otherwise serve the public health, safety or welfare, and it hereby denies the special exception to disturb critical slopes in conjunction with SDP-2014-46.

Mr. Davis pointed out that condition #1 of the approved special use permit ties the special permit to the site plan that was approved on July 14, 1994. If this amended site plan is required to show the pork chop as a right-turn restriction, then the site plan will no longer be the appropriately referenced site plan. He explained that it would prohibit Regents from doing the right turn amendment on a site plan, so if staff is determining that the site plan amendment would be required to implement condition #2, the Board may need to have a motion to reconsider and amend condition #1 to properly reference any amended site plan that is necessary to establish the right turn only movement.

Ms. Mallek **moved** to reconsider SP-2014-005. Mr. Boyd **seconded** the motion.

Roll was called, and the motion passed by the following recorded vote:

AYES: Ms. Dittmar, Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Sheffield and Mr. Boyd
NAYS: None.

Mr. Davis said there needed to be a motion to approve the resolution with the attached conditions as previously described, with an amendment to condition #1 to say, "Any other buildings or site changes, except for those required by the conditions of this permit, beyond those shown on the approved site plan titled..." with the rest of it to read the same.

Mr. Boyd **moved** to adopt the proposed resolution to approve SP-2014-005 subject to the nine attached conditions and an amendment to condition #1. Ms. Mallek **seconded** the motion.

Roll was called, and the motion passed by the following recorded vote:

AYES: Ms. Dittmar, Ms. Mallek, Mr. Sheffield and Mr. Boyd
NAYS: Ms. McKeel and Ms. Palmer.

(Note: The adopted resolution and conditions of approval are set out below:)

RESOLUTION

WHEREAS, Christian Aid Mission is the owner of Tax Map and Parcel Number 05900-00-00-023G1 (the "Property"); and

WHEREAS, the Regents School of Charlottesville ("Regents School") operates a private school on a portion of the Property pursuant to Special Use Permit 2013-00010 ("SP-2013-10"), which in Condition 2 limits the maximum number of students and school personnel to not more than ninety-six (96); and

WHEREAS, Christian Aid Mission and Regents School filed an application to amend SP-2013-10 to increase the maximum number of students and school personnel to one hundred thirty (130), which application is identified as Special Use Permit 2014-00005 ("SP-2014-05"); and

WHEREAS, on June 3, 2014, after a duly noticed public hearing, the Albemarle County Planning Commission recommended disapproval of SP-2014-05, primarily because the increased enrollment would cause additional unsafe turning movements exiting the Property onto Route 250 in the morning due to excessive delays (the "Traffic Safety Issue"); and

WHEREAS, on August 13, 2014, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP-2014-05; and

WHEREAS, the Traffic Safety Issue is adequately addressed if the Regents School is served by an entrance on Broomley Road because the Broomley Road-Route 250 intersection is served by a traffic signal; and

WHEREAS, after the Planning Commission's June 3, 2014 recommendation on SP-2014-05, Christian Aid Mission filed applications to amend its site plan to establish an entrance on Broomley Road and to obtain a special exception to disturb critical slopes in conjunction with the construction of an entrance on Broomley Road.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the executive summary prepared for SP-2014-05 and all of its attachments, the information presented at the public hearing, and the factors relevant to a special use permit in Albemarle County Code § 18-33.8, the Albemarle County Board of Supervisors hereby approves SP-2014-05, subject to the conditions attached hereto.

CONDITIONS OF APPROVAL

1. The school is limited to the existing administrative building and grounds, as shown on the concept plan (Attachment A). All parking for the facility shall be located in areas designated on the concept plan as P1, P2, P3, P6, and P7. Any additional buildings or other site changes, except for those required by the conditions of this permit, beyond those shown on the approved site plan for SDP-1992-052 titled "Christian Aid Mission Administration Building" prepared by William W. Finley and date approved July 14, 1994 require an amendment to this Special Use Permit;
1. The entrance from Rte 250 shall be reconfigured to prohibit left turns out within thirty (30) days of approval of SP-2014-00005, and the maximum enrollment shall not exceed ninety-eight (98) students in the 2014-2015 school year, and one hundred thirty (130) students in the 2015-2016 school year and any subsequent years;
2. The permittee shall implement and maintain van pools beginning with the 2014-2015 school year;
3. All students shall be over the age of two and one-half (2 ½) years old;
4. The hours of operation for the school shall be between 7:45 a.m. and 4:00 p.m., except that occasional school-related events may occur after 4:00 p.m.;
5. No food preparation is permitted onsite without an amendment to this Special Use Permit to authorize onsite food preparation;
6. The permittee shall obtain an annual fire inspection from the County fire marshal;
7. In no case shall the total number of people (students and school personnel) utilizing the school building exceed one hundred fifty (150); and
9. SP-2014-00005 shall expire on August 13, 2017.

Agenda Item No. 15. Establishment of Economic Development Office.

The executive summary forwarded to Board members states that the FY15 Budget includes funding for the establishment of an Economic Development Office to include a new full time Director position and a new half time administrative support position in addition to the existing Economic Development Facilitator position. The purpose of the review with the Board is to discuss overall direction for the program, high level priorities, and desired initial outcomes for the Office prior to beginning the hiring process for the new Director position.

Major Milestones:

There has been significant work regarding the establishment of an Economic Development Office over the past several years, including:

- **May, 2012** – The establishment of the Office was identified as an objective in the Board's FY13-17 Strategic Plan.
- **February, 2013** – The preliminary program concept was shared with the Board. Board members supported the general direction of the program and directed staff to hold a roundtable of community stakeholders.
- **March, 2013** – A draft program concept was discussed with community stakeholders at a roundtable.
- **September, 2013** – The Board received the final report on the three year Economic Vitality Action Plan.
- **November, 2013** - The Board supported the process for considering the establishment of an Office, but deferred the final decision until the budget process.
- **December, 2013** – The Board directed staff to initiate an information gathering and education process.
- **January, 2014** – The Board held a joint work session with the Economic Development Authority to review research results and to hear from outside expert(s) regarding the current and future state of economic development.
- **February, 2014** – The Board held a work session, which included an opportunity for public comment, to discuss the proposed Economic Development Program framework, including mission, guiding principles, and program components (See Attachment A).