



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

<b>Proposal:</b> SP201600025 Regents School of Charlottesville	<b>Staff:</b> Christopher P. Perez, Senior Planner
<b>Planning Commission Public Hearing:</b> February 7, 2017	<b>Board of Supervisors Hearing:</b> April 12, 2017
<b>Owner:</b> Christian Aid Mission (CAM)	<b>Applicant:</b> Regents School of Charlottesville (RSC)
<b>Acreage:</b> 12.5 acre parcel	<b>TMP:</b> 05900-00-00-023G1
<b>Location:</b> 3045 Ivy Road Charlottesville VA	<b>Zoning:</b> CO Commercial Office – offices, supporting commercial and service; residential by special use permit (15 units/acre)
<b>Magisterial District:</b> Samuel Miller	<b>Conditions:</b> Yes <b>EC:</b> Yes
<b>Proposal:</b> Amendment to Special Use Permit (SP2014-5) for School of Special Instruction to omit condition #9 (the SP shall expire on Aug 13, 2017). Removing the sunset clause will allow the school more time to find a suitable location to relocate. No increase in enrollment or modifications to the school are requested.	<b>Requested # of Dwelling Units:</b> 0
<b>DA:</b> <b>RA: X</b> <b>School Districts:</b> Western Albemarle	<b>Comp. Plan Designation:</b> 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)
<b>Character of Property:</b> The 12.5-acre property has four existing buildings and related parking but is mostly undeveloped.	<b>Use of Surrounding Properties:</b> Surrounding properties are commercial uses, and single-family residential uses.
<b>Factors Favorable:</b> <ol style="list-style-type: none"> <li>1. There have been no crashes at the entrance to the site related to school traffic since the installation of the modified entrance onto Rt. 250.</li> <li>2. There are no identified crash hotspots in the vicinity to the west of the school entrance where school traffic is making U-turns in order to return to Charlottesville after leaving the school.</li> <li>3. The access management strategies occurring onsite are functioning as intended.</li> </ol>	<b>Factors Unfavorable:</b> <ol style="list-style-type: none"> <li>1. There has been insufficient time to fully assess the long-term traffic impacts of the site with the modified entrance onto Rt. 250, the current school traffic levels, and other access management strategies occurring onsite.</li> <li>2. Removing the sunset clause allows the use (private school) to continue indefinitely at this enrollment level regardless of potential safety hazards that may become evident in the years to come.</li> </ol>
<b>RECOMMENDATION:</b> Based on the need for a 5-year time frame discussed in this report and the amount of time it takes for crash data to be publically released, staff recommends the sunset clause be extended by an additional four (4) years, till August 13, 2021.	

**STAFF PERSON:**  
**PLANNING COMMISSION:**  
**BOARD OF SUPERVISORS:**  
**NOTE:**

Christopher P. Perez, Senior Planner  
February 7, 2017  
April 12, 2017  
Two minor Correction to Information  
Found on Pages 3 & 4, Changes in Red.

**PETITION:**

PROJECT: SP201600025 Regents School of Charlottesville (RSC)  
MAGISTERIAL DISTRICT: Samuel Miller  
TAX MAP/PARCEL: 05900-00-00-023G1  
LOCATION: 3045 Ivy Road Charlottesville VA  
PROPOSED: To omit condition #9 of SP2014-5 (the SP shall expire on Aug 13, 2017). Removing the sunset clause will allow the school more time to find a suitable location to relocate. No increase in enrollment or modifications to the school are requested.  
ZONING CATEGORY/GENERAL USAGE: CO Commercial Office – offices, supporting commercial and service; residential by special use permit (15 units/acre)  
ENTRANCE CORRIDOR: Yes  
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).

