



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

<b>Project Name:</b> SP201800011 The Regents School of Charlottesville – Reservoir Road	<b>Staff:</b> Tim Padalino, AICP, Senior Planner
<b>Planning Commission Hearing:</b> August 20, 2019	<b>Board of Supervisors Hearing:</b> September 18, 2019
<b>Owner:</b> University of Virginia Foundation (UVAF)	<b>Applicant:</b> The Regents School of Charlottesville
<b>Acreage:</b> 19.1 acres	<b>Special Use Permit for:</b> “Private School” (Z.O. 13.2.2.5)
<b>Tax Map Parcels (TMP):</b> 07600000001700 and 075000000006600	<b>Magisterial District:</b> Samuel Miller
<b>Location:</b> Reservoir Road, approximately 900 feet west of the intersection with Fontaine Ave. Ext. and across the street from Foxhaven Farm Road <b>School Districts:</b> Murray – Elementary, Henley – Middle, and Western Albemarle – High	<b>Zoning/by-right use:</b> R-1 Residential (1 unit/acre); <b>Zoning Overlay Districts:</b> Managed Steep Slopes; Preserved Steep Slopes; Airport Impact Overlay; Entrance Corridor <b>Requested # of Dwelling Units/Lots:</b> Zero (N/A)
<b>Proposal:</b> Construction and operation of a private school for an initial maximum student enrollment of 280 students and potential future maximum student enrollment of 468 students. The proposed campus would include multiple academic buildings, gymnasium, theater, administrative office building, and outdoor athletic field. Proposal includes two Special Exception requests related to proposed outdoor athletic lighting. <b>Conditions:</b> Yes	<b>Development Area:</b> Neighborhood 6 / Southern and Western Urban Neighborhoods Master Plan <b>Comp. Plan Designation:</b> <u>Neighborhood Density Residential</u> – residential uses (3-6 dwelling units/acre); supporting uses such as places of worship, schools, public and institutional uses and small-scale neighborhood serving retail and commercial
<b>Character of Property:</b> Undeveloped, forested property with substantial frontage along Reservoir Road, with topography that descends from the road down towards a tributary to Moore’s Creek which partially adjoins the subject property	<b>Use of Surrounding Properties:</b> Natural or undeveloped landscapes containing low-density residential uses, as well as other attributes that are often associated with the Rural Areas; and a place of worship adjoins the subject property to the east
<b>Factors Favorable:</b> <ol style="list-style-type: none"> <li>1. Transportation impacts are being addressed through proposed conditions.</li> <li>2. The proposal provides additional educational opportunities for children in the community.</li> <li>3. The proposed school is a secondary use recommended in the Southern and Western Urban Neighborhoods Master Plan.</li> <li>4. The Concept Plan shows a development that is sensitive to environmental features.</li> </ol>	<b>Factors Unfavorable:</b> <ol style="list-style-type: none"> <li>1. Land disturbance and permanent improvements – including two academic buildings, a gymnasium, a theater, and an administrative office building, as well as proposed outdoor athletic lighting with poles up to seventy (70) feet tall – are expected to be visible from the Interstate 64 Entrance Corridor.</li> <li>2. Although the Concept Plan proposes the establishment of a “Tree Preservation Area,” staff has concerns about the environmental impacts of one (or multiple) 2,500-square-foot areas of land disturbance in this area containing multiple environmental resources.</li> </ol>
<b>Recommendation:</b> Staff recommends approval of SP-2018-00011 with conditions, provided that certain technical revisions are made as described in this report and in Attach. 9. Staff does not recommend approval of the two corresponding Special Exception requests for the reasons articulated in this report.	

**STAFF CONTACT:**  
**PLANNING COMMISSION:**  
**BOARD OF SUPERVISORS:**

Tim Padalino, AICP, Senior Planner  
August 20, 2019  
September 18, 2019 (tentative)

**SP201800011 The Regents School of Charlottesville – Reservoir Road**

**PETITION:**

PROJECT: SP201800011 The Regents School of Charlottesville – Reservoir Road

MAGISTERIAL DISTRICT: Samuel Miller

TAX MAP/PARCEL(S): 07600000001700 and 075000000006600

LOCATION: Reservoir Road, approximately 900 feet west of the intersection with Fontaine Ave. Ext. and across the street from Foxhaven Farm Road

PROPOSAL: Special Use Permit application to construct and operate a private school for an initial maximum student enrollment of 280 students, and for a potential future maximum student enrollment of 468 students. The proposed campus would include multiple academic buildings, gymnasium, theater, administrative office building, and outdoor athletic field. Proposal includes two Special Exception requests related to proposed outdoor athletic lighting. No residential units proposed.

PETITION: Section 13.2.2.(5) Private School

ZONING: R1 Residential (1 unit/acre) with private schools allowed by special use permit

OVERLAY DISTRICT(S): Managed Steep Slopes; Preserved Steep Slopes; Airport Impact Overlay; Entrance Corridor

COMPREHENSIVE PLAN LAND USE/DENSITY: Neighborhood Density Residential – residential (3-6 units/acre); supporting uses such as places of worship, schools, public and institutional uses and small-scale neighborhood serving retail and commercial; in Neighborhood 6 / Western Urban Neighborhood.

**CHARACTER OF THE AREA:**

The subject property is comprised of two undeveloped parcels (TMP #75-66 and #76-17) which total approximately 19.1 acres and which are located on the south side of Reservoir Road, approximately 900 feet west of that road's intersection with Fontaine Avenue Extended. The subject property is zoned R-1 Residential. (Location Maps are provided as Attach. 1.)

The majority of adjacent and nearby parcels are also zoned R-1 Residential, with a small R-4 Residential district adjoining a portion of the subject property across Reservoir Road. This area is largely characterized by natural or undeveloped landscapes containing low-density residential uses, as well as other attributes that are often associated with the Rural Areas (such as narrow roads without pavement markings; development at a very low density; and significant natural features such as riparian corridors with intact, mature forest).

A Planned Development – Mixed Commercial district and Highway Commercial district are also located in this vicinity on Fontaine Avenue Extended. The adjoining property to the east (TMP #76-17C) is a place of worship (Trinity Presbyterian Church); and there is a Virginia Department of Forestry facility located at the intersection of Reservoir Road and Fontaine Avenue Extended. Interstate 64 adjoins the property to the south (across from a tributary of Moore's Creek). Additionally, the Ragged Mountain Reservoir and Ragged Mountain Natural Area are accessed from Reservoir Road.