**CHARACTER OF SURROUNDING AREA:**

The subject property is located at 3045 Ivy Road, north of Route 250 and west of the Ednam Subdivision. The surrounding area is primarily developed with commercial uses, a church, and single-family residential uses. Railroad tracks form the northern boundary of the property and separate the adjacent residential development of Farmington Subdivision and Flordon Subdivision from the subject property. To the East are two commercially zoned properties. To the South is Route 250, Ivy Road. To the West is Broomley Rd, which serves Farmington Subdivision and Flordon Subdivision. Across Broomley Road is another commercially zoned property.

**PLANNING AND ZONING HISTORY:**

**SP201200012 Regents School of Charlottesville** – Special Use Permit for a school of Special Instruction in an existing building, with limits of 60 students and 9 staff.  
**SP201300010 Regents School of Charlottesville** – Special Use Permit to allow a school of Special Instruction to increase the number of persons (students and teachers) permitted at the site from the current 69 allowed under SP201200012, to increase by 27 persons for a total of 96 persons permitted onsite.  
**SP201400005 Regents School of Charlottesville** – Special Use Permit to increase the student enrollment to 115 students for the 2014 - 2015 school year, increase the student enrollment to 130 for the 2015 - 2016 school year, and use the existing structure. More information on this special use permit is described in the proposal.

**DETAILS OF THE PROPOSAL:**

The property is zoned CO - Commercial Office. The Christian Aid Mission (CAM) complex is comprised of four buildings and associated parking on 12.5 acres. Three (3) of the buildings in the complex are utilized by CAM. The fourth building, the old Christian Aid Mission's Administration Building, is the only building used by the Regents School of Charlottesville (RSC) as a private school. A special use permit is required for private schools in the Commercial Office Zoning District of the County. With this request, the applicant seeks to omit condition #9 of SP2014-5 (the SP shall expire on Aug 13, 2017). Removing the sunset clause will allow the school more time to find a suitable location to relocate. No increase in enrollment or modifications to the school are requested.

At the August 13, 2014 public hearing, the BOS approved SP2014-05 for increased enrollment. As part of the approval, nine (9) conditions were placed on the school (Attachment A). Two (2) of these conditions (#2 and #3), were aimed at mitigating traffic safety concerns which were a large concern of staff during the review of

SP2014-5 (Attachment B). Condition #9, “SP2014-00005 shall expire on August 13, 2017” was placed on the school to allow the County a chance to re-evaluate the approval of the increase in enrollment based on traffic safety concerns and how the two access management strategies occurring onsite function (a wait and see approach). At the August meeting the Board discussed the appropriate amount of time needed for any traffic safety issues to become evident. **At the meeting it was decided that 5 years 3 years was the appropriate duration; however, if a safety issue became apparent early on the County would have no way to pull back the approval till the 5 years were up and the SP expired to determine if any safety issues would become apparent.** Considering this the Board chose to set the expiration date for 3 years which would provide for a required “check in” opportunity after 2 years. This “check in” would require the applicant to file an SP amendment to extend the duration of the SP (Attachment C, pages 23-25).

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

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

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

The applicant held a community meeting on December 8, 2016 in which over 146 residents in the nearby areas adjacent to the school were notified. Of those notified, four citizens attended, four staff associated with the school attended, and a handful of attendees representing the County and the applicant were present. The purpose of the meeting was to assess whether the current use has created impacts that should be corrected. Three comments were provided at the meeting - one was about noise, another about traffic management leaving the site, and another about the striping entering the site (Attachment D).

A married couple from the Farmington Subdivision voiced concern about noise generated by the school children playing at recess during the day. Their property is located 530 feet away from the school’s recess area. This was the only noise complaint received. While children do make noise during recess, staff believes that, overall most nearby residents are not affected by the school’s outdoor activities. Nearby subdivisions are separated from the school by railroad tracks, sloping terrain, and the large wooded buffers that surrounds the property.