**PLANNING AND ZONING HISTORY:**

Neither parcels of record included in this special use permit application have been subject to prior legislative zoning permit actions.

## **DETAILS OF THE PROPOSAL:**

The applicant is requesting a special use permit to construct and operate a “private school” – The Regents School of Charlottesville. The applicants have provided a detailed description of the proposed improvements and uses associated with the proposed private school, as articulated in the Special Use Permit Narrative (dated July 16, 2018 and updated July 1, 2019) and Resubmittal Cover Letter (dated July 1, 2019) (collectively, Attach. 2 / “Project Narrative”). The proposed uses and improvements are shown and described in the Concept Plan (Attach. 3).

### *Proposed School Operations:*

The proposal, as described in the application materials, includes commitments to operate the proposed private school in ways that are intended to mitigate impacts to the transportation network during peak hours, and particularly during the morning time regular peak hour (7:45AM – 8:45AM). One commitment is to limit the initial maximum student enrollment to 280 students; the other commitment is to establish a school start time of 7:45AM (or earlier).

The proposal also requests (conditional) permission to increase student enrollment to a maximum of 468 students, and/or to shift the school start time to a time later than 7:45AM, “if the Applicant demonstrates to the reasonable satisfaction of VDOT and the Director of Community Development (or his/her designee) that the functional operations of the Route 29/Fontaine Avenue intersection will continue to be adequate to accommodate the additional [vehicle] trips associated with the proposed increase in school enrollment and/or later school start time.”

Note: Staff analysis of the proposed school operations is contained in the “ANALYSIS OF THE SPECIAL USE PERMIT REQUEST” section of this report, beginning on page 5.

### *Proposed Concept Plan / Site Layout:*

Sheet C6 of the Concept Plan shows and describes the proposed development and improvement of portions of the subject property for use as a private school, including three (3) school buildings, a library with administrative offices, a theater, a gymnasium, parking, roads and other infrastructure, and a school recreation area with an athletic field.

Sheets C3-C5 of the Concept Plan provide a conceptual “bubble plan” to show how different portions of the property would be dedicated to different types of proposed uses.

- The “Proposed School Site,” which is also labeled as the “Limits of School Campus,” would contain approximately 13.1 acres (or 68.7% of the overall site) and would include areas labeled as the “School Facility Area,” “School Recreation Area,” and “School Buffer Area.” The permitted uses and prohibited uses within each area are articulated in tables on Sheets C4 and C5.
- The remaining approximately 6 acres (or 31.3% of the site) are proposed as an “Undeveloped Residue,” which is also labeled as a “Tree Preservation Area.” This designation is proposed for areas of the subject property that are designated for “Parks and Green Systems” future land uses and which contain Preserved Steep Slopes and/or Stream Buffers.
- Overall, the proposed development and land disturbing activities are contained within areas of the subject property with a future land use designation of “Neighborhood Density Residential,” and the proposed limits of disturbance do not include any of the areas with a future land use designation of “Parks and Green Systems.” The proposal also includes a voluntary commitment to adhere to a five (5) foot setback from Preserved Steep Slopes, in order to provide a grading buffer and better ensure protection of trees and other resources in that overlay district.

As described on Concept Plan Sheets C4 and C5, the proposal includes certain permissible uses and improvements within the “Undeveloped Residue” / “Tree Preservation Area.” Specifically, the applicants

propose to prohibit “school buildings and associated uses, parking, and travel ways” from this area; but also propose to permit certain outdoor amenities, accessory structures, and “primitive structures” within this area, subject to certain restrictions specified in “Note 1” which reads as follows: “*Primitive buildings and structures, such as picnic pavilions, storage sheds, and amphitheaters, with a disturbance area of less than 2,500 square feet may be constructed within the portion of the tree preservation area that is outside stream buffers and preserved slopes. Primitive buildings are intended to serve as an accessory use to the school and are not intended for use on a daily basis.*”

Note: Staff analysis of the proposed Concept Plan / site layout is contained in the “ANALYSIS OF THE SPECIAL USE PERMIT REQUEST” section of this report, beginning on page 5.

The proposal also includes a commitment to implement transportation improvements to Reservoir Road. These proposed improvements are documented in the Reservoir Road Survey (Attach. 4), which provides details regarding the following proposed improvements to Reservoir Road:

1. Modifying the vertical geometry of Reservoir Road in order to more safely accommodate increased traffic produced by the proposed development;
2. Regrading the roadway where vertical sight distance is inadequate;
3. Clearing of land where horizontal sight distance is inadequate;
4. Adding of a four (4) foot wide shoulder on the south side of Reservoir Road; and
5. Adding of a drainage ditch on the north side of Reservoir Road.

The applicants’ commitment to transportation improvements also includes a variable-width ROW reservation along Reservoir Road for future dedication to the County for public use.

Additionally, the proposal includes a “lighted ball field” within the “School Recreation Area.” The applicant has requested two (2) special exceptions (SE) to allow for high mast light poles (at a maximum height of 70 feet) and to allow for the use of LED luminaires which do not appear to technically comply with County Code requirements to use full-cutoff lights. The SE requests are provided as Attach. 5. (Please see page 14 of this report for more information and staff recommendations regarding these SE requests.)

### **COMMUNITY MEETING:**

The required Community Meeting was conducted by the applicants at the Regents School’s current location on Ivy Road on Thursday, August 30, 2018. Supervisor Palmer, Commissioner Firehock, and the author of this report attended this meeting. A summary of the applicants’ discussion with members of the public during the community meeting include the following questions, issues, and concerns:

- A. Project scale/intensity: questions and concerns about the proposed size of the school and number/frequency of school activities (including rental of school properties/facilities to non-school entities) at this constrained site, off of a relatively unsafe Reservoir Road, in this location with significant existing traffic congestion issues.
- B. Project phasing: questions about the general timeframe and sequence for constructing the various improvements shown on the conceptual plan.
  - a. Applicant’s response: This would not all be constructed at one time; this is a long-term master plan intended to be constructed in phases. The “early phase,” which has a general time horizon of four years, tentatively includes the athletic field and either the gymnasium building or one lower school building.
- C. School operations: questions about school drop-off details; questions and concerns about frequency and size of school activities and parking capacity during various activities; questions and concerns about outdoor lighting.
- D. Transportation impacts to Reservoir Road: concern about current road deficiencies and safety;

concerns about increased traffic volume; questions about proposed improvements to the roadway; questions and concerns about the sight distances and safety of the two proposed entrance locations; concerns about safety during University Montessori School operations (drop-off / pick-up when parents and children park at Trinity Presbyterian Church and walk across Reservoir Road).

- E. Transportation impacts to Fontaine Avenue / Fontaine Avenue Extended / US 29 Bypass: concerns about current roadway and intersection deficiencies and level of service; concerns about impacts to Buckingham Circle residents; questions about transportation improvement plans, funding, and timing.

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

***Section 33.39.(B) states that the Commission, in making its recommendation, shall consider the same factors found in Section 33.40.(B):***

- 1. No substantial detriment. Whether the proposed special use will be a substantial detriment to adjacent parcels.***

Although the proposal to develop and operate a private school could potentially result in some degree of change to the adjacent parcels and nearby area (see analysis #2, below), staff does not anticipate that any such change would be a substantial detriment to adjacent parcels. The proposal includes efforts to mitigate potential impacts, including commitments to implement transportation improvements to increase the capacity and safety of Reservoir Road and a commitment to operational limitations (related to student enrollment and hours of operation).

However, the proposed outdoor athletic lighting has not been fully evaluated and at this time has not been determined by staff to be appropriate (please see the relevant section of this report beginning on page 14). Staff has unresolved concerns that the proposed outdoor athletic lighting could potentially be a detriment to adjacent parcels, depending on the technical details of which light poles and lights are specified, and depending on the technical details of how that equipment is installed and operated. Staff acknowledges that the application materials contain an expression of the applicants' intent to eventually submit a Lighting Plan which demonstrates compliance with County Code requirements to minimize light spillover onto adjacent parcels and to minimize glare. However, not enough information has been submitted in order for staff to understand the location and extent of (potential) outdoor lighting impacts, or to make a finding about the appropriateness of the proposed outdoor lighting (as proposed, inclusive of two special exception requests).

- 2. Character of the nearby area is unchanged. Whether the character of the adjacent parcels and the nearby area will be changed by the proposed special use.***

The proposal has some similarities and potential synergies with existing adjacent parcels and nearby areas. For example, Trinity Presbyterian Church and The Regents School of Charlottesville both represent non-residential "secondary uses" that are generally considered to be compatible with recommended "primary" uses within the "Neighborhood Density Residential" future land use designation. Additionally, The Regents School and Trinity have been cooperating towards the applicants' plans to provide a pedestrian interparcel connection between the two adjoining properties, and to establish a shared parking agreement for The Regent School's use of the existing parking lots at Trinity.

However, certain aspects of the proposal could potentially result in some degree of change to the adjacent parcels and nearby area. For example, the reconstruction of Reservoir Road would partially change the character of that roadway, albeit for the purposes of increasing road safety and roadway capacity. Additionally, the development and operation of a private school at an

undeveloped site would inherently alter the character of this area that is currently characterized by low-density residential uses and undeveloped forested land.

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

Per Z.O. Section 1.4 (“Purposes”), the purposes of the Zoning Ordinance (“this chapter”) are “to promote the public health, safety, convenience, and welfare and to accomplish the objectives of Virginia Code §§ 15.2-2200 and 15.2-2283.” Of the specific examples provided in Z.O. Section 1.4, the following are applicable to this proposal:

- H. “Provide for preserving ... other lands of significance for the protection of the natural environment” – As articulated throughout this report, the proposal includes the designation of approximately 6 acres of land (containing environmentally sensitive features such as preserved steep slopes and stream buffers, as well as forest wildlife habitat) as an “Undeveloped Residue” to ensure protection of the natural environment.

Per Z.O. Section 1.5 (“Implementation of the Comprehensive Plan”), another purpose of the Zoning Ordinance (“this chapter”) is to “implement the policies, goals and objectives of the comprehensive plan.” As described in this report, certain aspects of this proposal (as shown on the Concept Plan and as described in other application materials) would support and advance elements of the Comprehensive Plan. Please see page 8 of this report for a detailed staff evaluation of the proposal’s consistency with the Comprehensive Plan.

Z.O. Section 13.1 (“Residential – R-1 / Intent, Where Permitted”) specifies the “Intent” of the “R-1 Residential district” as follows: “This district is created to establish a plan implementation zone that:

- Recognizes the existence of previously established low-density residential districts in communities and the urban area;
- Provides incentives for clustering of development and provision of locational, environmental, and development amenities; and
- Provides for low density residential development in community areas and the urban area.”

The proposal is partially harmonious with this intent. The proposed uses and improvements would be clustered within a “Proposed School Site” containing the “School Facility Area” and “School Recreation Area,” and the remaining portions of the property (containing sensitive environmental features and totaling approximately 31% of the overall site) would remain as “Undeveloped Residue.”

Per Z.O. Section 30.7.1, the “Purpose and Intent” of the “Steep Slopes Overlay District” is “to establish an overlay district on those lands within the development areas ... which have steep slopes and for which additional development design care and consideration must be given, prior to permitted development occurring ... in order to protect the integrity of the steep slope areas, protect downstream lands and waterways from the adverse effects of the unregulated disturbance of steep slopes, including the rapid or large-scale movement of soil and rock, or both, excessive stormwater runoff, the degradation of surface water, and to enhance and preserve the character and beauty of the steep slopes in the development areas of the county.”

The proposal is harmonious with this intent. As noted above, the proposal precludes virtually any development within a portion of the site that the applicants propose to designate as an “Undeveloped Residue” – an area that is approximately 6 acres in size (or 31% of the overall site) and which contains sensitive environmental features including Preserved Steep Slopes. Additionally, the proposal includes a commitment to adhere to a voluntary five (5) foot “setback”

from any Preserved Steep Slopes, in order to provide a grading buffer and better ensure protection of trees and other resources within that overlay district.