A resident of the Flordon subdivision testified to observing a vehicle from the site make a U-turn at a location along Rt. 250 other than the single turn around location at the All Saints Anglican Church where the school has the turnaround agreement. He stated that this turn around movement caused an unsafe condition. Staff understands the concern; however, the single turnaround location is not a condition or requirement of the special use permit, nor is a single turn around location enforceable. The turnaround agreement was provided by the applicant as a way to try and concentrate any U-turns at a single location. During the review of the application no other complaints about U-turn movements creating an unsafe condition have been received by staff.

Two teachers of the school voiced concern about the striping of the turn lane entering the site, west bound from Charlottesville. They said that the turn lane, which originates from the Volvo Dealership entrance, is too long to provide any useful indication to cars following them that they plan to turn into the school. The teachers said they experienced several near miss rear-end collisions from closely following vehicles. Staff contacted VDOT who verified that the striping is appropriate and suggested that better signage indicating the school use may help to reduce these near misses.

Aside from the handful of comments at the community meeting staff has not received any concerns from adjacent neighbors or the community about noise, the use, or the traffic pattern associated with the use. The concerns mentioned above should continue to be monitored as the school continues operations; however, at this time it is staffs opinion that the use is not a substantial detriment to adjacent lots.

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

The school has operated in the current location for four (4) school years, two (2) of those years with the modified entrance. The character of the district has not changed during that time. The use will continue to occupy interior space within the existing building.

**Harmony. The proposed special use will be in harmony with the purpose and intent of this chapter with the uses permitted by right in the district with the regulations provided in section 5 as applicable, and with the public health, safety and general welfare.**

Protection of the public health, safety, and welfare of the community was expected through Condition #2: “The entrance from Rte 250 shall be reconfigured to prohibit left turns out...” This condition required a modified entrance onto Rt. 250 to divert all traffic leaving the site to the west, away from Charlottesville. Any traffic leaving the site wishing to go east towards Charlottesville, would turn right out of the site and then make a U-turn at the Antique Store (located at 3449 Ivy Rd, TMP 59-15A), or the All Saints Anglican Church (located at 3889 Ivy Rd, TMP 58-91E1, through a legal agreement), or some other commercial entrance or public road along Rt. 250, or take a left onto Bloomfield Hills Road to Rt. 64. A single turnaround location is not a condition or requirement of the special use permit, nor is a single turn around location enforceable. The turnaround agreement was voluntarily provided by the applicant as a way to concentrate any U-turns at a single location.

Condition #2 has been complied with and the modified entrance is functioning as intended. There have been no crashes at the entrance to the site related to school traffic since the installation of the modified entrance (Attachment E). Also, based on crash data obtained by the County’s Transportation Planner, there are no identified crash hotspots in the vicinity to the west of the school entrance where school traffic is making U-turns in order to return to Charlottesville after leaving the school (Attachment F). In addition to the physical improvements to the entrance, the school has created a culture of compliance as it relates to drop off and pickup of children at the site. Parents are required to drive into the site and make a complete loop around the parking lot before stopping their car to drop off the student in front of the building. This prevents backup and queuing onto Rt. 250. Additionally, the school tracks vehicle license plates for all vehicles picking up and dropping off students. If a vehicle makes an illegal left out of the site the school can identify if the vehicle is associated with the school or some other use onsite. If the vehicle making the illegal motion is associated with the school the school issues a warning to the driver and informs them of the condition of their SP. At the time of this application, County staff is unaware of any citizen complaints related to vehicles leaving the site making illegal left turns. Staff encourages the applicant to continue their work with parents making U-turns off-site in an attempt to consolidate U-turns.

Condition #3: “The permittee shall implement and maintain van pools...” was also intended to protect the health, safety, and welfare of the public by requiring a vanpool onsite to reduce the number of vehicle trips in and out of the site. The applicant has complied with this condition and the vanpool has had enormous success. The van picks up students at Walmart on Rt. 29 and is at maximum capacity (14 students). It is in such high demand that the school has purchased and remodeled an additional bus to expand the program. The remodeled school bus will be capable of carrying up to 48 students in 2017. The school has a waiting list of parents interested and ready to use the service.