Per Z.O. Section 30.7.1, the “Purpose and Intent” of the “Entrance Corridor Overlay District” is “to implement the comprehensive plan’s goal to preserve the county’s scenic resources because they are essential to the county’s character, economic vitality, and quality of life. An objective of this goal is to maintain the visual integrity of the county’s roadways by using design guidelines. The entrance corridor overlay district will ensure that development is compatible with the county’s natural, scenic, historic and architectural resources by providing for review of new construction along the identified significant routes of tourist access by an architectural review board under design guidelines promulgated by that board and ratified by the board of supervisors.”

Staff considers the proposal to be potentially consistent with the intent of the Entrance Corridor Overlay District. An evaluation of the proposed project’s consistency with this intent, and with the applicable design guidelines, would necessarily be conducted by staff and by the Architectural Review Board following any County approval of this special use permit (as may be applicable).

However, as expressed above, Staff has unresolved concerns that the proposed outdoor athletic lighting could potentially be a detriment to the Entrance Corridor, depending on the technical details of which light poles and lights are specified, and depending on the technical details of how that equipment is installed and operated. Staff acknowledges that the application materials contain an expression of the applicants’ intent to eventually submit a Lighting Plan which demonstrates compliance with County Code requirements to minimize light spillover onto adjacent parcels and to minimize glare. However, not enough information has been submitted in order for staff to understand the location and extent of (potential) outdoor lighting impacts, or to make a finding about the appropriateness of the proposed outdoor lighting (as proposed, inclusive of two special exception requests).

***with the uses permitted by right in the district,***

The proposed private school is not inherently unharmonious with the uses permitted by right in the R-1 Residential District. The proposal includes improvements to Reservoir Road which would increase roadway capacity and increase road safety for current and future residents in this R-1 district. A proposed shared parking agreement with Trinity Presbyterian Church would allow a portion of vehicle trips associated with the proposed private school to avoid the vehicular use of Reservoir Road, as the existing parking lots at Trinity are accessed directly off of Fontaine Avenue Extended.

***with the regulations provided in Section 5 as applicable,***

There are no applicable “Supplementary Regulations” for the proposed use, per Zoning Ordinance Section 13.2.2.5.

***and with the public health, safety, and general welfare.***

Staff has concerns with the proposal in relation to public health, safety, and welfare. Staff concerns specifically relate to transportation issues.

Due to the location of the subject property and the existing configuration of the transportation network, access to the proposed private school would be reliant on the vehicular use of an intersection (Fontaine Ave Extended and US 29 Bypass) which is currently congested and performing at a low level of service (D), particularly during peak hour traffic. The proposed use would require increased vehicle trips through that intersection.



The applicants, in coordination with County staff and with VDOT staff, have modified their proposal to attempt to mitigate impacts to this intersection during peak hours, and particularly during the morning time regular peak hour (7:45AM – 8:45AM). One commitment is to limit the initial maximum student enrollment to 280 students; the other commitment is to establish a school start time of 7:45AM (or earlier). These modifications and commitments were deemed sufficient by VDOT and by Mr. Kevin McDermott, Principal Planner – Transportation (the “Transportation Planner”).

Please see the memo provided by the Transportation Planner (dated July 22, 2019) for more details (Attach. 6). The four Traffic Assessment memos provided by the applicants are available as Attach. 7; and all applicable Traffic Assessment materials are available on Laserfiche Weblink [HERE](#).

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

Consistency with the Future Land Use Plan:

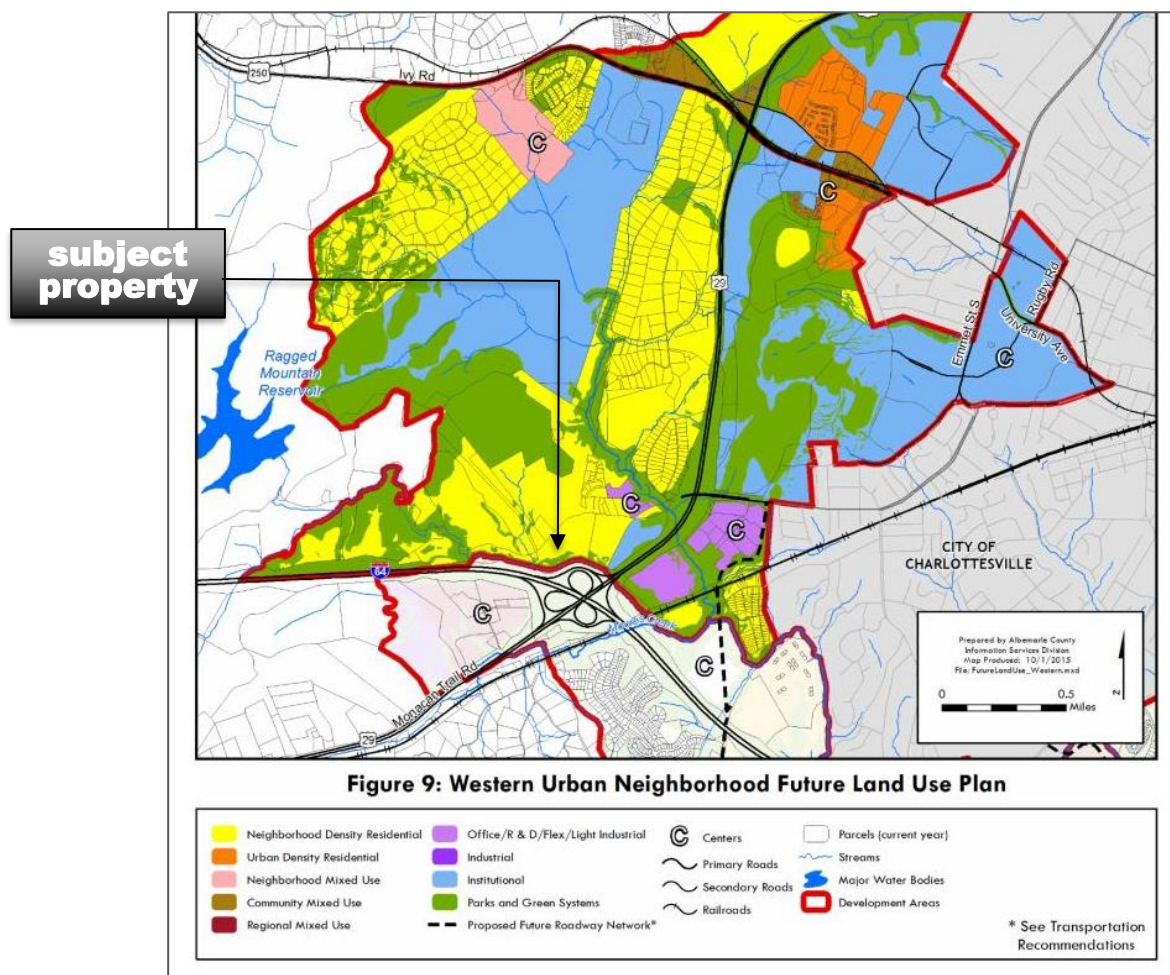


Figure 9: “Western Urban Neighborhoods Future Land Use Plan” (S+W Master Plan p. 31)

The “Neighborhood Density Residential” future land use designation recommends residential development and uses at a density of 3-6 units per acre; additionally, this designation establishes schools as an appropriate secondary use “where they are deemed compatible with nearby and adjoining uses.” The proposed school would be located adjacent to, and on the same side of Reservoir Road as, an existing “secondary use” (place of worship). The subject property would also



be located towards the “front” of the area designated Neighborhood Density Residential, as accessed by the main public street in this area (Reservoir Road). These locational attributes contribute to the proposed use’s compatibility with nearby and adjoining uses. More detailed analyses of the overall appropriateness of the proposal are contained in preceding sections of this report, and are also rearticulated in the Summary section.

Neighborhood Model and Other Comp Plan Objectives, Strategies, and Policies:

In addition to the Neighborhood Model Principles and the Parks and Green Systems Plan, the Southern and Western Urban Neighborhoods Master Plan (S+W Master Plan) contains other information and recommendations regarding this area of Fontaine Avenue Extended and the nearby US 29 / Interstate 64 interchange, as excerpted below:

“Plan for Future Parks and Green Systems” –

- *Natural Resource Protection Recommendations (S+W 53):*
  - *“The stream buffers, systems of steep slopes, floodplain, and wetlands adjacent to ... Moore’s Creek ... should be preserved.”*
  - *“Minimize stream impacts and improve the health/quality of Moore’s Creek...”*
- *Cultural and Scenic Resources Protection Recommendations (S+W 53):*
  - *“Preserve and maintain the vegetation that exists along Entrance Corridors and especially I-64 ... to protect the quality and character of these roads and help to provide a visual and sound buffer to developments.”*

Trails Recommendations (S+W 54):

- *“Provide a greenway trail to the Ragged Mountain Natural Area.”*

“Plan for Future Transportation Network” –

- *Transportation Plan for Western Urban Neighborhoods (S+W 57):*
  - *Figure 37 identifies the US 29 / Fontaine Avenue interchange as one of two targeted Intersection Improvement projects.*
- *Transit Recommendations (S+W 63):*
  - *“Provide transit service on Fontaine Ave. Extended to connect Morey Creek Office Park to other University-related uses.”*

Staff analysis of the proposal relative to the Parks and Green Systems Plan is as follows:

Areas in the “Parks and Green Systems” future land use designation are recommended for conservation and open space uses. The proposal, as shown on the Concept Plan, locates the entire “Limits of School Campus” outside of the Parks and Green Systems area. Please also see the “Comprehensive Plan Exhibit” prepared by the applicants, provided as Attach. 8. The proposal is also generally consistent with the following Comprehensive Plan recommendations:

Chapter 4 (“Natural Resources”):

- Strategy 4h: “Preserve existing vegetation in areas shown as Parks and Green Systems on Development Area Master Plans.”
- Strategy 5c: “Protect slopes of 25% or greater in the Development Areas that are shown for preservation on Development Area Master Plan maps.”
- Objective 6: “Retain and improve land cover near rivers and streams and protect wetlands. Retaining and restoring land cover near streams is important to biodiversity and water quality. Restoration can be expensive and complex, so retaining existing buffers should be the priority.”

Chapter 8 (“Development Areas”):

- **Objective 8:** “Preserve natural systems which are shown for preservation on Master Plan Land Use Plans. Natural systems, such as stream corridors, wetlands, woodlands, and swaths of steep slopes are important in both the Rural Area and the Development Areas. In the Development Areas, they are designated as Parks and Green Systems maps within Master Plans. Preservation of these features helps to promote species diversity and provide visual and physical breaks in areas of intense development. Slope and stream protection helps prevent erosion which in turn helps water quality.”