To date, available traffic information does not indicate there is a significant traffic issue resulting from the increased enrollment previously approved. However, this assessment is based on ~~2 years of data (or 1 full school year)~~ **1 year and 10 months of data (or nearly 2 full school years)**. The County’s Transportation Planner has recommended that five years of crash data is preferable to ~~the 2 years~~ **1 year and 10 months** of data, in order to prevent potential safety hazards that may become evident in the years to come. A five-year study is the standard relied upon by traffic engineers to analyze traffic and accident trends for existing site conditions. It is staff’s opinion that in order to make a recommendation in favor of omitting the sunset clause, as the applicant has requested, that more time would have had to have passed to assess the true traffic impacts of the use with the modified entrance, the current school traffic levels, and other access management strategies occurring

onsite (van/bus pool). Staff does not recommend removing a sunset clause to allow the school to continue indefinitely at this enrollment level. Instead, it recommends that the sunset clause be extended by another 4 years.

**Consistency with the Comprehensive Plan.**

The Land Use Plan designates this area as Rural Area. The land uses supported by the Rural Areas chapter of the Comprehensive Plan include agriculture, forestry, and conservation. This chapter also outlines the vision and goals for the Rural Areas, and recommends that land uses be small-scale and consistent with traditional rural scales. As stated in the chapter, “...ensure that the size, scale, and location of the new commercial uses recommended for the Rural Area are appropriate. It is of prime importance that the appearance and function of new uses blend and not detract from the key features of the Rural Area. New uses should not overwhelm an area in terms of their function or visibility...Reusing existing buildings, especially historic buildings, is preferable to building new structures. Such existing buildings would need to be renovated and reused at a scale that is appropriate for the area and that does not require additional infrastructure. Expansions of infrastructure, such as roads, water, or sewer, should not be provided to these crossroads centers.” While the site is in the designated Rural Area, it is located along a section of Route 250, which consists of old commercial development and commercial and industrial zoned property. The zoning dates back to the 1960’s prior to Comprehensive Planning in the County. The school continues to utilize an existing building, existing parking, and an existing septic system at a scale that has not warranted any infrastructure expansion.

**SUMMARY:**

**Staff finds the following factors favorable to this request:**

1. There have been no crashes at the entrance to the site related to school traffic since the installation of the modified entrance onto Rt. 250.
2. There are no identified crash hotspots in the vicinity to the west of the school entrance where school traffic is making U-turns in order to return to Charlottesville after leaving the school.
3. The access management strategies occurring onsite are functioning as intended.

**Staff finds the following factor(s) unfavorable to this request:**

1. There has been insufficient time to fully assess the long-term traffic impacts of the site with the modified entrance onto Rt. 250, the current school traffic levels, and other access management strategies occurring onsite.
2. Removing the sunset clause allows the use (private school) to continue indefinitely at this enrollment level regardless of potential safety hazards that may become evident in the years to come.

**RECOMMENDED ACTION:**

Based on the need for a 5-year time frame discussed in this report and the amount of time it takes for crash data to be publically released, staff recommends the sunset clause be extended by an additional four (4) years, till August 13, 2021.

**MOTION:**

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

**Move to recommend approval of SP20160025, Regents School of Charlottesville, with a modified condition #9 from SP2014-00005 as follows: “SP-2014-00005 shall expire on August 13, 2021.”**

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

**Move to recommend denial of SP201600025, Regents School of Charlottesville.** *Should a commissioner motion to recommend denial, he or she should state the reason(s) for recommending denial.*

**ATTACHMENTS**

**Attachment A – Action Letter SP2014-5 (Approval w/ Conditions)**

**Attachment B – SP2014-00005 Staff Report**

**Attachment C – Minutes from the August 13, 2014 Public Hearing of SP2014-5**

**Attachment D – Community Meeting Notes (12-8-16)**

**Attachment E – Current Conditions Traffic Study**

**Attachment F - County Transportation Planner Review Comments**