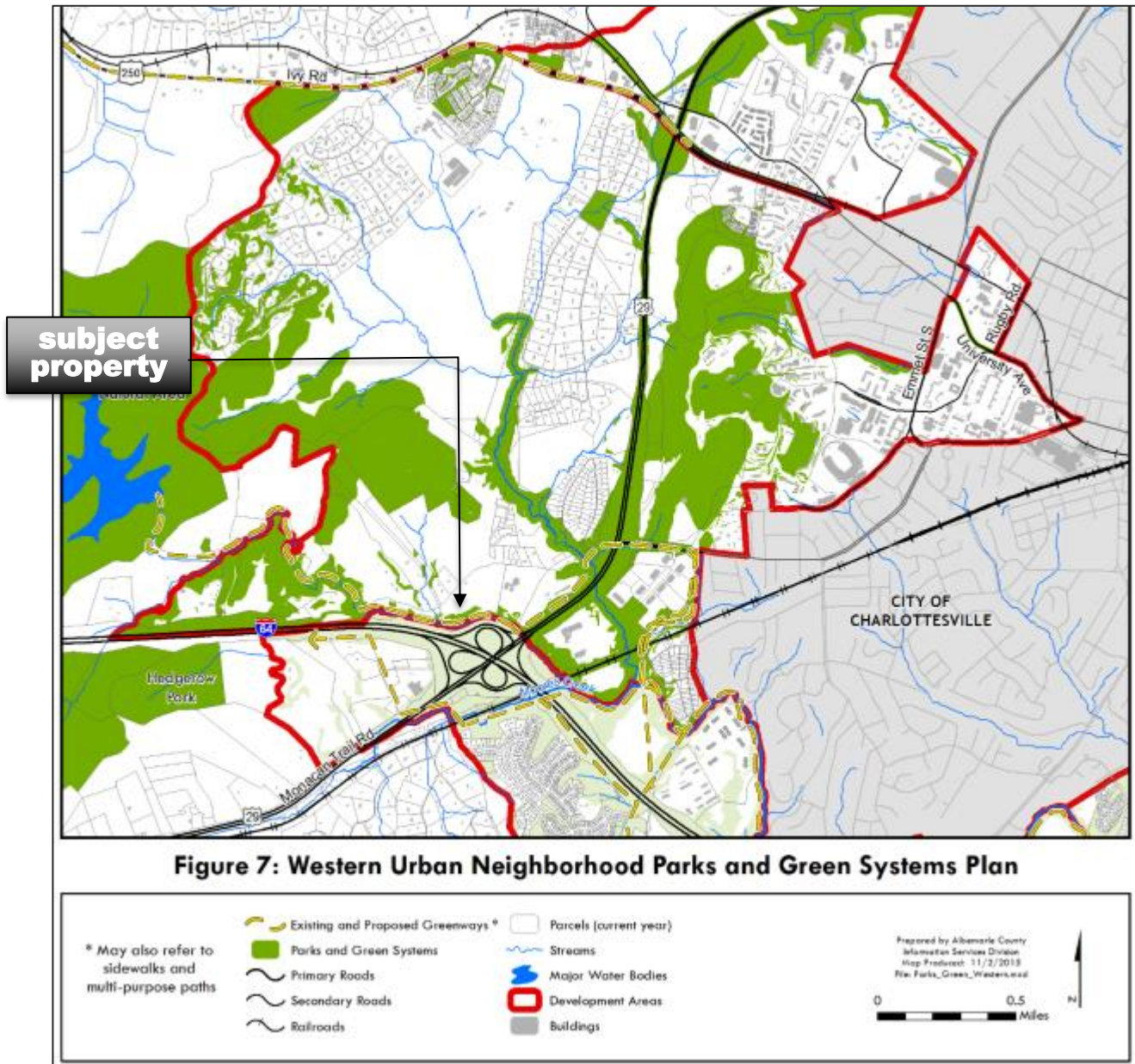


Figure 7: “Western Urban Neighborhoods Parks and Green Systems Plan” (S+W Master Plan p. 25)

Staff also acknowledges that the proposal, as shown on the Concept Plan, would contain the “Limits of School Campus” to a 13.1 acre area of the subject property (or approximately 69% of the property), and the proposal would designate approximately 6 acres of the subject property (or

approximately 31% of the property) as an “Undeveloped Residue” or “Tree Preservation Area.” Staff further acknowledges that this “Tree Preservation Area” includes all the areas designated for Parks and Green Systems future land uses, and includes all Preserved Steep Slopes overlays and all Flood Hazard overlays as well as additional areas that are outside the Parks and Green Systems designation (which are designated for Neighborhood Density Residential future land uses). Staff also acknowledges the proposed five (5) foot minimum setback from the “Preservation Area” as a measure to reduce impacts to critical resources and to areas designated for Parks and Green Systems, as called for in the Master Plan.

Staff are generally supportive of the carefully limited development and use of lands within the “Undeveloped Residue” / “Tree Preservation Area” for “primitive structures” and other outdoor amenities. Such use of this land could be complimentary feature to a traditional classroom setting, and would generally be consistent with the “Land Use Categories and Guidelines” in the Master Plan (S+W 34) which identifies the following primary uses for areas with the “Parks and Green Systems” future land use designation: *“Parks ... equipment ... trails ... paths ... recreational equipment and facilities ... plazas ... [and] outdoor sitting areas.”*

However, staff has identified the following concerns about the current language on Concept Plan Sheets C4 and C5:

- “Tree Preservation Area” would not be the most appropriate designation, since “preservation area” as defined by County Code would preclude development: *“‘Preservation area’ means an area identified on a plan submitted for approval which contains natural features such as non-tidal wetlands, floodplain, streams and stream buffers that are to be preserved in a natural state and not be developed with any manmade feature.”* (Zoning Ordinance Section 3; emphasis added)  
Therefore, staff recommends the use of different nomenclature for this area, such as “Open Space” or possibly a different term that is not defined by Ordinance (such as “Riparian Forest,” “Outdoor Classroom,” “Academic Woods,” or some other similar term that will not inadvertently create any requirements or restrictions associated with Ordinance definitions of “preservation area” or “open space”).
- Although the Master Plan indicates that certain uses or improvements are appropriate primary uses within areas designated for “Parks and Green Systems” future land uses, and although the proposal indicates that any “primitive structures” or other outdoor amenities would only be permissible outside of stream buffers and preserved steep slopes, staff is concerned with environmental impacts associated with such uses or improvements. In coordination with Mr. David Hannah, Albemarle County’s Natural Resources Manager, staff has identified the following relevant factors to be considered when evaluating potential land disturbance for “primitive structures” or other outdoor amenities within the “Tree Preservation Area” / “Undeveloped Residue”:
  - The site’s adjacency to a designated Stream Conservation Unit along the tributary to Moore’s Creek is a concern, due to possible erosion and sedimentation associated with extensive clearing, grading, and creation of managed steep slopes.
  - The site’s proximity to an “Important Site” for local biodiversity (on Fox Haven Farm), as identified by the Albemarle County Natural Heritage Committee is also a concern, as this designation highlights the overall environmental sensitivity and biological importance of this area at the edge of the Ragged Mountains.

Therefore, staff recommends that these Concept Plan sheets be revised to achieve a reasonable balance between the use of the “Tree Preservation Area” / “Undeveloped Residue” for “primitive structures” or other outdoor amenities, and the conservation of sensitive environmental features

and attributes in the same area. Please see Staff Recommendations: Technical Revisions to SP201800011 (Attach. 9) for a fully detailed description of staff recommendations.

Additionally, staff have identified an element of the Parks and Green Systems Plan which is not addressed in this proposal. Specifically, that Plan shows a proposed greenway conceptually located along or near the tributary to Moore's Creek which runs along and near the southern boundary of the subject property. No such trail, multi-use path, or other greenway connection appears to be contemplated on the Concept Plan or referenced in other application materials.

Staff acknowledges that this issue had not previously been identified or discussed with the applicants; it was only identified during this most recent review (following the July 1<sup>st</sup> resubmittal). Staff also acknowledges that the subject property (TMP #75-66 and #76-17) does not have continuous frontage along this waterway, and further acknowledges that property owned by VDOT is situated between the subject property and the waterway in some locations.

Nevertheless, based on the recommendations in the S+W Master Plan (including the "Western Urban Neighborhood Parks and Green Systems Plan" and also the "Plan for Future Parks and Green Systems" and "Trail Recommendations" language identified above), and based on recent coordination between staff in the Community Development Department and the Parks and Recreation Department, staff believes this proposed greenway should be accounted for during the legislative zoning process that is required in order for the (proposed) development of the subject property to be permissible. Accordingly, staff recommends a condition of approval (#5) be established in order to address this issue.

Finally, staff analysis of the proposal relative to the Neighborhood Model Principles is provided as Attach. 10. Although some of the principles are only partially met, staff has not identified aspects of the proposal which merit objections or which require revisions in regards to the Neighborhood Model Principles.

### **SUMMARY:**

In summary, the proposal to develop these subject properties for use as a private school are partially consistent with the Master Plan. A private school might be an appropriate secondary use in areas designated as "Neighborhood Density Residential," if it is developed and operated in a way that is "compatible with nearby and adjoining land uses." As noted throughout this staff report, the compatibility and appropriateness of this development proposal is partially dependent on consideration of other issues closely related to land use such as the adequacy of existing transportation infrastructure and proposed improvements, potential impacts to natural resources, and potential impacts to the Entrance Corridor in relation to important project details such as the conceptual grading plan and proposed outdoor athletic lighting.

Additionally, staff acknowledges the applicants' request to conditionally increase student enrollment above 280 students up to a maximum of 468 students, and/or to modify the school start time to a time later than 7:45 A.M., based on potential future transportation improvements to the intersection of US 29 Bypass and Fontaine Avenue Extended. However, staff believes these potential operational modifications would require additional analysis in the future, at any such time that those operational modifications are requested or such improvements are funded and/or implemented. Addressing those proposed operational modifications separately in the future would allow for an updated transportation assessment to be conducted; for additional coordination between County and VDOT; and for additional input from interested members of the public through future meetings and/or public hearings.

After completing the review of this proposal, staff have identified the following evaluation factors:

**Factors favorable to this request include:**

1. Transportation impacts are being addressed through proposed conditions.
2. The proposal provides additional educational opportunities for children in the community.
3. The proposed school is a secondary use recommended in the Southern and Western Urban Neighborhoods Master Plan.
4. The Concept Plan shows a development that is sensitive to environmental features.

**Factors unfavorable to this request include:**

1. Land disturbance and permanent improvements – including two academic buildings, a gymnasium, a theater, and an administrative office building, as well as proposed outdoor athletic lighting with poles up to seventy (70) feet tall – are expected to be visible from the Interstate 64 Entrance Corridor.
2. Although the Concept Plan proposes the establishment of a “Tree Preservation Area,” staff has concerns about the environmental impacts of one (or multiple) 2,500-square-foot areas of land disturbance in this area containing multiple environmental resources.

**RECOMMENDED ACTION – SP201800011:**

Based on the findings described in this report and factors identified as favorable, **staff recommends approval of the special use permit amendment SP201800011 with the following conditions** (below) – provided that the applicants make technical revisions to certain application materials (as identified by staff in Attach. 9) and resubmit those revised materials no later than Monday, September 2 in order to be incorporated into the meeting materials packet for the September 18 Board of Supervisors public hearing.

**Recommended Conditions of Approval for SP201800011:**

1. Development of the subject property shall be in general accord with the concept plan entitled “Special Use Permit Concept Plan and Engineering Study for Regents School of Charlottesville” prepared by Justin Shimp, P.E. of Shimp Engineering, dated July 16, 2018 and revised July 1, 2019, which includes sheets C1 – C6 (the “Concept Plan”), attached hereto, as determined by the Director of Planning and Zoning Administrator. To be in general accord with the Conceptual Plan, development and use shall reflect the following major elements within the development essential to the design of the development, as shown on the Conceptual Plan:
  - a. containment of the “School Facility Site,” School Recreation Site,” and other major school improvements to the 13.12-acre area designated “School Campus Site” on Sheet C3;
  - b. location and configuration of 5.99-acre area designated “Undeveloped Residue” on Sheet C3;
  - c. adherence to the land use chart on Sheet C4 specifying “Prohibited Uses” and “Permitted Uses” for each different “Land Use” area;

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

2. The school start time for the private school shall be 7:45 A.M. or earlier on Monday through Friday. A school start time later than 7:45 A.M. is not permitted unless this special use permit is amended.
3. The number of enrolled students may not exceed 280 students.
4. The applicants must plan, fund, and implement the transportation improvements to Reservoir Road

shown on the special use permit application materials titled “Reservoir Road Survey for Regents School,” prepared by Justin M. Shimp, P.E. of Shimp Engineering, dated 4/29/2019, prior to the issuance of a Certificate of Occupancy. The proposed improvements are subject to review and approval by the County Engineer, VDOT, and other applicable Site Review Committee members, and are subject to required County approvals of Road Plans, a Water Protection Ordinance Plan, and all other applicable permitting requirements.

5. The Concept Plan must be revised to make reasonable accommodation for the proposed greenway identified on the Parks and Green Systems Plan (S+W 25) and referenced in the Trails Recommendations (S+W 54), both of which are contained in the “Southern and Western Urban Neighborhoods Master Plan,” by providing a commitment to reserve lands along or near the southern boundary of the subject property (TMP #75-66 and 76-17) and along or near the tributary of Moore’s Creek for future dedication to the County for use as a greenway trail.

#### **POSSIBLE PLANNING COMMISSION MOTIONS – SP201800011:**

- A. Should the Planning Commission **choose to recommend approval** of this special use permit:  
I move to recommend approval of SP201800011 for “The Regents School of Charlottesville – Reservoir Road” with the conditions outlined in the staff report, provided that the applicants make technical revisions to certain application materials (as identified by staff in Attach. 9) and resubmit those revised materials no later than Monday, September 2 in order to be incorporated into the meeting materials packet for the September 18 Board of Supervisors public hearing.
- B. Should the Planning Commission **choose to recommend denial** of this special use permit:  
I move to recommend denial of SP201800011 for “The Regents School of Charlottesville – Reservoir Road” for (state reasons for denial).

#### **SPECIAL EXCEPTION REQUESTS – OUTDOOR ATHLETIC LIGHTING:**

The applicant has requested two Special Exceptions (SE) pursuant to Zoning Ordinance Section 4.17.5(a) and Section 33.43 related to outdoor athletic lighting for a proposed “lighted ball field.” Specifically, the applicant requests the maximum allowable height of the high mast light poles for athletic use to be modified (increased) from thirty-five (35) feet to seventy (70) feet; and the applicant requests that the requirement to use a full-cutoff luminaire be waived.

The purposes for these requests include allowing the evening and nighttime use of the proposed “lighted ball field” within the “school recreation area” portion of the of the overall “School Campus Area,” as shown on the Concept Plan (Attach. 3). Please refer to the applicant’s explanation and justification, which are provided in the Special Exceptions Request. (Attach. 5)

However, staff has not received adequate information to complete an evaluation of these requests or to make a positive finding about the appropriateness of the requests. For example:

1. *Detailed information about the proposed luminaires was not provided.* The SE request only provides references to other outdoor athletic lighting equipment that was previously approved by the County for other projects in separate locations with different contexts. No luminaire specifications or cut sheets were provided, as requested in the second review comment letter (dated May 30, 2019):

*“Staff requests clarification of the proposed luminaires at such time that the applicant specifies the proposed luminaire (acknowledging the statement that “the precise lighting fixtures have not yet been selected by the Applicant.”)*



The applicants have made commitments to prepare and submit a Lighting Plan for review and approval prior to Final Site Plan approval, but that is already required by County Code in Zoning Ordinance Sections 4.17 and 32. Additionally, the applicants make an explicit commitment to comply with spillover and glare requirements to protect adjoining properties from being illuminated at ground level, but those issues are also already established as County Code requirements per Zoning Ordinance Section 4.17.

Notwithstanding those commitments (or their redundancy relative to County Code requirements), the applicants do not adequately address or resolve issues related to the protection of dark night skies from light pollution. Therefore, staff is unable to make a positive finding, or complete the evaluation, for either of the SE requests without the applicants selecting any particular proposed lighting equipment and without submitting documentation of that equipment.

2. *The degree of visibility of the proposed light poles and proposed lights has not been determined.* The applicants have provided several exhibits which attempt to illustrate the anticipated visibility from the Interstate 64 corridor (Attach. 11), but none of the exhibits provided to date have addressed the particular concerns identified by staff – which is the (potential) visibility of the site and of the proposed improvements from a longer-range vantage point (as opposed to potential visibility of the site as seen from nearby portions of the Entrance Corridor, such as the interchange ramps at Exit 118).

More specifically, staff have identified and articulated concerns about the potential visibility of the site as viewed from the eastbound lanes of Interstate 64 between mile markers 117 and 118. This is a road segment that is characterized by a long descent without any horizontal curves, where the alignment of the highway appears to situate the subject property in the direct line of sight of vehicles travelling down this segment of the highway.

In regards to this specific concern, Staff provided the applicants with a written request in the second review comment letter (dated May 30, 2019) to conduct a balloon test that approximates the height and visibility of the proposed outdoor lighting, in order to demonstrate the (potential) visibility of the proposed outdoor lighting's proximity to and visibility from the Interstate 64 Entrance Corridor. Staff noted that “[s]uch a balloon test will contribute to staff being able to conduct an informed, accurate staff analysis and evaluation of these SE requests.”

During discussions with the applicant about this issue in July, the applicants did not elect to conduct a balloon test. However, the applicants did conduct a balloon test sometime after the most recent resubmittal of revised application materials (on July 1), but staff were not aware of this balloon test and are not familiar with the results of that balloon test.

In summary, staff is unable to make the necessary positive finding(s), or complete the evaluation(s), for either of the SE requests without additional information being provided to clarify and confirm the degree of visibility of the proposed outdoor athletic lighting equipment.

#### **RECOMMENDED ACTION:**

In consideration of the analysis and comments provided above, including the fact that staff has not received adequate information to complete an evaluation of these requests or to make the necessary positive findings about the appropriateness of the requests, **staff cannot recommend approval of the requested Special Exceptions at this time and with the application materials provided to date – and therefore staff recommends denial**, unless the applicants request a deferral of the Special Exception requests (without affecting the review of the corresponding Special Use Permit application SP201800011).



### **POSSIBLE PLANNING COMMISSION MOTIONS – SPECIAL EXCEPTION REQUESTS:**

In accordance with Zoning Ordinance Sections 33.47.B and 33.48.B, the Commission includes in its recommendations for ZMAs and SPs with special exceptions a recommendation on the special exceptions and any conditions.

- A. Should the Planning Commission choose to recommend approval of the requested special exceptions: I move to recommend approval of the requested special exceptions related to proposed outdoor athletic lighting for (state reasons recommending approval).
- B. Should the Planning Commission choose to denial or modification of the special exceptions: I move to recommend denial of the requested special exceptions related to proposed outdoor athletic lighting for the reasons stated in the staff report.

### **ATTACHMENTS:**

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- 1 – Location Maps
- 2 – Project Narrative Materials (*“Special Use Permit Narrative” dated 7/16/18 and updated 7/1/19; and “Resubmittal Cover Letter” dated 7/1/19*)
- 3 – Concept Plan (7/1/19)
- 4 – Reservoir Road Survey (4/29/19)
- 5 – Special Exception Requests (4/29/19)
- 6 – Transportation Planner Memorandum (7/22/19)
- 7 – Traffic Assessment Memorandums (*dated 10/12/18, 3/6/19, 6/14/19, and 7/1/19*)
- 8 – Comprehensive Plan Exhibit (4/29/18)
- 9 – Staff Recommendations: Technical Revisions to SP201800011
- 10 – Staff Analysis: Neighborhood Model Principles
- 11 – Site Sections (*Sections A and B dated 4/29/19; Section C dated 7/1/19*)